

**20/01/2020 – SERV**



EUROPEAN  
COURT  
OF AUDITORS

## **Public Participation in EU Law-making**

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Member of the European Court of Auditors**



**1. Introduction:  
European Court of Auditors**

**2. Reaching out to EU citizens**

**3. Audit findings of Special Report 14/2019  
on Commission's public consultations**

**4. Q&A**



# Introduction: European Court of Auditors



# Introduction: European Court of Auditors





## Reaching out to EU citizens



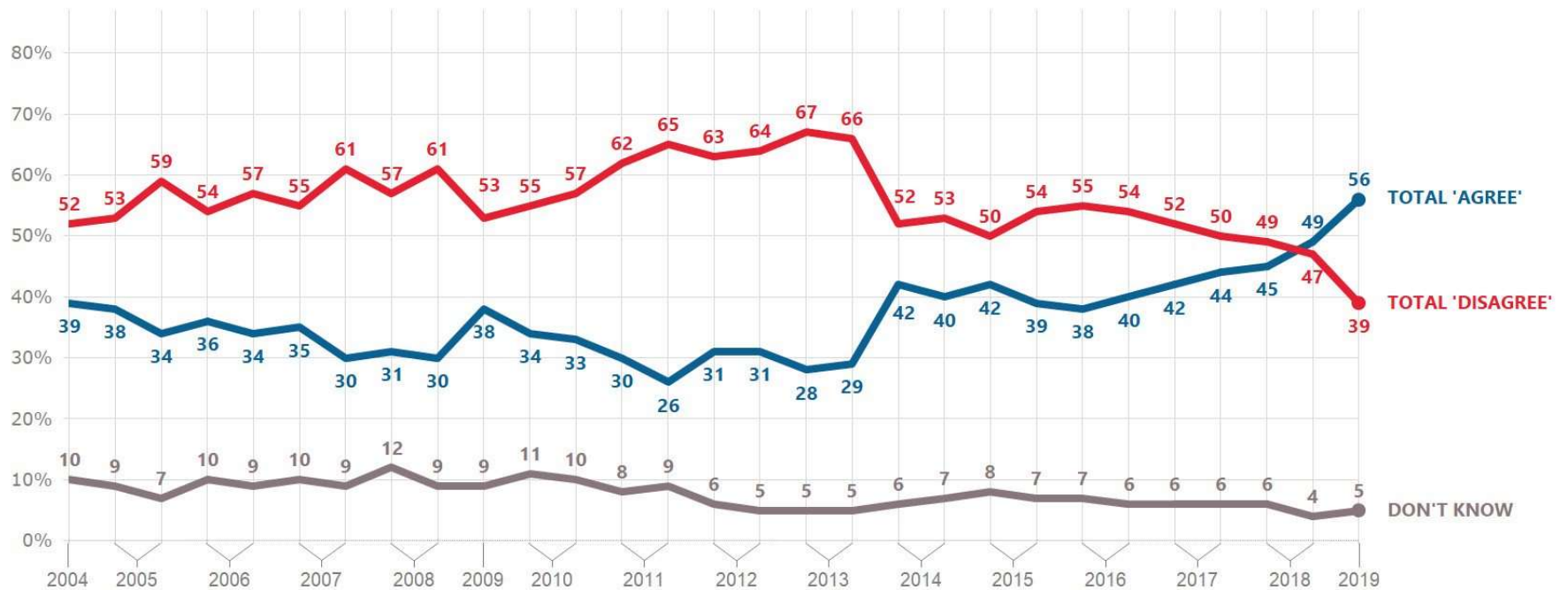
# Reaching out to EU citizens

D72.1 Please tell me to what extent you agree or disagree with the following statement

## My voice counts in the EU (%)

D72.1 Please tell me to what extent you agree or disagree with each of the following statements.

### My voice counts in the EU (% - EU)





# Reaching out to EU citizens

## Trust in the European institutions

Tell me if you tend to trust or tend not to trust these European institutions.  
(% - EU - Tend to trust)



Eurobarometer, March 2018



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# Reaching out to EU citizens



‘We will jointly work to re-gain citizens’ trust in the European project.’

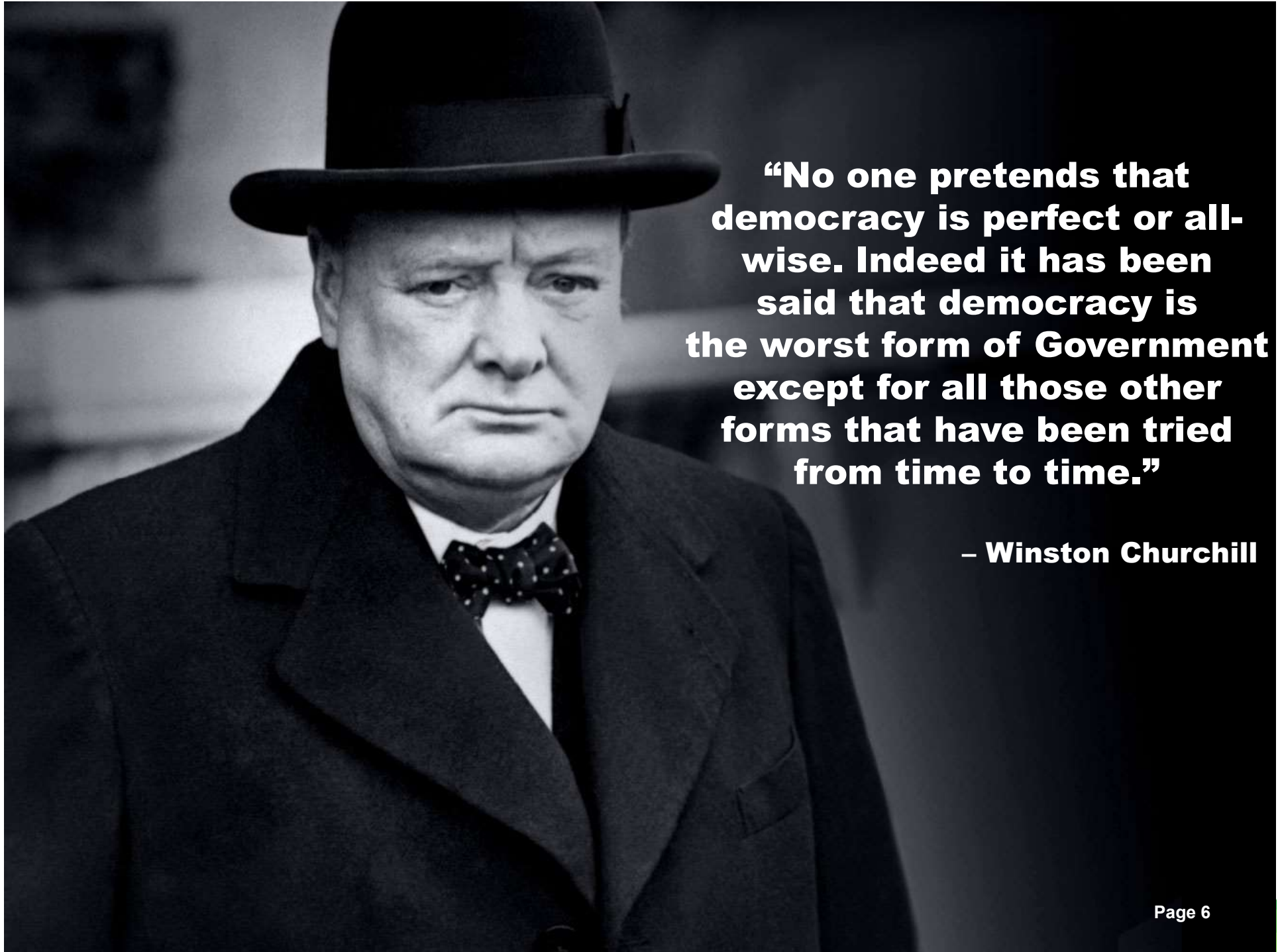
Jean-Claude Juncker, Political Guidelines 2014





# Reaching out to EU citizens





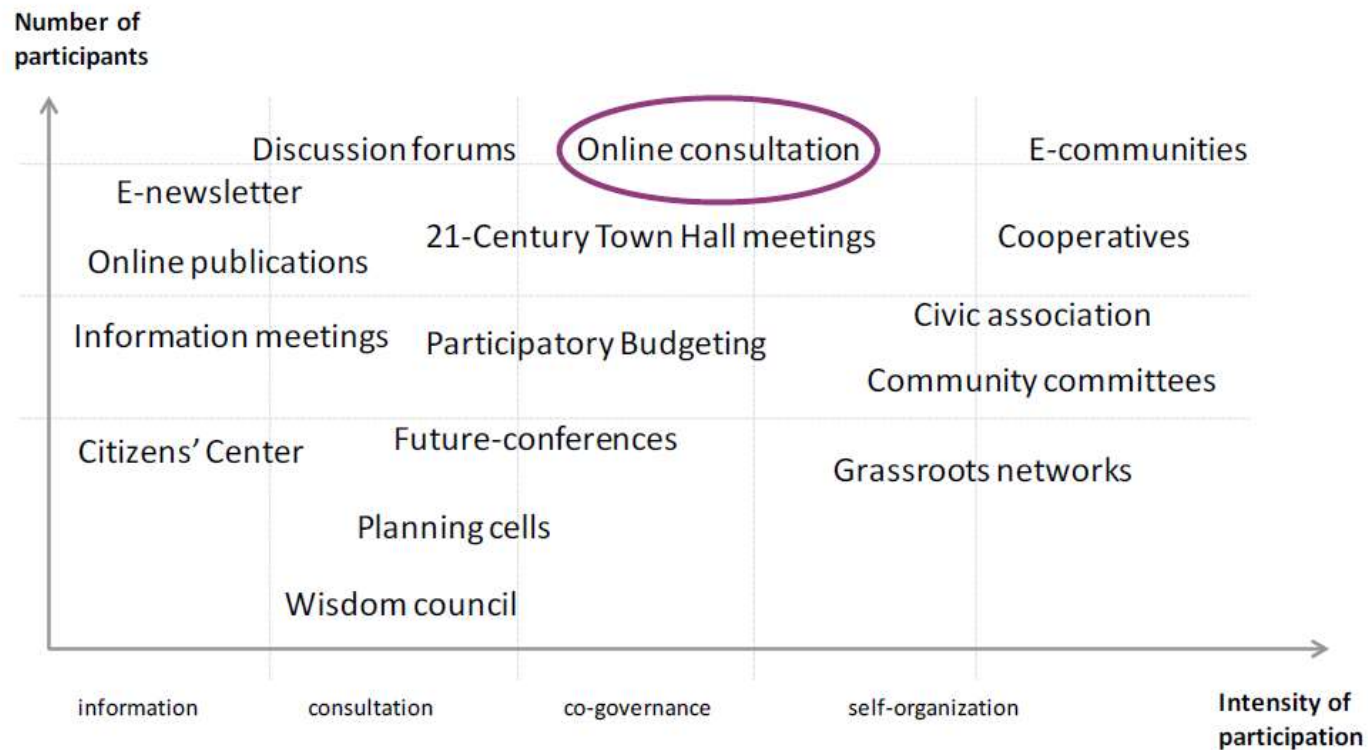
**“No one pretends that democracy is perfect or all-wise. Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time.”**

**– Winston Churchill**



# Reaching out to EU citizens

## Spectrum of information and public participation procedures worldwide



Source: <https://rm.coe.int/public-participation-and-democratic-innovations-assessing-democratic-i/168075f47b>, with 'Online consultation' highlighted by ECA.



## Reaching out to EU citizens – Better Regulation

### EU Framework for consulting citizens

- The Commission's framework for consulting citizens is defined in its Better Regulation guidelines and toolbox.
- These were adopted in May 2015 and stress the Commission's commitment to engaging more effectively with EU citizens.
- In July 2017, the Commission approved an updated set of guidelines that clarified the general rules on how it should consult citizens.



# Reaching out to EU citizens – Citizens' Dialogues





# Reaching out to EU citizens – Citizens' Initiative

## **TAKE THE INITIATIVE**

### **European Citizens' Initiative**

**your tool to shape European policy**

**THE POWER TO  
ACT ON ISSUES  
YOU CARE  
ABOUT**

**CREATING  
NETWORKS  
AND FOSTERING  
DEBATE**

**SPEAKING  
DIRECTLY TO  
DECISION-  
MAKERS**



EUROPEAN UNION



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# Reaching out to EU citizens – Online tools



EN English

[Home](#) > [Law](#) > [Contribute to law-making](#)

## Contribute to law-making

### Have your say on Commission initiatives

Contribute to public consultations and give feedback on Commission initiatives during policy making. Tell us how you think existing laws could be improved.

### Make suggestions to improve laws

Tell the European Commission how you think regulatory burden could be reduced and how existing laws could be improved and made more effective.



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## **Audit findings of Special Report 14/2019 on Commission's public consultations**





**Why did we do this audit?**



**Audit scope and approach**



**What did we find?**



**Recommendations**



## Why did we do this audit?

### The Commission launched public consultations:

- To narrow the gap between EU and its citizens
- To make the EU decision-making process more democratic
- To improve the quality of EU law-making



# Why did we do this audit?

**Stakeholder  
consultations**

1. Article 11 of the Treaty on European Union (TEU)
2. EU's democratic legitimacy and accountability
3. ECA's strategy for 2018-2020
4. European Parliament request





# Audit scope and approach

**In particular  
public  
consultations**

Assessment of whether public consultations are effective at reaching out to citizens and making use of their contributions:

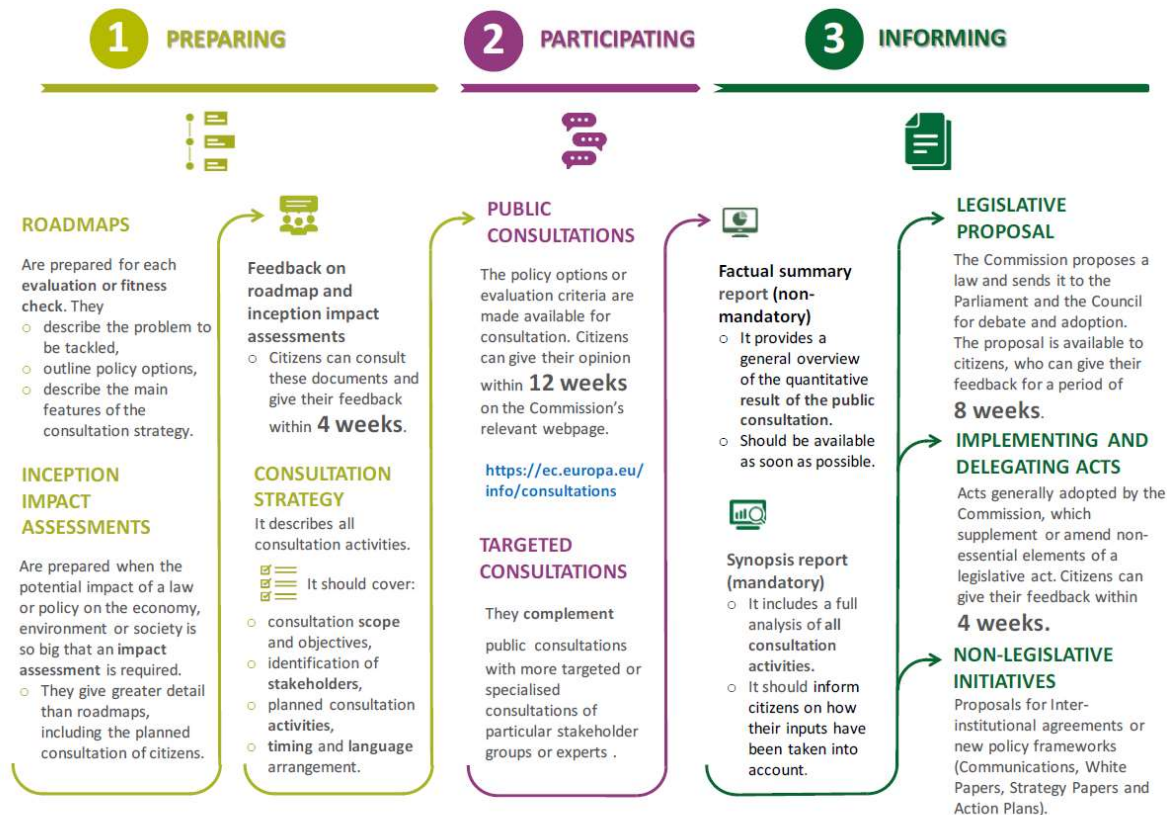
1. Design of the Commission's framework
2. Citizens' participation
3. Analysis of data input and information on outcome



# What did we find?

## 1

# The Commission's framework for public consultations



Source: ECA, based on the Commission's Better Regulation guidelines.



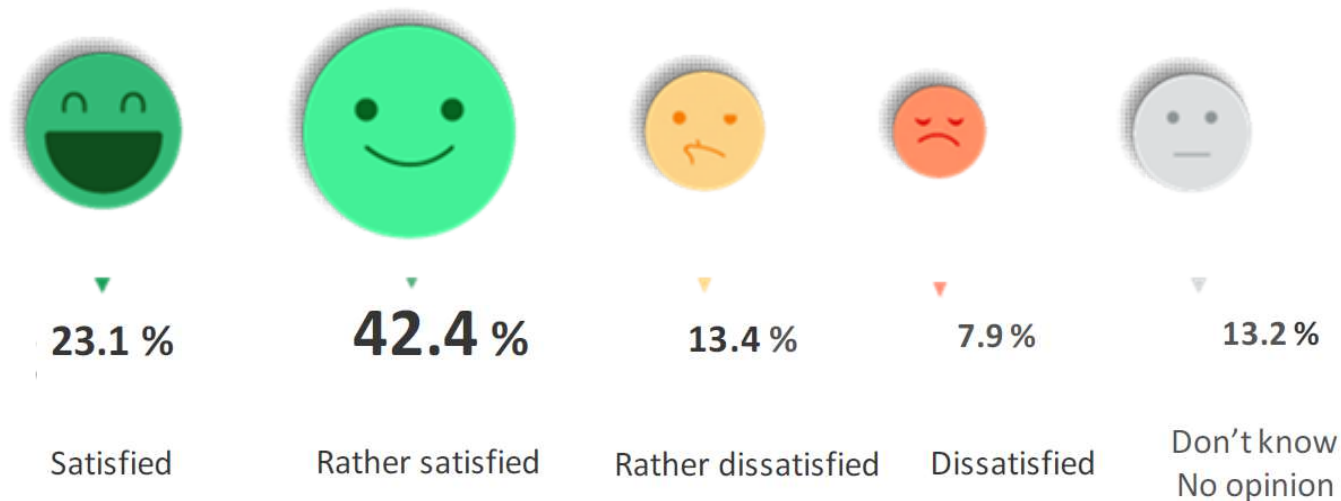


# What did we find?

1

## The Commission's framework for public consultations

- ✓ Overall satisfaction of participants with the consultation process



- ✓ High standard of the Commission's framework but insufficient focus on monitoring and assessment










# What did we find?

## 2 Preparing and participating in selected public consultations

- Consultation strategies were not always well prepared and published
- Public consultations had varied/low levels of participation
- Some questionnaires were complex/only available in English
- Timeframe for consultation was in line with the required standards

### N° of replies

PC-13	3		
PC-12	12		
PC-20	16		
PC-16	17		
PC-25	24		
PC-21	27		
PC-14	53		
PC-18	70		
PC-19	74		
PC-11	121		
PC-24	129		
PC-17	135		
PC-5	266		
PC-23	337		
PC-7	492		
PC-6	660		
PC-15	873		
PC-9	1 124		
PC-22	1 124		
PC-1	1 385		
PC-4	1 455		
PC-8	1 800		
PC-10	2 117		
PC-2	5 323	X 2	
PC-3	63 295		
PC-26	4.6 million	X 69	





# What did we find?

## Public Consultations in numbers



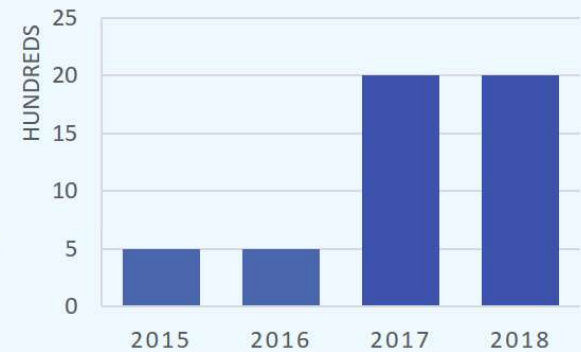
417 Public Consultations to date



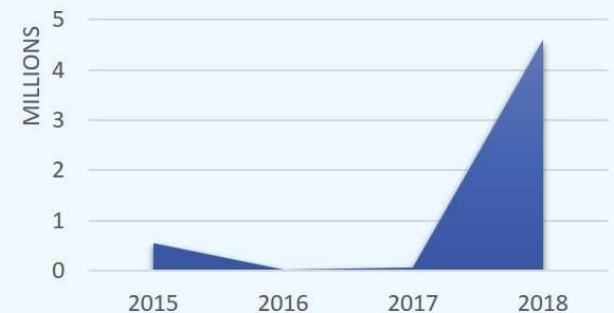
## Outreach since 2015



Average number of participants per consultation (excluding top consultation)



Number of participants in top consultation per year (in millions)







# What did we find?

## 3a

## Providing information about consultation work and outcomes

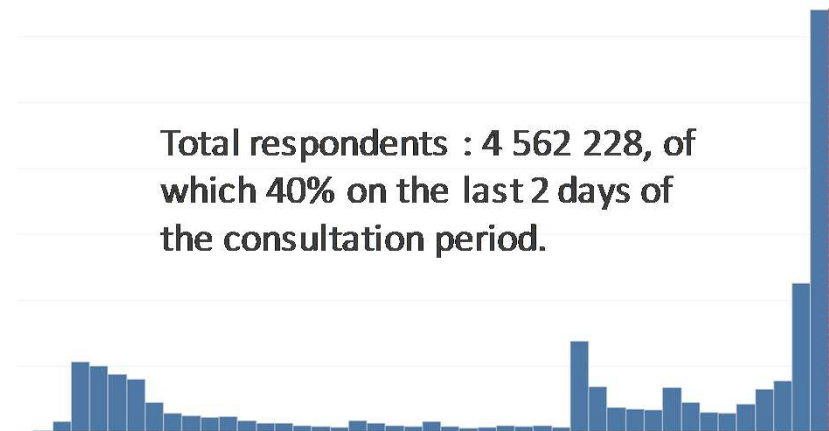


Number of respondents (per 100 000)



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### Public consultation on summertime



PC-26

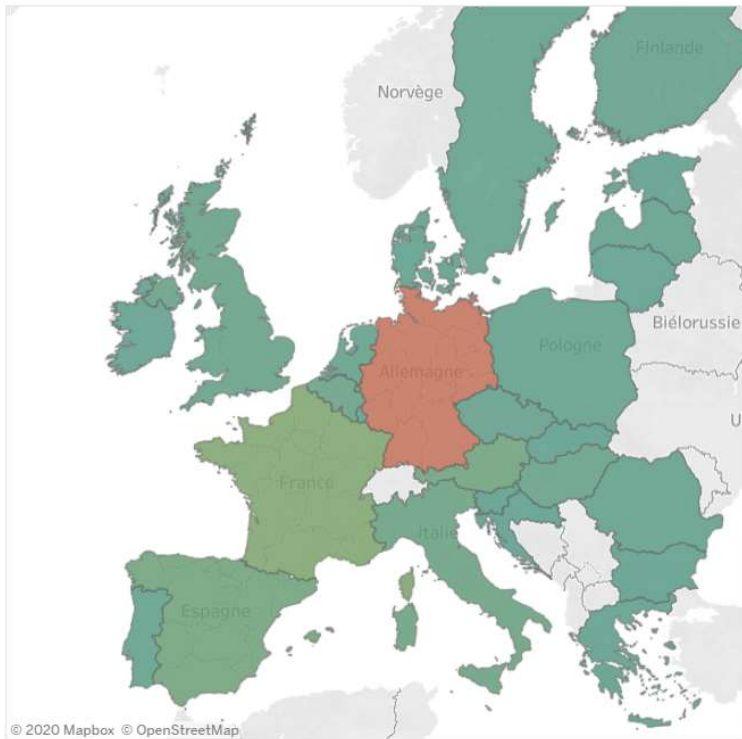


# What did we find?

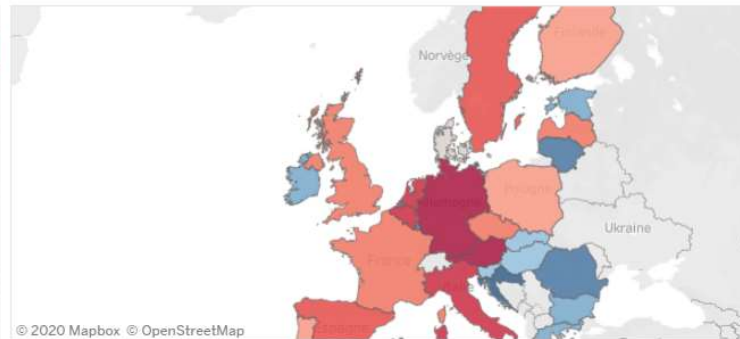
## 3a

# Providing information about consultation work and outcomes

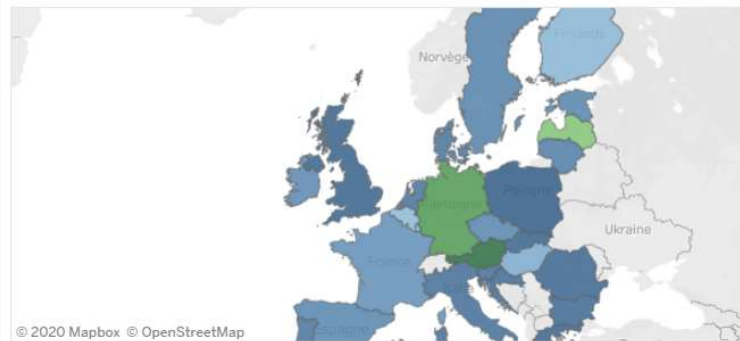
Respondents by country



Number of public consultations by country



Respondents by country (per 100 thousand)



- (All)
- Pc-1
- Pc-2
- Pc-3
- Pc-4
- Pc-5
- Pc-6
- Pc-7
- Pc-8
- Pc-9
- Pc-12
- Pc-13
- Pc-14
- Pc-15
- Pc-16
- Pc-17
- Pc-18
- Pc-19
- Pc-21
- Pc-22
- Pc-23
- Pc-24
- Pc-25
- Pc-26

Number of respondents  
56 37 630

No. of public consultations  
11 21

Responses per 100k  
1,96 54,94

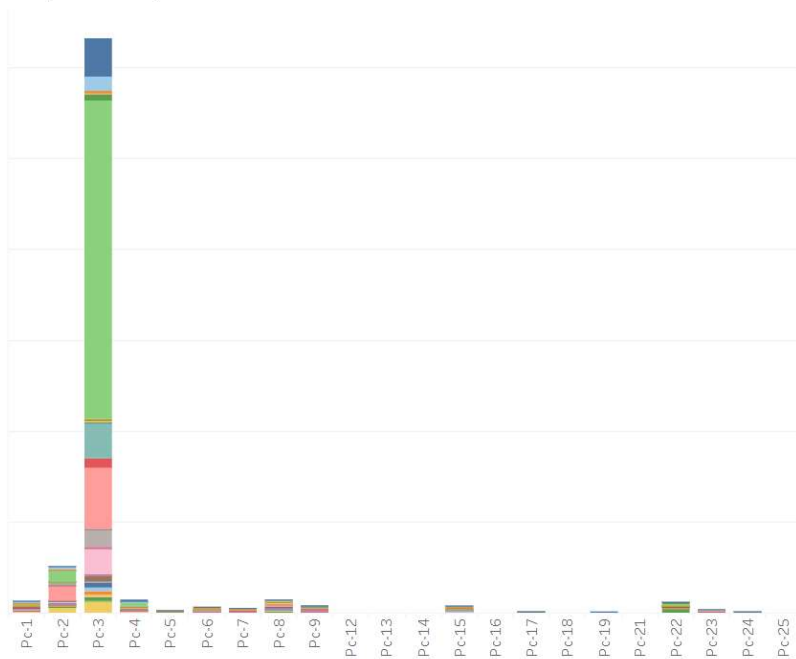


# What did we find?

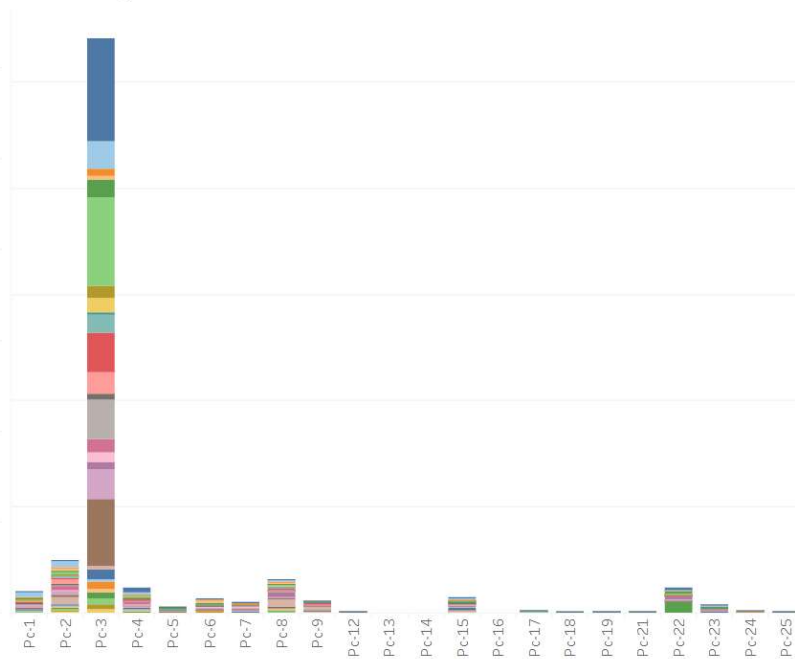
## 3a

# Providing information about consultation work and outcomes

Participation of countries in public consultations (total number of respondents)



Participation of countries in public consultations (per 100 thousand residents)



Public consultation

- Pc-8
- Pc-9
- Pc-12
- Pc-13
- Pc-14
- Pc-15
- Pc-16
- Pc-17
- Pc-18
- Pc-19
- Pc-21
- Pc-22
- Pc-23
- Pc-24
- Pc-25
- Pc-26

Country

- AT
- BE
- BG
- CY
- CZ
- DE
- DK
- EE
- EL
- ES
- FI
- FR
- HR
- HU

tableau

<https://public.tableau.com/profile/ecalab#!/vizhome/ParticipationofMemberStatesintheEuropeanCommissionspublicconsultations2015-2018/Introduction>



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## What did we find?

**3b**

### Providing information about consultation work and outcomes

- ✓ Weaknesses in data processing
- ✓ Shortcomings in data analysis
- ✓ Insufficient feedback to respondents and limited publicity given to results



## What did we find?

**Citizen 47:** “I don’t know what the result is, I don’t know anything about it.” (original PL)

**Citizen 48:** “I don’t receive a summary of the opinions. The outcome of the consultation is unknown.” (original HU)

**Citizen 49:** “I would have expected to get an update by email, so I could track statuses and results.” (original DE)

**Citizen 50:** “An e-mail indicating that the results have been processed and can be viewed might help to improve responders’ feeling that the researchers really appreciated the input received.” (original EN)

**Citizen 51:** “...The lack of information and follow-up after taking part in the survey: there were no public groups to discuss the relevance of our ideas and proposals or to be able to present and explain our ideas and proposals.” (original FR)

**Citizen 52:** “There was no direct follow-up. You need to have a lot of time to search for the news that interests you. It would be good to be kept informed by email after taking part, possibly with an opt-out option.” (original IT)

**Citizen 53:** “I got no feedback about the survey procedure.” (original CZ)

*Source:* ECA survey.



# Recommendation 1

## Commission's framework

- To better monitor public consultations, the Commission should:
  - improve Better Regulation guidelines by:
    - defining **specific indicators** to be monitored and reported
    - **systematically assessing** whether public consultations achieve all their objectives



# Recommendation 2

## Consultation strategy

- To achieve public participation with best possible outreach to EU citizens, the Commission should:
  - **explain** which **consultation activities** it chooses for which type of activities
  - clarify specific **purpose, intended use** and **translation** into EU languages



# Recommendation 3

## Outreach activities

- **To improve outreach of its public consultations, the Commission should:**
  - **adapt its communication measures**
  - **better engage with Commission's representations in Member States and other organisations**





# Recommendation 4

## Language arrangements and questionnaires

- **To enable all citizens to participate easily and effectively, the Commission should:**
  - **clarify criteria** for ‘broad public interest’ initiatives
  - **translate** key documents for priority initiatives / initiatives of broad public interest **into all official EU languages**
  - ensure consultations are based on **general survey for public** (further questions for specialists where necessary)



# Recommendation 5

## Data processing and security

- To protect the public consultation process against manipulation of results, the Commission should:
  - apply high standards of data processing by:
    - **systematically checking** and reporting on whether contributions are unique and not artificially created
    - ensuring **consistent treatment** of public consultation responses



# Recommendation 6

## Feedback to respondents

- To make the public consultation process as transparent as possible, the Commission should:
  - **provide** participants with **timely feedback** on the outcome of the consultation
  - **explain** to respondents how their **contributions** have been **taken into account**



Q&A

**Thank you  
for your attention!**

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