ecas

European Citizen Action Service

Towards a Crowdsourcing Pilot at the EU level: Taking Decisions with Citizens and Not for Them

-Working Paper-

CONTENTS

EXECUTIVE SUMMARY

As part of its Digital Democracy Agenda, ECAS is evaluating crowdsourcing as a means of enhancing democratic engagement in the EU.

Existing forums for citizen participation in the EU have proven ineffective in bridging the democratic deficit. The crises the EU is currently facing call for more innovative forms of citizen engagement in order to re-gain their trust in the European project. ECAS believes there is a political 'window of opportunity' for the EU to reconnect with its citizens by taking advantage of rapid technological developments and proposing alternative forms of engagement.

The legislative framework at EU level (article 11 TEU) provides a basis for the strengthening of the principle of representative democracy by complementing the existing participatory toolbox with methods for engaging citizens who are not represented and want to contribute directly in a deliberative-collaborative modus operandi.

ECAS is committed to bringing about a Civil Society Partnership for EU Crowdsourcing in 2016 – 2017 with the overall aim to ensure the launch of a pilot crowdsourcing initiative.
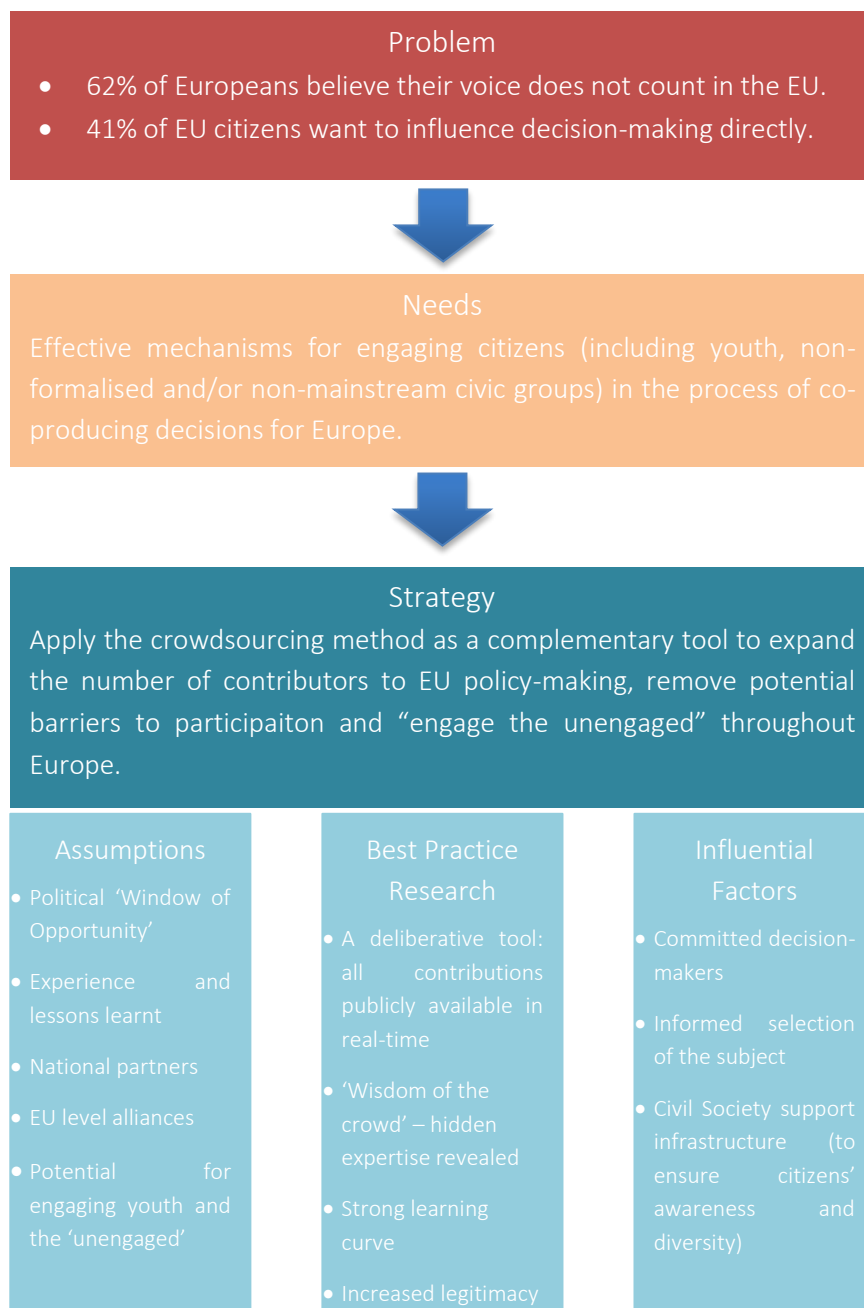
Work has so far consisted of an analysis of 27 case studies of crowdsourcing from around the globe. ECAS has also identified a short list of competences and potential candidates for a pilot and considered relevant 'points of entry' for the crowd in the existing EU decision-making process. This work is explained in more detail in this paper.

The early results are promising. The assessment has shown that the method of crowdsourcing legislation has the potential to reduce the gap between EU decision-makers and citizens and to transform the relationship between them into more of a partnership, thus contributing to the creation of an engaged citizenship. ECAS believes that crowdsourcing:

- Enhances participation by involving citizens and civil society beyond the typical stakeholders including young people;
- Ensures a learning process for both citizens and decision-makers through a real time exchange of views and opinions on the content and the process;
- Encourages fresh/innovative ideas for shaping policies based on the 'wisdom of the crowd' and allows 'hidden' expertise to participate into the debate;
- Increases the legitimacy of policy-making.

More work is needed and ECAS will work with the Civil Society Partnership to facilitate national debates and focus groups on: the subject to be crowdsourced at the EU level, the time-frame and the concrete technological platform to be utilised. It is hoped that a successful pilot would be the catalyst for a wider change in EU decision-making to enable citizen participation (potentially entailing an overhaul of the existing legislative process).

The Case for a Crowdsourcing Pilot at the EU Level

Problem
- 62% of Europeans believe their voice does not count in the EU.
- 41% of EU citizens want to influence decision-making directly.

Needs

Effective mechanisms for engaging citizens (including youth, non-formalised and/or non-mainstream civic groups) in the process of co-producing decisions for Europe.

Strategy

Apply the crowdsourcing method as a complementary tool to expand the number of contributors to EU policy-making, remove potential barriers to participaiton and "engage the unengaged" throughout Europe.

Assumptions	Best Practice Research	Influential Factors
• Political 'Window of Opportunity'	• A deliberative tool: all contributions publicly available in real-time	• Committed decision-makers
• Experience and lessons learnt	• 'Wisdom of the crowd' – hidden expertise revealed	• Informed selection of the subject
• National partners	• Strong learning curve	• Civil Society support infrastructure (to ensure citizens' awareness and diversity)
• EU level alliances	• Increased legitimacy	
• Potential for engaging youth and the 'unengaged'		

I. INTRODUCTION

A. Objective

1. ECAS is undertaking a study with the aim of providing a framework for a pilot of crowdsourcing legislation at EU level.

2. For the purpose of this study, ECAS took the definition of crowdsourcing provided by Brabham (2008): "an online, distributed, problem-solving and production model that leverages the collective intelligence of online communities to serve specific organisational goals"[1] .

3. ECAS believes that a new Deliberative-Collaborative e-Democracy model is emerging worldwide and crowdsourcing legislation is a part of it. This model can contribute to a more open and inclusive form of policymaking by involving citizens through the use of Information and Communication Technology (ICT).

In pursuing a pilot scheme, it is the overall objective of ECAS to explore the democratic potential of crowdsourcing to:

- Reduce the gap between political elites and citizens;

- Transform the relationship between EU citizens and EU decision-makers into more of a partnership, thus contributing to the creation of an engaged citizenship;

- Enable the EU to go beyond consultations and structured dialogues with the usual stakeholders in order to expand the number of contributors to EU policy-making, to remove potential barriers to participation that translate into a general feeling of exclusion and engage groups that are underrepresented.

B. Team

This study is part of ECAS' activities under its Digital Democracy focus area. It has been produced by a team comprised of ECAS Director, Assya Kavrakova, and ECAS Digital Democracy Manager, Elisa Lironi, supported by interns and volunteers Connor Brown, Joanna Marczuk, Clara Male, and Federico Tabellini.

The analysis of the national crowdsourcing examples has benefited from the kind pro bono support of Freshfields' legal team, coordinated by Angeline Woods and supported by Aaron Green, Liam Heylin, Sara Huglier and Julie Tirtiaux.

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[1] Brabham D. C., 2008, 'Crowdsourcing as a Model for Problem Solving Leveraging the Collective Intelligence of Online Communities for Public Good', Convergence: The International Journal of Research into New Media Technologies, p. 1

C. Methodology

The methodological framework of the study encompassed the following stages of research and analysis:

(1) Desk research and consultation with relevant stakeholders to identify national crowdsourcing examples;

(2) Definition of criteria for the analysis of the national examples;

(3) National crowdsourcing experience analysis;

(4) 'Theory of Change' elaboration;

(5) Development of a framework for piloting crowdsourcing legislation at EU level and on an EU issue;

(6) Identification of questions which need further exploration and/or verification.

II. CITIZEN PARTICIPATION – STATE OF PLAY AT THE EU LEVEL

A. Political Context – The EU Democratic Deficit

There is considerable evidence of a democratic deficit in the EU which suggests that existing models of engaging with citizens are ineffective in bringing about representative democracy.

Currently, **62%** of European citizens believe that their voice does not count in the EU[2] and only about half of EU citizens are optimistic about the future of the EU (the index of optimism has fallen to its lowest level since the survey of spring 2013). This general feeling of distrust translates into concrete manifestations of anti-EU political rhetoric and strategic choices with serious consequences for the future of the European project (e.g. Brexit).

Considering that **up to 80% of the legislation** concerning the everyday life of citizens in Member States may be based on EU laws[3], having a say in the decision-making process at the EU level is fundamental to achieving true representative democracy. Still, citizens' interests remain dramatically under-represented in Brussels where corporate lobbying has long passed the one billion euro mark in annual turnover, which makes the city the world's second biggest centre of corporate lobbying power after Washington DC[4].

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[2] Spring 2016 Eurobarometer survey.

[3] "How much legislation comes from Europe", research paper 10/62, 13 October 2010, House of Commons Library.

[4] Putting Brussels' lobbyists on the map, 2011, Corporate Europe Observatory: http://corporateeurope.org/publications/putting-brussels-lobbyists-map

The EU decision-making process as it currently stands is structured primarily by consulting and listening to organised interests. **41% of EU citizens** would prefer to influence decision-making directly and not even be represented by organised interests such as NGOs[5].

During the European Year of Citizens[6], young survey participants expressed strong support for the EU which demonstrated a significant potential for young people's political participation and engagement in the EU legislative process. A considerable proportion of young respondents – over 40% - have expressed their opinions on public issues via the Internet or social media over the past two years. Developing an effective means of crowdsourcing would capture the opinions of young people, thereby allowing them to have a valuable input into the legislative process and effect meaningful change.

"Democracy is broken but blaming people who do not participate in a system they view as outdated and obsolete only helps create a generation of disillusioned young people", Johanna Nyman, President of the European Youth Forum said[7].

B. Existing E-Participation Mechanism at the EU level – Practice and Deficiencies

Existing forums for citizen participation in the EU have proven ineffective at bridging the democratic deficit. The main e-participation tools officially provided by the EU are:

- *European Citizens' Initiative* (ECI), which is the first supranational instrument of participatory democracy (with a strong online component) giving citizens the opportunity to invite the European Commission to legislate on a specific policy issue if they gather one million signatures in at least seven Member States. The ECI is so far the only concrete regulation based upon Article 11.

- *Online EU public consultations*, which are systematically launched by the European Commission and allow citizens to take part in the EU's law-making process;

- *Petitions to the European Parliament*, which are used by citizens to express through a web portal their concerns or individual demands about already existing EU policies.

However, the current e-participation tools are not effective and still insufficient for a number of reasons[8]. These include:

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[5] 'Europeans' Engagement in Participatory Democracy' report, March 2013, Flash Eurobarometer 373

[6] EACEA, Political Participation and EU Citizenship: Perceptions and Behaviour of Young People: http://eacea.ec.europa.eu/youth.../tools/documents/perception-behaviours.pdf

[7] Nyman J., 2016, Mr Timmermans, blaming young people will not encourage them to engage in politics, EurActiv: http://www.euractiv.com/section/social-europe-jobs/opinion/mr-timmermans-blaming-young-people-will-not-encourage-them-to-engage-in-politics/

A. The ECI is not cost-effective. It requires significant resources to use and has had very little impact in effecting EU policy. Moreover, the system interface for the ECI is not user-friendly for the general public. The ECI will continue to lead to frustration if rules are not improved through the revision of the regulation in the short term (ANNEX 1).

B. The online EU public consultations are highly technical and mainly used by organised interests. They are not very accessible and there is a general lack of awareness among individual citizens that this tool exists as a form of e-participation (ANNEX 2). Moreover, minimum standards of consultations are binding only for the European Commission in the policy-making process.

C. Online petitions to the European Parliament are more of a 'problem-solving' tool, whereby citizens can address concerns only on existing European policies which affect them directly. This means that it is not possible for citizens to start a petition on a policy they would like the EU to implement.

A number of other e-participation projects have been introduced on an individual ad hoc basis by some EU institutions or politicians which, although welcome, lack harmonisation and institutional support across the EU. For example, the European Commission has been co-funding e-participation projects and some Directorates-General (DGs) have been working on their own platforms while Members of the European Parliament are using digital tools to reach out more often to their constituents.

C. Policy and Legislative Framework: Participation – a Core Element of EU Citizenship

ECAS believes that the existing policy and legislative framework in the EU provides a sound basis for the use of crowdsourcing in decision-making.

European Citizenship is today conferred directly on every person holding the nationality of a Member State by the TFEU. It defines the legal status, including rights and obligations, of each individual within the Union. Every citizen has the right to participate in the democratic life of the EU and decisions intended to be taken as openly and as closely as possible to the citizen.

In order to give a fully recognised political dimension to European Citizenship, the Treaty of Lisbon introduced Art. 10 (1) TEU which states that the European Union is founded on representative democracy. The principle of representative democracy is essential for consensus building among Member States who often have diverging or even contradictory interests in different policy fields. Until now, the 'democratic

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deficit' has been addressed mainly by increasing the power of the European Parliament, which is the representative institution of citizens, and strengthening the tools for 'listening' to organised interests.

Art. 11 (1) TEU provides a legislative framework for citizens' involvement in decision-making: *The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.* While there are means for organised interests to provide their views on EU policy, crowdsourcing legislation can provide an effective platform for citizens to participate and engage in the legislative process.

Since the willingness of citizens to engage in traditional forms of political participation is declining, technology and digital tools could allow for more direct participation to eventually increase the legitimacy of the EU law-making process. E-participation, through digital means can reinforce representative democracy within the EU. To date, only a few e-participation tools have been specifically provided for in the Treaties (eg. European Citizens' Initiative, online public consultations and petitions), but they have proven largely ineffective. Therefore, there is scope for developing crowdsourcing legislation to allow for more direct input to EU policy-making by other means.

D. Conclusions: Problem Identification

While there is a sufficient legislative basis for developing e-participation to increase representative democracy within the EU, the existing tools do not provide an effective means for engaging citizens in the EU legislative process. Therefore crowdsourcing can provide a valuable means for developing democratic engagement in the EU.

III. PRELIMINARY CONCLUSIONS FROM THE ON-GOING ECAS STUDY

A. Capturing Findings from National Crowdsourcing Experiences Around the Globe

ECAS has examined a total of 27 crowdsourcing initiatives from across the globe (ANNEX 3).

The strengths and weaknesses of the crowdsourcing initiatives were measured by ECAS using the following set of **objectives**:

- Enhance participation by involving citizens/civil society beyond the typical stakeholders;

- Ensure representativeness;

- Engage youth;

- Ensure a learning process for both citizens and decision-makers through a real time exchange of views and opinions on the content and the process;

- Encourage fresh/innovative ideas for shaping policies based on the 'wisdom of the crowd' and complementary tool in the legislative process which allows 'hidden' expertise to participate into the debate;

- Increase legitimacy of and/or trust in policy-making.

The results of the learnings from the national crowdsourcing initiatives are set out below. The summary table gives an overview of how many cases were deemed successful or unsuccessful.

27 CASES OF CROWDSOURCING[9]

Objectives	Considered Successful	Unsuccessful	No Data
Enhanced citizens participation in policy-making	23	0	4
Ensured full representativeness	11	5	11
Engaged youth	11	2	14
Ensured a learning process	16	0	11
Ensured innovative ideas for policy-making based on the 'wisdom of the crowd'	23	1	3
Increased political legitimacy/trust	20	0	7
Kept citizens' faith in the crowdsourcing method to enhance democracy	18	1	8

The analysis of the different crowdsourcing case studies has led to the following key findings:

- Almost all examples were successful in increasing participation in the democratic process and ensuring innovative ideas for policy-making;

- Crowdsourcing experiments increased political legitimacy and generally citizens believed crowdsourcing was a good way to enhance democracy. This can be achieved if comments and input are always public and visible in real time, and if there is a commitment on behalf of decision-makers to ensure citizen involvement in the process;

- In many cases, crowdsourcing successfully ensured a learning process for participants, who confirmed that they gained more knowledge of the policy-making process;

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[9] Work in progress, please do not quote without the consent of the authors.

- Although there were some very successful examples of engagement of young people, it is not certain to what extent crowdsourcing increases youth participation in policy-making because of a lack of data in many cases on the demographics;

- Crowdsourcing allows people to participate in a constructive way (smart crowd) in debates and to learn from each other throughout the process. This is the so-called 'wisdom of the crowd' principle (strong educational component).

- It does not replace traditional methods (e.g structured dialogue or experts' committees with regard to EU-level decision-making). It is a complementary tool in the legislative process which allows 'hidden' expertise to participate into the debate.

- Constant expert monitoring and analysis (during and after the process) is vital to support the process, share the results and make sure that citizens can quickly contribute to the debate.

The review of the 27 national crowdsourcing initiatives has also related that, the following considerations should also be taken into account when implementing crowdsourcing:

- Crowdsourcing must be used as a **complementary method** to other online/offline participation tools, which would ensure greater representativeness;

- Participants' contributions were of a higher quality, more focused and easier to adopt when the government was in control of the central repository, mainly in terms of who could access it (eg. registered citizens).

- Crowdsourcing projects must have solid systems in place, for example to effectively verify that those responding are within the intended group (eg. actual citizens and not anonymous fake accounts) and to ensure that spam contributions are removed.

- Crowdsourcing projects can increase the legitimacy of policy-making mainly when the ideas generated are actually implemented (if not, they could backfire).

After analysing the national case studies, it appears that the involvement of NGOs and other citizens' organisations in the crowdsourcing process can increase the success of crowdsourcing experiences. They can facilitate citizens' e-participation by acting as an intermediary between State and citizen.

Similarly almost all of the European examples showed a prominent role of Civil Society Organisations (CSO) in the crowdsourcing process, particularly in the cases of Finland, the UK, Austria, Iceland, Latvia and the Netherlands. CSO's can play an active role in several important phases of the crowdsourcing process, such as:

- Promoting European crowdsourcing initiatives (informing people of their content and how they can take part in them);

- Coordinating citizens' participation at the local and national levels;

- Supporting the outcome analysis;
- Facilitating the communication between EU institutions and citizens thanks to their knowledge of the territory and subject of the specific legislation.
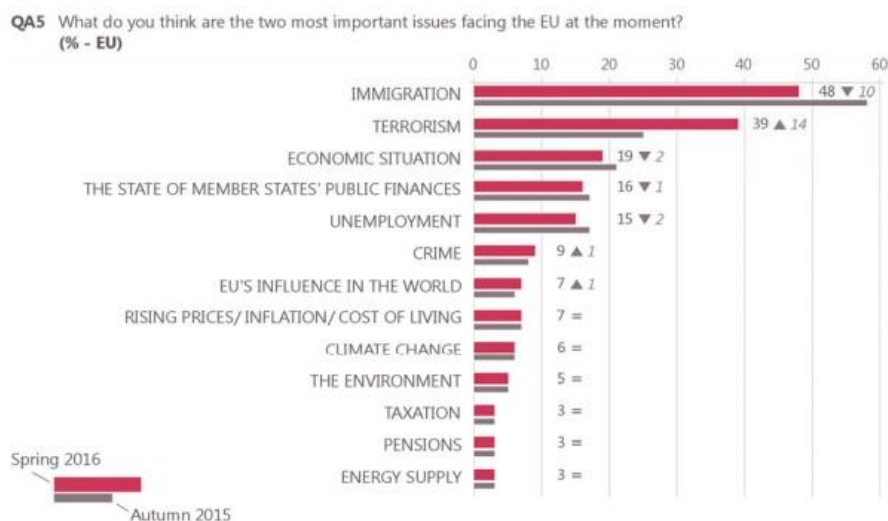
Therefore, involving CSOs in a crowdsourcing process seems to be essential in order to increase its success.

B. Identifying Suitable Areas of Competence

A key starting point in developing a pilot crowdsourcing initiative is to identify an appropriate area of EU competence. To this end, an assessment has been carried out to:

- Identify EU competences which are considered by citizens to be of most importance to the EU (based on the Eurobarometer).
- Identify policy areas of most concern to citizens themselves (based on research by ECAS).
- Review other areas of EU competence to assess if they concern citizens' day-to-day lives, involve issues which are easily understandable to a wide cross-section of citizens, and/or legislate on matters on which citizens may have valuable 'wisdom' which may not otherwise be captured by decision-makers.

The Eurobarometer indicates that immigration, terrorism, the economy, public finances, unemployment and crime are the most important issues facing the EU[10]. This is illustrated below:

QA5 What do you think are the two most important issues facing the EU at the moment? (% - EU)

IMMIGRATION	48 ▼ 10
TERRORISM	39 ▲ 14
ECONOMIC SITUATION	19 ▼ 2
THE STATE OF MEMBER STATES' PUBLIC FINANCES	16 ▼ 1
UNEMPLOYMENT	15 ▼ 2
CRIME	9 ▲ 1
EU'S INFLUENCE IN THE WORLD	7 ▲ 1
RISING PRICES/ INFLATION/ COST OF LIVING	7 =
CLIMATE CHANGE	6 =
THE ENVIRONMENT	5 =
TAXATION	3 =
PENSIONS	3 =
ENERGY SUPPLY	3 =

Spring 2016
Autumn 2015

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[10] Standard Eurobarometer 85, Spring 2016, Public Opinion in the European Union: http://media.hotnews.ro/media_server1/document-2016-08-4-21202938-0-eurobarometru.pdf

In order to identify in which policy fields young people would be most interested in voicing their opinions, ECAS conducted anonymous polls at three youth events in 2016: the European Youth Event and two Boot Camps that were part of the Digital Ecosystem for E-participation linking Youth (DEEP-linking Youth) project, which is under the Erasmus+ programme and coordinated by ECAS.

At the European Youth Event (EYE) 2016, 40 young participants stated through an online poll that a crowdsourcing experience at the EU level should mainly be in the fields of **education** and **environment**.

At the DEEP-linking Youth Boot Camp in Zadar, around 45 Croatian participants revealed they would be interested in participating in a crowdsourcing experiment mainly in the fields of **education** and **youth**.
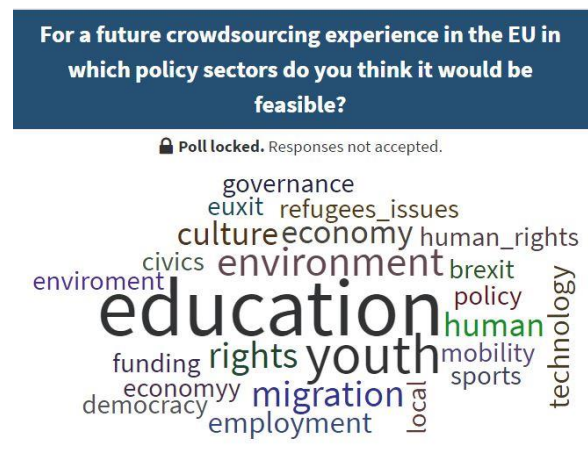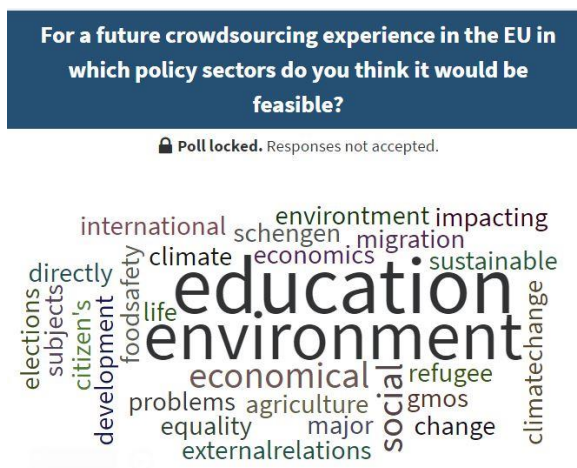
Moreover, during the DEEP-linking youth Boot Camp in Budapest, organised by ECAS, most of the participants stated they would like to see EU crowdsourcing more in the fields of **social policy**.

Based on the whole expert analysis, the following six policy areas have been identified as preliminary candidates for a crowdsourcing pilot:

- Employment and Social Policy (broadly linked to 'unemployment', 'economic situation', 'cost of living' and 'pensions');

- Development Cooperation and Humanitarian Aid;

- Freedom, Security and Justice: to focus on fundamental rights and equality, excluding security, immigration and free movement of persons;

- Aspects of Environment (linked to 'environment' and 'climate change'); and

- Education, Training and Youth

Annex 4 contains a fuller explanation of why each area was identified. This is briefly summarised below:

Employment and Social Policy

Employment and Social Policy is of high interest to the public. As Employment and Social Policy touches on the day-to-day aspects of life, citizens are likely to have direct experience with the issues, and thus be able to contribute positively to the formulation of effective legislation.

Development Cooperation and Humanitarian Aid

Although Development and Humanitarian Aid has not been identified as key area of concern for EU citizens, this competence may provide opportunities for successful crowdsourcing in actual decision-making – e.g. the adoption of a policy agenda and the allocation of budgets. Such decisions can be implemented through straightforward communications or decisions and do not require highly complex expertise or knowledge in order to provide meaningful input.

Justice

The participation of citizens in fundamental rights and equality appears a feasible option which could involve citizens contributing ideas at an early stage in the legislative process. This area of competence has a tangible impact on people's day to day lives and many areas of law are easily understandable by a wide cross-section of citizens.

Environment

There appears reasonable scope to consider a pilot concerning policy on the environment and climate change – for example, in the formulation of the EU's environmental strategies and agenda, such as the Environment Action Programme. On the other hand, individual measures of EU environmental law are unlikely to be suitable candidates for a pilot due to the often highly technical and scientific nature of much of the relevant legislation.

Education, Training and Youth

The areas of Education, Training and Youth are potential candidates for a crowdsourcing project pilot. The 'wisdom of the crowd' could contribute on a policy level and the allocation of budgets between the various programmes. Although the EU only has a support competence, its high level of involvement shows that there are possibilities to provide meaningful input, especially for the adoption of the next Strategic Framework Education and Training 2020. Lastly, young people, who are the most concerned by these areas, are also the most likely to participate in a crowdsourcing digital democracy initiative.

C. 'Points of Entry': Appropriate Stage of Legislative Process for a Pilot

In principle, crowdsourcing could take place during any of the following four main stages in the legislative process :

- Ideas;
- Planning;
- Decision-Making (voting);
- Implementation.

Based on ECAS' research of case studies, the stages of **Ideas and Planning** showed the most promise for allowing greater public engagement and achieving goals of 'crowdsourcing' knowledge. This focus on the stages of Ideas and Planning works well with a strategy to explore opportunities for crowdsourcing **prior or parallel to the Consultation procedure**.

By contrast, public participation in the Implementation stage appeared effective only for very local projects and, thus, may not be transferable to the EU level.

The development of crowdsourcing infrastructure in the EU (including beyond a pilot stage) will necessarily involve a detailed assessment of potential 'points of entry' in the existing decision-making process.

For the purposes of a successful pilot, the crowdsourcing of initial ideas for legislative proposals is potentially the easiest way of encouraging citizen participation in a legislative process and the most feasible (at least when considering existing ordinary decision-making in the EU). Assuming the existing ordinary decision-making process, it appears most logical for crowdsourcing to be implemented at a point before the public consultation has taken place and even prior to or immediately subsequent to an impact assessment. This would ensure that the 'wisdom of the crowd' is harnessed at the earliest opportunity, both to the areas that need to be addressed via legislation and the proposed solutions. In addition, citizens' are more likely to be able to identify the actual impact of their input into the legislative process if their input would actually shape legislation (that is, less likely to be diluted by technical input and amendments further down the line in the legislative process).

D. Technological Solutions

The case studies provide good examples of technology based engagement that could be used to implement crowdsourcing.

There are two ways in which the crowdsourcing experience at EU level could take place:

- Through **one common EU-wide platform,** created by the EU institutions or by intermediaries, which citizens from all Member States would be using. This would require the translation of the platform into all official EU languages and it would be up to the institutions or the intermediaries to take care of filtering the ideas and comments into the different languages.

- Through **national platforms** in their respective languages, implemented by their governments or by intermediaries in Member States, who would take care of selecting and filtering the crowdsourced ideas. However, it would be necessary to find a way in which all of the ideas and comments from the 28 Member States could be integrated into the EU's institutional processes

E. The Success Factors for Crowdsourcing

- Legitimacy:

  - **Commitment:** Active involvement of decision-makers is a must as the experience takes place in real time.
  - **Feedback:** Full transparency and feedback regarding the impact of the crowdsourcing experience on the policy process is crucial.
  - **Evaluation:** A clear set of criteria should be developed in advance to assess the experience and enable lessons to be learnt.

- Participation:

  - **Mobilisation:** Civil society support infrastructure at national and local level.
  - **Information dissemination:** Awareness-raising for crowdsourcing must be far-reaching.
  - **Accessibility:** Language diversity should be ensured.

- Functionality:

  - Usability: The platform should be user-friendly and modern to appeal to higher computer literacy, particularly of youth.
  - Identification: Registration of users to confirm valid stakeholders (not lobby groups or non-Europeans).
  - Protection: Data privacy must be ensured.
  - Streamlining the input process: Using some of the methods seen in the case studies (i.e. Finland requiring a minimum number of supporters before a suggestion can be sent), a process of sorting input and comments should be implemented so that the 'wisdom of the crowd' is useful to decision-makers.

IV. CONCLUSION

A. General Conclusion

Crowdsourcing legislation has the potential to reduce the gap between EU decision-makers and citizens and to transform the relationship between them into more of a partnership, thus contributing to the creation of an engaged citizenship as it:

- enhances participation by involving citizens and civil society beyond the typical stakeholders including youth;

- ensures a learning process for both citizens and decision-makers through a real time exchange of views and opinions on the content and the process;

- encourages fresh/innovative ideas for shaping policies based on the 'wisdom of the crowd' and allows 'hidden' expertise to participate in the debate;

- increases legitimacy of policy-making.

Art. 11 (1) TEU can be the legal basis for initiating a crowdsourcing experience at EU level as it provides the overarching framework for citizens' involvement in decision-making: *The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.*

Crowdsourcing legislation can strengthen the principle of representative democracy within the current legislative framework with the development of valuable methods for engaging citizens who are not represented and want to contribute directly to the legislative process.

B. Next Steps

Before launching the EU pilot on crowdsourcing legislation, the following issues need to be further explored, verified and decided through national debates and multi-stakeholder focus groups in 2016 – 2017:

- Select a relevant EU issue to be crowdsourced at the EU level;

- Determine the time frame;

- Complete the partnership of committed Civil Society Organisations at national and EU levels to provide civil society support infrastructure of the EU crowdsourcing;

- Choose the right technological solution.

Following this, a number of positive actions can be taken to assist the development of a successful crowdsourcing pilot, thereby addressing the number of challenges of citizen engagement in the legislative process. These include:

- Engagement of EU decision-makers in order to provide 'added value' at the European level. Crowdsourcing should be practiced as part of open EU decision-making, therefore, securing the prior commitment of the EU decision-makers is of key importance.

- Select suitable candidates for a crowdsourcing pilot. For example, highly technical legislation such as regulatory frameworks would not be suitable for engagement with the general public.

- Develop a network of committed CSOs (at least one per Member State) to provide support for EU crowdsourcing in terms of:

  o Raising public awareness of the tool to ensure outreach and engagement of new stakeholders;
  o Ensuring a national context, i.e. 'interpreting' the issue against the national context's priorities and background, and communicating in the national language, etc.

C. Follow-up national debates:

1) Ljubljana, Slovenia – October 2017
2) Paris, France
3) London or Edinburgh, UK
4) Riga, Latvia
5) Athens, Greece
6) Amsterdam or the Hague, The Netherlands
7) Helsinki, Finland
8) Brussels, Belgium, Digital Democracy Day 2017 – October, 2017

ANNEXES

Annex 1: Results of the SWOT Analysis on the European Citizens' Initiative

Strengths	Weaknesses
1. The ECI encourages participation and active citizenship (5.8)	1. The ECI leaves citizens more frustrated due to its lack of impact (6.19)
2. The ECI is a non-partisan political tool (political parties are not necessarily involved) (5)	2. Requirements for identification and personal data are excessive (6.19)
3. The ECI gives citizens agenda-setting power on the EU level (5)	3. The ECI is unknown to citizens (6)
4. The ECI can educate citizens about decision making and the political process of the EU (4.57)	4. The ECI is not user-friendly (5.9)
5. The ECI reduces the democratic deficit by forming a bridge between citizens and the EU executive power (4.42)	5. Rules regarding the (start of the) time period for ECI support collection are inflexible and hinder the process unnecessarily. (5.9)
6. Citizens can easily find and access information about the ECI (3.28)	6. The ECI is not cost-effective, considering the great efforts required to organise it and the low certainty of a meaningful impact (5.8)
7. The results of the ECI are non- binding (2.42)	7. ECI coordination is unnecessarily complex due to lack of harmonised rules for identification requirements (5.8)
	8. ECI organisers are unable to provide clear feedback to supporting citizens, as the OCS does not provide this facility (5.33)
	9. The ECI excludes expats, who cannot sign an ECI in their country of residence (5.14)
	10. The results of the ECI are non-binding (5.14)
	11. The OCS is an inefficient and ineffective platform (4.90)
	12. The EC does not provide clear feedback about its decision regarding successful ECI's to organisers (4.76)
	13. The ECI admissibility criteria and the procedure of the EC's admissibility check are unclear (4.61)
	14. The unlimited personal liability carried by individual ECI organisers is intimidating and discourages new initiatives. (4.57)
	15. Rules and procedures for ECI registration are unclear (3.85)
	16. The ECI excludes young people (-18) (3.57)
Opportunities	**Threats**
1. Rise of alternative forms of engagement and (young) people's disengagement in 'traditional' politics (5.52)	1. People's disinterest in general EU-level politics (5.42)
2. The perceived democratic deficit in the EU (5.38)	2. The perceived democratic deficit in the EU (4.19)
3. Current lack of grassroots support for EU policy (5.19)	3. The digital divide between countries, both in terms of digital infrastructure and in terms of citizens' experience with e-participation (4.09)
4. Weak notions of 'European Citizenship' and European demos (5.09)	
5. Technological advancements in ICTs, which make traditional democratic institutions look sluggish, irresponsive and 'outdated' (4.61)	

Annex 2: Results of the SWOT Analysis on online EU Public Consultations

Strengths	Weaknesses
1. Online EU public consultations reduce thresholds to participation (5.08)	1. Online EU public consultations are unknown to citizens (6)
2. Online EU public consultations encourage participation and active citizenship (5.08)	2. Clear feedback and results of online EU public consultations are rarely published by the Commission, which inhibits transparency and accountability (5.33)
3. Online EU public consultations increase democratic legitimacy of the EU decision-making process (4.66)	3. Online EU public consultations are rarely representative for EU citizens (4.91)
4. EU public consultations increase the quality and transparency of EU rules and decisions (4.66)	4. Online EU public consultations are not user-friendly (4.75)
5. EU public consultations are a cost-effective way to organise participation in decision-making (4.75)	5. The single access point for information about online EU public consultations, Your voice in Europe, is unattractive, intransparent, not user-friendly and ineffective (4.66)
6. Online EU public consultations influence the political process outside of the electoral cycle and outside of political parties (4.58)	6. Online EU public consultations are unlikely to have a meaningful impact on EU decision-making (4.66)
7. Online EU public consultations reduce the democratic deficit by forming a bridge between citizens and the EU executive power (4.41)	7. Participation in online EU public consultations has the potential to frustrate citizens about the political process of EU decision-making (4.58)
8. Participation in online EU public consultations has the potential to educate citizens about the political process of EU decision-making (4.25)	8. Online EU public consultations are rarely available in all 24 official EU languages (4.5)
9. Online EU public consultations increase accountability of the EU decision-making process (3.41)	9. Online EU public consultations are designed by people without specific expertise on running consultation process (4.25)
	10. Assessing online EU public consultations is difficult due to a lack of evaluation criteria and Key Performance Indicators (4.25)
	11. Online EU public consultations' participants often lack skills to participate effectively (4.08)
	12. Online EU public consultations fail to empower individual citizens vis à vis organised interest groups (4)
	13. Contributions to consultations process are usually based on personal opinions rather than on informed and factually based arguments (3.58)
	14. Online EU public consultations create additional administrative burden on Commission DGs and divert resources away from other essential tasks (2.5)

Opportunities	Threats
1. The perceived democratic deficit in the EU (5.83)	1. The digital divide between countries, both in terms of digital infrastructure and in terms of citizens' experience with e-participation (5.83)
2. Rise of alternative forms of engagement and (young) people's disengagement in 'traditional' politics (5.5)	2. People's disinterest in general EU-level politics (5.66)
3. (Academic) advances in representative statistical sampling methodology toward a more scientific approach for representative consultations (5.25)	3. The perceived democratic deficit in the EU (4.5)
4. Current lack of grassroots support for European policy (5.08)	4. The enthusiasm for e-government innovations versus resistance to fundamental change of underlying decision-making structures (online consultations as old wine in new bags (4.41)
5. Weak notions of 'European Citizenship" and European demos (4.5)	
6. Technological advancements in ICTs make traditional democratic institutions look sluggish, irresponsive, non-interactive and 'outdated' (4.16)	

Annex 3: E-participation Tables – 27 National Cases worldwide

Objectives	Considered Successful	Unsuccessful	No Data
Enhanced citizens participation in policy-making	23	0	4
Ensured full representativeness	11	5	11
Engaged youth	11	2	14
Ensured a learning process	16	0	11
Ensured innovative ideas for policy-making based on the wisdom of the crowd	23	1	3
Increased political legitimacy/trust	20	0	7
Kept citizens' faith in the crowdsourcing method to enhance democracy	18	1	8

Ranking:

The campaigns in green emerged as the strongest by fulfilling the goals of enhancing citizens participation in policy-making; increasing representativeness, engaging youth, ensuring a learning process, ensuring innovative ideas based on the 'wisdom of the crowd' and increasing political trust. Additionally, each campaign had its own unique commonality with a potential campaign at EU level. For example, the Participatory Budgeting in Paris, in which Paris crowdsourced ideas on where a percentage of the budget should be invested, acts as a potential model for the EU budget. India's federal introduction of 'MyGov', gathering wisdom from over 1 billion Indian citizens, demonstrates that crowdsourcing campaigns can be successful on a large scale from a centralised power.

The campaigns in **black** have significant strong elements to them, but did not fully satisfy the criteria above. Rather than act as models, these are examples in which we can take the 'good' parts and learn from the 'bad' parts. For example, Finland's crowdsourcing on road traffic rules did enhance citizens' participation in policy-making, but did not increase representativeness (only 26 women from a pool of over 300 participants) or engage youth.

The campaigns in red are the ones that lack fulfilment of the above criteria, or are too niche and specific in nature with no possible application at EU level. For example, the Maerker Brandenburg scheme in Germany enabled citizens to report infrastructure problems, such as potholes in the road, to the local council. However, this does not ensure innovative ideas for policy-making, and cannot be applied logically at EU level. Additionally, the Essen-soll-leiser-werden scheme in Germany allowed people to contribute to a 'noise action plan' but such a scheme cannot be applicable at EU level.

1. New Zealand: Internet Rights Bill

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes/No	The campaign was posted on Reddit, and any Reddit user could contribute. The bill received 140 comments, but we are unable to assess how many of these were NZ citizens.[11]
Increased representativeness	Unknown	No data on age of participants.
Engaged youth	Yes	Reddit users largest demographic are aged 18-29. [12]
Ensured a learning process	Yes/No	There may have been a learning process, but the inability to restrict input to just NZ citizens makes it more of an open forum and it only received 140 comments.
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The Green Party stated that this bill is a 'living document' intended to grow through the 'wisdom of the crowd'. The use of the open social media platform did ensure innovate ideas were expressed.[13]
Increased political legitimacy/trust	Yes	Participants stated it assured them that there are political parties who want to ensure their digital freedoms and internet rights are not breached – thus increasing trust.[14]
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Many of the comments touched upon how they viewed crowdsourced law as a 'good thing' for New Zealand if done properly.[15]

2. Philippines – Crowdsourcing Act 2012

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The campaign sought to gather Filipino citizens' suggestions on all aspects of the proposed bill. This open dialogue therefore enhanced citizen participation.[16]
Increased representativeness	Unknown	No Data
Engaged youth	Unknown	No Data
Ensured a learning process	Yes	The bill received hundreds of comments, most of which were very enthusiastic about the initiative. The lead senator on the bill stated that this crowdsourcing system can significantly improve the legislative process in the Philippines.[17]

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[11]https://www.reddit.com/r/newzealand/comments/23q49x/crowdsourced_internet_rights_and_freedom_bill/

[12] http://expandedramblings.com/index.php/reddit-stats/5/

[13] https://home.greens.org.nz/misc-documents/internet-rights-and-freedoms-bill

[14] Ibid

[15] Above n 1.

[16] See Freshfields Paper, page 3.

[17] http://blog.openingparliament.org/post/60203862594/in-philippines-summer-of-potential-for-open

Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	A large amount of comments on the bill were critical of the proposals, with some giving innovative suggestions and alternatives.[18]
Increased political legitimacy/trust	Yes	The bill increased political trust by engaging citizens directly in policy-making and increased political legitimacy as it made the legislative process more transparent.[19]
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	The bill has been lauded as a great success for open democracy. Many of the comments were enthusiastic about the future prospects of crowdsourcing legislation.[20]

3. Philippines –Magna Carta for Internet Freedom

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The original draft bill was created by a group of lawyers, bloggers, technology experts and human rights advocates called Democracy.Net.PH. The final draft was posted on Reddit to solicit views from the wider public, receiving a large number of comments, many of which were taken into account.[21]
Increased representativeness	Yes/No	The original bill was drafted by technical experts. However, after being posted on Reddit, the crowdsource provider stated that the bill **was greeted with a flurry of likes, retweets, and shares on social networking sites.[22] No exact demographic data is given.**
Engaged youth	Yes	It can be suggested due to large-scale social media use. Columnist Conrado de Quiros stated that the bill has 'done a huge favour for the youth'.[23]
Ensured a learning process	Yes	The social media campaign took into account concerns raised by Filipino citizens and implemented the most crucial and popular of them. The bill was later proposed to the congress and it passed into law. It has been hailed as the 'first concrete law to be implemented based on crowdsourcing'[24]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The bill was opened up to comments on social media by Democracy.Net.PH, allowing the crowd to come up with innovative ideas and allowing technical experts to evaluate them.
Increased political legitimacy/trust	Yes	The bill has been hailed both domestically and internationally

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[18] *Ibid*

[19] *Ibid*, see also Freshfields page 4.

[20] *Ibid*

[21] https://sg.news.yahoo.com/blogs/the-inbox/wisdom-crowds-crowdsourcing-net-freedom-042242158.html

[22] http://news.abs-cbn.com/nation/07/03/13/pinoy-netizens-welcome-miriams-online-rights-bill

[23] http://opinion.inquirer.net/42069/law-of-the-law

[24] https://sg.news.yahoo.com/blogs/the-inbox/wisdom-crowds-crowdsourcing-net-freedom-042242158.html

		as a success. Many leaders of e-participation, government and policy have praised the method and implementation of the Magna Carta for Internet Freedom.[25]
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	The bill has been lauded as a great feat for open democracy. It has been 'welcomed' by netizens as a method to enhance democracy.[26]

4. Netherlands – Follow the Law

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The website and its collaborative tool 'liquidfeedback' allows citizens to work together to contribute thoughts and discuss initiatives to amend certain documents. In addition to this, citizens can comment on bills and existing laws that they believe require amendment.
Increased representativeness	Yes/No	The platform has predominantly seen contributions from lobby groups and special interest groups.
Engaged youth	Unknown	No Data
Ensured a learning process	Unknown	No Data
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	Citizens can create, post, discuss and vote on new innovative ideas that other citizens/groups have created.
Increased political legitimacy/trust	Yes	The initiative has provided better access to government data and the legislative agenda – adding an element of transparency.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Unknown	No Data

5. Finland – National Citizens Initiatives

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The Citizens' Initiative on equal marriage rights gathered more than 120,000 supporters within 24 hours of being launched.
Increased representativeness	No	The participants tended to be part of a specific category: young, well-educated males living in an urban setting
Engaged youth	Yes	Most users were drawn from the age group 21-40 years old

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[25] https://www.eff.org/deeplinks/2013/07/brief-analysis-magna-carta-philippine-internet-freedom

[26] http://news.abs-cbn.com/nation/07/03/13/pinoy-netizens-welcome-miriams-online-rights-bill

		who are overrepresented compared to the general population
Ensured a learning process	Yes/No	There might have been learning processes but the 'real time exchanges of views' was lacking. Proceedings in the Parliament were never public.
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	Innovative ideas can come from the wisdom of the crowd and when hidden expertise can participate in the debate.
Increased political legitimacy/trust	Mainly Yes	Yes, if the participants consider the whole process to be fair, despite the final outcome.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	The participants generally still believed that crowdsourcing legislation can help improve democracy in Finland.

6. France – Participatory Budgeting in Paris

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The campaign was open to all citizens living in the Paris city area. Residents could suggest online what they believed part of the Paris Budget should be spent on. A total of 66,867 residents took part in the crowdsourcing project – representing around 3% of the population of Paris. This was a 64% rise in comparison to a pilot budget project launched the year before.[27]
Increased representativeness	Yes/No	Critics have suggested that economically privileged and well educated residents have been over-represented. However, contributions were made by people from varying backgrounds.[28]
Engaged youth	Yes	Over 30% of those voting were younger than 30 years old. [29]
Ensured a learning process	Yes	The mayor of Paris, Anne Hidalgo, stated this scheme was to last until the year 2020, as she wants to 'hand over the budget keys' to the citizens. [30]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The platform allowed for new ideas to be posted by residents of Paris. This could be in the form of writing, pdf displays, artwork, and other forms.
Increased political legitimacy/trust	Yes	The Paris Deputy Mayor stated that in a context of citizen distrust, the mechanisms for participation devices are probably one of the solutions for rebuilding confidence.[31] In

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[27] See Freshfields Data, page 7.

[28] http://rue89.nouvelobs.com/2015/09/25/les-wc-ecoles-ont-ils-place-budget-participatif-261364

[29] See citation 6 on FF.

[30] https://www.theguardian.com/cities/2014/oct/08/parisians-have-say-city-first-20m-participatory-budget

[31] http://www.csmonitor.com/World/Europe/2015/0731/How-should-Paris-spend-its-budget-Locals-now-get-to-choose

		addition to this, citizens who were interviewed felt valued.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Interviewees have been generally favourable to the prospect of future crowdsourcing legislation. One stated 'I love Paris – If I can contribute to making it better, I will'.[32]

7. Iceland – Crowdsourced Constitutional Reform

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The first national assembly was comprised of 1500 people – of which 1200 were randomly selected from the national registry to voice their opinions on the constitutions/proposals for reform.[33] Citizens later had the power to vote people into the Constitutional Council, who proposed amendments to the constitution.[34]
Increased representativeness	Yes/No	1200 Individuals were selected at random from the National Registry. This ensured that members of all backgrounds were represented. In addition to this, there were hundreds of people who ran for the Constitutional Council, from a diverse range of backgrounds.[35] Gender distribution was fairly equal (around 10 women among the 25 elected council). However, only three of the 25 had residencies outside of the capital Reykjavik. [36]
Engaged youth	Yes	Two of the 25 members of the Constitutional Council were students. Social media was engaged successfully, with over 3000 suggestions posted on the Council's Facebook page.[37]
Ensured a learning process	Yes	There may have been a learning process, but the reform failed due to the government's term finishing and failing to be re-elected. The new government has not made moves to implement the reform.
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The random selection from the National Registry and the voting of the Constitutional Council was based on gathering the 'wisdom of the crowd'. Members were able to freely express their innovative ideas for the new constitution.
Increased political legitimacy/trust	Yes/No	Due to the political climate of Iceland at the time, the project

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[32] https://www.theguardian.com/cities/2014/oct/08/parisians-have-say-city-first-20m-participatory-budget

[33] https://www.opendemocracy.net/can-europe-make-it/thorvaldur-gylfason/democracy-on-ice-post-mortem-of-icelandic-constitution

[34] http://icelandreview.com/news/2010/10/19/hundreds-run-constitutional-parliament

[35] Ibid

[36] http://www.huffingtonpost.com/silja-b/you-say-you-want-a-consti_b_790359.html

[37] FF

		failed. This may have had an adverse effect on legitimacy.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes/No	Although 67% of Icelandic voters were in favour of the crowdsourcing method becoming the foundations for the new constitution,[38] nevertheless the process was ultimately blocked by the Parliament.

8. Argentina – Democracy OS

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes/No	Citizens were able to post suggestions on proposed policies. Participation rarely received more than 100 voters, which is an insignificant number considering there are 2.5 million eligible voters with an internet penetration rate of 70% in Buenos Aires alone.
Increased representativeness	Unknown	No data on the demographics of the voters.
Engaged youth	Unknown	No data on the demographics of the voters.
Ensured a learning process	No	There was no two-way exchange of information. It was at the discretion of government bodies to take into account any proposals on Democracy OS.
Ensured innovative ideas for policy-making based on the wisdom of the crowd	No	Crowdsourcing was insignificant and the application was more informative, allowing citizen's easier access the legislation that is put before them.[39]
Increased political legitimacy/trust	Yes/No	The implementation of DemocracyOS allowed citizens to have easier access to policies and the legislative process. However, the low engagement rate meant that it had a limited effect.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes/No	The fact that the Net Party, a political group that aimed to introduce crowdsourcing legislation, garnered 1.2% of votes demonstrates there is faith in crowdsourcing as a method to enhance democracy. However, DemocracyOS itself was rarely used.

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[38] http://www.althingi.is/altext/140/s/1407.html

[39] See FF

9. Australia – Future Melbourne

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	Residents of Melbourne could post proposals for plans to improve the city. With over 11,500 amendments made by various City of Melbourne participants, and 131 members of the General Public registered to amend the plans, these public participants made several hundred contributions to the final plan. [40]
Increased representativeness	Yes	Although there were special interest groups that participated, there were a range of contributions from different ages, genders and socioeconomic backgrounds that there subsequently implemented.
Engaged youth	Yes	53% of registered participants fell into the 16-35 age group.
Ensured a learning process	Yes	Town-planning and policy makers took into account the submissions and amended the plan according to detailed contributions made by members of the general public. There was a two-way exchange of information in the process. The scheme has been proposed to take place every year until 2026.[41]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The interactive map that allowed citizens to effectively 'mould' their city ensured innovative and creative ideas. The scale of acceptable documents was wide, allowing participants to contribute in any way they wished. In addition to this, the scheme was open 24 hours a day. [42]
Increased political legitimacy/trust	Yes	Because amendments were made on behalf of the recommendations of the public, this resulted in political trust.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Many citizens, policy-makers and government officials have hailed the project as innovative and enhancing 'citizen participation in the future of their city'

10. India – MyGov

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The project allows for citizen engagement in decision making, allowing them to post suggestions online, contact government departments and submit reform proposals. It has been widely successful in engaging a range of civil society organisations and citizens. [43]

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[40] http://participate.melbourne.vic.gov.au/future/trends/citizens-government

[41] http://participate.melbourne.vic.gov.au/future

[42] Ibid

[43] https://www.mygov.in/

Increased representativeness	Yes	MyGov has 3.52 million registered members and 182,000 submissions concerning a number of issues, submitted by people from diverse backgrounds.[44]
Engaged youth	Yes	The main focus of the campaign was to engage the youth on social media. A number of awards have been given to students from the initiative.[45]
Ensured a learning process	Yes	The initiative allows for both government agencies and citizens to learn from each other. The Prime Minister also attends 'town-hall' events where he addresses citizens on matters concerning MyGov, and discusses some of the most important citizen suggestions. [46]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	MyGov has a friendly user interface and allows for a wide-range of proposals. Its rationale is to enhance citizen participation and engage citizens with policy-making.
Increased political legitimacy/trust	Yes	The two-way exchange of information and active engagement by government officials and the president increased political trust.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	The project has been hailed a huge success, with its large membership and active participation by both policy-makers and citizens.

11. Belo Horizonte, Brazil – Digital Participatory Budgeting

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The project empowers citizens to vote between a selection of public works – to which the city would respond and implement. The project engaged close to 10% of voter population. [47]
Increased representativeness	Yes	There was no correlation between socio-economic background and the propensity to vote. Public voting booths were established at 187 points across the city to avoid disenfranchising those without internet access.[48]
Engaged youth	Yes	No Data
Ensured a learning process	Yes	Previous participatory budgeting schemes by Belo Horizonte had been implemented offline – which was deemed a failure.

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[44] http://timesofindia.indiatimes.com/india/Digital-democracy-is-the-essence-of-India-Ravi-Shankar-Prasad/articleshow/53571095.cms

[45] http://timesofindia.indiatimes.com/city/vadodara/Vadodara-lad-youngest-to-win-MyGov-quiz/articleshow/53752554.cms

[46] http://indianexpress.com/article/india/india-news-india/pm-modis-mygov-in-initiative-this-is-how-you-can-be-a-part-of-the-townhall-2954198/

[47] https://democracyspot.net/2008/09/10/participatory-budgeting-and-e-democracy-part-2-the-belo-horizonte-case/

[48] http://ci-journal.net/index.php/ciej/article/view/654/704

		However, when they took the process online, they saw a surge in the number of participants.[49]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes/No	The e-participation campaign allowed them to ask questions and vote on the public matters, but not actually create or post innovative proposals on the matters in which they were voting.
Increased political legitimacy/trust	Yes	The project has been in place for over 20 years, with members of Belo Horizonte feeling empowered by having the chance to change their city.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Every year the participation rate is growing.

12. Estonia – Democratic Proposals

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	Citizens were able to propose methods to increase democracy in Estonia after a period of political scandals in both government and the judiciary. The campaign drew over 1500 proposals. The top 15 ideas voted by the e-participation campaign were presented to parliament. 7 of these ideas have been adopted into Estonian law, with another 4 having modified or combined other laws. [50]
Increased representativeness	Yes/No	3000 people participated, but there is no data on the demographics.[51]
Engaged youth	Unknown	No Data
Ensured a learning process	Yes	Following political scandals, this was seen as a learning process for the Estonian government to improve the democratic framework in the country through e-participation.
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	Citizens could submit proposed changes to Estonia's electoral laws, political party law and other issues related to the future of democracy in Estonia. However, outside of this, citizen participation was limited.
Increased political legitimacy/trust	Yes	Views are generally positive. Interviewees fully believed that this could enhance Estonia's democracy. [52]
Kept citizens' faith in the crowdsourcing method to	Yes	Generally, citizens have viewed the campaign in a positive manner. [53]

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[49] Ibid

[50] https://democracyoneday.com/2013/08/14/enhancing-estonias-democracy-through-rahvakogu/

[51] http://www.citizens.is/portfolio/estonian-laws-changed/

[52] https://democracyoneday.com/2013/08/14/enhancing-estonias-democracy-through-rahvakogu/

[53] http://www.citizens.is/portfolio/estonian-laws-changed/

enhance democracy		

13. Finland – Road Traffic Rules

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	Citizens could propose topics online that they wanted to address concerning road traffic rules. In addition to this, participants could upload problem pictures concerning road safety, and other attachments online, that needed to be addressed by the government.
Increased representativeness	No	There were only 26 women versus 278 men in the pool of participants.[54]
Engaged youth	No	The youngest age group of 26-34 years only represented 21% of the total participatory group. The rest were over the age of 34. [55]
Ensured a learning process	Yes	Participants found the campaign educational as it gave insight into not only policy debate but also dialogue with other opinions. The government report stated 'What is clear is that the crowd is definitely not stupid'. The government also included a 'what we learnt' section – which includes legitimacy and scalability lessons. [56]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The report suggests that a number of interesting and innovative ideas were proposed on the wisdom of the crowd. [57]
Increased political legitimacy/trust	Yes	People valued the fair and inclusive nature of e-participation, more so than the concrete policy outcomes.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Citizens generally had a positive opinion about the democratic potential of crowdsourcing legislation.[58]

14. New Zealand – New Flag

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	Citizens had the ability to choose on 'What does NZ stand for?' by submitting and voting on flag designs.
Increased representativeness	Yes	Over 10,000 flag designs submitted from a wide range of

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[54] https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/tuvj_1+2014.pdf, page 70.

[55] Ibid, page 42

[56] Ibid, page 74

[57] Ibid

[58] See the full report: https://www.eduskunta.fi/FI/tietoaeduskunnasta/julkaisut/Documents/tuvj_1+2014.pdf

		backgrounds
Engaged youth	Unknown	No Data on age demographics.
Ensured a learning process	Unknown	No Data
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	Hidden creativity was able to come to light.
Increased political legitimacy/trust	Yes/No	The referendum was met with wide-spread criticism. Critics stated that there were much more important issues at hand, such as the under-funded public education system. [59]
Kept citizens' faith in the crowdsourcing method to enhance democracy	Unknown	No Data

15. Belgium – Crowdfunding.Gent (in Dutch)

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes/No	Citizens can create a project that they want funding for in their city – to which the city can fund up to 75% of the cost. Citizens are encouraged, in this regard, to create their own projects. 37 projects have been funded. [60]
Increased representativeness	Yes	The projects are submitted by a diverse group of citizens – ranging from artistic projects to child-day centres. [61]
Engaged youth	Yes	A number of the projects funded have been created by people aged 18-30, many of whom are students.[62]
Ensured a learning process	Unknown	No Data
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The rationale of the project is for the wisdom of the crowd to create projects and request funding.
Increased political legitimacy/trust	Unknown	No Data
Kept citizens' faith in the crowdsourcing method to enhance democracy	Unknown	No Data

[59] http://www.nzherald.co.nz/flag-debate/news/article.cfm?c_id=1500876&objectid=11444912

[60] https://crowdfunding.gent/nl/

[61] *Ibid*

[62] https://stad.gent/werken-ondernemen/nieuws-evenementen/studenten-bouwen-apps-voor-de-stad

16. Slovenia – I suggest to the Government

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The scheme allowed citizens to enter open debate on different government proposals and suggest innovative reforms to which public officials from various government ministries can respond and consider. The consideration and response elements to this scheme enhanced citizens role in policy-making.[63]
Increased representativeness	Yes	The scheme received suggestions from engineers, lawyers, students, and others. The scheme was open to all, and hundreds of requests were made.
Engaged youth	Unknown	No data on age demographics.
Ensured a learning process	Yes	The two-way exchange of information allows both citizens and governments to learn from each other.
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The online platform allows citizens and groups to make suggestions of any nature to the government. [64]
Increased political legitimacy/trust	Yes	The rationale of the scheme was to prevent corruption and offer government transparency. It has been hailed as increasing governmental trust.[65]
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Due to corruption scandals, the crowdsourcing and e-participation scheme was generally be viewed favourably in enhancing democracy. [66]

17. Latvia – Open Government

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	Citizens of Latvia can directly influence the agenda of the parliament through proposing and voting on different initiatives. Two of these initiatives have become law in Latvia.[67]
Increased representativeness	Yes/no	Over 35,000 signatures have been received, however no concrete demographics are given. [68]
Engaged youth	Unknown	No demographic data.

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[63] http://predlagam.vladi.si/

[64] *Ibid*

[65] https://books.google.be/books?id=tMgEuqDNSbwC&pg=PA249&lpg=PA249&dq=Slovenia+predlagam+vladi+si&source=bl&ots=7L4P7rbUEv&sig=02pM8EiWwhrKsWiHKhKwGlBoWfw&hl=en&sa=X&ved=0ahUKEwic6d3rm-nOAhWFExoKHaOWAkoQ6AEIWTAH#v=onepage&q&f=false

[66] https://joinup.ec.europa.eu/community/epractice/case/slovenian-portal-allows-citizens-participate-government-decision-making

[67] http://www.opengovpartnership.org/country/latvia

[68] http://www.opengovpartnership.org/sites/default/files/Latvia%20OGP%20IRM%20Public%20Comment%20%28Eng%29.pdf

Ensured a learning process	Yes	The Latvian Government has extended the Open Government policy plan until 2030 due to the positive feedback on the scheme. They have introduced action plans to learn from previous open-government initiatives. [69]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The user interface and relaxed conditions allowed innovative ideas to be proposed. The rationale behind the scheme was to gain the 'wisdom of the crowd' on policy matters.
Increased political legitimacy/trust	Yes	The positive reviews and active participation in the initiative demonstrate an increased sense of political trust.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	The report states that opinions of citizens have generally been favourable towards the project.[70]

18. Germany – Maerker Brandenburg (no)

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes/no	Citizens of Brandenburg are able to notify the state of infrastructure problems in the area. Brandenburg officials then respond with how they are going to address the issue. [71]
Increased representativeness	Yes	Over 50,439 issues have been submitted on the platform. [72]
Engaged youth	Unknown	No Data
Ensured a learning process	Yes	
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes/No	The rationale behind the scheme is to submit issues, rather than proposals for policy.
Increased political legitimacy/trust	Yes	The state is resolving issues put forth by its people, through a traffic-light system. This increases political trust.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Many issues have been fixed for citizens. [cite]

19. Germany – Essen-soll-leiser-werden (no)

Potential	Results	Explanation
Enhanced citizens participation in	Yes	Citizens of Essen could put forward suggestions on a 'noise action plan'. The city included a number of these suggestions

[69] http://www.opengovpartnership.org/country/latvia

[70] http://www.opengovpartnership.org/sites/default/files/Latvia%20OGP%20IRM%20Public%20Comment%20%28Eng%29.pdf

[71] https://maerker.brandenburg.de/sixcms/detail.php?template=startseite

[72] *Ibid*

policy-making		in the plan itself.
Increased representativeness	Yes	1,800 suggestions across Essen
Engaged youth	Unknown	No Data
Ensured a learning process	Unknown	No Data
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The rationale behind the scheme was to gain suggestions from the wisdom of the crowd on how to tackle noise pollution.
Increased political legitimacy/trust	Yes	The city implemented a considerable amount of the 1800 suggestions.
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Many suggestions were implemented

20. U.S. – Challenge.gov

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	U.S. citizens can challenge various proposals by the government and submit solutions to problems in the proposals.[73]
Increased representativeness	Yes/No	More than 700 proposals have been submitted on the site from 80 different federal agencies, concerning different policy issues, and with a wide field of participation.[74]
Engaged youth	Yes	Many students and young people have won awards on the scheme. [75]
Ensured a learning process	Yes	The Obama administration deem the project a success, and has continued its operation for over 5 years. [76]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The scheme allows for innovative solutions to complex problems, with cash-incentives for winners.
Increased political legitimacy/trust	Yes	Improving government awareness of social problems and ensuring citizen participation has increased political trust.[77]
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Citizens have hailed the service as innovative, citing that they feel with time and effort they can contribute to the challenges that the U.S. government face.[78]

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[73] https://www.challenge.gov/about/

[74] https://psmag.com/why-science-should-be-crowdsourced-sometimes-b6a106738c14

[75] https://fcw.com/blogs/lectern/2016/08/kelman-challenge-lift-off.aspx

[76] Above n 57

[77] http://www.cbs.dk/files/cbs.dk/mergel_et_al-2013-public_administration_review.pdf

[78] https://fcw.com/blogs/lectern/2016/08/kelman-challenge-lift-off.aspx

21. U.S. – We, The People.

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	The platform allows for U.S. citizens to voice issues and concerns. If the issue or concern reaches 25,000 signatures in 30 days, the White House responds to the issue. Petitions that gain over 100,000 signatures are given a presidential review. [79]
Increased representativeness	Unknown	No Data
Engaged youth	Unknown	No Data
Ensured a learning process	Unknown	No Data
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The rationale of the scheme is for individuals to collectively engage the government on issues that concern the people.
Increased political legitimacy/trust	Unknown	No Data
Kept citizens' faith in the crowdsourcing method to enhance democracy	Unknown	No Data

22. California – Probate legislation.

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	California state citizens were able to experiment in drafting a piece of probate legislation. A 'wikispace' platform was used, which allowed people to log in, make changes to the bill, offer suggestions and self-police their own work. The crowdsourced bill was approved by the California Assembly. [80]
Increased representativeness	No	There were only 63 revisions and 49 comments, and it is presumed that these represent probate lawyers.[81]
Engaged youth	No	The assemblyman hoped to engage those that worked with probate legislation – we can imply that this does not include the youth.
Ensured a learning process	Yes	The assemblyman that set the success of the scheme demonstrates new potential for citizen engage, and stated that it is 'not unreason to allow citizens to craft some of our bills'.[82]

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[79] https://petitions.whitehouse.gov/

[80] http://www.govtech.com/internet/California-Experiments-with-Crowdsourced-Legislation.html

[81] David Orozco 'The use of legal crowdsourcing to achieve Legal, Regulatory and Policy objectives'.

[82] Above n 64.

Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The rationale was to gain wisdom from people that did not affiliate with special interest groups or capital lobbyists – but rather engage those that work with probate legislation.
Increased political legitimacy/trust	Unknown	No Data
Kept citizens' faith in the crowdsourcing method to enhance democracy	Unknown	No Data

23. Boston – Youth Participatory Budgeting

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	Young people in Boston aged 12-25 are able to post their suggestions on how to spend $1 million of the Boston city budget. The posts are then proposed and put up for a vote to those aged 12-25. The results of the vote are made legally binding. [83]
Increased representativeness	No	Only those aged 12-25 could contribute, thereby disqualifying all out of this age bracket. 68% of the votes were from 14-19 year olds. [84]
Engaged youth	Yes	This was only open to youth (aged 12-25). [85]
Ensured a learning process	Yes	This scheme has been running for three years. This programme has allowed both the youth to understand more about politics, and the council to understand the issues concerning the youth of today.[86]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The schemes active participation in schools and youth websites have ensured the maximum participation of the youth to post innovative ideas. The rationale was to gain the wisdom of the youth, on what they believe the money should be invested in.
Increased political legitimacy/trust	Yes	The feedback has been very positive, with participants stating it is great to be recognised and be more 'hands-on' in the community. [87]
Kept citizens' faith in the crowdsourcing method to enhance democracy	Yes	Student deemed the crowdsourcing method as having a positive impact on the Boston area, and conveyed the feeling of value. Additionally, participants voiced that they hoped to be involved with the projects up until the stage of implementation.[88]

[83] https://youth.boston.gov/youth-lead-the-change/

[84] http://scholar.harvard.edu/files/grillos/files/pb_boston_year_1_eval_0.pdf

[85] *Ibid*

[86] http://www.participatorybudgeting.org/boston/

[87] *Ibid*, page 23.

[88] *Ibid*

24. Mexico – Crowdsourcing Constitution

Potential	Results	Explanation
Enhanced citizens participation in policy-making	Yes	Mexico City residents (around 20 million residents) can petition for issues to be included in the constitution through the platform change.org. If their petition gathers more than 10,000 signatures, they are invited to make their case in person to the council.[89]
Increased representativeness	No	300 kiosks have been placed throughout the city so that those without internet access can participate. In addition to this, submissions posted have ranged from students to blue-collar workers and professionals. [90]
Engaged youth	No Data	No concrete demographic data concluded.
Ensured a learning process	Yes	The mayor of Mexico city has hailed the project as 'the best idea', citing it is 'democratic, innovative and progressive'.[91]
Ensured innovative ideas for policy-making based on the wisdom of the crowd	Yes	The rationale behind the scheme is to 'make peoples proposals the law of the land'. [92]
Increased political legitimacy/trust	Unknown	N/A (still being implemented)
Kept citizens' faith in the crowdsourcing method to enhance democracy	Unknown	N/A (still being implemented)

25. Austria: Digital Agenda Vienna[93]

Potential	Result	Explanation
Enhanced citizens participation in policy-making	Yes	Citizens were invited to propose ideas which services they wished the city would provide
Increased Representativeness	Yes	Principle of Inclusion – With the idea of asking citizens to contribute to a better working of their city online no distinction is made between people of different education, origin and revenue as the Internet is accessible to

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[89] http://qz.com/662159/mexico-city-is-crowdsourcing-its-new-constitution-using-change-org-in-a-democracy-experiment/

[90] *Ibid*

[91] http://qz.com/662159/mexico-city-is-crowdsourcing-its-new-constitution-using-change-org-in-a-democracy-experiment/

[92] http://fusion.net/story/298572/how-mexico-city-is-using-the-internet-to-crowdsource-its-new-constitution/

[93] www.digitaleagenda.wien

		everyone.
Engaged youth	Unknown	No Data
Ensured a learning process	Unknown	No Data
Ensured innovative ideas for policy-making based on wisdom of the crowd	Yes	Within a short period of time 172 creative ideas were proposed by a group of 400 participants.
Increased political legitimacy/trust	Yes	The number of registered users increased to more than 600 in the second phase when the draft strategy was discussed.
Kept citizens' faith in crowdsourcing method to enhance democracy	Yes	Those ideas were further discussed in working groups and subsequently put online for discussion.

26. United Kingdom: Open Government Manifesto

Potential	Result	Explanation
Enhanced citizens participation in policy-making	Yes	The UK Open Government Network (OGN) heard from over 250 members of civil society on their priorities for reform
Increased Representativeness	Unknown	Online + Workshops
Engaged youth	Unknown	No Data
Ensured a learning process	Yes	Citizens learnt about policy-making
Ensured innovative ideas for policy-making based on wisdom of the crowd	Yes	Participants were questioned about their priorities for reform and were therefore *concerned* individually
Increased political legitimacy/trust	Yes	This Manifesto contained 28 proposals for ambitious commitments civil society wanted to see included, and have provided a basis for discussion between interested parties from government and civil society
Kept citizens' faith in crowdsourcing method to enhance democracy	Unknown	No Data

27. United Kingdom: You Decide – Participatory Budgeting

Potential	Result	Explanation
Enhanced citizens participation in policy-making	Yes	Citizens were asked to allocate money from the central council budget for public services
Increased Representativeness	Yes	Given the diverse demographics in the neighbourhood, the Council reached out to people from all backgrounds to give them the experience of participation, and to learn from it.
Engaged Youth	Unknown	No Data

Ensured a learning process	Yes	By getting involved in the process, residents also engaged with the local area, local services, voluntary organisations, and politics generally.
Ensured innovative ideas for policy-making based on wisdom of the crowd	Unknown	No Data
Increased political legitimacy/trust	Yes	The process was developed in its second year to give more time for structured deliberation, and participants took on increasing responsibility for how and where resources should be spent.
Kept citizens' faith in crowdsourcing method to enhance democracy	Yes	Though interest wavered at the start, citizens bought into the process much more once they fully understood how it worked.

A key starting point to develop a pilot crowdsourcing initiative is to identify an appropriate area of EU competence. To this end, an assessment has been carried out to:

- Identify EU competences which are considered by citizens to be of most concern to the EU (based on the Eurobarometer).
- Identify policy areas of most concern to citizens themselves (based on research by ECAS).
- Review other areas of EU competence to assess if they: concern citizens' day-to-day lives; involve issues which are easily understandable by a wide cross-section of citizens; and/or legislate matters on which citizens may have valuable 'wisdom' which may not otherwise be captured by decision-makers

The Eurobarometer indicates that immigration, terrorism, the economy, public finances, unemployment and crime are the most important issues facing the EU.

- Based on the assessment, the following six areas have been identified as preliminary candidates for a crowdsourcing pilot:
- Employment and Social Policy (broadly linked to 'unemployment', 'economic situation', 'cost of living' and 'pensions');
- Development Cooperation and Humanitarian Aid;
- Freedom, security and justice (includes 'immigration' and 'terrorism' – which are currently the top concerns of Europeans – but also 'crime'): to focus on fundamental rights and equality, excluding security and free movement of persons;
- Aspects of Environment (linked to 'environment' and 'climate change'); and
- Education, Training and Youth

A. Employment and Social Policy

III.   Legal Framework

1. European employment, social affairs and equal opportunities policies aim to improve living conditions by promoting employment, sustainable growth and greater social cohesion. The EU seeks to increase employment and worker mobility, improve the quality of jobs and working conditions, inform and consult workers, combat poverty and social exclusion, promote equal opportunities and combat discrimination, as well as modernise social protection systems.

2. The legal authority for employment and social policy in the EU stems from the Treaty on the Functioning of the European Union (TFEU) – Articles 45-55 (workers), Articles 145-164 (employment). Regarding employment, in accordance with Article 145 TFEU Member States and the Union shall develop a

coordinated strategy for employment to promote a skilled, trained and adaptable workforce as well as labour markets that are responsive to economic change.

3. The TFEU provides that employment and broad economic policy guidelines are to be adopted by the Council to guide Member States' policies. Generally the EU provides guidelines and recommendations for minimum standards or goals in employment. However, the EU also issues directives on specific issues (such as working time hours, and health and safety issues).

II. Suitability for crowdsourcing

Advantages and opportunities

4. Areas of Social Policy provide numerous candidate target areas that would greatly benefit from the wisdom of the crowd. Aside from the fact that most people have opinions and interest in these areas as shown by the Eurobarometer, most individuals also have direct experience with these issues. This could contribute to better EU law making as envisaged with a crowdsourcing initiative.

5. Further, social policy is characterised by both highly specific categories as well as broad policy considerations. The subject areas are also generally accessible in that they do not require highly technical knowledge. For example:

   a) Guidelines for employment policies (Council Decision 2015/1848/EU) – which set out a direction for the Member States' employment policies in order to achieve the Europe 202 strategic objectives.

   b) Long term unemployment Council recommendation (proposal) (COM(2015) 462) – which sets out concrete proposals for Member States to consider in re-integrating the long term unemployed.

   c) Working Time Directive (2003/88/EC) – which seeks to establish a set of minimum rights to all workers with respect to rest periods and working hours.

   d) Council Directive 90/269/EEC on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers (fourth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

Potential Drawbacks

6. The possible drawbacks of this area may be that certain issues would be highly polarized politically or that aspects of health and safety would need to be verified by scientific or medical expertise.

7. From a procedural point this area may also encounter challenges since the EU does not have exclusive competence for this area.

III. Conclusion on Employment and Social Policy

8. Employment and Social Policy could be a good candidate for a pilot project in crowdsourcing and digital democracy. Aside from being less technical in nature, it is of high interest to the public and further the public is likely to have relevant wisdom to contribute. As employment and social policy touches on the day-to-day aspects of life, citizens are likely to have direct experience with the issues, and thus be able to assist in informing legislation.

B. Development Cooperation and Humanitarian Aid

III. Legal Framework

9. The foundations of development cooperation and humanitarian aid are laid down in Title III TFEU. Development cooperation and humanitarian aid are both shared competences of the Union listed by Article 4 TFUE.

10. Development cooperation and humanitarian aid must "*be conducted within the framework of the principles and objectives of the Union's external action*" and be consistent with the operations carried by the United Nations.[94] The two competences are thus based on broadly similar principles, although development cooperation gives priority to "*the reduction and, in the long term, the eradication of poverty*",[95] while humanitarian aid intends "*to provide ad hoc assistance and relief and protection for people in third countries who are victims of natural or man-made disasters*".[96]

11. Regulations and directives are not typically adopted by the EU. Instead the Commission publishes EU policy agendas and programmes which take the form of reports, communications, decisions and international agreements.

12. With regard to development cooperation, the EU typically adopts communications on a policy level in each sector[97] which has been identified as requiring sustainable development in order to (i) reach the objectives set out in the agenda and (ii) spend efficiently the budget of the European Development Fund (*EDF*), financed by direct contributions of Member States (both of which are renewed

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[94] Article 208 TFEU for development cooperation and article 214 TFEU for humanitarian aid.

[95] Article 208 TFEU.

[96] Article 214 TFEU.

[97] These sectors concern mainly: governance, human rights, education, equality, children, health, climate change, water, energy, forests, fisheries, agriculture and rural development, food security, transport, communication, tourism and migration.

approximatively every six years).[98] The following instruments give an idea of the actions taken by the EU.

a) A partnership agreement (Cotonou Agreements) between the members of the African, Caribbean and Pacific Group of States (*ACP*) and the EU signed in 2000, aimed at reducing poverty and developing a framework for cooperation in the field of economic, social and cultural development. It also created the EDF itself.

b) A communication on "The future approach to EU budget support to third countries". This Commission policy paper presents an approach to make EU's budget support more effective and efficient in delivering development results by strengthening contractual partnerships with developing countries.

13. In relation to <u>humanitarian aid</u>, the Directorate General for Humanitarian Aid and Civil Protection (*ECHO*) is in charge of ensuring humanitarian aid and civil protection depending on the needs and interests of the victims of humanitarian crises across the world. In addition to the creation of a Civil Protection Mechanism to tackle the needs arising from a conflict or disaster, such as the Ebola epidemic, the following legislation was adopted:

a) Council Regulation governing the implementation of all EU operations providing humanitarian assistance to victims whose own authorities are unable to provide effective relief.

b) Council Decision establishing a Civil Protection Financial Instrument to finance rapid response and preparedness measures for major emergencies.

c) Communication on a "European Consensus on Humanitarian Aid" in which the Commission presents the principles of a future EU consensus on humanitarian aid, with the aim of increasing the effectiveness of aid by ensuring the complementarity of the EU's and its Member States' actions.

II. Suitability for crowdsourcing

Advantages and opportunities

14. Areas of development cooperation and humanitarian aid provide a number of candidate areas that would greatly benefit from the wisdom of the crowd in particular in relation to binary choices and budget allocation issues. A number of policy areas do not appear to require highly technical knowledge to develop the legislative instruments. There may also be particular motivational advantages given the moral angle to many of the aims – such as fighting poverty – and given that this area reflects the EU's

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[98] The total financial resources of the 11th EDF amount to €30.5 billion for the period 2014-2020.

influence in the world.[99] Citizens' input on the elaboration of the agendas in relation to cooperation development and the allocation of the budget according to which countries need most support, and which sectors should be given priority, could thus be valuable for the EU and also represent a genuine interest to EU citizens.

Potential Drawbacks

15. Development cooperation and humanitarian aid do not directly impact the welfare or day-to-day lives of EU citizens since the actions in these competences relate to third countries. In addition the policies often implement United Nations' policy[100] and require a high degree of coordination with Member States' policies to ensure consistency. Lastly, in respect of development cooperation the agenda and budget of the EDF are determined for a certain period. This means that citizens' input would be most valuable at the time the agenda and budget are fixed – the next opportunity will likely be in 2020.

III. Conclusion on Development Cooperation and Humanitarian Aid

16. Involving people in the competencies of cooperation development and humanitarian aid appears feasible. It may be most appropriate to apply a crowdsourcing initiative to the adoption of policy agenda and the allocation of budgets as they are implemented through straightforward communications or decisions, which do not require highly complex expertise or knowledge in order to provide meaningful input.

C. Justice

III. Legal Framework

17. The Directorate General of Justice (*DG JUST*) covers two shared competences of the EU: (i) freedom, security and justice (which includes fundamental rights) and (ii) free movement of persons which is one of the four freedoms of the internal market. They are closely interrelated since the area of freedom, security and justice was created to ensure the implementation of the free movement of persons and to offer a high level of protection to citizens.

18. Freedom, security and justice derives from Title V TFEU (Articles 67-89). It includes the fight against crime (terrorism, organised crime, cybercrime, sexual exploitation of children, human trafficking, illegal drugs, etc.). It also covers policy areas from the management of the EU's external borders to judicial cooperation in civil and criminal matters and police cooperation. For instance :

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[99] According to Eurobarometer, the Union's influence in the world is the seventh topic which is the most important for citizens.
[100] See UN Millennium Development Goals for instance.

- Regulation (EU) No 1215/2012 (known as the 'Brussels I regulation') – aims to make the circulation of judgments in civil and commercial cases easier and faster within the EU, in line with the principle of mutual recognition of jurisdiction.

- [Regulation (EU) No 513/2014](#) – establishes, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management.

19. Fundamental rights are enshrined in the Charter of Fundamental Rights and secondary legislation has been adopted to ensure their respect. For example:

- Council Directive [2000/43/EC](#) – implements the principle of equal treatment between persons irrespective of racial or ethnic origin.

20. The foundations of EU citizenship and free movement of persons are laid down in Part I TFEU (Articles 18-25 and 45-48). The secondary legislation which is most used and interrogated before the Court of Justice is :

- Directive [2004/38/EC](#) which lays down the conditions for the right of free movement and residence (both temporary and permanent) for EU citizens and their family members within the territory of the Member States.

II. Suitability for crowdsourcing

Advantages and opportunities

21. First, the EU could benefit from people's wisdom in the areas of freedom, security and justice and free movement of persons because they are accessible areas for citizens. People experience free movement of persons during their studies, holidays or in their jobs. It impacts their day to day lives. EU citizens are thus familiar with the rules, which may make it easier for them to input with helpful ideas.

22. Second, the areas of freedom, security and justice and free movement of persons impact consumer welfare, (indirectly for the former and directly for the latter) because: (i) living in a territory where justice is guaranteed and which upholds fundamental rights is of paramount importance for citizens; and (ii) free movement of persons impacts EU citizens' choices as to where they want to consume, live, study, spend holidays or retire.

23. Lastly, it is likely that people would want to get involved in the policies that could be developed within these competences. With regard to freedom, security and justice, people's input could be valuable in terms of the "new emerging fundamental rights" in the age of Internet, such as the right to be forgotten

– recently recognised by the Court of Justice[101] – the protection of personal data and the scope of privacy. EU citizens' input on how they envision the regulation of such rights would help the EU institutions to fill the existing legislative gaps in that regard. People could also assess international agreements in the light of democratic values, such as accountability and transparency, and give guidance on whether the EU should join the ECHR.[102] It must also be noted that, according to the Eurobarometer, EU citizens think that the most important issues facing the EU are immigration and terrorism. Lastly, out of the four successful European Citizens' initiatives, one was about recognising and promoting the right to water and sanitation.[103]

24. In relation to free movement of persons, the fact that EU citizens can study, live, work and retire in any EU country is one of the rare tangible benefits of being an EU citizen. They can thus easily identify the advantages and drawbacks related to the free movement of persons. It would also be interesting to know if EU citizens enjoy the free movement of persons, which is often defined as a burden from a political perspective (such as in the UK).

Potential Drawbacks

25. Although citizens care about their security, it is unlikely to be a suitable topic for a crowdsourcing initiative given the sensitivity of the issues involved and potentially strong divergence of views between Member States. Similarly the topic could give rise to political tensions between the Commission and the Member States.

26. Outside of fundamental rights, any involvement in the area justice requires a technical knowledge of the law and an understanding of the interactions between different jurisdictions. This is highly technical and there be limits of the value of 'crowd' input.

27. Free movement of persons – is also highly politicised. It may also be noted that the Court of Justice has historically been very active in enforcing EU citizens' rights.

III. Conclusion on Justice

28. The participation of citizens in the areas of freedom, security and justice and free movement of persons would be recommended. However it may be most appropriate to exclude security and free movement of persons, which both trigger political and complex issues. Rather, focusing on fundamental rights and

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[101] Court of Justice of the European Union (*CJUE*) (Grand Chamber), C-131/12 *Google Spain and Google* of 13 May 2014.

[102] This would be interesting especially following the Court of Justice opinion which refuses such access. See CJUE (Full Court), Opinion 2/13.

[103] For more information on this European Citizens' initiative, see http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/2012/000003

equality could be a better and achievable option as it would allow people to offer their own ideas at an early stage, is not too technical and has a tangible impact on people's day to day lives.

D. Immigration

III. Legal framework

29. In accordance with Article 4 TFEU, immigration falls under a shared competence. The department for migration and home affairs (**DG HOME**) is responsible for the Commission's policies on citizenship, migration and home affairs.[104]

30. The EU is working to develop:

- Common minimum standards and procedures for asylum seekers;
- A coherent EU immigration policy that takes advantage of the opportunities offered by legal immigration, while tackling the challenges of irregular immigration;
- Partnerships with the countries of origin and of transit in order to better organise legal immigration and curb irregular immigration; and
- Improve security through better external border controls, while making it easier for those with a right to enter the EU to do so.

31. In order to establish these objectives, the EU has adopted a number of legislative tools, for instance:

- In December 2011, the Single Permit Directive 2011/98/EU was adopted. It creates a set of rights for non-EU workers legally residing in an EU-State. In 2014, two additional Directives were adopted, on the conditions of entry and residence for seasonal workers[105] and intra-corporate transferees.[106]

- In September 2015, the Commission put forward a comprehensive package of proposals aiming to address the refugee crisis that EU Member States and neighbouring countries are facing, including by tackling the root causes making people seek refuge in Europe. The Commission proposed a structured solidarity mechanism which can be triggered any time by the Commission to help Member State experiencing difficulties with their asylum systems.[107]

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[104] For more details: visit http://ec.europa.eu/dgs/home-affairs/index_en.htm.

[105] Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers *OJ L* 94, 28.3.2014, p. 375–390.

[106] Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment *OJ L* 155, 18.6.2009, p. 17–29.

[107] For an overview: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/2_eu_solidarity_a_refugee_relocation_system_en.pdf

- Its most recent legislation dates back to September 2016 and concerns a communication from the Commission (COM (2016) 636 final) containing the sixth report on relocation and resettlement.

II. Suitability for crowdsourcing

Advantages and opportunities

32. First, in accordance with the Eurobarometer, immigration is the most important issues facing the EU. People are thus interested in immigration policies and in the current migration crisis.

33. Second, this is a sphere which is accessible when it comes to micro-aspects related to fundamental rights and equality.

Potential drawbacks

34. First, immigration and asylum is a highly complex topic. Careful attention must always be given to a multitude of policies that deal with the international and local effects of immigration – from employment and education, to trade and all economic portfolios, to foreign affairs. New policy developments, such as the Global Approach to Migration and Mobility (*GAMM*), exemplify how immigration spills over into other, critical areas such as development aid and even maritime policy.[108] Hence, any crowdsourcing initiative in this respect would not necessarily have a concrete impact.

35. Second, as a consequence, there are many direct stakeholders with vastly diverging interests.[109] For instance, at the April 2014 EU-Africa summit, migration was one of the top subjects on the agenda; a range of issues – from human trafficking to opportunities for legal migration – were discussed. A crowdsourcing initiative is rarely a suitable platform for diplomatic and coherent input.

36. Third, the EU's immigration and asylum policy is highly politicized. Newspapers report daily on the EU's challenges ranging from the short-term need to respond to maritime migration in the Mediterranean, through to the long-term questions about Europe's future as a diverse, competitive society.[110] It seems thus difficult for a crowdsourcing initiative to have an impact when time is at a premium.

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[108] For more details, see E. Collett, "*The development of EU policy on immigration and asylum – rethinking coordination and leadership*", Migration Policy Institute, Policy Brief Series, March 2015, issue 8.

[109] *Ibid*.

[110] For instance, The Guardian, "Brexit: *Theresa May prioritises immigration curbs over single market*", the Guardian 2 October 2016, available at https://www.theguardian.com/politics/2016/oct/02/brexit-theresa-may-prioritises-immigration-curbs-over-free-movement.

37. Fourth, reforming the immigration and asylum working practices is fraught with difficult choices, including moral and ethical choices. At a time where the EU is confronted with crisis and instability, a number of citizens might be motivated by irrational security concerns created by highly sensationalized media, and lose sight of the 'bigger picture' to create new reforms.

38. Fifth, legislative change in the immigration and asylum policy has reached a natural plateau, and the next phase of policy will need to be far more focused on soft diplomacy negotiations, practical cooperation, and ensuring that policies agreed at EU level, are implemented effectively (and with sufficient capacity) at national level. This phase might require too much diplomatic engagement and expertise to be suitable for a crowdsourcing initiative.

39. Sixth, the EU currently lacks the resources to effect real change, both within the EU as well as with third countries.

III. Conclusion on Immigration

40. Citizens care significantly about immigration, however this area is unlikely to be suitable for a crowdsourcing pilot project given the sensitivity of the issues and the strong divergence of views between the Member States. Similarly the topic could give rise to political tensions between the Commission and the Member States.

41. Further, it is difficult to foresee how the wisdom of the crowd could initiate concrete changes in the area of immigration. Immigration is interlinked with many policy fields, it still lacks an EU coordinated and comprehensive approach and any suitable proposal must account for changing economic and labour market realities, while understanding the nuances of demographic change.

E. Education, Training and Youth

III. Legal Framework

42. The Member States are responsible for their own education and training systems and, in accordance with Articles 165 and 166 TFEU, the EU supports, coordinates and complements the Member States' actions. In order to improve the Member States' education systems and to allow them to learn from each other, the EU sets common objectives and shares best policy practices, through secondary legislation. The common goals are now fixed in the ET 2020:

- Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training (*ET 2020*) established (i) strategic objectives (making lifelong learning and mobility a

reality; improving the quality and efficiency of education and training; promoting equity, social cohesion and active citizenship; and enhancing creativity and innovation) and (ii) concrete benchmarks to measure the progress made towards these objectives (at least 20% of higher education graduates should have spent a period of study or training abroad; school dropout rates should be reduced to less than 10%; at least 40% of young adults should complete higher education; and the share of 15-year-olds with insufficient abilities in reading, maths and science should be less than 15%).

43. The EU has also developed a number of programmes and processes, such as:

- Regulation (EU) No 1288/2013 of 11 December 2013 establishing Erasmus+ which aims at boosting people's personal development and job prospects by supporting people to study, train, gain work experience or volunteer abroad. The overall budget allocation is **EUR 14.775 billion** over the 2014-2020 period.

- Bologna Declaration of 19 June 1999 – Joint declaration of the European Ministers of Education – aims at creating a system of academic degrees that are easily recognisable; promote the mobility of students, teachers and researchers; and ensure high-quality learning and teaching. The process is not imposed on national governments or universities. Instead, it is an intergovernmental, voluntary undertaking by each signing country to reform its own education system. The Bologna process has been a success in regional cross-border cooperation in higher education.

II. Suitability for crowdsourcing

Advantages and opportunities

44. First, people are highly interested in education given its importance in terms of securing employment and building a future. According to the Eurobarometer, EU citizens consider "unemployment" as one of the most important issues facing the EU at the moment. Further, ECAS anonymous online poll among 40 young participants at the European Youth Event (*EYE*) 2016 reveals that education was one of the preferred policy for a crowdsourcing experience. A few European Citizens' initiatives have been launched in these areas. One of them, which was not successful, concerned the introduction of a European Solidarity Fund to create new jobs especially for young people.[111] People are thus likely to have ideas about how to reach the EU objectives set out in the ET 2020 or even about the next common goals on which the Member States should give priority.

45. Second, education is an accessible sphere in which the EU is very active on a policy level. Furthermore the budget of certain programmes is high, meaning that people's suggestions are likely to have a

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[111] For more information on this initiative see: http://ec.europa.eu/citizens-initiative/public/initiatives/obsolete/details/2014/000002

concrete impact on education systems and employment. Young people, and also parents, could give guidance on how to ensure equal opportunities in education and employment (EU Youth Strategy) and decide, for instance, to initiate a common legal framework on internships in the EU institutions. Hence, it is a field where EU citizens can be creative.

Potential Drawbacks

46. The areas of education, training and youth are likely to trigger an interest from specific groups (e.g. students, employees who want to work abroad, unemployed persons). Moreover, the effects of the policies adopted are limited because most of the actions taken are intergovernmental commitments, as it is an EU support competence. An efficient implementation would thus depend on the willingness of the Member States.

47. More importantly, most of the policies and objectives have been established for a certain period. Hence the best moment to involve the public would be when the EU is in the process of adopting new joint goals for education (i.e. in 2020).

III. Conclusion on Education, Training and Youth

48. The areas of education, training and youth are potential candidates for a crowdsourcing project pilot. The wisdom of the crowd, could contribute on a policy level and on the allocation of budgets between the various programmes. Although the EU only has a support competence, its high level of involvement shows that there are possibilities to provide meaningful input, especially for the adoption of the next ET 2020. Lastly, young people, who are the most concerned by these areas, are also the most likely to participate in a crowdsourcing digital democracy initiative.

F. Environment

III. Legal Framework

49. The overall objectives of the EU as set out in Article (3) TFEU aim at achieving the *"sustainable development of Europe"* which underlines the importance of the environment in EU law. The primary legal authority for the environment in the EU is derived from Articles 11 and 191 to 193. The EU is competent to act in all areas of environment policy, such as air and water pollution, waste management and climate change. The EU's scope for action is limited by the principle of subsidiarity and the

requirement for unanimity in Council in the fields of fiscal matters, town and country planning, land use, quantitative water resources management, choice of energy sources and structure of energy supply.[112]

50. The EU's environmental policy objectives aim at preserving, protecting and improving the quality of the environment; protecting human health; prudent and rational utilisation of natural resources; and promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change. The EU's policy is based on the precautionary principle and on the principles that preventative action should be taken whereby environmental damage should be rectified and the polluter should pay. The EU seeks to harmonise environmental measures across the EU bloc that are aimed at securing a high level of protection while also taking into account the diverse regions in the EU.

51. The EU has implemented over 200 pieces of environmental legislation (in the form of Directives, Regulations, Decisions and Recommendations) covering all sectors of the environment. Additionally the EU has implemented measures addressing environmental impact assessments, access to environmental information, public participation in environmental decision-making and liability for environmental damage.

52. Since 1973, the Commission has issued multi-annual Environment Action Programmes (*EAPs*) setting out forthcoming legislative proposals and goals for EU environment policy. The concrete measures are then adopted separately.

II. Suitability for crowdsourcing

Advantages and opportunities

53. EU environmental legislation could benefit from input from public participation. Indeed Council Decision 2005/370/EC of 17 February 2005 on the conclusion of the Convention on access to information, public participation in decision-making and access to justice in environmental matters aims to keep citizens informed about environmental matters and fostering public participation in decision-making which affects the environment.

54. There are some aspects of EU environmental legislation that could benefit from the wisdom of the crowd such as the setting of environmental policies and agendas. The environment features relatively highly on the Eurobarometer illustrating the public's interest in policies that affect the environment and climate change and a potential willingness to engage in setting environmental policies and strategies. For example the general public could set of the EAP that guides EU environmental policy. The 7th EAP is

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[112] For further information see here: http://www.europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_5.4.1.html

currently due to guide policy until 2020 and therefore it might be possible to have public participation in respect of the 8th Environment Action programme.

55. Additionally, the environment could encourage public participation certainly in respect of the 'Ideas' phase of the EU legislative process. There are a number of European Citizen initiatives that have been launched in the area of environment such as the successful "Water and sanitation are a human right! Water is a public good, not a commodity!",[113] as well as two open initiatives "People4Soil: sign the citizens' initiative to save the soils of Europe!"[114] and "STOP PLASTIC IN THE SEA".[115]

Potential Drawbacks

56. Much of the EU legislation to protect the environment is extremely technical, in that it sets detailed technical and scientific standards for all sectors of the environment. There are thus limits to public involvement in the drafting of legislation.

57. From a procedural point this area may also encounter challenges since the EU does not have exclusive competence for this area. Additionally, action at an EU level is curtailed with the requirement for unanimity in Council in the fields of fiscal matters and therefore there are limits to public engagement in respect of budgetary matters.

III. Conclusion on Environment

58. EU environmental law is unlikely to be a suitable candidate to have significant involvement of the general public given the highly technical and scientific nature of much of the body of legislation. That being said, people are concerned about the policies and strategies that affect environment and climate change, that it may be possible to involve the wisdom of the crowd in the setting of the EU's environmental strategies and agenda's such as the EAP or indeed at the 'ideas' phase of the legislative process.

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[113] For further information see here : http://ec.europa.eu/citizens-initiative/public/initiatives/successful/details/2012/000003
[114] For further information see here : http://ec.europa.eu/citizens-initiative/public/initiatives/open/details/2016/000002
[115] For further information see here : http://ec.europa.eu/citizens-initiative/public/initiatives/open/details/2015/000003

Annex 5: Civil Society Partnership for an EU Crowdsourcing Pilot: Towards an Engaged EU Citizenship

Join Us!

- European Citizen Action Service (ECAS), Belgium
- Institute for Electronic Participation (INePA), Slovenia
- Stichting Netwerk Democratie, the Netherlands
- Science for You (SciFY), Greece
- ManaBalss.lv, Latvia
- Open Ministry, Finland
- Démocratie Ouverte, France
- The Democratic Society (Demsoc), UK
- Citizen Participation Forum, Bulgaria