

EU public consultations in the digital age: Enhancing the role of the EESC and civil society organisations

STUDY



European Economic and Social Committee



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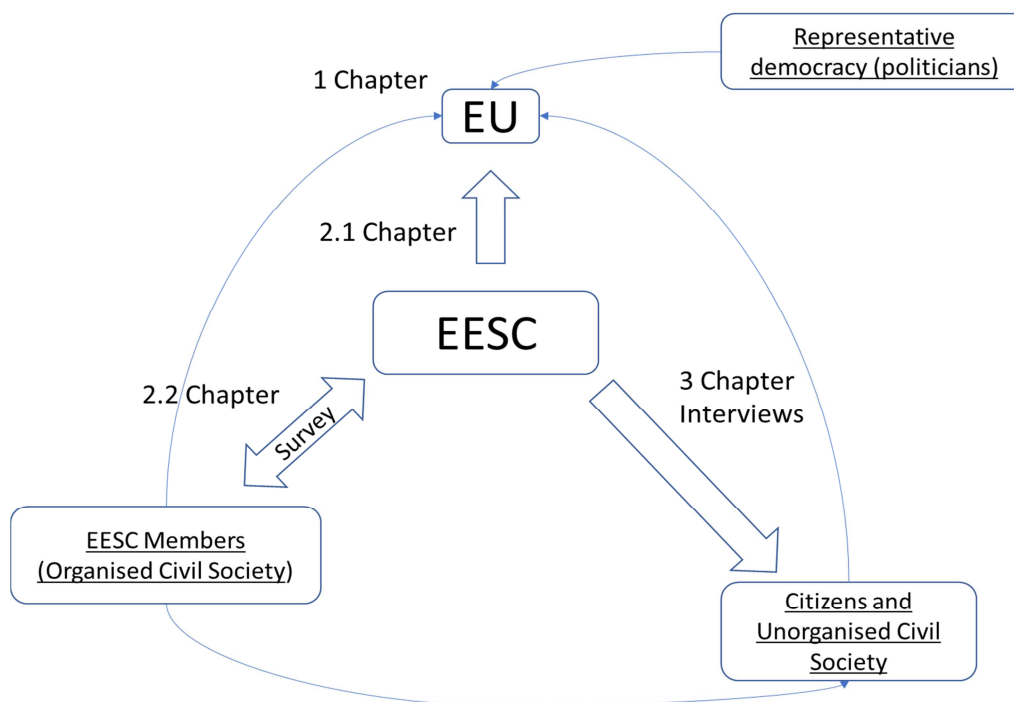
Executive Summary

EU online public consultations are used as a tool to foster transparency at EU level and offer an opportunity to both civil society and European citizens to participate in the EU decision-making process. They are generally run by the European Commission, which tries to legitimate its actions and reduce the democratic deficit by taking into account the opinions of stakeholders and citizens.

In EU online public consultations, the exercise is facilitated by the use of Information and Communication Technology (ICT), which allows stakeholders and citizens to directly express their opinions on specific topics and engage in an interactive dialogue. As a consequence of the potential for new technologies to enable more direct participation and foster citizens' civic engagement at EU level¹ without the intervention of intermediary or representative organisations, civil society organisations are called upon to rethink their traditional role as mediators between citizens and EU institutions. In the case of EU online public consultations, however, they can still play a crucial role in improving the consultation processes.

The present study aims to provide an analysis of current consultation practices at the European Commission as well as to examine the potential of the European Economic and Social Committee (EESC) as an intermediary body in reaching out to citizens. The study is divided into three main chapters.

Figure 1: Methodology



¹ Koc-Michalska, K., Lilleker, D. G., Vedel, T., "Civic political engagement and social change in the new digital age", op. cit., p. 1807.

The **first chapter** is composed of two main parts. The first part describes the purpose of consultations, how they have been defined and how they have evolved over time, particularly regarding EU online public consultations. We also determine the Minimum Standards by which to judge if a consultation can be considered successful on the basis of the most recent 2015 Guidelines for EU online public consultations. The second part of the first chapter is an assessment of the current reality of EU consultations on the basis of the criteria in the Minimum Standards outlined in the first part. We have thoroughly examined consultations from the past three years (2014-2016) based on what is currently available on the so-called single access point ‘Your Voice in Europe’². As such, we identify the three main challenges in EU online public consultation processes, namely: accessibility, representativeness and feedback mechanisms. Following this assessment, we proposed several recommendations for the improvement of this tool to the European Commission. The Commission should:

- Provide translations of consultations in more languages;
- Increase the timeframe for participation in consultations launched during the summer or holiday seasons;
- Ensure the dissemination of consultation information and questionnaires on other webpages, and not only the single access point;
- Gather more details of the participants (age, gender, nationality, etc.) to monitor the representativeness of consultations;
- Make the publication of individual contributions and executive reports, with clear explanations of the impact of the contributions on EU decision-making, a mandatory procedure.

The **second chapter** examines the current role of the EESC and the influence civil society organisations can have in EU online public consultation processes in order to improve them. We assessed the results of a survey completed by 71 Members of the EESC, which gathered their opinions on three main issues: the potential outreach of the organisation, the use of Information and Communication Technology (ICT) and finally, the use of ICTs and social media for EU online public consultations. CSOs should:

- Learn how to better exploit new technologies to enhance members’ awareness of and participation in EU online public consultation processes;
- Be more involved in the preliminary stage of consultation processes to make this instrument more accessible to their members and the wider public in general;
- Act as mediators of consultation processes, eg. disseminating information and knowledge, as they are experts on specific EU policy issues and can help citizens shape opinions.

In the **third chapter**, we build further upon the insights and challenges identified in the previous chapters, analysing the results of interviews with four external experts. In this chapter, we explore the ways in which the EESC could provide added value to EU online public consultation processes. The integration of quantitative and qualitative findings from all of the chapters leads us to identify the final recommendations and conclusions for the EESC in this chapter.

² During the development of this study, the ‘Your Voice in Europe’ website has been replaced by https://ec.europa.eu/info/consultations_en

The EESC should:

- Provide technical and subject-matter briefing/support to CSOs whenever a new public consultation is launched, to allow CSO outreach to citizens;
- Stimulate CSOs to empower citizens to participate in EU online public consultations;
- Promote/support the use of digital tools as decision-making methods in CSOs;
- Use its credibility as a champion of traditional participatory democracy to advocate for random sampling as the future method to ensure representativeness of both 'organised' and 'unorganised' civil society;
- Play a facilitative role in deliberative processes regarding moderation and content/technical support;
- Advocate and set the agenda for mandatory consultation processes;
- Monitor the Commission's feedback to consultation processes and call out failures to deliver adequate feedback.

1. Chapter: EU Public Consultation

1.1 State of the Art

1.1.1 Why consultations matter

The European Commission's EU Citizenship Report 2017 *Strengthening Citizens' Right in a Union of Democratic Change*, states the importance of enhancing citizens' engagement in the EU democratic process³. It highlights the EU is founded on representative democracy, which implies several features such as transparency, accessibility, political accountability, a solid electoral system and an informed and engaged electorate. Furthermore, it clearly recognises that citizens' participation in policy-making is not only about voting at elections but also about playing an active role in the political life by engaging with EU institutions and holding them to account.

According to the Organisation for Economic Co-operation and Development (OECD), representative democracy is based on the interactions between the government and the citizens. Already in 2001, the OECD's *Citizens as Partners: OECD Handbook on Information, Consultation and Public Participation in Policy-Making* stressed that governments should foster interactions with citizens in order to improve public policy, increase trust in the government and to complement and strengthen democracy as a whole⁴. There are three practical ways in which these interactions can take place: information (one-way relationship), consultation (two-way relationship) and participation (advanced two-way relationship).

'**Information**' refers to the transparency of a government and the communication of regulatory decisions to the public, who plays a passive role in the process, while in '**participation**' governments offer stakeholders an active role in regulatory development, implementation and/or enforcement⁵. The focus of this study will be on the middle way between the two, specifically **consultation**, which refers to the process where a "government asks for and receives citizens' feedback on policy-making". Consultations involve actively pursuing the opinions of stakeholders and engage with them in a two-way communication process, which may take place at any stage of regulatory development and objective is to facilitate the drafting of better quality regulation⁶.

The OECD has recently created the so-called 'Better Life Index' (Graph 1) to measure the well-being of societies not only by wealth but also by looking at other aspects, such as the balance between work and the rest of our lives. The Index involves citizens in this debate, and takes into consideration how

³ European Commission, *EU Citizenship Report 2017. Strengthening Citizens' Rights in a Union of Democratic Change*, 2017. [online] Available at http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=51132 [February 2017].

⁴ Gramberger M., *Citizens as Partners: OECD Handbook on Information, Consultation and Public participation in Policy-making*, OECD Publishing, Paris, 2001, p. 18-19. [online] Available at <http://www.internationalbudget.org/wp-content/uploads/Citizens-as-Partners-OECD-Handbook.pdf> [consulted on February 2017].

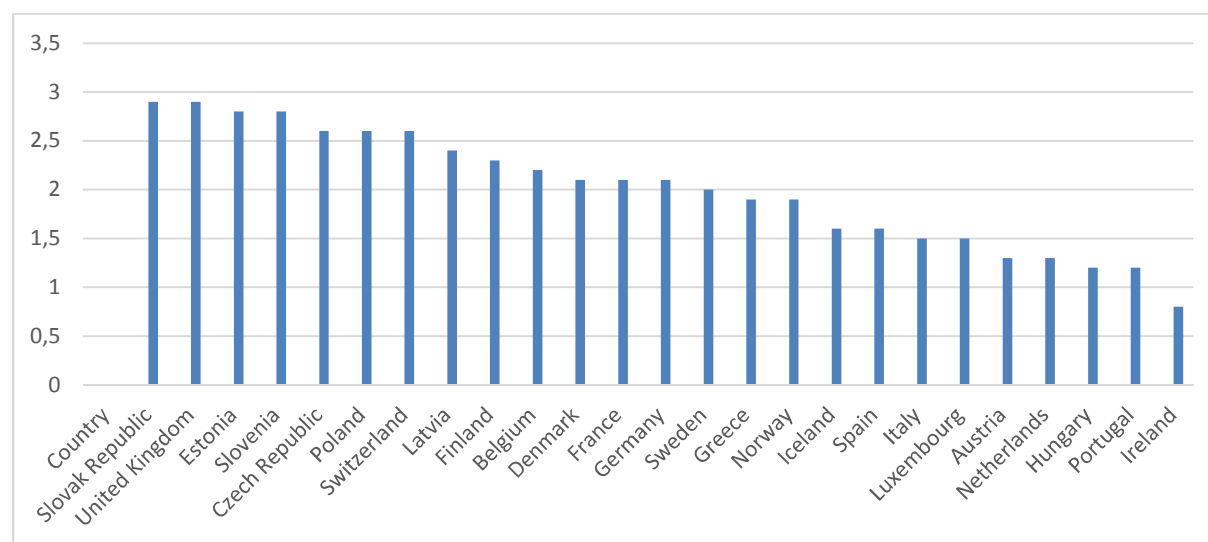
⁵ Rodrigo D., Andrés Amo P., *Background Document on Public Consultation*, OECD, Regulatory policy Division, Public Governance and Territorial Development Directorate, 2005. [online] Available at <https://www.oecd.org/mena/governance/36785341.pdf> [consulted on February 2017].

⁶ *Ibidem*.

to empower them to become more informed and engaged in policy-making processes⁷. Therefore, one of 11 topics of well-being included in the OECD's Better Life Index is 'civic engagement', which takes into consideration two separate indicators: 'voter turnout' (percentage of the registered population that voted during an election) and 'stakeholder engagement for developing regulations', which includes consultation methods and elements such as openness, transparency and feedback mechanisms.

'Stakeholder engagement for developing regulations' measures how far a national government engages with stakeholders when developing primary laws and subordinate regulations and is calculated as the simple average of these two composite indicators.

Graph 1: Better Life Index Edition 2016 – Civic Engagement –Stakeholder Engagement for Developing Regulation⁸



Data extracted on 07 Feb 2017 14:43 UTC (GMT) from OECD.Stat

It is now commonly recognised that it is important to take decisions with public support and that public engagement promotes public trust in government institutions. Furthermore, if citizens can participate in the development of laws and regulations, it is more likely they will comply with the rules⁹. For these reasons, the variety of stakeholder engagement techniques have been increasing

⁷ Oecdbetterlifeindex.org, 'What is the Better life Index?'. [online] Available at <http://www.oecdbetterlifeindex.org/about/better-life-initiative/#question2> [consulted on February 2017].

⁸ The indicator is calculated as the simple average of two composite indicators (covering respectively primary laws and subordinate regulations) that measure four aspects of stakeholder engagement, namely i) systematic adoption (of formal stakeholder engagement requirements); ii) methodology of consultation and stakeholder engagements; iii), transparency of public consultation processes and open government practices; and iv) oversight and quality control that refers to existence of oversight bodies and publicly available information on the results of stakeholder engagement. The maximum score for each of the four dimensions/categories is one and the maximum aggregate score for the composite indicator is then four. The stakeholder engagement indicator has been computed based on responses to the 2014 OECD's regulatory indicators survey, where respondents were government officials in OECD countries.

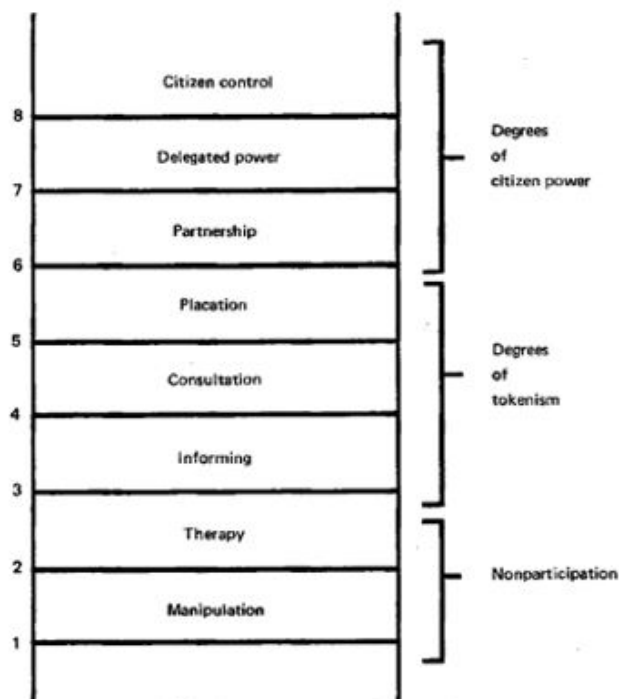
⁹ Oecdbetterlifeindex.org, *Civic Engagement*. [online] Available at <http://www.oecdbetterlifeindex.org/topics/civic-engagement/> [consulted on 24 February 2017].

worldwide and keep developing and the OECD envisions that the spread of Information and Communication Technology (ICT) will reinforce this trend¹⁰.

As previously mentioned, the OECD's measurement of stakeholder engagement includes how national governments apply consultations methods in policy-making. There is a wide variety of national practices around consultation processes, as each government is free to decide not only how to conduct consultations but also how to take citizens' opinions on board in their decision-making processes.

In 1969, Sherry R. Arnstein included 'consultations' in her well-known Ladder of Participation:

Figure 2: Eight Rungs on a Ladder of Participation (1969) – S.H. Arnstein



One of the main points of the ladder is to show that different gradations of citizens' participation can help policy-makers understand how to meet expectations when there are high demands for participation and results. In Arnstein's ladder, 'consultations' hold a fairly low position, which means it is not very likely to empower people in policy-making processes. In her words: "When [consultations] are proffered by powerholders as the total extent of participation, citizens may indeed hear and be heard. But under these conditions they lack power to insure that their views will be heeded by the powerful. When participation is restricted to these levels, there is no follow through, no 'muscle', hence no assurance of changing status quo¹¹."

¹⁰ OECD, *Regulatory Policy in Perspective: A Reader's Companion to the OECD Regulatory Policy Outlook 2015*, OECD publishing, Paris, October 2015, p. 121. [online] Available at http://www.keepeek.com/Digital-Asset-Management/oecd/governance/regulatory-policy-in-perspective_9789264241800-en#_WLaMw_yuM8#page1 [consulted on February 2017].

¹¹ Arnstein S. R, 'A Ladder of Citizen Participation', *Journal of the American Institute of Planners*, Vol. 35, No.4, July 1969, p. 217 [online] Available at <http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html> [consulted on February 2017].

More recent experts support a stronger definition of ‘consultation’, for example, the Consultation Institute (TCI), based in the UK since 2003, has adopted the following: “Consultation is the dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views, with the objective of influencing decisions, policies or programmes of action.”¹²

TCI considers a consultation to be a tool for a more evidence based approach when taking decisions by widening dialogue and the necessity of listening to different voices of our society. Most importantly, consultations are a two-way process that is meant to have a certain impact on policy-making.

Tomkova (2009), whilst studying participation methods through electronic means, also highlighted the same point by stating that “the raison d’être of consultations is to affect formal (institutional) political and decision-making processes”¹³. She distinguishes five types of public consultations:

- Question and answer discussion forums
- Online Polls (eg. EU public consultations, includes methods such as ‘e-polls’ and ‘e-surveys’)
- E-petitions
- E-panels
- Editorial consultations

According to Tomkova’s analysis and review of the literature, it is difficult to understand what influence consultations actually have on policy-making processes and to what extent they generate substantial civic engagement. Although there is potential for consultations to provide several benefits such as improving cost-effectiveness, contributing to civic education and informed policies, her conclusion is that consultations are ‘ambiguously’ integrated in policy-making processes and represent most of the time “more facades for political correctness than new meaningful instruments for civic engagement”¹⁴.

¹² Jones R., Gammel E., *The Art of Consultation: Public Dialogues in a Noisy World*, Biteback Publishing Ltd., London, 2009, p. 4.

¹³ Tomkova, J., ‘E-consultations: New tools for civic engagement or facades for political correctness?’, *European Journal of ePractice*, No. 7, March 2009, p. 46 [online]. Available at <https://joinup.ec.europa.eu/sites/default/files/91/da/cc/ePractice%20Journal-Vol.7-March%202009.pdf> [consulted on February 2017].

¹⁴ *Ibidem*

1.1.2 A brief history of EU Public Consultations

The European Commission's First Vice-President Frans Timmermans said: "Transparency and consultation are at the heart of our efforts to produce better regulation for better results. Since taking office 18 months ago we have thrown open our decision-making process and consult at all stages with those who have to deal with EU rules. Stakeholders will now be able to give their views for the first time on delegated and implementing acts, before they are adopted by the Commission."¹⁵

It has been a long-standing tradition for the European Commission to consult external experts and interest groups on its legislative proposals, especially in order to gather the support of stakeholders. However, the EC's consultation regime has evolved in time and according to Quittkat and Finke (2008) they are identifiable under three different generations of EU-society relations, each of which have a distinctive profile: 'consultation', 'partnership' and 'participation' ¹⁶.

The first generation was focused on the efficient implementation of Community policies in the context of the European economic integration. The EC reached out mainly to trade unions and several European federations of associations through rather informal consultation methods such as bilateral or multilateral meetings and specific hearings.

The second generation, starting from the mid-80s, refers to the moment in which the EC established more consistent dialogue with European partners. Consultations were institutionalised and extended to new actors in order to broaden and deepen societal involvement. There was also an effort to increase transparency and access of EU documents in the different stages of policy processes.

The third generation was developed in the framework of the EC's 2001 White Paper on European Governance, which recognised that "*the quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation*"¹⁷". The White Paper also committed to establishing and publishing minimum standards for consultation on EU policy, which was only one of the ways it showed the willingness to strive for more openness, transparency, accountability and inclusiveness. In this context, the EC introduced online consultations as a new tool to reduce costs of information dissemination and feedback collection and to improve the outreach to civil society organisations, stakeholders and even citizens.

¹⁵ Europa.eu, *Better regulation: Commission offers new opportunities for stakeholders to participate in the law-making process*, European Commission Press release, 1 July 2016. [online] Available at http://europa.eu/rapid/press-release_IP-16-2378_en.htm [consulted on February 2017].

¹⁶ Quittkat C., Finke B., 'The EU Commission consultation regime' in Kohler-Koch B., Bièvre D. and Maloney W (edited by), *Opening EU-governance to civil society: gains and challenges*, Mannheim, 2008, (CONNEX Report Series 05). [online] Available at http://www.ssoar.info/ssoar/bitstream/handle/document/19538/ssoar-2008-quittkat_et_al-the_eu_commission_consultation_regime.pdf?sequence=1 [consulted on February 2017].

¹⁷ Ec.europa.eu, 'European Governance: A White Paper', COM 428 final, 2001, p. 10. [online] Available at http://ec.europa.eu/europeaid/sites/devco/files/communication-white-paper-governance-com2001428-20010725_en.pdf [consulted on February 2016].

The European Commission defined the minimum standards for consultations in 2002¹⁸ and since then there is an organised apparatus which allows participation in the process of EU lawmaking and aims at making the EU more transparent, accountable and effective.

The Treaty of Lisbon consolidated the importance of consultations in Article 11 of the Treaty on the European Union (TEU): “the European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union’s actions are coherent and transparent”. Protocol No. 2 on the application of the principles of subsidiarity and proportionality annexed to the Treaty strengthens this also by stating that “before proposing legislative acts, the Commission shall consult widely” and publish consultation documents whenever appropriate.

Today stronger principles on EU consultations are defined in the 2015 “Better Regulation Guidelines” and the toolbox which accompanies it, the “Stakeholder Consultation Tools”.

1.1.3 What Minimum Standards for online EU public consultations

An EU consultation is defined as a “formal process by which the Commission collects input and views from stakeholders about its policies”. It is the tool used to broaden interaction with stakeholders mainly in the process of a policy initiative’s preparation or evaluation or in the implementation of an existing intervention.

The stakeholder consultation guidelines establish the **four general principles** which should be adhered to in the relations with stakeholders:

- **Participation**
- **Openness and Accountability**
- **Effectiveness**
- **Coherence**

In addition to these principles, there are **five additional Minimum Standards** consultations should respect:

- **Clarity**
- **Targeting**
- **Publication**
- **Consultations period**
- **Feedback**

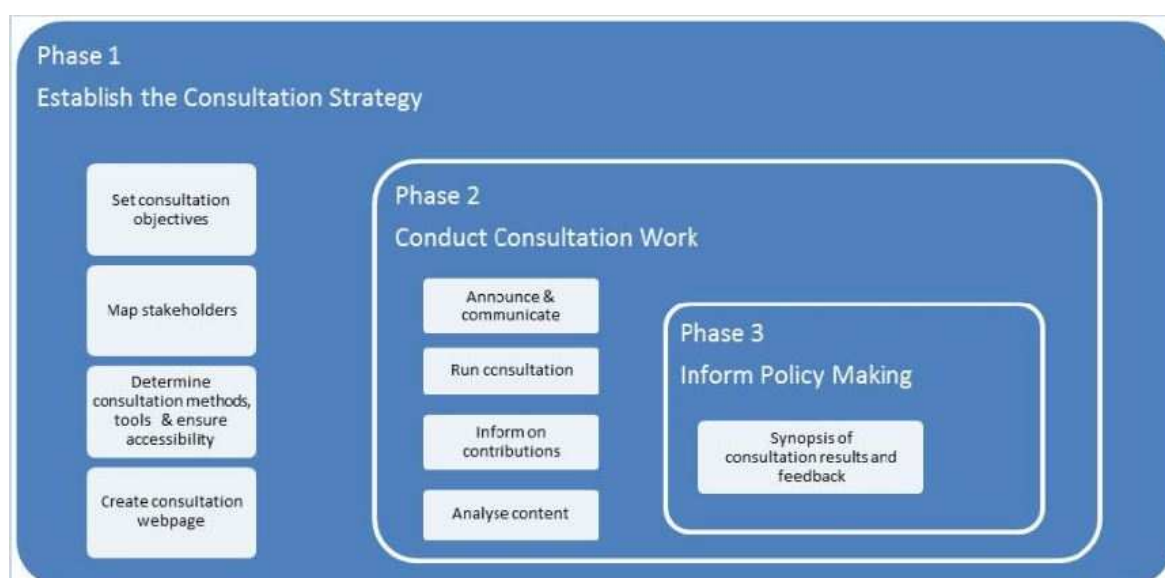
¹⁸ Ec.europa.eu, ‘Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission’ [online] Available at http://ec.europa.eu/governance/docs/comm_standards_en.pdf

Specifically, open public online consultations are launched systematically by the European Commission and they are mandatory for:

- Initiatives subject to impact assessments;
- Initiatives subject to evaluation and fitness checks;
- Green papers (policy discussion documents).

There are several other ways of consulting stakeholders which are not Internet-based (public hearings, events, focus groups etc.) and other documents on which stakeholders should give feedback on, such as roadmaps for evaluations and fitness checks, draft delegated/implementing acts and legislative or policy proposals by the College. **However, for the purpose of this study we will focus only on the use of the EU's open public online consultations as a tool for the initiatives mentioned.**

Figure 3: The interacting phases and key steps of the consultation process¹⁹



Each consultation should have a tailor-made strategy defined based on each specific case and it has to be endorsed by the inter-service group (ISG), who is in charge of verifying if it is in line with the relevant requirements. If the ISG has not been set up then it is up to the Directorate-General to run it through the Secretariat General, who is also the ultimate responsible for launching all consultations on the portal ‘Your Voice in Europe’.

The following five minimum standards are used by the EC to assess success or failure of EU consultations.

¹⁹ European Commission, *Commission Staff Working Document: Better Regulation Guidelines*, SWD 111 final, 2015. [online] Available at http://ec.europa.eu/smart-regulation/guidelines/ug_chap7_en.htm [consulted on February 2017].

Clarity

Content and communication of the consultation must always be up-to-date, clear, concise and include all necessary information to enable the participation to it. The clear communication of the objectives and expected outcomes of the consultation contribute deeply to the transparency of the whole process and will “avoid mismatched expectations from the responding target groups”.

Targeting

An important part of the strategy is to “identify or map the stakeholders groups that should be consulted”, especially when using ICT tools. There are three stakeholder types:

- Directly or indirectly affected by the policy;
- Who will have to implement it;
- Who have a stated interest in the policy.

It is of good practice to also include the identification of targets groups who might run the risk of being excluded.

The DGs should pilot the consultation on people who were not involved in the drafting and who resemble the target groups. It is important from them to request the personal information and background of the respondents not only in order to verify if the target groups defined in the strategy have been met but also for the purpose of analysing the results of the consultation. Organisations aimed at influencing EU policy-making should be on the Transparency Register, if not they count as individual contributions.

Publication

The EC should “ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of target audiences”.

In order to implement the procedure of open consultations, the EC created a distinctive portal called ‘Your Voice in Europe’²⁰, which is supposed to be the single access point (available in all official EU languages) to all consultations and documents related to them. However, some experts have criticised the fact that the platform includes in reality just a set of links to the different DG websites²¹.

Moreover, all DGs should have a dedicated consultation page on their websites where they can publish the strategy and the planned dates of consultation activities, which should also be included in the Commission’s Consultation Planning Calendar on the ‘Your Voice in Europe’ platform.

²⁰ Ec.europa.eu., ‘Your Voice In Europe - European Commission’, 2015. [online] Available at: http://ec.europa.eu/yourvoice/index_en.htm [consulted on February 2017]. During the development of this study, the ‘Your Voice in Europe’ website has been replaced by https://ec.europa.eu/info/consultations_en

²¹ Oppen M., Mahoney Ch., Kluver H., *How to Deal Effectively With Information Overload and the Proliferation of Consultations?*, Intereuro outreach workshop, 2014. [online] Available at: <http://www.intereuro.eu/> [consulted on February 2017].

Other communication tools that can be used to publicize the consultation include: press conferences, newsletters, speeches during events, EC blogs and social media, Permanent Representations, Transparency register and other notification systems of the EC (only to subscribers), contacting interested parties, etc.

Consultations period

The EC should arrange for enough time to prepare the strategy and allow stakeholders to contribute to the consultation. Since the new guidelines in 2015, the minimum period is 12 weeks. The start of the consultation depends on a case-by-case decision for the impact assessment initiatives, evaluations and fitness checks. For the Green Papers, it must be after the adoption of the EC.

Feedback

The Feedback criterion includes three main phases:

1. Acknowledging the receipt of **contributions** and publishing them on ‘Your Voice in Europe’;
2. Publishing and displaying the **results** of the consultations on ‘Your Voice in Europe’;
3. Giving adequate **feedback** on how the results were taken into consideration in the policy-making process.

In the first phase, the guidelines mention that it is ‘best practice’ to send an acknowledgement of receipt to contributors and provide information on when the contributions will be published. Best practice would be to give the acknowledgement of receipt by using the same channel (email, social media, etc) where the contribution was received,

In the second phase, the contributions received should all be thoroughly analyzed in an objective and unbiased manner. The analysis of the inputs should be complemented by a qualitative assessment and include an overview of the profiles of the respondents, their geographical distribution, the distribution by stakeholder category and distribution across other dimensions that might be relevant. (Contributions can be published with the personal data of the contributor, anonymized or not published but used for statistical purposes)

In the third phase, after the contributions and results are made public, adequate feedback should be provided to the contributors on how and to what extent their inputs were taken into consideration in the policy-making process. This should be inserted in the ‘synopsis report’ (not more than 10 pages) which should consist of 5 elements: 1) documentation of each consultation activity 2) information on which stakeholder groups participate 3) description of the results of the activities 4) description of the origin of ad hoc contributions 5) feedback on how the results were included in policy-making.

1.2 State of Play

In this section, we will describe and assess the current reality of EU consultations on the basis of criteria outlined in the State of the Art. The aim of the following study is to analyse the data on EU open public consultations launched between 2014 and 2016 (Annex 1) by the different European Commission's DGs and stored on the EU's official online platform for public consultations 'Your Voice in Europe',²².

In particular, we will examine if some positive changes have been registered since 2015 as a consequence of the publication by the European Commission of the new Guidelines on Stakeholder Consultation²³ and whether the DGs made an effort to design their consultations in accordance with the new minimum standards and principles settled by the Commission.

We will limit our research only to the consultations held between 2014 and 2016 because of two main reasons: first, the data referred to the EU consultations carried out during the previous years is no longer available, and second, the most recent academic contributions and studies on this topic date mainly back to 2014.

Furthermore, we decided to take into consideration only the EU consultations published on the EC's internet portal 'Your Voice in Europe',²⁴ because, according to the Guidelines above mentioned, all EU consultations should be announced and made available in a transparent way on the EU official online platform for public consultations (the 'single access point')²⁵.

On the basis of the five Minimum Standards indicated by the European Commission's guidelines, we selected 13 indicators (Table 1) in order to evaluate if the consultations respect them and what are the pitfalls and limits of them. These indicators also allow both to carry out a proper comparison between the consultations launched before and after the publication of the new Commission's guidelines in May 2015 and to identify some significant improvements in the evolution process of the EU online public consultations.

²² During the development of this study, the 'Your Voice in Europe' website has been replaced by https://ec.europa.eu/info/consultations_en

²³ European Commission, *Commission Staff Working Document: Better Regulation Guidelines*, op. cit., p. 65.

²⁴ "Your Voice in Europe": <http://ec.europa.eu/yourvoice/>.

²⁵ European Commission, *Commission Staff Working Document: Better Regulation Guidelines*, op., cit. p. 65.

Table 1: Database indicators selected on the basis of the 5 Minimum Standards

Minimum Standards	Database Indicators
Clarity	<ul style="list-style-type: none"> • Language of the information relevant to the consultation • Language of the questionnaire • Language required for the replies
Targeting	<ul style="list-style-type: none"> • Respondents (Experts/Public Authorities/Citizens) • Age • Gender • Education • Geographical distribution (EU Countries/Regional and National Authorities/Non-EU Countries)
Publication	<ul style="list-style-type: none"> • Publication on other websites than the single access point
Consultation period	<ul style="list-style-type: none"> • Consultation period
Feedback	<ul style="list-style-type: none"> • Total amount of replies • Executive summary or Synopsis report • Outcomes

1.2.1 Clarity

When launching an online public consultation, the DG should create a consultation webpage on the single access point, where it should publish in a clear and concise way all the communications and information necessary to promote a wider, conscious and more transparent participation to EU online public consultations²⁶.

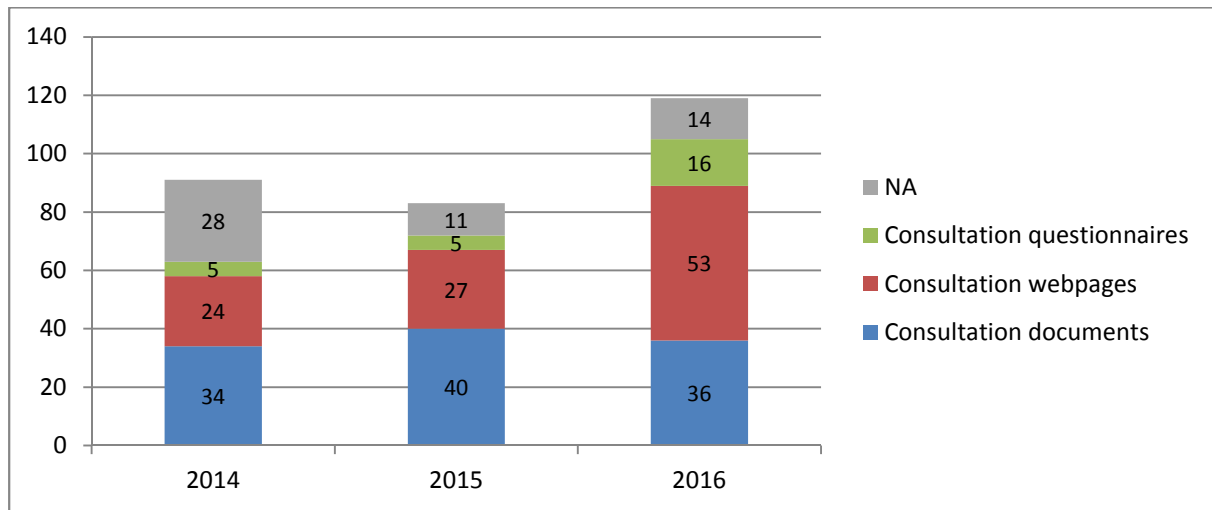
In particular, the DG responsible has to establish a consultation strategy in order to identify and clarify the main purpose of the consultation, the stakeholder categories it intends to address as well as the tools and methods used to carry out the consultation process²⁷. It should also specify both the context and the background of the consultation process and how contributions are supposed to be taken into account by the EC in order to influence the EU's decision-making process.

All this information aims at facilitating the participation to the consultation process and is usually provided on the single access point through several ways (Graph 2): in the consultation documents, in the introductory remarks of the consultation questionnaire or in the consultation description published directly on the public online consultation webpage.

²⁶ For further information, see European Commission, *Commission Staff Working Document: Better Regulation Guidelines*, op. cit., p. 69-78.

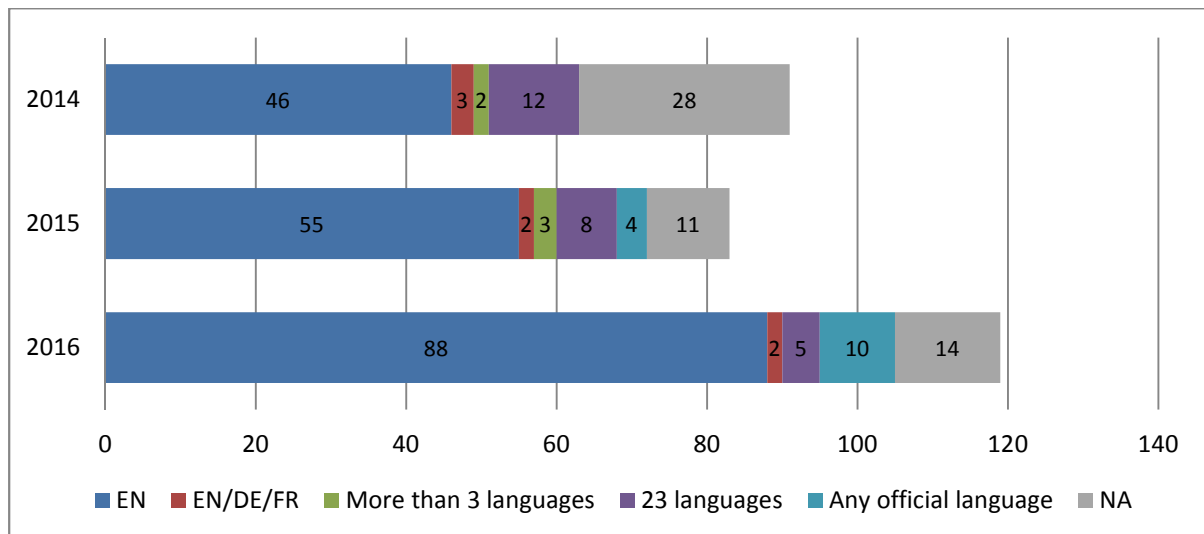
²⁷ *Ibidem*.

Graph 2: Sources of the main information related to the public online consultation



In order to evaluate the compliance of the EU online public consultations with the standard of ‘clarity’, we analysed languages in which this information is available on the single access point (Graph 3). The data indicates that most of the information on the consultations launched in 2014, 2015 and 2016 have been exclusively published in English.

Graph 3: Language of the main information available on the single access point

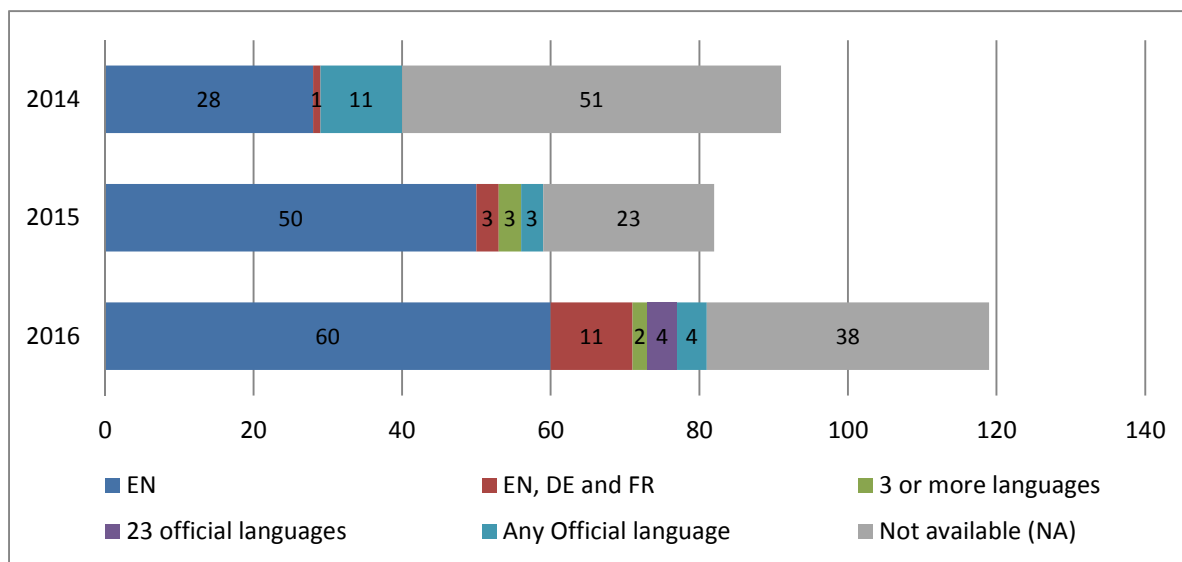


Language is an important factor not only for both clarity and transparency of the consultation process but also for the accessibility of stakeholders and citizens to it.

We also examined the languages in which the consultation questionnaires are usually published on the single access point (Graph 4), as well as the languages in which the participants are asked to submit their contributions.

From the data examined, most of the questionnaires are available in English, while only in few cases they are published at least in the three Commission working languages (EN, FR and DE).

Graph 4: Language of the public consultation's questionnaires²⁸



On the other hand, we discovered that most of the DGs provide the possibility for stakeholders to respond in any EU official language while just a few of them require the participants to answer specifically in English or in the three Commission's working languages (EN, FR, DE) in order to facilitate and speed up the analysis and feedback processes.

According to a Eurobarometer survey conducted in 2012 by TNS Opinion & Social at the request of DG Education and Culture, DG Translation and DG Interpretation²⁹, German represents the most widely spoken mother tongue in the EU (16% of the European population), followed by Italian and English (13% each), French (12%), Spanish and finally Polish (8% each). However, the most widely spoken European foreign languages are English (38%), French (12%), German (11%) and Spanish (7%). The publication of consultation documents in these languages would allow a higher participation rate by both stakeholders and citizens.

This translation operation would therefore be a useful and desirable practice that the DGs should adopt for future consultations in order to increase the participation rate in online public consultations (as confirmed by the data registered during the previous years as well) and receive feedback which is **more representative** of the wider public's opinion.

However, clarity is not only about languages available but also about how concise and clear the information and questionnaires are. These elements have not been analysed in the present study but

²⁸ The category NA indicates that the questionnaire is not available or that there is no information on the consultation webpage about the language in which the questionnaire has been provided

²⁹ Ec.europa.eu, *Special Eurobarometer 386: Europeans and their Languages*, 2012. [online]. Available at http://ec.europa.eu/public_opinion/archives/ebs/ebs_386_en.pdf [consulted on 1 March 2017].

should definitely be taken into consideration when striving for an improvement of EU online public consultations.

1.2.2 Targeting

According to the Guidelines, both the consultation documents and the questionnaires should be designed, published and communicated on the basis of the specific target groups that the online consultation is intended for. Such target groups are usually the main ones affected by or interested in the policy put under consultation or who are called upon to implement the latter.

In some cases, the DGs specify the target groups which are supposedly the main beneficiaries of the consultation but most of public online consultations are oriented towards the wider public in general, including individual citizens.

For the purpose of the present study, we identified the target groups that are usually called upon to participate in the EU online public consultation process and we classified them under three main categories (namely Expert, Public Authorities, Citizens) in order to verify whether the results obtained through the online public consultations can be considered equally representative of their interests.

The category ‘Experts’, in particular, includes different stakeholders that we grouped in three additional sub-categories on the basis of the interests they stand for:

- Entrepreneurs/Employers³⁰
- Workers³¹
- Representatives of other general interests³²

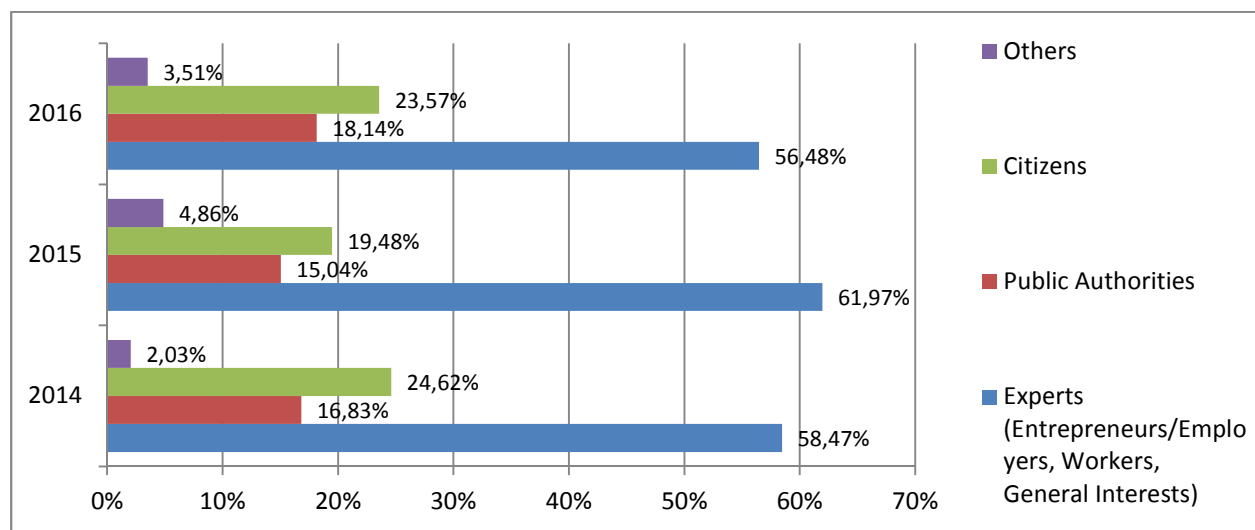
As displayed below in Graph 5, the category ‘Experts’ has registered during the past three years higher average participatory rates in EU online public consultations compared to Public Authorities and citizens.

³⁰ This sub-category includes companies and business association representatives.

³¹ Such a sub-category consists of representatives from trade unions and other professional associations.

³² This sub-category is made by representatives of consumers associations, non-profit organisations and organisations of general interest (environmental organisations, consultancies, law firms, think tank, research and academic institutions).

Graph 5: Distribution of respondents to EU online public consultations per year according to their average participatory rate



In order to better investigate the representativeness issue in the consultation process, we tried to verify whether the opinions submitted by the category ‘Experts’ reflected in a fair and balanced manner the various interests and the views of EU civil society and social partners they are called upon to represent, by analysing the participatory rate of the single Experts’ sub-categories above mentioned.

To this end, we identified a sample of 12 online public consultations launched in 2016³³ by different DGs that gathered opinions from a wide range of stakeholders. We chose these consultations because both the individual contributions and the executive summaries of the consultation process (including detailed information about the participatory rate of the various respondents) were available in detail.

From this analysis, the subcategory Entrepreneurs/Employers is more represented in the consultation process compared to the other two sub-categories. In particular, the median participatory rate registered by ‘Entrepreneurs/Employers’ is 36,2%, while the participation of ‘Workers’ is 0,35% and ‘Other general interests’ representatives’ is 16,45% (Annex 2). Although we only took into consideration 10% of the 2016 consultations, the interests of the three subcategories under ‘Experts’ do not seem to be equally represented in EU online public consultations and we recommend a more in-depth analysis on this particular point.

However, Graph 5 also shows that the category ‘Experts’ is the one with the highest participation rate in consultation processes, while the participation rate of individual citizens or Public Authorities is in most cases under 25%.

Regarding the category ‘Citizens’, participation increased in 2016 in comparison to the previous years, even if with a lower participation rate for each single consultation. In particular, during our analysis we identified some EU online public consultations launched in the past three years that

³³ The sample corresponds to 10% of the 119 EU online public consultations launched in 2016.

registered significant citizen participation rates. We tried to understand the reasons behind such results in order to identify good practises that could be adopted to promote citizen participation in EU online public consultations.

In 2014, for instance, 4 out of the 61 consultations (where results are available) received more than 80% of responses from citizens (Table 2).

Table 2: *Highest results of citizens' participation among the public consultations of 2014*

<i>DGs</i>	<i>Percentage of citizens' replies</i>
DG Internal Market: Public consultation on the contributions of credit institutions to resolution financing arrangements . The 88% of the replies submitted to this consultation were from citizens	88%
DG Environment: Quality of Drinking Water in the EU	88%
DG Environment: Consultation on the Ratification by the EU of the Minamata Convention on Mercury .	97,81%
DG Trade: Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Partnership Agreement (TTIP)	99,63%

Among these four consultations, in the one launched by DG Trade on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Partnership Agreement (TTIP), the respondents were 99.63% individual citizens.

The European Commission stated in the consultation's report that such a result was mainly due to the strategy put in place by different NGOs organisations. These NGOs supported citizens' participation by implementing specific online platforms and software directly connected to the database of the public consultation and containing pre-defined answers to the consultation's questionnaire.

It was therefore estimated that around 97% of the total amount of replies was submitted collectively and in a very short amount of time by individual respondents through these additional online tools³⁴.

³⁴ Eceuropa.eu, *Report Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Investment Partnership Agreement (TTIP)*, Directorate-General Trade, 13 January 2015. [online] Available at http://trade.ec.europa.eu/doclib/docs/2015/january/tradoc_153044.pdf [consulted on April 2017].

In 2015, five out of 56 consultations (where results are available) registered a citizens' participation rate near or higher than 80%. Among these 5 consultations, two reached a citizens' participation rate above 90%, as indicated in Table 3:

Table 3: results of citizens' participation among public consultations of 2015

DGs	Percentage of citizens' replies
DG Trade, Public Health, Environment, Enterprise, Employment and Social Affairs, Agriculture and Rural Development, Food Safety: Consultation on defining criteria for identifying Endocrine Disruptors in the context of the implementation of the Plant Protection Product Regulation and Biocidal Products Regulation.	96%
DG Environment: Public consultation as part of the Fitness Check of the EU nature legislation (Birds and Habitats Directives)	99%

The final report of the public consultation on 'defining criteria for identifying endocrine disruptors' stated that over 25,000 of the 27,000 responses received have been submitted via two NGO campaigns³⁵.

Similarly, in the case of the consultation on the 'Birds and Habitat Directives', the Commission verified that more than 12 dedicated campaigns have been organised during the consultation period from various stakeholders in order to influence the outcome of the consultation process. The two main campaigns were the *Nature Alert campaign*, organised by a consortium of environmental NGOs, and the *Aktionsbündnis Forum Natur AFN campaign*, representing agriculture, forestry, hunting and fishing interests. As in the case of the consultation held in 2014 on TTIP, both the campaigns proposed pre-defined replies in order to guide the individual respondents in the filling of the consultation's questionnaire.

The results of the consultations indicate that 505,548 respondents answered exactly as suggested by the *Nature Alert campaign*, while only 6,243 respondents replied in the way suggested by the *Aktionsbündnis Forum Natur AFN campaign*. Regarding the other 10 campaigns launched in occasion

³⁵ Eceuropa.eu, *Report on Public consultation on defining criteria for identifying endocrine disruptors in the context of the implementation of the Plant Protection Product Regulation and Biocidal Products Regulation*, Directorate-General for Health and Food Safety, 22 July 2015. [online] Available at http://ec.europa.eu/health/sites/health/files/endocrine_disruptors/docs/2015_public_consultation_report_en.pdf [consulted on April 2017].

of the same public online consultation, it was not possible to estimate how many replies they contributed to gather during the consultation period³⁶.

Finally, in 2016 only one consultation (consisting of two different and separated sections) registered a percentage of citizens' participation higher than 80%, as displayed in the following table:

Table 4: results of citizens' participation among public consultations of 2016

DGs	Percentage of citizens' replies
DG Communications Network – Content & Technology, Information Society: Public consultation on the role of publishers in the copyright value chain and on the 'panorama exception'	<p>'Role of publishers': 80%</p> <p>'Panorama exception': 92,8%</p>

In particular, around 60% of the replies submitted to the section on 'publishers'³⁷ and 45% of those ones gathered in correspondence of the section on 'panorama exception'³⁸ have been first collected through a third party website called 'fixcopyright' and then sent to the European Commission by a coalition of stakeholders.

All these examples show that both the campaigns and the strategies put in place by different NGOs and stakeholders can actually help disseminate EU online public consultations and gather a higher number of replies, especially from individuals.

However, even if the consultations listed above could register a higher percentage of replies from citizens (who are usually underrepresented in the consultation process) such results do not constitute 'the golden standard' the Commission should try to achieve in public consultations. The optimal situation would be for public consultation to have a significant amount of replies reflecting not only the point of view of citizens but also of other relevant stakeholders and of Public Authorities.

The balanced participation of citizens, experts, public authorities and other relevant stakeholders in the consultation process is indeed fundamental in order to ensure that the consultation's outcome, taken into consideration by the Commission, is representative of the different parts of society.

³⁶ Eceuropa.eu, *Executive Summary of the open public consultation on the Birds and Habitats Directives*, Directorate-General Environment. [online] Available at http://ec.europa.eu/environment/nature/legislation/fitness_check/docs/consultation/Executive%20summary%20of%20the%20Public%20consultation%20EN.pdf [consulted on April 2017].

³⁷ Eceuropa.eu, *Synopsis Report on the results of the public consultation on the role of publishers in the copyright value chain*, Directorate-General Communications Networks - Content & Technology, Information Society, p. 1. [online] Available at http://ec.europa.eu/information_society/newsroom/image/document/2016-37/synopsis_report_-_publishers_-_final_17048.pdf

³⁸ Eceuropa.eu, *Synopsis Report on the results of the public consultation on the 'panorama exception'*, Directorate-General Communications Networks - Content & Technology, Information Society, p. 1. [online] Available at http://ec.europa.eu/information_society/newsroom/image/document/2016-37/synopsis_report_-_panorama_exception_-_final_17049.pdf

Another important aspect to consider is the geographical distribution. Most of the contributions submitted to the EU open public consultations come from EU Member States, in particular from Belgium, Germany, France, United Kingdom, Italy, Austria and Spain. Moreover, a significant number of consultations received contributions also from non-EU Member States, in particular from Norway, Switzerland, Turkey, United States, Canada and Australia.

It is difficult to identify in the different European or non-European countries which target group is more inclined to participate in EU consultation processes because most of the time the executive summaries or the synopsis reports published by the DGs on their official webpages do not indicate any data about the respondents' geographical distribution and even when some relevant information is provided in this sense, it is usually referred in general to all the participants who submitted their contributions (without making any differentiation amongst target groups) or only to feedback from Public Authorities.

In 2016, for instance, only around 13% of the online public consultations published executive summaries or synopsis report with detailed information about the geographical distribution of the different target groups who took part in the consultation process.

Geographical distribution is a key element the Commission should take into account during the evaluation process of the final results in order to assess if the feedback collected via public online consultations can be considered **representative** of the entirety of the EU, a few Member States or if no representativeness is achieved at all. The final outcome of a consultation process should not end up reflecting only the dominant opinion of certain Member States but be one that includes all EU Member States³⁹.

Finally, the questionnaires published by the various DGs do not contain usually any question aimed at identifying the age, the gender or the educational background of the individuals who participated in the consultation process. The data used for the present study shows that consultations held in 2016 registered slight improvement in the number of DGs which asked participants to provide details about their age and gender, while the information requested on their level of education remains very low and stationary (1 per year).

For this reason, it is not possible to infer from the data available what the average age or gender is for the majority of citizens who participate in online EU public consultations and their specific educational background.

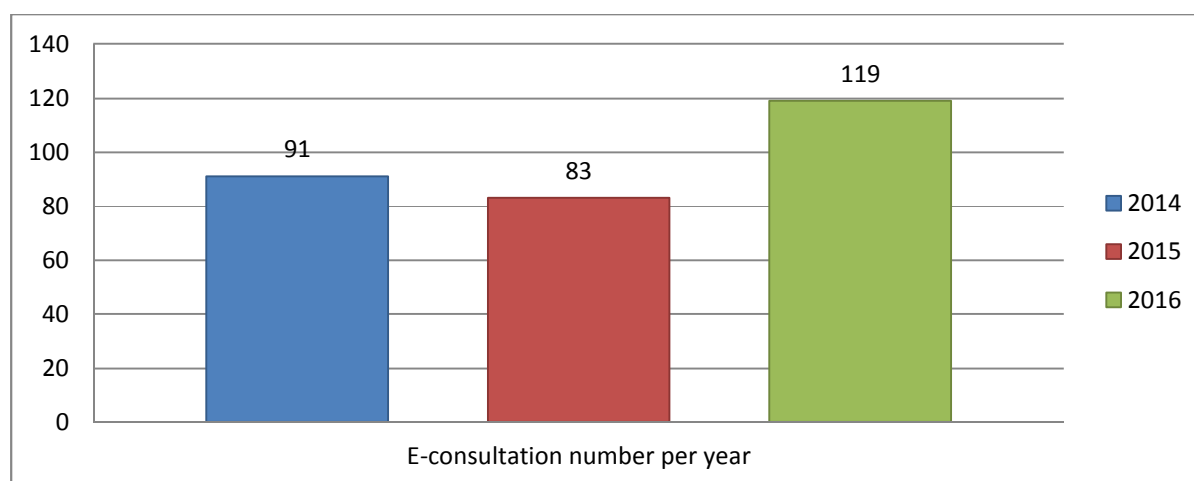
³⁹ In particular, such an issue has been highlighted in the final report published in 2016 by DG Employment, Social Affairs and Inclusion on the ex-post evaluation of the European Social Fund 2007-2013, where it has been stated that “*the results [of the questionnaire] might not be representative for all EU Member States. And that Italy, Spain and Germany [...] are dominant in the response*”. For further information, see Ec.europa.eu, *Analysis and Summary of the Public Consultation for ESF 2007-2013 Ex-post Evaluation*, Directorate-General for Employment, Social Affairs and Inclusion, May 2016, p. 18. [online]. Available at file:///C:/Users/Ecas.ECAS/Downloads/Public%20consultation%20for%20ESF%202007-2013%20110716_tc.pdf [consulted on 5 May 2017].

These indicators would allow us to understand general representativeness across demographic characteristics, such as the participation rate of young citizens to consultation processes, gender balance and education gap.

1.2.3 Publication

The EU Commission's guidelines state that open public consultations should be published on internet and announced at the 'single access point', without excluding the use of other communication tools. From the data available on the webpage 'Your Voice in Europe',⁴⁰ the number of consultations launched in 2016 increased compared to the ones held in 2014 and 2015 (Graph 6).

Graph 6: Total amount of public consultations launched in 2014, 2015 and 2016)



We have identified a broader attempt made by the European Commission to reduce the gap between citizens and European institutions by involving civil society in EU decision-making processes and getting stakeholders and citizens to engage more in EU policies.

The role of national authorities would be crucial in making their own citizens and stakeholders aware of the possibility to institute a 'dialogue' with the EU institutions on specific issues of their interest. Nevertheless, a DG's webpage does not usually provide any information about additional web sources where the consultation has been published, such as the websites of national authorities or other organisations.

We have identified three DGs that published this type of information on their webpage. In 2014, for example, the DG *Regional Policy* launched a consultation on the EU Strategy for the Alpine Region (EUSALP). In this occasion, the consultation has been announced not only on the single access point

⁴⁰ During the development of this study, the 'Your Voice in Europe' website has been replaced by https://ec.europa.eu/info/consultations_en

but also on the Italian page of the EUSALP-website. Around 39% of the contributions received for the EUSALP consultation were submitted via the latter⁴¹.

In addition to this example, the DG *Trade, Public Health, Environment, Enterprise, Employment and Social Affairs, Agriculture and Rural Development, Food Safety* launched a consultation in 2015 on defining criteria for identifying Endocrine Disruptors in the context of the implementation of the Plant Protection Product Regulation and Biocidal Products Regulation and it stated on its webpage that from the total responses received (27,087), over 25,000 were submitted via external websites⁴².

Finally, the DG *Employment, Social Affairs and Inclusion* affirmed in the final report of the Public Consultation launched in 2016 on the ex-post evaluation of the European Social Fund 2007-2013 that the latter has been promoted not only on the single access point but also via additional channels, such as the DG Employment and the ESF fund websites, the Twitter account managed by the EC as well as the Yammer social platform (RegioNetwork)⁴³.

On the basis of the results showed in the above mentioned cases, it would be ideal to announce and disseminate the consultations also via other webpages rather than just through the EU single access point 'Your Voice in Europe' in order to give visibility to the public online consultation among the various Member States and reach out a broader number of stakeholders and citizens.

This step would be fundamental not only to improve participation rate but also to help the European Commission in adopting EU policies which are more representative of the general European public opinion. This is particularly important due to the fact that the outcomes of EU decision-making processes are likely to have an impact on all the European Member States, including citizens and the stakeholders who did not take part in the consultation process.

1.2.4 Consultation period

According to the European Commission's guidelines, an online public consultation should be left open for submissions for a **minimum period of 12 weeks**. The consultation period is a factor that could have direct impact on the participation rate of the different target groups and consequently, on the final outcomes of the consultation process.

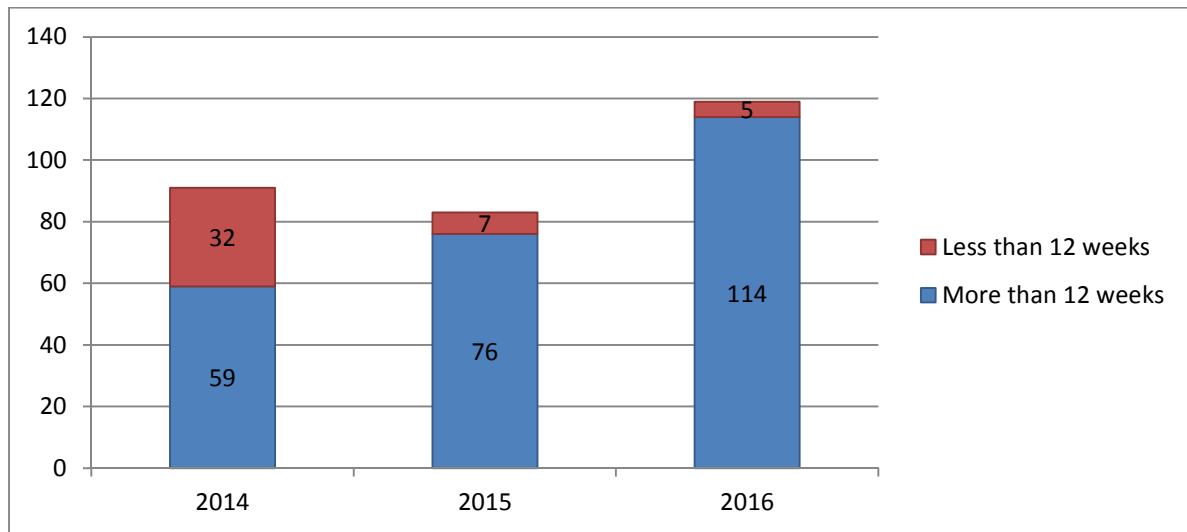
From the analysis of the data currently available, the number of consultations with a consultation period equal to or higher than 12 weeks has increased since 2014, as indicated in Graph 7.

⁴¹ Ec.europa.eu, *Summary Report of the Consultation on the EU Strategy for the Alpine Region (EUSALP)*, Directorate-General Regional Policy. [online]. Available at http://ec.europa.eu/regional_policy/sources/consultation/eusalp/pdf/summary_report.pdf [consulted on April 2017].

⁴² Ec.europa.eu, *Report on Public consultation on defining criteria for identifying endocrine disruptors in the context of the implementation of the Plant Protection Product Regulation and Biocidal Products Regulation*, Directorate-General for Health and Food Safety, 22 July 2015. [online] Available at http://ec.europa.eu/health/sites/health/files/endocrine_disruptors/docs/2015_public_consultation_report_en.pdf [consulted on April 2017].

⁴³ Ec.europa.eu, *Analysis and Summary of the Public Consultation for ESF 2007-2013 Ex-post Evaluation*, Directorate-General for Employment, Social Affairs and Inclusion, May 2016, p. 14. [online] Available at <http://ec.europa.eu/social/BlobServlet?docId=15997&langId=en> [consulted on April 2017].

Graph 7: Analysis of public consultations on the basis of the consultation period



On the basis of this graph, a greater number of DGs made an attempt to comply themselves with the 12-week minimum standard period set by the Commission's Guidelines, by providing both in 2015 and in 2016 stakeholders and citizens with more time to participate in the public online consultations.

Despite this positive outcome, the data showed that the total amount of contributions collected for each public online consultation decreased from 2014 to 2016 (Table 5).

Table 5: Median of contributions received online for each public consultation

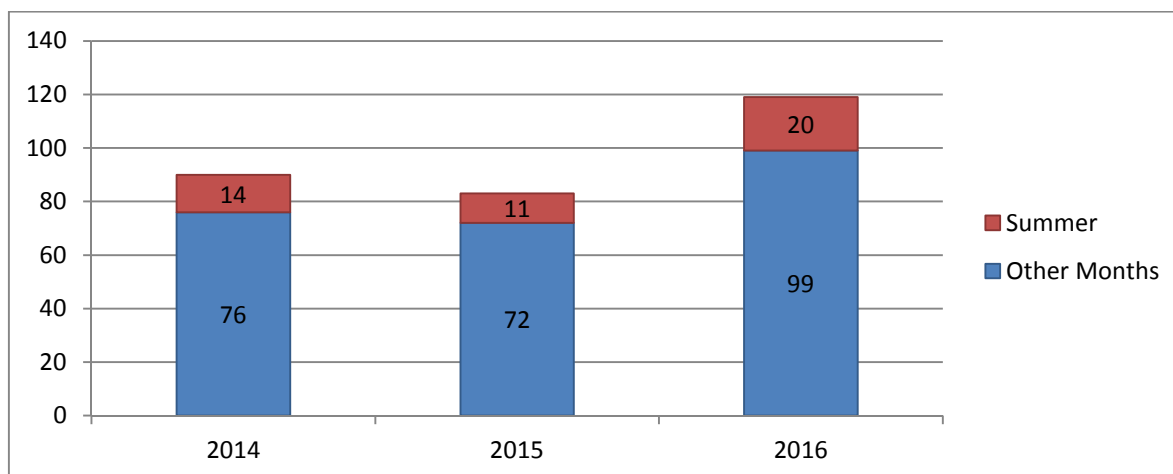
	2014	2015	2016
Median of contributions received online for each public consultation	167	144	138

As indicated in Table 4, the online public consultations launched in 2014 received a median number of 167 contributions, while those ones carried out in 2015 and 2016 registered respectively a median number of responses of 144 and 138⁴⁴.

On the basis of such results, we examined if the period of the year during which the public consultations are usually run by the DGs had an impact on the total amount of contributions gathered during the consultation process. In particular, some of the consultations analysed for the purpose of the present study have been carried out during holiday seasons, for instance during the summer break.

⁴⁴ We considered the median value because few consultations carried out in 2014 and 2015 collected a far greater amount of responses than the rest of the consultations launched during the same years and therefore should be considered some exceptional cases not representative of the general trend in EU public online consultations.

Graph 8: Public consultations carried out during summer and other period of the year



The data available (Graph 8) on the single access point indicates a slight increase in the number of consultations carried out from the end of June to the first week of October. However, while the contributions received from public online consultations launched during summer periods in both 2014 and 2016 registered a lower median than the responses submitted during the rest of the year, the public online consultations launched in 2015 had the opposite outcome, as indicated in the following table:

Table 6: Median of contributions during summer and other seasons

	2014	2015	2016
Median of contributions received via online public consultations ran during summer	120	189	96
Median of contributions received via online public consultations ran during other seasons	170	120	140

On the basis of this data, therefore, **it is not possible to affirm that the launch of EU online public consultations during holiday seasons has always a negative impact on reaching a significant number of stakeholders and citizens.**

However, in order to make the consultation process more accessible for stakeholders and citizens and to grant all the necessary conditions for gathering as much contributions as possible, it would be useful to leave the public online consultations launched during summer or other holidays seasons open for an additional period in order allow both stakeholders as well as citizens to have more time for taking part in the consultation process and provide their expertise or opinion on specific EU matters.

1.2.5 Feedback

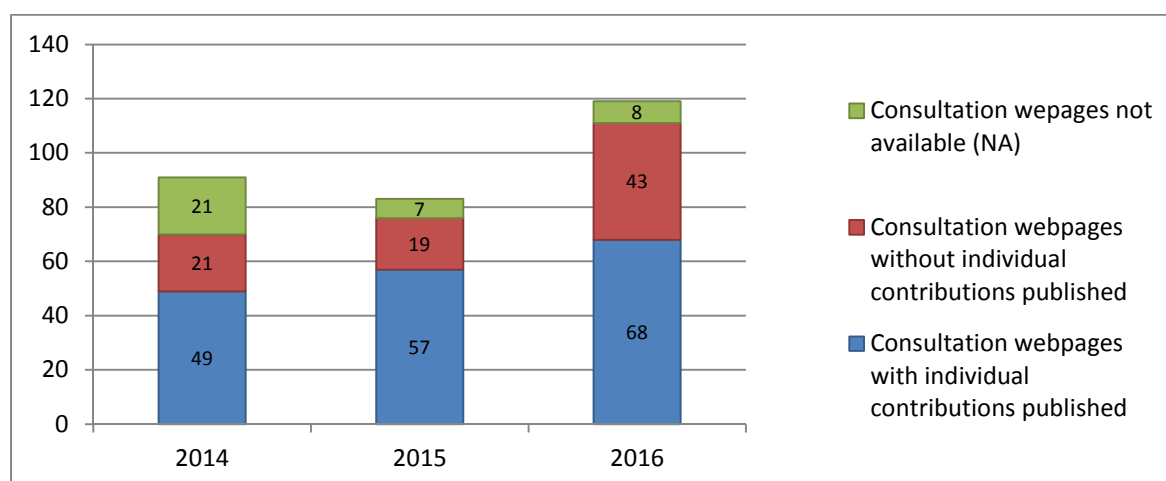
As previously mentioned, the last phase of the consultation process includes three steps:

1. Acknowledging the receipt of **contributions**;
2. Publishing and displaying the **results** of the consultations;
3. Adequate **feedback** on how the results were taken into consideration in the policy-making process.

For the first point, according to the data available, it has not been possible to check whether and how the DGs sent to the contributors an acknowledgment of receipt for their inputs. However, for the second and third points, we examined how many DGs made available on their webpage the feedback related to the online consultations held in 2014, 2015 and 2016.

According to the Guidelines, the second point refers to the fact that the DGs should publish individual contributions submitted during the consultation process by the various stakeholders and citizens and show what the latter answered in the consultation's questionnaire or stated in their position papers.

Graph 9: DGs that published individual contributions

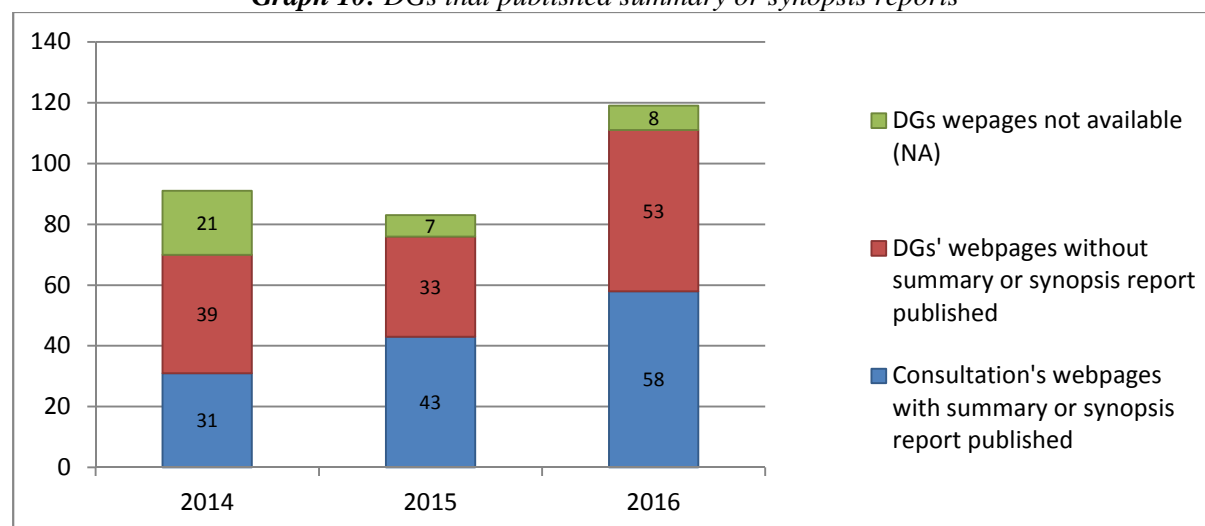


Graph 9 shows that the number of the consultation webpages that published results increased in 2015 (around 15% points) but decreased (around 20% points) in 2016 in comparison with 2014. The reason behind the decrease registered in 2016 could depend on the fact that the results of some consultations launched in 2016 have not been processed yet⁴⁵ by the relevant DG and are therefore not ready for publication. Indeed, the Guidelines do not specify any deadline by which the DGs are expected to publish on the single access point the consultation's feedback. Sometimes few DGs try to commit themselves to publish the feedback by a specific date (which is indicated on their consultation's webpage). However, even in these cases, they are not always able to meet the deadline.

⁴⁵ The data of the present study has been collected until May 2017.

In addition to the publication of the results, the DGs should also upload on their webpages an **executive summary or a synopsis report** which provides both an overall analysis of the consultation process and an in-depth explanation of the individual contributions and how they are going to be taken into consideration by the Commission in the policy-making process.

Graph 10: DGs that published summary or synopsis reports⁴⁶



From the data available on the single access point, it is possible to infer that the number of the consultation webpages that included an executive summary or a synopsis reports related to the results of the consultations registered a slight increase in 2015 (around 13% points) and in 2016 (around 8% points) compared to the data registered in 2014.

However, if we consider the general status of the online public consultations held in 2014, 2015 and 2016, we can notice that in several occasions the DGs have failed to provide the participants with any feedback (both individual contributions or executive summaries/synopsis report) about the consultations they took part in. In 2014, for instance, only 69% of the online consultations provided individual contributions or executive summaries/synopsis reports on the single access point. After a slight increase registered in 2015, when around 72% of the public consultations included results or feedback, the percentage decreased again in 2016 to around 65%.

Only in few cases the DGs communicate in detail how the contributions have been or will be taken into account by the Commission, specifying for instance if they will be used for a specific study or a policy paper (published at a later stage on the consultation webpage) or if the legislation proposed by the Commission and put under consultation process has been approved in the end. They usually state in vague terms that the Commission will take into consideration the results of the public consultation, without giving more information about how they intend to treat the outcomes of the consultations. Stakeholders and citizens tend to be therefore left uninformed about how their views and submissions are processed by the European Commission.

⁴⁶ Data collected until May 2017.

In this way, the impact of the dialogue between stakeholders, citizens and European Institutions through consultations on EU policy-making process remains unclear and not transparent enough, discouraging the participation to EU online public consultation process.

1.3 Conclusions

The purpose of this chapter was to describe and assess the current reality of EU online public consultations as an instrument for participatory democracy in the EU. In the first part, we broadly examined the aim of consultation processes, how they have been defined by different experts and their evolution over time at EU level. More specifically, we analysed the Minimum Standards of EU online public consultations according to the most recent 2015 Guidelines established by the European Commission. In the second part, we examined all EU online public consultations that took place in 2014, 2015 and 2016, according to certain indicators to address the Minimum Standards, and we identified the challenges of these consultation processes.

Our assessment is that EU online public consultations currently have three main weaknesses: **accessibility, representativeness and feedback/impact**. In order to improve this tool, we recommend the European Commission implements the following changes:

Accessibility

- The translation of both the information regarding the consultation and the questionnaire in every EU official language, or at least in a number of languages considered adequate in order to reach out as much stakeholders and individual citizens as possible, would constitute a key element in order to make the content and the scope of the consultation process clearer, more transparent and more easily accessible for all the main target groups.
- In order to make the consultation process more accessible for stakeholders and citizens and to grant all the necessary conditions for gathering as much contributions as possible, it would be useful to leave the public online consultations open during summer or other holidays seasons for an additional period in order allow both stakeholders and citizens more time for taking part in the consultation process and providing their expertise or opinion on specific EU matters.
- The consultation should be announced and disseminated via other webpages rather than just through the EU single access point ‘Your Voice in Europe’⁴⁷ in order to give visibility to the public online consultation among the various Member States and reach a higher number of citizens.

⁴⁷ During the development of this study, the ‘Your Voice in Europe’ website has been replaced by https://ec.europa.eu/info/consultations_en

Representativeness

- The DGs should provide more detailed information about the geographical distribution of the contributions to assess if the feedback collected via the consultations can be considered representative of the European Union, of a significant number of Member States, of some EU countries, of some geographically clustered groups of citizens, or if no representativeness is achieved at all.
- The questionnaires published by the various DGs should contain a standard set of questions aimed at identifying demographic data such as the age, gender and educational background of the individuals who took part in the consultation processes. In particular, these indicators would allow to understand the participation rate of young citizens in consultation processes, if the contributions are representative of both genders and whether citizens with various educational backgrounds are sufficiently represented.

Feedback/Impact

- The DGs should commit to publishing online an executive summary of consultations in addition to the individual contributions. Such a summary should offer the participants an overall explanation about the feedback received during the consultation period and the impact that the contributions will have in EU policy-making processes.

2. Chapter: The EESC and Civil Society Organisations

After having previously analysed EU online public consultations, the second chapter will have a more specific focus on what role the EESC and its Members can play in these processes.

In the first part, we will be focusing on the EESC as one of the main consultative bodies of the EU and consisting of the representatives of various economic and social components of organised civil society. We will include:

- A general overview of the EESC, including its Members, and its involvement in EU policy-making;
- An assessment on how the EESC has been contributing to the improvement of EU online public consultations.

This brief overview will set the scene for the upcoming subchapters, mainly to examine what is being done so far by the EESC in consultation processes in order to subsequently explain how this role can be strengthened in the future.

In the second part, we will analyse more specifically how the Members and the organisations they represent are taking part in EU online public consultations. Through an online survey, Members have provided us with information on the potential outreach of their organisations, their use ICT and their participation/ role in EU online public consultations processes.

The point of view of the Member organisations has been taken into consideration mainly to define what challenges civil society organisations are facing in a more digitalized world, especially regarding online participatory methods, and how the EESC could support them.

2.1 The EESC's Current role in online EU Public Consultations

2.1.1 The EESC and its influence in EU policy-making processes;

The EESC was first set up in 1957 as the bridge between Europe and organised civil society. It is currently mentioned in the Treaty on European Union (TEU)⁴⁸ under Art. 13(4) which states:

“The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.”

The EESC is a consultative body that gives “representatives of organisations of employers, of the employed, and of other parties representative of civil society, notably in socio-economic, civic,

⁴⁸ It is also mentioned in the chapter 3, section 1 of the Treaty on the Functioning of the EU (art. 301-304) which details its status and functioning.

professional and cultural areas”⁴⁹ a formal platform to express their opinions on EU issues and take part in the EU’s decision-making process.

The EESC has four main roles⁵⁰:

- A consultative role – the EESC’s advice must be sought on proposed legislation under specific areas of the Treaties;
- An enabling role – supporting representatives of civil society organisations to be closer to EU affairs;
- An ‘institution building’ role – contributing to the strengthening of civil society organisations and establishing new ones;
- An information and integration role - hosting events that aim at bringing citizens closer to the EU.

The EESC is led by a President, supported by two Vice-Presidents, and includes 350 Members, which are appointed for a term of five years and are divided in three groups: the Employers’ Group (Group I), which comprises the representatives of employers’ associations and sectoral organisations, the Workers’ Group (Group II) mainly including national trade unions confederations and sectoral federations and Various Interests Group (Group III) which includes among others, farmers organisations, small businesses and the crafts sector, the professions, social economy actors (mutualities, cooperatives, foundations and non-profit associations), consumer organisations, environmental organisations, and associations representing the family, women’s and gender equality issues, youth, minority and underprivileged groups, persons with disabilities, the voluntary sector and the medical, legal, scientific and academic communities.

The EESC strives to be more open, representative and effective in playing a better role as a mediator between the EU and civil society. For example, in 2004, the Liaison Group was set up with networks and organisations representing the main sectors of civil society in Europe to foster a stronger and more structured cooperation. Its regular internal meetings, activities and events, such as its annual Civil Society Days, provide an important forum for political dialogue on issues that are of concern to civil society stakeholders at the European level⁵¹.

Regarding its role as an EU consultative institution, the EESC can participate in the pre-legislative phase, reacting to the Commission’s Green Papers/White Papers and get involved in the consultation period, and it can also give opinions on proposals in the formal legislative decision process⁵². Its opinions can be mandatory, when the European Parliament, the Council and the Commission are

⁴⁹ European Union, *Consolidated Version of the Treaty on the Functioning of the European Union*, adopted on 26 October 2012, O.J. C 115/47 [hereinafter TFEU], art. 300 (2). [online] Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=EN> [consulted on February 2017].

⁵⁰ Cardiff EDC, *Information Guide: European Economic and Social Committee*, Cardiff University Press, 2013 [online] Available at <https://publications.cardiffuniversitypress.org/index.php/ESO/article/download/638/638>

⁵¹ The EESC Liaison Group, *Promoting Civil Dialogue and Participatory Democracy* [online] Available at <http://www.eesc.europa.eu/resources/docs/qe-04-15-637-en-n.pdf> [consulted on April 2017].

⁵² Hönnige, C., Panke, D., ‘Is anybody listening? The Committee of the Regions and the European Economic and Social Committee and their quest for awareness’, *Journal of European Public Policy*, Vol. 23, Is. 4, 2016, p. 624-642.

compelled by the Treaties to consult the EESC (eg. agricultural policy, consumer policy, industrial policy, etc) or non-mandatory, when these institutions deem necessary to consult the EESC outside the mandatory cases.

There are three types of opinions⁵³ the EESC can issue:

1. Requested opinions - the EESC can be consulted by whenever they consider it necessary;
2. Own-initiative opinions - the EESC can issue its own opinions in cases where it considers it appropriate;
3. Exploratory opinions - requested by EU law-makers when they want an over view of civil society's views.⁵⁴

Although the EESC is involved in the EU's decision-making process, there is no legal instrument that assure the implementation of the EESC's opinions by the European Parliament, the Council or the Commission. Hence, some MEPs and some experts have questioned the effectiveness of the EESC's work and the costs which are produced by this institution⁵⁵. However, former EESC President Nilsson responded to this issue by stating how taking away this advisory institution would mean "cancelling the only body that is for people who are not politicians"⁵⁶.

Futhermore, Honnige and Panke (2013) have established that consultative bodies such as the EESC "do have an influence on policy-making, both on the addressee and the final policy outcome, even though their recommendations are not binding for the addressee". Nevertheless, this influence depends from several variables, for example, it is stronger when the EESC's recommendations are early in the formal decision-making process, especially if they offer new knowledge and insights and are taken into consideration in the initial position of the European Parliament and the Member States⁵⁷.

The following subchapters will examine if the EESC has been influencing in particular EU online public consultations processes in different ways and if it is contributing to the development and improvement of this tool.

2.1.2 The EESC's role in EU public consultations

The EESC does not participate directly to EU online consultation processes as an entity but, as previously mentioned, it provides Opinions when consulted on specific topics. Since both EU online public consultations and EESC Opinions should feed into EU policy-making processes, we analysed if the EESC has been consulted by the EU Institutions or has provided own-initiative Opinions on the same topics addressed in EU online public consultations.

⁵³ See art. 304 of the TFEU.

⁵⁴ The EESC also publishes information reports on topical issues

⁵⁵ Petrasevic, T., Dunic, D., *Is There a Tomorrow for the Economic and Social Committee (EESC) and the Committee of the Regions (CoR)?*, Institute of European Law Working Paper, Birmingham Law School, 2016, p. 2 Available at http://epapers.bham.ac.uk/2189/1/IEL_Working_Paper_6-2016.pdf [consulted on April 2017].

⁵⁶ Euractive.com, *EU advisory committee defends its role against critics* [online] Available at <http://www.euractiv.com/section/social-europe-jobs/news/eu-advisory-committee-defends-its-role-against-critics/> [consulted on April 2017].

⁵⁷ Honnige, C., Panke D., "The Committee of the Regions and the European Economic and Social Committee : How Influential are Consultative Committees in the European Union?" in *Journal of Common Market Studies*, Vol. 51, Is. 3, 2013, p. 452-471

We specifically examined the EESC Opinions adopted during the plenary sessions held between January and December 2016 in order to identify if they matched the EU online public consultations launched in 2015 and 2016 (Annex 3). The EESC Opinions always come after EU public consultations and only 20⁵⁸ out of 150 Opinions adopted in 2016 (around 13%) concerned similar issues to that ones previously addressed in EU public consultations processes.

This analysis leads to the conclusion that these two ways of consultation for EU policy-making processes are not complementary and do not coincide most of the time. When they do coincide, it is mainly because it was mandatory for the EU institutions to have the EESC's Opinions on those specific issues according to the Treaties. Hence, not only the EESC does not answer to EU online public consultations as an entity but it also develops Opinions which usually differ from the topics of these online public consultations.

However, the EESC has been contributing to the improvement of this tool for participatory democracy through different ways, for example by issuing an own-initiative report on the matter and contributing to the REFIT Platform.

In the first case, the EESC adopted an own-initiative opinion on the "Evaluation of European Commission stakeholder consultations" in July 2015. The aim was mainly to improve the quality of EU public consultations and bridge the gap between the EU and its citizens, especially by "calling for consultations to be consistent and representative and to ensure added value for the organisations and interest groups concerned"⁵⁹

In its own-initiative opinion, the EESC draws a set of conclusions and recommendations on stakeholder consultations after analyzing the state of play, the working methods and guidelines of the Commission and the role of the EESC in the process. After assessing that the existing guidelines are not being sufficiently implemented, the EESC put forward several structural and practical proposals to improve this tool, including a more strategic approach to consultations, a more accurate stakeholder mapping, a clearer distinction between stakeholders and the general public, a more effective use of new technologies for outreach purposes and an increase of participation through the availability of more languages and better feedback mechanisms.

Aside from advising the Commission on how it could improve stakeholder consultation processes, the EESC has also identified ways in which it could contribute to make them successful by acting as a facilitator. The EESC could specifically:

⁵⁸ In particular, 18 Opinions matched online public consultations launched in 2015 while only two Opinions (adopted in October and December 2016) address similar topics of two online public consultations launched in 2016.

⁵⁹ See European Economic and Social Committee, *Opinion on the Evaluation of European Commission stakeholder consultations*, adopted on 2 July 2015, p. 2. [online] Available at <http://webapi.eesc.europa.eu/documents/anonymous/eesc-2015-02021-00-00-ac-tra-%20en.docx> [consulted on April 2017]. See also EESC Opinion *Better regulation for better results - An EU agenda*, adopted on 16 September 2015 [online] Available at <http://www.eesc.europa.eu/?i=portal.en.int-opinions.36218>

- Participate in the key phases of the process (eg. identifying stakeholders working in the relevant policy fields);
- Hold hearings/events and establishing other platforms for dialogue on the topic of the consultation to bring more structure, stability and representativeness to the process;
- Support the Commission with the knowledge of its stakeholders and its expertise on consultation processes;
- Act as a ‘network of networks’ to support the dissemination of consultations and raise awareness not only of the policy topics but also this tool for participation.

The main conclusion is that “at the different stages in preparation, implementation and follow-up of a consultation, the EESC could act as an informed channel between the European Commission and organised civil society”⁶⁰.

In the second case, the EESC has been also contributing to the improvement of EU public consultations through the REFIT Platform, as part of the Stakeholder Group. The REFIT Platform was set up by the May 2015 Better Regulation Communication to “advise the Commission on how to make EU regulation more efficient and effective while reducing burden and without undermining policy objectives”⁶¹ and it consists of a Government Group, one seat per Member State, and a Stakeholder Group, 18 members including one representative from the CoR and one from the EESC. All the members work together through the Platform to make recommendations on EU legislation to the Commission and to review submissions received through the online 'Lighten the load - Have your say' form.

In 2016, the EESC issued an exploratory Opinion on the REFIT Platform in which it stated that, in order to be fully represented in the REFIT Platform, the EESC should have three seats representing the three EESC Groups⁶². However, until now the Platform allows only one EESC representative and its three groups take turns in participating in the Platforms work.

By having a representative at the REFIT Platform, the EESC has managed to influence many opinions which have been issued on about 16 EU policy fields, including: agriculture and rural development, health and food safety, taxation and customs union, chemicals, transport, competition, environment and so on. It also had the chance to work on three Horizontal issues: the ‘European Citizens Initiative’⁶³, ‘Standardisation as cross cutting instrument for Better Regulation’⁶⁴, and ‘Stakeholder

⁶⁰ European Economic and Social Committee, *Opinion on the Evaluation of European Commission stakeholder consultations*, cit. p. 11 [online] Available at <http://www.eesc.europa.eu/?i=portal.en.civil-society-opinions-sc.36472> [consulted on April 2017].

⁶¹ Ec.europa.eu, *The role, structure and working methods of the REFIT Platform* [online] Available at https://ec.europa.eu/info/law/law-making-process/overview-law-making-process/evaluating-and-improving-existing-laws/reducing-burdens-and-simplifying-law/refit-platform/role-structure-and-working-methods-refit-platform_en [consulted on April 2017].

⁶² European Economic and Social Committee, *Opinion on REFIT*, adopted on 26 May 2016. [online] Available at <http://www.eesc.europa.eu/?i=portal.en.int-opinions.38341> [consulted on April 2017].

⁶³ REFIT Platform, *Opinion on the submission by a member of the Stakeholder group on the European Citizens' Initiative*, adopted on June 2016. [online] Available at https://ec.europa.eu/info/files/refit-platform-recommendations-european-citizen-initiative_en [consulted in June 2017].

⁶⁴ REFIT Platform, *Opinion on the submission by a member of the Stakeholder group on standardisation as cross cutting instrument for Better Regulation*, adopted on April 2017. [online] Available at https://ec.europa.eu/info/files/refit-platform-recommendations-horizontal-xxii2a-standardisation-cross-cutting-instrument-better-regulation_en [consulted in June 2017].

consultation mechanisms⁶⁵. The latter, published in June 2017, presents the considerations of the REFIT Stakeholder Group and Government Group on the design and use of EU consultations tools, mainly after the 2015 Guidelines. The Stakeholder Group welcomes the efforts made by the European Commission but mentions several remaining shortcomings, such as: the participation of individuals versus interest representatives, the challenge of inclusiveness, insufficient feedback mechanisms, consultation timelines, format and clarity of consultation documents and the fact that the Guidelines are not being strictly followed. On this basis, the Stakeholder Group issued several recommendations to improve the public consultation processes and support the European Commission in its work⁶⁶. The Government Group also contributed to the REFIT Opinion by giving the views of 11 Member States and calling upon the European Commission to carefully assess the recommendations of the Stakeholder Group as part of the ongoing revisions of the Better Regulation toolbox.

The European Commission will respond to this Opinion in the upcoming months by specifying if it envisages action on this issue. More information on this Opinion and follow-up actions will be set out in the Commission's Annual Work Programmes and in the REFIT Scoreboard⁶⁷.

The two concrete examples, the own-initiative opinion on stakeholder consultation and the REFIT Platform Opinion, show how the EESC has been actively pushing for an improvement of the Guidelines and the consultation processes in general as an EU institution. However, in the next subchapter, we will be analysing if its Members have been contributing to the same cause.

⁶⁵ REFIT Platform, *Opinion on the submissions XXII.4.a by the DIHK and XXII.4.b by a citizen on Stakeholder consultation mechanisms*, adopted on June 2017, p. 9-11. [online] Available at https://ec.europa.eu/info/files/refit-platform-recommendations-horizontal-xxii4a-b-stakeholder-consultation-mechanisms_en [consulted in June 2017].

⁶⁶ *Ibidem*.

⁶⁷ Ec.europa.eu, *REFIT Platform*, p. 14. [online] Available at https://ec.europa.eu/info/sites/info/files/refit_platform_brochure.pdf [consulted in June 2017].

2.2 Civil society organisations' role in public consultations

As mentioned in the first part of this chapter, the EESC should act as a bridge and a mediator between EU institutions and the main civil society organisations established in the different EU Member States and called upon to feed citizen's experience into the formal political decision-making processes⁶⁸. The aim of the following paragraphs is to analyse if the EESC is already playing such an intermediary role, especially in the context of EU online public consultations processes.

CSOs represent a connection point between citizens and the political system and can serve as a remedy for the EU legitimacy crisis⁶⁹. However, the development and spread of new ICTs has influenced the role of CSOs and the relationship of the latter with individuals and other stakeholders by providing new ways to improve political process' transparency, monitor representatives and engage citizens⁷⁰.

Furthermore, the virtual space facilitates the sharing of information and creates new space for political discussions as well as new participatory opportunities for both individuals and CSOs that nowadays can take part in the making of EU policies regardless of where they physically are and without any representatives⁷¹. Even if the new potential offered by the virtual space seems to limit the CSOs field of action as intermediaries in the EU policy design, civil society can still play a crucial role by using the new digital tools to stimulate citizens' interest and promote civic participation in the EU decision-making process⁷².

This goal could be achieved for example by providing citizens with trainings on how to employ and interact within the virtual space and by keeping them informed and updated about online debates on EU policies and politics. Moreover, CSOs could organise information campaigns to raise awareness about European citizen participation tools available online (such as the EU online public consultations), collect input and feedback from citizens and transfer them directly to EU institutions⁷³.

⁶⁸ Kohler-Koch, B., 'Civil society and EU democracy: 'astroturf' representation?', *Journal of European Public Policy*, Vol. 17, Is. 1, p. 106.

⁶⁹ Kröger, S., 'Democracy promoter or interest defender? How the European Commission influences non-electoral representation by civil society organizations', in Kröger, S., Friedrich, D. (Eds.), *The challenge of democratic representation in the European Union*, Palgrave Macmillan, United Kingdom, p. 226.

⁷⁰ Wells C., 'Two eras of civic information and the evolving relationship between civil society organizations and young citizens', in *New Media & Society*, Vol. 16, Is. 4, 2014, p. 5.

⁷¹ Koc-Michalska K., Lilleker D. G. & Vedel T., 'Civic political engagement and social change in the new digital age', *New Media & Society*, Vol. 18, Is. 9, 2016, p. 164.

⁷² Fanoulis E. & Peña-Rios A., 'EU u-Government: A Solution for More Citizen Participation in EU Policy-Making', in: M. Caiani, S. Guerra (eds.), *Euroscepticism, Democracy and the Media*, Palgrave Studies in European Political Sociology, United Kingdom, p. 253-254.

⁷³ *Ibidem*.

Methodology:

In the light of this context, we sent out to all 350 EESC Members a survey (Annex 4) consisting of 25 questions (both closed and open questions) aimed at exploring the following issues:

- 1) The Potential Outreach of the Organisation
- 2) The Use of Information and Communication Technology (ICT)
- 3) The use of ICTs and social media for online EU public consultations

The first set of questions aimed at collecting information about the Members' organisations, in which EESC Groups they are part of, and what is their potential outreach in terms of network.

The second part examines how often and for which purpose the organisations represented by the EESC Members employ ICTs for their activities. The goal is to explore how new technologies are shaping the classic role played by CSOs.

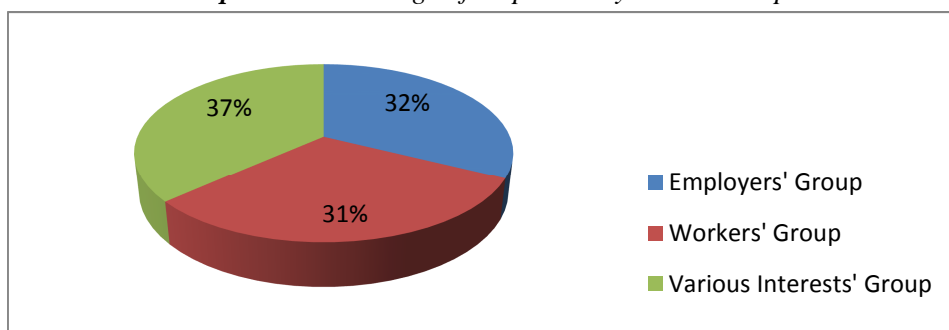
Finally, the last set of questions addressed the role of CSOs in EU online public consultations in order to identify current practices, ambitions and future hopes of CSOs in this field as well as to understand the main challenges they are facing nowadays in an even more digitalized world.

The replies gathered from the survey are meant to identify ways in which the EESC can support CSOs and how they can collaborate together in order to improve EU public online consultation process as one of the instruments of participatory democracy.

2.2.1 The Potential Outreach of the Organisation

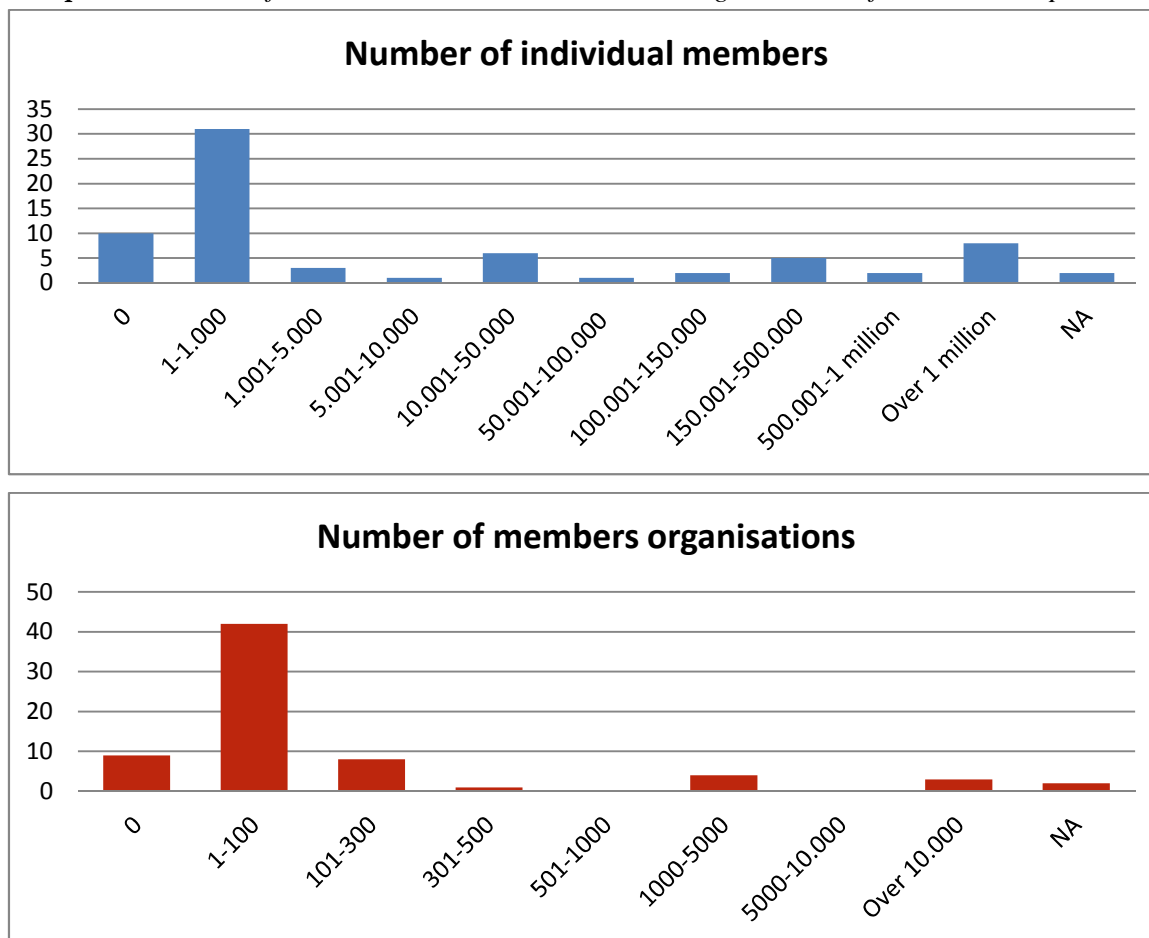
A total number of 71 EESC Members from all the three EESC Groups replied to the survey on behalf of the CSOs they represent: 26 replies have been submitted by the Members of the Various Interests' Group, 23 from the Employers' Group and 22 from the Workers' Group Members.

Graph 11: *Percentage of responses by EESC Groups*



According to the results of the survey, most of the organisations represented by the EESC Members have from 1 to 1.000 individual members and from 1 to 100 member organisations (Graph 12).

Graph 12: Number of individual members and members organisations of the CSOs' respondents



Around 79% of the EESC Members also stated that their organisations are part of different national or European networks, which could potentially increase their outreach.

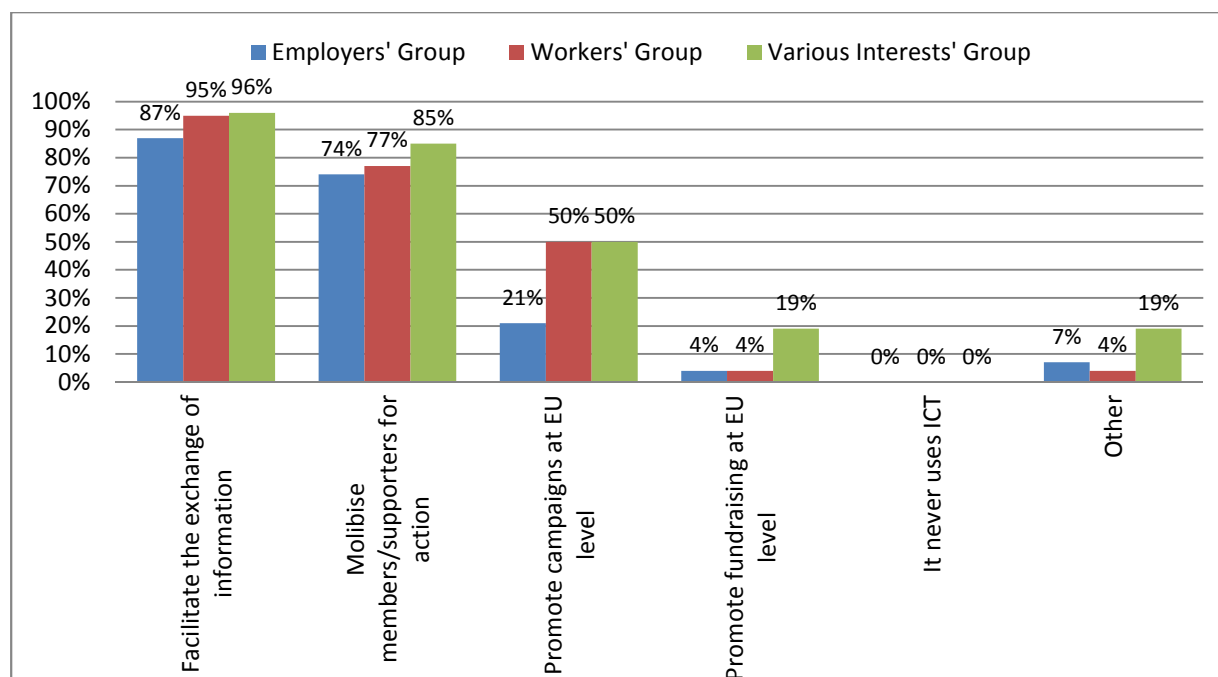
2.2.2 The Use of Information and Communication Technology (ICT)

In the second part of the survey, we asked the respondents a few questions concerning the use of ICTs within their organisation to explore the main potential of new technologies, as well as the actual impact they can have on outreach and membership composition. In particular, we analysed the main reasons why ICTs are being used today and if the role of CSOs has changed because of emerging technologies.

On the basis of the literature, we identified a list of five most common uses of ICTs and we asked the EESC Members to select one or more options. The respondents were also allowed to provide additional uses through the open category 'other'.

According to Graph 13, ICTs are largely employed by the organisations mainly to facilitate and enhance the exchange of information with their membership and to mobilize their members/supporters to take action. Only in few cases new technologies are used to promote both campaigns or fundraising at EU level (Graph 13).

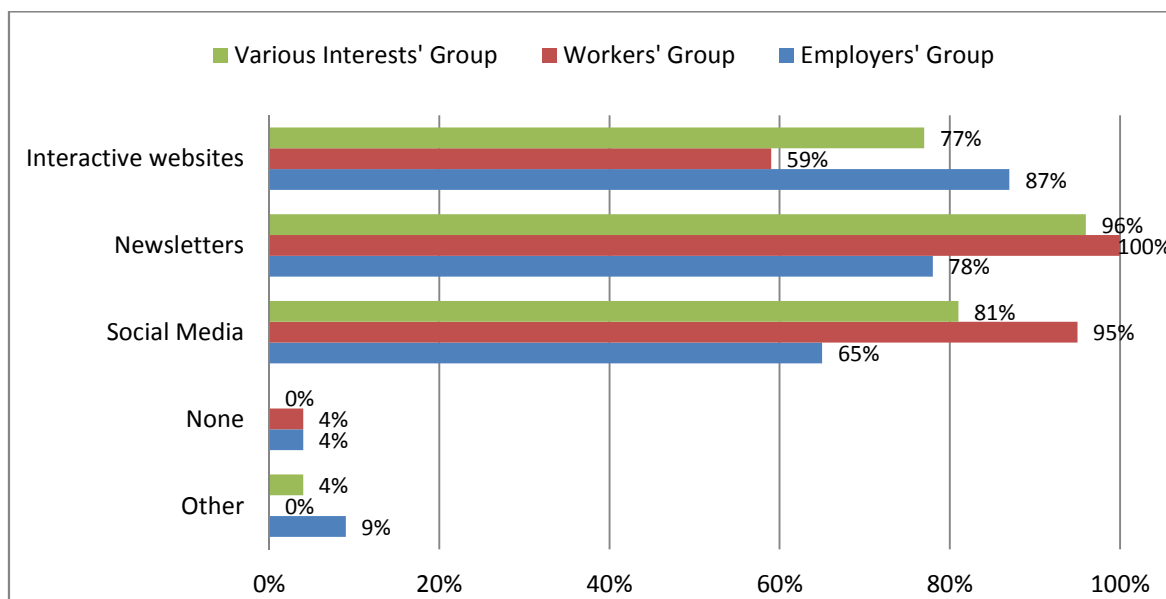
Graph 13: Main purposes for the use of ICTs among CSOs



In addition, some EESC Members also specifically mentioned the use of ICTs for several other reasons: advocacy or policy purposes, to communicate with their members, to spread information about their activities, services and other issues relevant to their work, and finally, to extend their membership by recruiting new members.

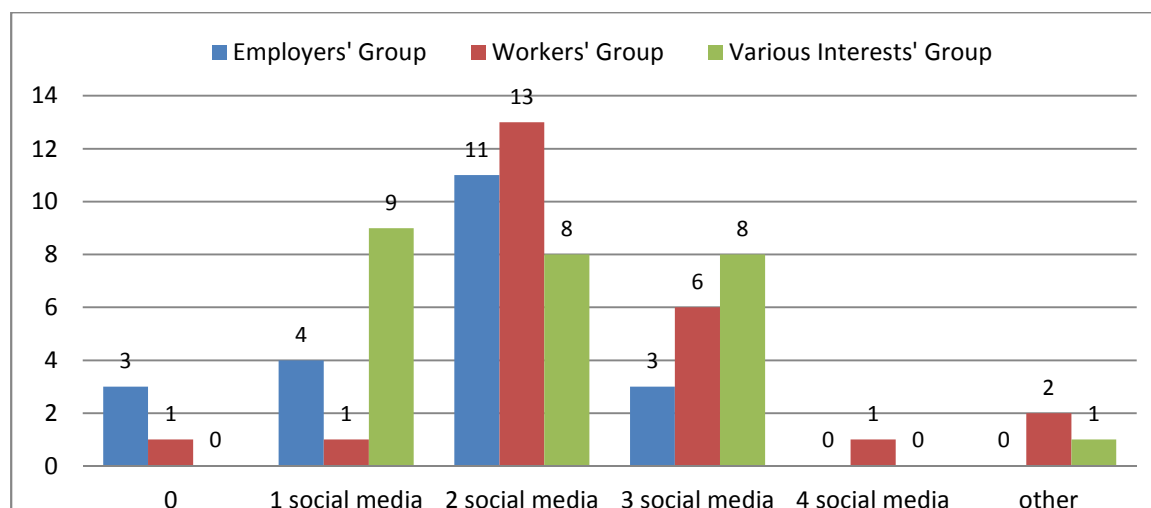
In order to reach their goals, the organisations have also developed different online tools, such as interactive websites, newsletters and social media accounts (Graph 14):

Graph 14: Online tools developed by CSOs



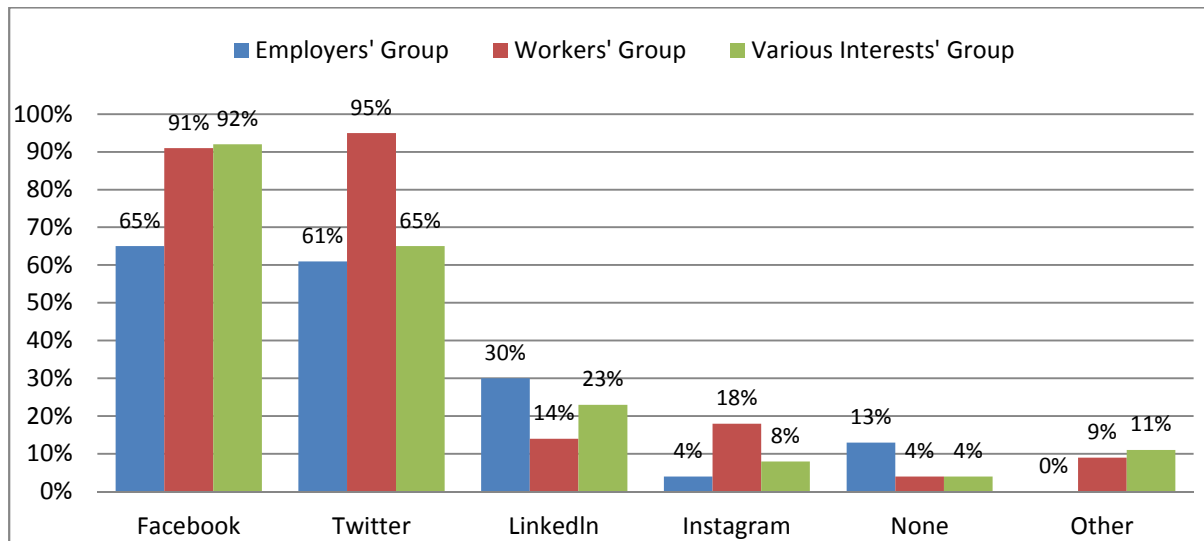
Most of the respondents from the Employers' and the Workers' Groups stated that their organisations use two social media platforms, while almost an equal number of Members from the Various Interests' Group declared to use one, two or three social media accounts (Graph 15).

Graph 15: Number of Social Media employed by CSOs



Facebook and Twitter are the platforms most largely employed by the CSOs of the EESC Members, while only few Members stated to have a LinkedIn or an Instagram account (Graph 16).

Graph 16: Social Media Platform employed by CSOs



In particular, more than 50% of the respondents specified they use Facebook and Twitter on a daily basis to promote material, to easily engage people in discussions, to reach out to their members and to keep up with changing information.

However, some EESC Members stated their CSOs never use Facebook (15,5% of the respondents) or Twitter (22,5%), mainly because their organisations prefer using different communications tools other than social media or because a specific social media tool (eg. Twitter) is not popular in the country where they operate.

We observed if the use of ICTs can have a positive impact on the composition of CSOs by asking EESC Members if they have noticed, in their organisation, any change in their membership since the use of new technologies. 50% of the Workers' Group and the Various Interests' Group noticed some significant changes in their membership after the use of digital tools. In particular, some specified that social media platforms allowed their organisation to attract new members and supporters, mostly young and middle age people. However, the remaining 50% answered negatively to the question and only very few respondents provided an explanation through the optional open question⁷⁴.

As for the Employers' Group, almost all Members gave a negative answer to this question: 21 respondents out of 23 stated that they have not noticed any change amongst the composition of their membership due to new technologies.

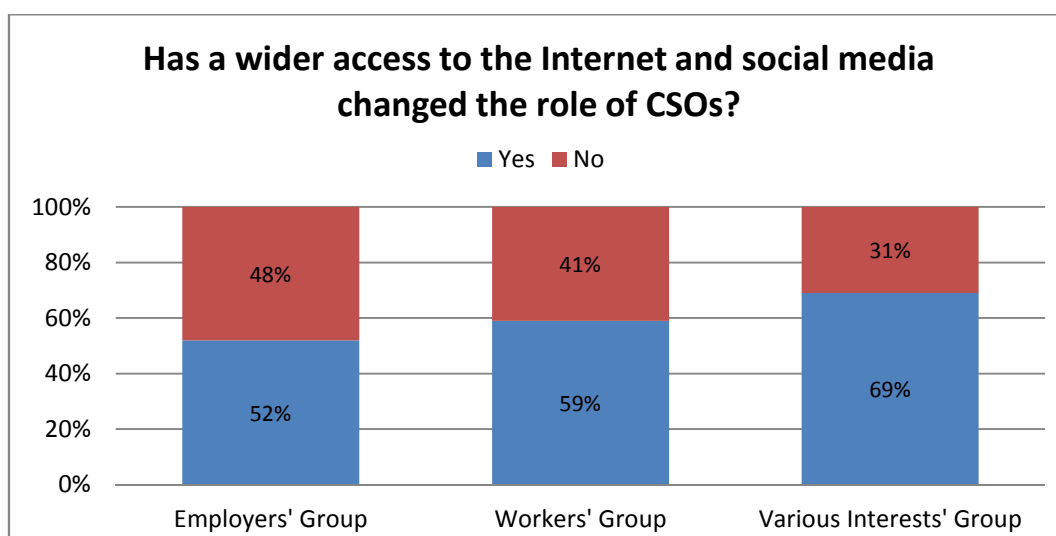
Nevertheless, the majority of EESC Members believe ICTs can strengthen communication between CSOs and citizens, as they can represent a quicker, simpler and a more efficient means for communication. Furthermore, the respondents agreed that a wider access to ICTs can foster civic

⁷⁴ In particular, one of the respondents specified in the open question that the Organisation he/she represents is a think-tank without a grassroots membership and that for this reason social media cannot influence the composition of their members. Finally, another respondent justified his/her answer by stating that it is too difficult to evaluate the impact of the use of ICTs on the membership composition.

engagement and civic society empowerment at EU level, especially among young people and thanks to the potential of social media to put in contact people with similar views. Furthermore, most of EESC Members believe that the use of digital communication tools has led to the emergence of new forms of citizen participation, even if some of the respondents stated that they should not replace the traditional ones.

Most of the Members from the Various Interests' Group and the Workers' Group agreed that the use of new technologies is reshaping or at least improving the role played by CSOs, while the same opinion is shared only by 52% of the EESC Members of the Employers' Group (Graph 17):

Graph 17: Impact of ICTs on the role of CSOs



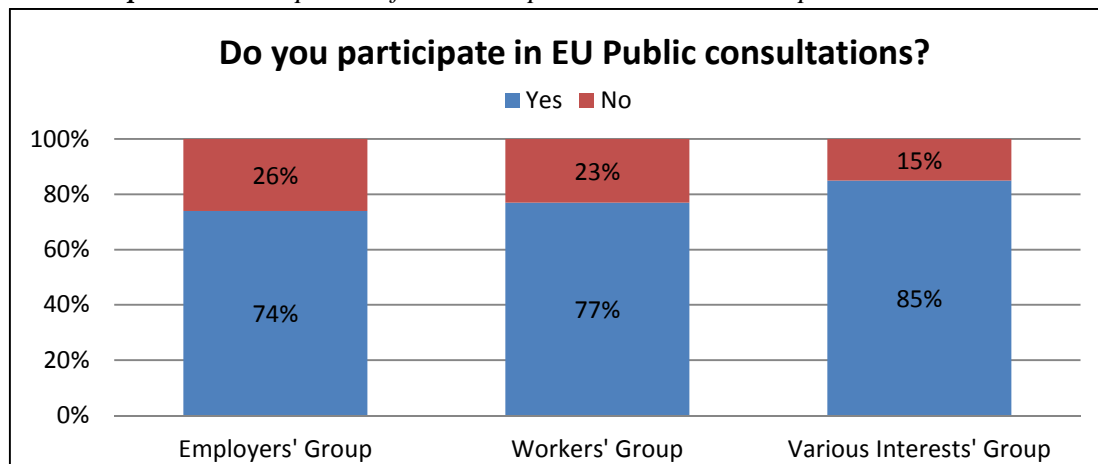
In particular, some of the respondents stated that since the use of ICTs they saw a positive impact in terms of both visibility and capabilities to spread their messages and values as well as in terms of number of opportunities to communicate with their members and to play an interactive role.

2.2.3 The use of ICTs and social media for online EU public consultations

The third and last part of the survey focused on examining the participation of CSOs in EU online public consultation processes and to understand what different activities and services CSOs offer through ICTs in order to raise awareness about EU online public consultations among their members and encourage their participation as well.

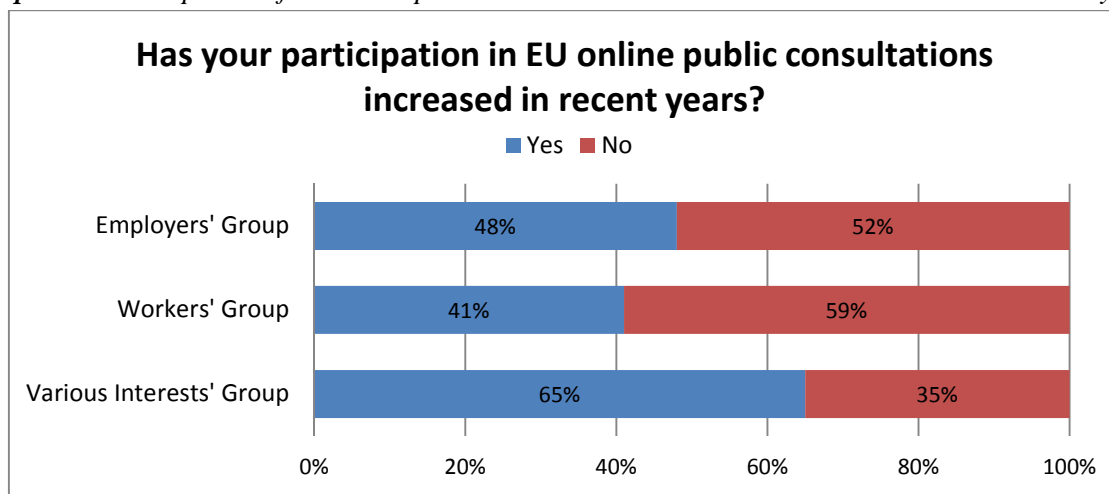
From the results of the survey, 80% of the respondents from all three EESC Groups stated that their CSOs take part in EU online public consultations (Graph 18). Few respondents specified that they participate in public consultations only if the topic is relevant or important for their organisation in order to represent and advocate for their members' interests.

Graph 18: Participation of CSOs' respondents to EU online public consultations



Most of the organisations take part in 1 to maximum 15 consultations on average per year but, despite the efforts made by the Commission to improve the consultation process, around 50% of the total respondents, especially from the Employers' and Workers' Groups, declared to not have noticed a higher participation rate of their organisation to EU public consultations (Graph 19).

Graph 19: Participation of CSOs' respondents to EU Online Public Consultations in the recent years



However, the organisations of the Members of the Various Interests' Group have said to take part more in consultation processes during the last years and have specified that some of the public consultations are now easier to do, that the topics put under consultation processes are more youth-related and that an increasing number of public consultations seem to follow the Better Regulation Agenda.

Considering that CSOs should not only take part in EU online public consultations but also promote and support the direct participation of their members to these processes, we tried to analyse if CSOs use ICTs and other specific activities, such as information campaigns or trainings, to enhance the engagement of their members in the EU consultation processes. The analysis shows that most of the

respondents from all the three EESC Groups do not largely employ ICTs in order to facilitate or enhance the participation of their members to EU public consultations.

Specifically, more than 50% of the organisations represented in the three EESC Groups do not organise information campaigns (both online and offline) in order to raise awareness about EU public consultations and they also do not provide their own members with information and training to facilitate the participation to these processes. Only the CSOs represented by the Members of the Various Interests' Group appear to be slightly more active in informing and inviting their members to participate in the new EU online public consultations, as well as to provide their members with the necessary support to deal with the technical issues.

Nevertheless, the majority of the respondents from all three EESC Groups (around 65% of the total) declared that their organisations usually inform both their own members and the wider public in general about the results of the public consultations they take part in, which are usually based on topic in line with their mission and falling in their area of competence.

In addition to the set of closed questions, three open questions have been added to the survey in order to collect from the EESC Members some views and suggestions on how the EU online public consultation process could be improved in the future and which role both CSOs and the EESC should play in order to facilitate the process.

According to some Members from the Various Interests' Group, EU online public consultation processes could be improved by facilitating access to and providing clearer and more accessible information about the latest public consultations. The consultation process should also be made available in all the EU official languages and designed differently for organisations and individuals. Furthermore, the results of the EU public consultations should be made available after the closure of the consultation period with more transparent information on how it will contribute to EU policy-making.

In the opinion of some Members from the Workers' Group, the key stakeholders who are relevant to a topic that is object of the public consultation, should be directly involved in the designing phase of the consultation process and the consultation questionnaires should be formulated with a simpler language and include a higher number of open questions.

Finally, in addition to the proposals above mentioned, some Members from the Employers' Group suggested to develop a 'Consultation Electronic Platform' and to implement parallel offline direct consultations with the most involved organisations and citizens.

Concerning the potential role CSOs could play in order to improve the consultation process, a few respondents belonging to the Various Interests' Group suggested that CSOs could better act to facilitate public debates on specific topics in order to first collect and then transfer some key messages and recommendations to the Commission via online consultation processes. CSOs should be also more actively and directly involved in online public consultations by making available, since the very

first stage of the process, their knowledges and perspective in order to promote the creation of more ‘user-friendly’ public online consultations. CSOs could also engage more in the promotion and dissemination of information on EU online public consultations among local members, who are most of the time unaware of the consultation processes. It would be important to also strengthen the cooperation with other national organisations before and until the submission of their contribution to the consultation process.

In addition, some Members from the Workers’ and the Employers’ Group suggested that CSOs should act more as advisors, mediators and facilitators of consultation processes among their members, providing the latter, for instance, with some practical examples on how the topics put at issue in some online public consultations could concern them.

Last but not least, regarding the role the EESC could play within consultation processes, some respondents from the Various’ Interests Group stated that the EESC should create mailing lists or newsletters dedicated to EU online public consultations. These digital tools could be employed to disseminate among EESC Members periodic information about the ongoing consultations, as well as other relevant documents and background information to the consultation (such as EESC Opinions on the same topic).

The EESC could also continue to strive for a revision or an improvement of the current consultation mechanisms with concrete proposals. In addition, the EESC should organise training groups and provide their Members with useful guidelines to facilitate the participation of CSOs in the consultation process. Some respondents from the Worker’s Group also proposed that the EESC could support its Members by providing them with direct consultancies, translation into all the EU official languages of simple information concerning the ongoing public consultations and making available some answers’ templates.

2.3 Conclusions

This second chapter was divided into two main parts. In the first part, we examined the EESC as an entity, mainly how it influences EU policy-making and how it has been contributing until now to EU online public consultations. In the second part, we analysed a survey sent to EESC Members on their use of ICT and how they have been participating in public consultations processes.

In the first chapter, we identified the three biggest challenges of EU online public consultations: weak feedback mechanisms, accessibility, and the unrepresentativeness of the consultations. By contributing to the improvement of the Commission's guidelines through its own-initiative Opinion on the REFIT Platform, the EESC has been pushing for an improvement in feedback mechanisms. However, the EESC could add further value in its role as an intermediary between civil society organisations and the EU, especially to increase the accessibility to and the representativeness of EU online public consultations. We analysed to what extent this can be done, mainly by examining how the EESC's Members are already contributing to EU online public consultations and what additional role the EESC could play, as an EU Institution, in order to improve the process.

The main lessons coming out of the survey are that CSOs should not only participate in EU online public consultations in order to represent and advocate for the interests of their members at EU level, but they should also be directly involved in the process from the preliminary stage to make consultations clearer and more accessible to their members and the wider public in general. The EESC could support CSOs in carrying out these tasks by putting its knowledge and expertise on the consultation process at their disposal and by disseminating relevant documents and useful information to enable the participation of CSOs in online public consultations. Already existing platforms that aim at strengthening the cooperation amongst civil society, such as the Liaison Group, are important supporters of these processes.

Most EESC Members stated that their organisations commonly use ICTs and are aware of the potential of digital tools in facilitating the implementation of their main activities, such as the dissemination and exchange of information among their members and the mobilisation of their members and supporters. However, CSOs should learn how to better exploit new technologies in order to enhance the awareness and the participation of their members to EU online public consultation processes. ICTs can provide the organisations with quicker and a more direct channel of communication that can be used to foster the civic engagement of citizens in consultation processes in order to enhance the representativeness of this tool for engagement in EU policy-making.

In conclusion: even if most EESC Members agree that the use of new technologies is leading to the emergence of new forms of citizen participation, we argue that CSOs and the EESC still have a crucial role to play as advisors, mediators and facilitators in the consultation processes.

3. Chapter: EESC's Potential Role in Public Consultations

The following chapter explores how to improve EU online consultation processes, by tackling the three weaknesses previously mentioned: accessibility, representativeness and feedback mechanisms/impact. To address these specific issues, we conducted interviews with four external experts:

- **Maria Cristina Marchetti**, Associate Professor of Political Sociology at the Department of Political Sciences, La Sapienza, University of Rome
- **Rhion Jones**, Co-founder and Director, The Consultation Institute
- **Raphaël Kies**, Research Associate in Political Science, University of Luxembourg
- **James S. Fishkin**, Professor of Communication and Professor of Political Science, Stanford University, and Director of the Center for Deliberative Democracy

The four experts were chosen because of their knowledge and extensive research publications on European participatory tools, consultations processes and/or deliberative democracy.

All experts agreed that EU online public consultation are an important way to foster transparency at EU level and offer an opportunity to both civil society and European citizens to participate in the EU decision-making process. One of main strengths of EU online public consultations lies in the fact that they are the only institutionalised consultative procedure at the EU level.

However, the experts also addressed the three weaknesses (accessibility, representativeness and feedback mechanisms/impact) identified in our previous chapters by giving concrete examples on how to improve EU online public consultations.

The final part of this chapter will consist in the recommendations for CSOs and the EESC based on the qualitative and quantitative data gathered until this point.

3.1 Accessibility

Consultation processes are in line with one of the key objectives of the European Union: ensuring a dialogue as open, transparent and regular as possible between citizens, representative associations and civil society and EU Institutions, as mentioned in Art. 11 of the Treaty of Lisbon⁷⁵.

According to Marchetti, public consultations are a key step forward to foster participation in EU policy-making processes. However, she argues that EU online public consultations are accessible only to a limited number of CSOs active in Brussels and the challenge is how to enhance “information and communication to improve an open participation”. Furthermore, citizens are not well informed about the possibility to participate, as EU decision-making is often too technical and this discourages

⁷⁵ Johansson, H. (2012), “Whom do they represent? Mixed modes of representation in EU-based CSOs”, in Kröger, S., Friedrich, D., (eds.), *The challenge of democratic representation in the European Union*, Palgrave Macmillan, United Kingdom, p. 74.

citizens' participation. In Marchetti's experience, EU online public consultations are often too technical even for university students to comprehend.

Jones also states that because of the highly technical content of EU online public consultations and the heterogeneity of the EU population, it is difficult to achieve the sample size and composition that would be required to consider a consultation representative. In his opinion, it is essential to clearly identify the objective of each consultation as "the DGs [of the European Commission] come from a slightly different place and they have different degrees of technical content and different issues". Since consultations are not a one-size-fits-all process, it is essential to make a clear distinction between target groups and it would be more useful, for example, "to open a consultation process to EU citizens only when the consultation's subject-matter is more accessible for citizens and the latter have the necessary information and insights to make a sensible contribution". On the basis of this approach, consultations open to citizens could be fewer in terms of quantity, but better in terms of quality as they would be more properly done and more representative of civil society.

Another important aspect to highlight here is the so-called 'digital divide'. If EU public consultations are online only, they are not inclusive of citizens who are not able to use ICTs or do not have access to digital tools. It is important to highlight online and offline consultations are complementary and should not replace one another.

All experts confirmed that lack of information, issues that are often too technical or the 'digital divide' may limit citizens' access to EU online consultation processes. However, the EESC, as the official representative of civil society's interests, could play a crucial role by providing relevant information to its Members and by offering them both technical and content support regarding EU online public consultations.

Furthermore, one of our experts also stressed how important it is for CSOs to actively engage in creating a more consultative environment among their own members. Before participating in an EU online public consultation, CSOs should reach out to their membership and ask them to provide their opinion on specific issues in order to develop a common position that is as inclusive as possible. The more consultative CSOs are when developing their positions, the more influential they can be at EU level. The EESC should also play a role in encouraging its Members to promote the opening of a dialogue between their CSOs and the related members/supporters before submitting their opinion at EU level.

Therefore, we recommend that CSOs and the EESC should help bridge the lack of expertise in consultations with technical and content support to reduce the technical threshold for participation and thus increase accessibility and representativeness.

3.2 Representativeness

Concerning the issue of representativeness, Marchetti argues participation to the consultation process is usually limited to a few Brussels-based civil society organisations; individual citizens are usually not well informed about the possibility to take part in the EU decision-making process or are discouraged from doing so because such processes are too technical. Furthermore, Jones highlights that there are some subject-matters in which the wider public are simply not interested in expressing their opinions and therefore do not want to participate in consultation processes.

Hence, how can we ensure representativeness in EU online public consultations to make sure contributions are well balanced and reflect the variety of opinions in society? Kies and Fishkin propose two different solutions.

According to Kies, the main challenge of EU online public consultations is that “you only get stakeholders or interest groups that are well organised so you are not able to tackle the ‘lay citizens’, meaning the citizens who are not interested in Europe, not aware about Europe or that are sceptical about Europe”. EU online public consultations, based on a fixed questionnaire, are an efficient way for participation to decision-making for interest groups and expert stakeholders but not for citizens who usually lack information on how the EU works and on the specific policies. Citizens need experts’ support to understand if they are in favour or against certain arguments and their contribution can emerge only through face-to-face discussions.

Kies proposal is to organise ‘**mini publics**’, a deliberative tool, in the various EU Member States on a selection of issues most relevant to citizens. These ‘mini publics’ are offline consultation processes which would take place with a representative sample of citizens and could be organised by the national representations of the EU institutions. Citizens would be paid and have a couple of days to deliberate on a certain EU issue. The outcome would be a national citizens report which could act as a counterweight to the consultations by stakeholders and interest groups.

Fishkin also states that consultations lack representativeness because they are usually captured by organised interests groups representing only those people who feel strongly enough to put themselves forward. Consultations should be both representative and deliberative, and Fishkin thinks this can also be done online because of the potential of ICTs to reduce costs compared to the offline method.

Fishkin conceptualised the notion of ‘deliberative polling’,⁷⁶ a face-to-face consultation process that takes a random representative sample of the public to engage them in small group discussions on specific policy topics. The participants are briefed on the subject prior to the event and experts, policy-makers and moderators are available on the spot to answer their questions and guide the debate in the plenary sessions. The event concludes with a questionnaire that gathers the participants’ considered opinions and the results are analysed after the event.

⁷⁶ Center for Deliberative Democracy , [online] Available at <http://cdd.stanford.edu/what-is-deliberative-polling/>

After conducting two European-wide face-to-face deliberative polls in 2007 and in 2009 in Brussels, Fishkin argues there is also the potential to use this same method online through video connections and platforms to gather questions that are monitored by moderators and answered by competent experts. **‘European online deliberative polls’** could reach out to citizens and be a complementary tool to EU online public consultations, which mainly collects the opinions of organised interests. The strongest point about the online approach in a deliberative polling is that it cuts a huge amount of costs, which were necessary in his two face-to-face experiences mainly for travel and subsistence of participants coming to Brussels.

In both the ‘mini-publics’ and the ‘European online deliberative polls’, the solution to representativeness is to get a random representative sample of a population to participate in these consultation processes. The main points about having a random sample is that it is possible to statistically calculate the representativeness of a population (based on age, gender, nationality, minority groups, etc.) and people cannot volunteer themselves to be part of a random sample because only the ones selected can participate. In Kies’ ‘mini-publics’, the random representative sample would be of a national population, while Fishkin proposes ‘online deliberative polling’ with participants from a random representative sample of the European population.

In the case of online processes, it would be more difficult to reach this sample due to the digital divide. However, Fishkin suggests for now to recruit citizens who are registered on existing ‘giant panels’, such as YouGov⁷⁷, which already have public opinion polling systems in place to involve millions of online users in various countries worldwide. Through these large panels, it is possible to recreate a representative sample of the European population by reverse engineering and algorithms already used by specialised companies, such as Polimetrix, which develop technology, infrastructure, and analytics for online surveys.

Both Kies and Fishkin think citizens should not be recruited specifically for taking part in EU consultations, but they should be generally available to participate because of mainly two incentives: a modest payment for their time and effort and the chance to influence decision-making.

Furthermore, in both cases these processes work if there are two types of experts: first, a committee with a supervisory role, second, selected experts representing different points of views to support citizens during the deliberative process. The EESC could be the committee that gives credibility to the deliberative process, mainly to supervise it, suggest refinements in the agenda and guarantee the balance and accuracy of any material that is the basis of discussion. Furthermore, its Members and their organisations could contribute to the processes as experts to help citizens shape their opinions.

⁷⁷ YouGov, [online] Available at <https://yougov.co.uk/>

3.3 Feedback Mechanism/ Impact

As previously mentioned, both Kies and Fishkin argue it is fundamental for consultations to be deliberative, meaning they should be a two-way process: on the one hand, citizens deliberate on a certain EU policy issue and on the other hand, the European Commission is expected to give feedback on these contributions.

‘Feedback’ is a key element in a consultation process and can have two different meanings: ‘feedback of output’ and ‘feedback of outcome’⁷⁸. ‘Feedback of output’ refers to sharing with others what has been learnt from the process while ‘feedback of outcome’ refers to the impact on decision-making⁷⁹. As mentioned in Chapter 1, the Commission should provide both types according to its 2015 Guidelines. However, this is not always the case.

Marchetti argues that the Commission does not always provide the participants with detailed and clear information on how and to what extent it intends to take into account the opinions collected via EU online public consultations. It may be argued that this absence of feedback discourages further participation in consultation processes and therefore diminishes the representativeness of its outcome. Furthermore, even if the consultations of the Commission are a central participatory tool, it is not a mandatory procedure but only a top-down process started by the Commission upon its discretion⁸⁰. This is another limit to a more inclusive EU decision-making process.

In order to improve the consultation process and promote a decision-making process as much inclusive as possible, we recommend that the EESC and CSOs should advocate for mandatory consultation procedures and call upon the Commission to implement them on a regular basis and with regard to every policy issue. Moreover, in order to improve EU online consultations, the EESC could play a role in monitoring, at the end of each consultation process, whether the Commission has taken into account the opinions expressed by the respondents and inform its own Members about the results.

⁷⁸ Jones, R., Gammell, E., *The Art of Consultation*, Biteback Publishing, 2009 p. 96

⁷⁹ *Ibidem*

⁸⁰ Marchetti, M. C., “La partecipazione della società civile ai processi decisionali europei: verso una democrazia partecipativa in Europa?” *Cittadinanza Europea (LA)*, Vol. 2, 2012, p. 101.

3.4 Conclusions and Recommendations to the EESC

The first chapter of this study identified the three major weaknesses of EU online public consultations, mainly accessibility, representativeness and feedback/impact, and concluded with several recommendations to the European Commission on how to overcome these challenges.

In the second chapter, we explained how CSOs could contribute to creating more ‘user-friendly’ public online consultations as well as promote and disseminate more information concerning EU online public consultations among their members. Moreover, as mediators and facilitators in the consultation process, CSOs could help their members to transfer their recommendations or key messages to EU institutions.

In this third chapter, we have continued to build upon the findings of the previous analyses through interviews with four experts to identify how the EESC could play a more substantial role in improving consultation processes at EU level. From this analysis, we have formulated the following recommendations for the EESC to leverage the strengths of CSOs to overcome the primary weaknesses of EU online public consultations: accessibility, representativeness, and feedback/impact. The following table summarises these recommendations.

Table 7: Recommendations

Weaknesses of EU online public consultations	Related strengths of CSOs	Recommendations to the EESC aimed at leveraging CSO strengths to overcome weaknesses of current EU online public consultations
Accessibility	<p>Content-specific knowledge of specific CSOs</p> <p>Mediators of consultation processes</p> <p>Can support EC at a preliminary stage to make consultations clearer and more user-friendly</p>	<p>Provide technical and subject-matter briefing /support to CSOs whenever new public consultations are launched to allow CSO outreach to citizens</p> <p>Stimulate CSOs to empower citizens to participate in EU online public consultations</p> <p>Promote / support the use of digital tools as a decision-making method in CSOs</p>
Representativeness	<p>Credibility as champion of traditional ‘organised’ civil society in participatory democracy</p> <p>Technical or subject expertise</p>	<p>Use credibility as champion of traditional participatory democracy to advocate for random sampling as the future method to ensure representativeness of both ‘organised’ and ‘unorganised’ civil society</p> <p>Play a facilitative role in deliberative processes regarding moderation and content/technical support</p>
Feedback/Impact	<p>Lobbying power and political agenda-setting influence</p> <p>Credibility as champion of traditional ‘organised’ civil society in participatory democracy</p>	<p>Advocate and set the agenda for mandatory consultation processes</p> <p>Monitor the Commission’s feedback to consultation processes and call out failures to deliver adequate feedback</p>

Regarding the identified weakness of a lack of accessibility to current EU online public consultations, we recommend that CSOs in general, and the EESC in particular, should help bridge the lack of expertise in consultations with technical and content support to reduce the technical threshold for participation and thus increase accessibility. The EESC, as the official representative of civil society's interests, could play a crucial role by providing technical and subject-matter support regarding EU online public consultations to its Members or directly to citizens, thus activating civil society to support citizens in tackling thresholds that limit the accessibility of EU online public consultations. Existing platforms, such as the EESC's Liaison Group, should continue being facilitators of the so called 'enabling' role of the EESC of bringing civil society closer and strive for the improvement of consultation processes.

Furthermore, the EESC can stimulate its Members to enthuse citizens to participate in EU public consultations to increase citizens' familiarity with the tool and 'normalise' online consultations as a tool for participatory democracy. The EESC should also encourage its Members to promote the use of digital tools to organise dialogues with members/supporters in order to develop positions that are as inclusive as possible. The more consultative CSOs are when developing their positions, the more input legitimacy they have when weighing in on European policy-making.

With regard to the second identified weakness, the representativeness of EU online public consultations, we recommend that the EESC should reimagine the role it and CSOs play in ensuring representation in decision-making. First, rather than focusing on bringing greater numbers of citizens into the process, CSOs could focus, on the one hand, on ensuring the participation of a group that is representative of society and, on the other hand, on bringing technical or subject-specific background information into the deliberative process, thus strengthening the quality of the participatory decision-making process. As a champion of traditional 'organised' civil society, the EESC would be a strong and credible voice calling for random representative sampling as a modern, scientific method to ensure the representation of both 'organised' and 'unorganised' civil society.

Finally, with regard to the identified weakness of a lack of feedback, our recommendation is simple and straightforward: the EESC and CSOs should use its political capital as traditional champions of participatory democracy to advocate for mandatory consultation procedures, and call upon the Commission to implement these on a regular basis and with regard to every policy issue. Moreover, in order to improve EU online consultations, the EESC could play a role in monitoring, at the end of each consultation process, whether the Commission has taken into account the opinions expressed by the respondents and whether it has provided adequate feedback, and hold the Commission accountable for providing such feedback. The EESC's Members should be informed about the results.

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Annexes

Annex 1: list of consultations

Closed consultations: 2014

1. Agriculture and Rural Development: COMMISSION REGULATION (EU) No .../. of 12.2.2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on Functioning of the European Union and repealing Commission Regulation (EC) No 1857/2006 – DRAFT –
2. Agriculture and Rural Development: European Union Guidelines for State aid in the agriculture and forestry sector and in rural areas 2014 to 2020
3. Climate Action: Questions for stakeholder consultation on Emission Trading System (ETS) post-2020 carbon leakage provisions
4. Communications Networks - Content & Technology: Green Paper on mHealth
5. Communications Networks - Content & Technology: Trusted Cloud Europe Survey
6. Competition: Availability of short term export credit insurance for exports to Greece
7. Competition: Consultation on the Review of the Insurance Block Exemption Regulation
8. Competition: Towards more effective EU merger control
9. Competition: Draft Commission Regulation amending Regulation (EC) No 906/2009 on Liner Shipping Consortia as regards its period of application
10. Competition: Consultation on the Notice on the notion of State aid
11. Competition: Draft Communication on State aid to promote important projects of common European interest
12. Competition: Consultation on the draft Union Framework for State aid for Research, Development and Innovation
13. Competition: Draft Guidelines on environmental and energy State aid for 2014-2020
14. Competition: Consultation on a draft General Block Exemption Regulation (the GBER) on state aid measures
15. Competition: Modernising state aid through better evaluation
16. Consumers: Green Paper on the Safety of Tourism Accommodation Services
17. Consumers: Review of the Consumer Protection Cooperation Regulation
18. Economic and Financial Affairs: Framework regulation integrating business statistics (FRIBS)
19. Economic and Financial Affairs: Towards implementing European Public Sector Accounting Standards (EPSAS) for EU Member States - Public consultation on future EPSAS governance principles and structures
20. Education: Public consultation on a “European Area of Skills and Qualifications”
21. Energy: Establishment of the annual priority lists for the development of network codes and guidelines for 2015 and beyond
22. Energy: Open consultation on the progress towards the 2020 energy efficiency objective and a 2030 energy efficiency policy framework
23. Energy: Retail Energy Market

24. Energy: Evaluation of the Energy Labelling Directive and certain aspects of the Ecodesign Directive - additional questions about the use of the primary energy factor
25. Enterprise: A strong European policy to support Small and Medium-sized enterprises (SMEs) and entrepreneurs 2015-2020 – Public consultation on the Small Business Act (SBA)
26. Enterprise: Consultation on transparency measures for nanomaterials on the market
27. Enterprise: Public Consultation on Galileo Open Service Signal In Space Interface Control Document (OS SIS ICD)
28. Enterprise: Consultation on certification for waste treatment facilities
29. Enterprise: Consultation on information provided to consumers about characteristics of furniture products
30. Enterprise: Consultation on the European Tourism of the future
31. Enterprise: Open consultation on regulatory and administrative framework on tourism businesses, public administrations, and other tourism stakeholders in the EU
32. Enterprise: Stakeholders' consultation on an authenticity leather labelling system at EU level
33. Enterprise: Consultation on the ICT technical specifications Lightweight Directory Access Protocol version 3 "LDAPv3" for the reference in public procurement
34. Enterprise: Consultation on Technical Specification DomainKeys Identified Mail Signatures (DKIM)
35. Enterprise: Consultation on the ICT technical specifications "IPv6" for the reference in public procurement
36. Enterprise: Consultation on ECMA-402 (Edition 1) ECMAScript Internationalization API Specification (December 2012)
37. Enterprise: Consultation on Extensible Markup Language (XML) produced by World Wide Web Consortium (W3C) for the reference in public procurement
38. Enterprise: Consultation on Domain Name System Security Extensions (DNSSEC) from Internet Engineering Task Force (IETF) for the reference in public procurement
39. Environment: Consultation on the Ratification by the EU of the Minamata Convention on Mercury
40. Environment: Consultation on policy options to optimise water reuse in the EU
41. Environment: Consultation on the future EU initiative on No Net Loss of biodiversity and ecosystem services
42. Environment: Quality of Drinking Water in the EU
43. Environment: Consultation to support the evaluation of the implementation of the EU Ecolabel Regulation
44. Environment: Consultation on the EU approach against wildlife trafficking
45. Environment: Consultation on the Implementation of the Infrastructure for Spatial Information in the European Community - INSPIRE Directive (2007/2/EC)
46. General and Institutional Affairs: Public consultation on the Commission's Stakeholder Consultation guidelines
47. General and Institutional Affairs: Public consultation on the revision of the Commission's Impact Assessment guidelines
48. General and Institutional Affairs: Consultation on the draft Commission Evaluation Guidelines
49. Home Affairs: Consultation on the renewal of the EU Internal Security Strategy

50. Home Affairs: Debate on the future of Home Affairs policies
51. Internal Market: Effects of International Financial Reporting Standards (IFRS) in the EU: public consultation
52. Internal Market: Public consultation on the Evaluation of the Commercial Agents Directive (86/653/EEC)
53. Internal Market: Public consultation on a possible extension of geographical indication protection of the European Union to non-agricultural products – Making the most out of Europe's traditional know-how
54. Internal Market: Public consultation on the equivalence of third country regimes regarding the country by country reporting by extractive and forestry industries
55. Internal Market: Consultation on the potential economic consequences of country-by-country reporting under Directive 2013/36/EU (Capital Requirements Directive or CRD)
56. Internal Market: Public consultation on the contributions of credit institutions to resolution financing arrangements
57. Internal Market: Consultation on introducing the European Professional Card (EPC) for nurses, doctors, pharmacists, physiotherapists, engineers, mountain guides and real estate agents
58. Internal Market: Consultation on foreign exchange financial instruments
59. Internal Market: Public Consultation on the review of the EU copyright rules
60. Internal Market, Enterprise: The European Commission's strategy on Corporate Social Responsibility (CSR) 2011-2014: achievements, shortcomings and future challenges
61. Justice and Fundamental Rights: Public consultation on the Brussels IIa Regulation
62. Justice and Fundamental Rights: Public Consultation on EU Guidance for integrated Child Protection Systems
63. Maritime Affairs and Fisheries: Streamlining EU funding in the Arctic
64. Maritime Affairs and Fisheries: Fishing Opportunities for 2015 under the Common Fisheries Policy
65. Maritime Affairs and Fisheries: Second draft of the new Block Exemption Regulation applicable to the fishery and aquaculture sector
66. Maritime Affairs and Fisheries: Consultation on seabed mining
67. Maritime Affairs and Fisheries: Consultation on the first draft of the new Block Exemption Regulation applicable to the fishery and aquaculture sector
68. Maritime Affairs and Fisheries: Second draft of the new de minimis regulation in the fishery and aquaculture sector
69. Maritime Affairs and Fisheries: New framework for technical measures in the reformed Common Fisheries Policy
70. Maritime Affairs and Fisheries: Public consultation on the new de minimis regulation in the fishery and aquaculture sector
71. Maritime Affairs and Fisheries: Public consultation on marine biotechnology
72. Public Health: Public consultation on patient safety and quality of care
73. Public Health: Consultation on Commission guidelines on format and content of paediatric investigation plans
74. Regional Policy: Public Consultation on the EU Strategy for the Alpine Region

75. Regional Policy: Public Consultation on "The urban dimension of EU policies – key features of an EU Urban Agenda"
76. Research and Technology: Public consultation on Horizon 2020 "Science with and for Society" Work Programme 2016-2017
77. Research and Technology: Consultation on 'Science 2.0': Science in Transition
78. Research and Technology, Internal Market, Energy, Employment and Social Affairs, Education, Economic and Financial Affairs, Communications Networks - Content & Technology, Climate Action: Public consultation on the Europe 2020 strategy
79. Taxation: Consultation on tax problems faced by EU citizens when active across borders within the EU
80. Taxation: Consultation on cross-border inheritance tax problems within the EU
81. Taxation: VAT – Review of existing VAT legislation on public bodies and tax exemptions in the public interest
82. Trade: Online public consultation on investment protection and investor-to-state dispute settlement (ISDS) in the Transatlantic Trade and Partnership Agreement (TTIP)
83. Trade, Internal Market: Consultation on protection and enforcement of Intellectual Property Rights outside the EU
84. Transport: A policy initiative on opening the market for remotely piloted aircraft systems (RPAS or civil drones)
85. Transport: A Policy initiative on aviation safety and a possible revision of Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency
86. Transport: Combined transport in the EU
87. Transport: Promoting the development of harmonised carbon footprinting measures for both freight and passenger transport services in Europe
88. Transport: A funding scheme supporting sustainable and efficient freight transport services
89. Transport: The provision of EU-wide real-time traffic information services under the Directive 2010/40/EU
90. Transport: Targeted stakeholder consultation regarding trends and prospects of jobs and working conditions in transport
91. Transport: Proposal for improved protection against subsidisation and unfair pricing practices causing injury to EU air carriers in the supply of air services from non-EU countries

Closed consultations: 2015

1. Banking and Finance: Possible impact of the CRR and CRD IV on bank financing of the economy
2. Banking and Finance: Public consultation on further corporate tax transparency
3. Banking and Finance: Regulation (EU) No 648/2012 on OTC derivatives, central counterparties and trade repositories
4. Banking and Finance: Building a Capital Markets Union

5. Banking and Finance: Review of the Prospectus Directive
6. Banking and Finance: An EU framework for simple, transparent and standardised securitisation
7. Climate Action: Consultation on the preparation of a legislative proposal on the effort of Member States to reduce their greenhouse gas emissions to meet the European Union's greenhouse gas emission reduction commitment in a 2030 perspective
8. Climate Action: Addressing greenhouse gas emissions from agriculture and land use, land use change and forestry (LULUCF) in the context of the 2030 EU climate and energy framework
9. Climate Action: Consultation on the Revision of the EU Emission Trading System (EU ETS) Directive
10. Communication: Consultation on Directive 2010/13/EU on audiovisual media services (AVMSD) - A media framework for the 21st century
11. Communications Networks - Content & Technology: Public consultation on Standards in the Digital Single Market: setting priorities and ensuring delivery
12. Communications Networks - Content & Technology: Public consultation on the needs for Internet speed and quality beyond 2020
13. Communications Networks - Content & Technology: Public consultation on the evaluation and the review of the regulatory framework for electronic communications networks and services
14. Communications Networks - Content & Technology: Public consultation on the Lamy Report: the future use of the UHF TV broadcasting band
15. Communications Networks - Content & Technology, Information Society: Geo-blocking and other geographically-based restrictions when shopping and accessing information in the EU
16. Competition: Guidelines on the application of the specific rules set out in Articles 169, 170 and 171 of the CMO Regulation for the olive oil, beef and veal and arable crops sectors
17. Competition: Public consultation on proposed modifications to Regulation 773/2004 and the Notices on Access to the File, Leniency, Settlements and Cooperation with national courts
18. Development: Public consultation on the EU Action Plan on Forest Law Enforcement, Governance and Trade (FLEGT)
19. Employment and Social Affairs: Public consultation on EU Social Security Coordination
20. Employment and Social Affairs: Public consultation on service provision to long-term unemployed
21. Employment and Social Affairs: Public consultation on the review on the Working Time Directive (Directive 2003/88/EC)
22. Energy: Consultation on the list of proposed Projects of Common Interest – Additional projects in oil, gas and electricity
23. Energy: Public consultation on the review of the Intergovernmental Agreements Decision
24. Energy: Public Consultation on a new Energy Market Design
25. Energy: Public consultation on risk preparedness in the area of security of electricity supply
26. Energy: Consultation on an EU strategy for liquefied natural gas and gas storage
27. Energy: Establishment of the annual priority lists for the development of network codes and guidelines for 2016 and beyond
28. Energy: Consultation on the list of proposed Projects of Common Interest in the field of Smart Grids

29. Energy: Public consultation on the Revision of Regulation (EU) No 994/2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC
30. Energy: Consultation on the list of proposed Projects of Common Interest
31. Enterprise: Public consultation on Methylisothiazolinone (MI)
32. Enterprise: Consultation on a proposed new generic textile fibre name: polyacrylate
33. Enterprise: REACH authorisation: Public consultation on streamlining and simplification of the REACH authorisation application procedure for applications concerning uses of substances in low volumes and on a one-time extension of transitional arrangements for uses of substances in legacy spare parts
34. Enterprise: Online survey on research and innovation activities related to raw materials (European Innovation Partnership on Raw Materials)
35. Enterprise: Patents and Standards – A modern framework for standardisation involving intellectual property rights
36. Environment: Public Consultation on the Evaluation of the European Pollutant Release and Transfer Register (E-PRTR) Regulation
37. Environment: The functioning of Waste Markets in the European Union
38. Environment: Public Consultation on the Circular Economy
39. Environment: Public consultation as part of the Fitness Check of the EU nature legislation (Birds and Habitats Directives)
40. Environment: EU Timber Regulation Review
41. Home Affairs: Public Consultation on the Smart Borders Package
42. Home Affairs: Public consultation on the EU Blue Card and the EU's labour migration policies
43. Internal Market: Public Consultation on the Review of the EU Satellite and Cable Directive
44. Internal Market: Public Consultation on cross-border parcel delivery
45. Internal Market: Consultation on Remedies in Public Procurement
46. Internal Market: Cross-border mergers and divisions
47. Justice and Fundamental Rights: Public consultation on the implementation and application of Council Directive 79/7/EEC on the progressive implementation of the principle of equal treatment for men and women in matters of social security
48. Justice and Fundamental Rights: Public consultation on the application of Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters
49. Justice and Fundamental Rights: EU Citizenship: Share your opinion on our common values, rights and democratic participation
50. Justice and Fundamental Rights: Public consultation on contract rules for online purchases of digital content and tangible goods
51. Justice and Fundamental Rights: Equality between women and men in the EU
52. Maritime Affairs and Fisheries: Consultation on International Ocean Governance
53. Maritime Affairs and Fisheries: Consultation on Fishing Opportunities for 2016 under the Common Fisheries Policy
54. Maritime Affairs and Fisheries: Consultation on a multi-annual plan for the Northern Adriatic Sea small pelagic fisheries
55. Maritime Affairs and Fisheries: Consultation on a multi-annual plan for demersal fisheries in western EU waters

56. Maritime Affairs and Fisheries: Consultation on an EU ecolabel for fisheries and aquaculture products
57. Maritime Affairs and Fisheries: Multi-annual plan for the North Sea demersal fisheries
58. Maritime Affairs and Fisheries: Guidelines for the examination of State aid to the fishery and aquaculture sector (Draft)
59. Neighbourhood Policy: Towards a new European Neighbourhood Policy
60. Public Health: Detailed Commission guidelines on good manufacturing practice for investigational medicinal products for human use, pursuant to the second subparagraph of Article 63(1) of Regulation (EU) No 536/2014
61. Public Health: Commission Delegated Act on Principles and guidelines on good manufacturing practice for investigational medicinal products for human use and inspection procedures, pursuant to the first subparagraph of Article 63(1) of Regulation (EU) No 536/2014
62. Public Health: Commission Implementing Act on Principles and guidelines on good manufacturing practices for medicinal products for human use, pursuant to the first paragraph of Article 47 of Directive 2001/83/EC
63. Public Health: Detailed arrangements for clinical trials inspection procedures including the qualifications and training requirements for inspectors, pursuant to article 78(7) of Regulation (EU) No 536/2014
64. Public Health: Targeted stakeholder consultation on the implementation of an EU system for traceability and security features pursuant to Articles 15 and 16 of the Tobacco Products Directive 2014/40/EU
65. Public Health: Guidelines relating to the provision of information on substances or products causing allergies or intolerances as listed in Annex II of Regulation (EU) No 1169/2011 on the provision of food information to consumers
66. Public Health, Enterprise, Consumers, Internal Market: Public consultation on Chloroacetamide in the framework of Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products
67. Public Health, Enterprise, Consumers, Internal Market: Public consultation on Zinc Oxide (colorant) in the framework of Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products
68. Regional Policy: Public consultation on overcoming obstacles in border regions
69. Research and Technology: Public online stakeholder consultation on the ex-post evaluation of the 7th Framework Programme
70. Research and Technology: A public consultation on possible EU actions in relation to global coordination of Earth observations via the Group on Earth Observations (GEO)
71. Statistics, Agriculture and Rural Development: Strategy for Agricultural Statistics 2020 and beyond (European System of Agricultural Statistics – EASS)
72. Taxation: Public Consultation on Modernising VAT for cross-border e-commerce
73. Taxation: Consultation on the review of the existing "structures" legislation of excise duties on alcohol and alcoholic beverages
74. Taxation: Public consultation on a review of Regulation (EC) N° 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community

75. Trade: Public Consultation on the future of EU-Mexico trade and economic relations
76. Trade: Public online consultation on the export control policy review (Regulation (EC) No 428/2009)
77. Trade, Development: Towards a new partnership between the European Union and the African, Caribbean and Pacific countries after 2020
78. Trade, Public Health, Environment, Enterprise, Employment and Social Affairs, Agriculture and Rural Development, Food Safety: Consultation on defining criteria for identifying Endocrine Disruptors in the context of the implementation of the Plant Protection Product Regulation and Biocidal Products Regulation
79. Transport: Provision of EU-wide multimodal travel information services under the ITS Directive 2010/40/EU
80. Transport: Aviation package for improving the competitiveness of the EU Aviation sector
81. Transport: Mid-term review of the 2011 White Paper on transport
82. Transport: Mid Term Review of the EU Maritime Transport Strategy
83. Transport: Targeted stakeholder consultation on the establishment of the “Pilot common project” supporting the implementation of the European Air Traffic Management Master Plan

Closed consultations: 2016

1. Agriculture and Rural Development: Public consultation on the experience with the first year of application of greening obligations under the direct payment scheme (CAP)
2. Banking and Finance: Capital markets union: action on a potential EU personal pension framework
3. Banking and Finance: Review of the EU Macro-prudential policy framework
4. Banking and Finance: Main barriers to the cross-borders distribution of investment funds across the EU
5. Banking and Finance: Evaluation of the financial conglomerate directive
6. Banking and Finance: Non-binding guidelines on methodology for reporting non-financial information
7. Banking and Finance: Green Paper on retail financial services: better products, more choice, and greater opportunities for consumers and businesses
8. Banking and Finance: Call for evidence: EU regulatory framework for financial services
9. Banking and Finance: Covered bonds in the European Union
10. Banking and Finance: Review of the European Venture Capital Funds (EuVECA) and European Social Entrepreneurship Funds (EuSEF) regulations
11. Communication: Public consultation - Evaluation of the 2013-2017 generation of Europe Direct Information Centres
12. Communication: Open consultation - Evaluation of the European Commission's Visitors' Centre
13. Communications Networks - Content & Technology, Information Society: Public consultation on the safety of apps and other non-embedded software not covered by sector-specific legislation (such as medical devices or radio equipment).

14. Communications Networks - Content & Technology, Information Society: Public consultation on the evaluation and review of the e-privacy directive
15. Communications Networks - Content & Technology, Information Society: Revision of the European Interoperability Framework
16. Communications Networks - Content & Technology, Information Society: Public consultation on the role of publishers in the copyright value chain and on the 'panorama exception'
17. Communications Networks - Content & Technology: Public consultation on the evaluation of Commission Recommendation 2009/396/EU on the Regulatory treatment of fixed and mobile termination rates in the EU
18. Communications Networks - Content & Technology, Information Society: Public stakeholder consultation on next phase of EU-US cooperation in eHealth/Health IT
19. Communications Networks - Content & Technology: Public consultation on the contractual public-private partnership on cybersecurity and possible accompanying measures
20. Communications Networks - Content & Technology, Information Society: Public consultation on the review of national wholesale roaming markets, fair use policy and the sustainability mechanism referred to in the Roaming Regulation 531/2012 as amended by Regulation 2015/2120
21. Communications Networks - Content & Technology: Public consultation: eGovernment Action Plan 2016-2020
22. Communications Networks - Content & Technology, Information Society: Regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy
23. Competition: Empowering the national competition authorities to be more effective enforcers
24. Climate Action: Consultation on monitoring and reporting of fuel consumption and CO2 emissions from Heavy Duty Vehicles
25. Climate Action: Consultation on the revision of Regulation (EU) No 443/2009 and Regulation (EU) No 510/2011 setting CO2 emission performance standards for light duty vehicles.
26. Climate Action: Consultation on the policy options for market-based measures to reduce climate change impact from international aviation
27. Climate Action: Consultation on the functioning of the Auctioning Regulation pursuant to the scheme for greenhouse gas emission allowances trading within the Community (EU ETS).
28. Climate Action: Public consultation to support the evaluation of the car labelling Directive
29. Development: UN 2030 Agenda for Sustainable Development - Public Consultation on revising the European Consensus on Development.
30. Education: Public consultation on a renewed Modernisation Agenda for Higher Education in the European Union
31. Employment and Social Affairs: Open Public Consultation for the Mid-term Evaluation of the European Globalisation Adjustment Fund (EGF)
32. Employment and Social Affairs: Public Consultation on the Evaluation of the European Training Foundation (ETF) in the period 2011-2014
33. Employment and Social Affairs: Public online consultation on the Your First EURES job (YFEJ) mobility scheme and options for future EU measures on youth intra-EU labour mobility

34. Employment and Social Affairs: Public consultation on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship (the so-called "Written Statement Directive")
35. Employment and Social Affairs: Public consultation on the review of the European Disability Strategy 2010-2020
36. Employment and Social Affairs, Economic and Financial Affairs: Public consultation on the European Pillar of Social Rights
37. Energy: Public consultation on the Evaluation of Directive 2009/119/EC imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products
38. Energy: Establishment of the annual priority lists for the development of network codes and guidelines for 2017 and beyond
39. Energy: Consultation on streamlining of planning and reporting obligations as part of the energy union governance
40. Energy: Preparation of a new Renewable Energy Directive for the period after 2020
41. Energy: Revision of the information and procedural requirements under Articles 41 to 44 of the Euratom Treaty
42. Enterprise, Internal Market: Public consultation on the evaluation of the Machinery Directive 2006/42/EC
43. Enterprise, Internal Market: Public consultation on the evaluation of the Lifts Directive 95/16/EC
44. Enterprise, Internal Market: Public consultation on Internal Market for Goods – Enforcement and Compliance
45. Enterprise, Internal Market: Public consultation on the possible revision of the Mutual Recognition Regulation (EC) No 764/2008
46. Enterprise, Internal Market: Consultation on the regulation of professions: proportionality and Member States' National Action Plans
47. Enterprise, Internal Market: Public consultation on a Space Strategy for Europe
48. Enterprise, Internal Market: Public consultation for the evaluation of Directive 2009/81/EC on public procurement in the fields of defence and security
49. Enterprise, Internal Market: Open public consultation as part of the Fitness check on the Construction sector
50. Environment: Public consultation as part of the REFIT evaluation of the Zoos Directive (Council Directive 1999/22/EC relating to the keeping of wild animals in zoos)
51. Environment: Public Consultation on potential measures to improve the implementation of certain aspects of the Directive on end-of life vehicles, with emphasis on ELVs of unknown whereabouts
52. Environment: Consultation on the evaluation of the Environmental Noise Directive
53. Environment: Streamlining monitoring and reporting obligations in environment policy
54. Environment, Climate Action: Mid-term evaluation of the LIFE Programme
55. Equal opportunities, Employment and Social Affairs: Public consultation in the context of ex-post evaluation of the European Social Fund during the 2007-2013 programming period
56. External Relations: Capacity building in support of security and development (CBSD) in third countries. Online public consultation

57. General and Institutional Affairs: Public Consultation on a proposal for a mandatory Transparency Register
58. Home Affairs: Public Consultation on the actions under the programme "Prevention, Preparedness and Consequence Management of Terrorism and other Security related risks" (CIPS) for 2007 – 2013
59. Home Affairs: Public Consultation on the actions under the programme "Prevention of and Fight against Crime" (ISEC) for 2007-2013
60. Home Affairs: Public Consultation on the European Return Fund (RF) actions for 2011-2013
61. Home Affairs: Public Consultation on the External Borders Fund (EBF) actions for 2011-2013
62. Home Affairs: Public Consultation on the European Refugee Fund (ERF) actions for 2011-2013
63. Home Affairs: Public Consultation on the European Fund for the Integration of third-country nationals actions for 2011-2013
64. Home Affairs: Public Consultation on the European Refugee Fund (ERF) actions for 2008-2010
65. Home Affairs: Public Consultation on the European Fund for the Integration of third-country nationals actions for 2007-2010
66. Home Affairs: Public consultation for the 2016 evaluation of the EU Drugs Strategy and Action Plan on Drugs
67. Home Affairs: Tackling migrant smuggling: is the EU legislation fit for purpose?
68. Internal Market: Single Digital Gateway
69. Internal Market: Public Consultation on Single Market Information Tool
70. Internal Market: Public consultation under the Start-up Initiative
71. Internal Market: Public consultation on the 'Proposal to reform the procedure whereby Member States notify new regulatory requirements applicable to services providers'
72. Internal Market: Public consultation on the evaluation and modernisation of the legal framework for the enforcement of intellectual property rights
73. Internal Market, Public Health, Enterprise, Consumers: Public consultation on Peanut oil and Hydrolysed wheat proteins in the framework of Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products
74. Justice and Fundamental Rights: Consultation on an effective insolvency framework within the EU
75. Justice and Fundamental Rights, Banking and Finance: Public consultation on impacts of maximum remuneration ratio under Capital Requirements Directive 2013/36/EU (CRD IV), and overall efficiency of CRDIV remuneration rules
76. Justice and Fundamental Rights, Consumers: Public consultation for the Fitness Check of EU consumer and marketing law
77. Justice and Fundamental Rights, Environment, Climate Action, Banking and Finance: Public consultation on long-term and sustainable investment
78. Maritime Affairs and Fisheries: Multiannual plan for the fisheries exploiting demersal stocks in the Western Mediterranean Sea
79. Maritime Affairs and Fisheries: Consultation on Fishing Opportunities for 2017 under the Common Fisheries Policy
80. Maritime Affairs and Fisheries: European Fisheries Fund (EFF) ex post evaluation and the possible future European Maritime and Fisheries Fund (EMFF) after 2020

81. Maritime Affairs and Fisheries: Consultation on the fisheries control regulation
82. Public Health, Internal Market: Public consultation on the implementation of an EU system for traceability and security features pursuant to Articles 15 and 16 of the Tobacco Products Directive 2014/40/EU
83. Public Health: Similarity in the context of the orphan legislation: adaptation to technical progress
84. Public Health: Commission notice on aspects of the application of articles 3, 5 and 7 of regulation (ec) no 141/2000 on orphan medicinal products
85. Public Health, Enterprise, Consumers, Internal Market: Public consultation on Methylisothiazolinone (MI) in the framework of Regulation (EC) No. 1223/2009 of the European Parliament and of the Council on cosmetic products - rinse-off cosmetic products
86. Public Health, Environment, Enterprise, Internal Market: Consultation on the regulatory fitness of chemicals legislation (excluding REACH)
87. Public Health, Environment, Enterprise, Internal Market: Consultation on a possible restriction of hazardous chemical substances (CMR 1A and 1B) in textile articles and clothing for consumer use under Article 68(2) of Regulation EC No 1907/2006 (REACH)
88. Regional Policy: Consultation on ERDF and Cohesion Fund 2007-2013 ex-post evaluation
89. Research and Technology: Public Consultation on the Implementation of the Second European and Developing Countries Clinical Trials Partnership programme during the period 2014-2016
90. Research and Technology: Public Consultation on the Joint Programming on Metrology Research (EMRP and EMPIR)
91. Research and Technology: Public consultation on Horizon 2020 "Science with and for Society" Work Programme 2018-2020
92. Research and Technology: Open Public Online Consultation: PRIMA (Partnership for Research and Innovation in the Mediterranean Area) in Horizon 2020
93. Research and Technology, Maritime Affairs and Fisheries, Agriculture and Rural Development: Public consultation on Horizon 2020 'Food Security, sustainable agriculture and forestry, marine and maritime and inland water research and the bioeconomy' Work Programme 2018-2020
94. Research and Technology, Public Health, Agriculture and Rural Development, Food Safety: Public consultation for the Evaluation of the Commission's Communication to the European Parliament and the Council on the Action Plan against the Rising Threats from Antimicrobial Resistance (AMR) (COM (2011) 748)
95. Research and Technology, Public Health, Environment, Enterprise, Energy, Education, Communications Networks - Content & Technology, Climate Action, Internal Market, Information Society: Public Consultation: Interim evaluation of the European Institute of Innovation and Technology
96. Taxation: Public Consultation on reduced VAT rates for electronically supplied publications
97. Taxation, Customs: Improving double taxation dispute resolution mechanisms
98. Taxation: Re-launch of the Common Consolidated Corporate Tax Base (CCCTB)
99. Trade: Public consultation on a possible modernisation of the trade part of the EU-Chile Association Agreement
100. Trade: Public consultation on the future of EU-Turkey trade and economic relations
101. Trade: Public consultation on the future of EU-Australia and EU-New Zealand trade and economic relations

102. Trade: Possible change in the methodology to establish dumping in trade defence investigations concerning the People's Republic of China[1]
103. Transport: Public consultation on the enhancement of the social legislation in road transport
104. Transport: Review of Directive 2006/1/EC on the use of hired vehicles for the carriage of goods by road
105. Transport: Ex-post evaluation of EU financial support to sustainable urban mobility and to the use of alternative fuels in EU urban areas
106. Transport: Stakeholder consultation on Regulation (EC) 1371/2007 on rail passengers' rights and obligations
107. Transport: Ex-post Evaluation of the Single European Sky (SES) Performance and Charging Schemes
108. Transport: Open public consultation on the Evaluation of Regulation (EU) 913/2010 concerning a European rail network for competitive freight
109. Transport: Public consultation for the evaluation of Directive 2007/59/EC on the certification of train drivers operating locomotives and trains on the railway system in the Community
110. Transport: Review of Directive 1999/62/EC ("Eurovignette") as amended, on the charging of heavy goods vehicles for the use of certain roads
111. Transport: Revision of Directive 2004/52/EC and Decision 2009/750/EC on the European Electronic Toll Service
112. Transport: Public Consultation on the European Union C-ITS Initiative
113. Transport: Review of Regulation (EC) No 1071/2009 on access to the occupation of road transport operator and Regulation (EC) No 1072/2009 on access to the international road haulage market
114. Transport, Consumers: Public consultation on the evaluation of Regulation 392/2009 on the Liability of Carriers of Passengers by Sea in the Event of Accidents
115. Transport, Environment: Public consultation on the Revision of the Port Reception Facilities Directive (2000/59/EC)
116. Transport, Justice and Fundamental Rights, Home Affairs: Evaluation of Directive 2015/413/EU facilitating cross-border exchange of information on road-safety-related traffic offences
117. Transport, Research and Technology, Energy, Climate Action, Internal Market: Public consultation on the development of a comprehensive, integrated Research, Innovation and Competitiveness strategy for the Energy Union
118. Transport, Research and Technology, Public Health, Environment, Energy, Development, Climate Action, Agriculture and Rural Development, Internal Market: A sustainable bioenergy policy for the period after 2020
119. Youth, Sport: Evaluation of the Youth policy cooperation in the EU - public consultation

Annex 2: sample of 12 consultations

	Total amount of replies	Employers' group %	Workers' group %	Various interests' group %	PA %	Citizens %
Banking and Finance	428	34.80%	0.70%	14.00%	7.30%	43.20%
Communications Networks, Content and Technology, Information Society	421	44.20%	0.00%	7.80%	9.50%	38.50%
Competition	181	37.60%	1.00%	18.80%	26.00%	16.60%
Employment and social affairs	97	2.00%	10.30%	12.40%	10.30%	65.00%
Enterprise, Internal Market	239	53.14%	0.84%	11.71%	31.80%	2.51%
Environment	150	3.00%	0.00%	25.00%	55.00%	17.00%
Public Health, Environment, Enterprise, Internal Market	120	61.60%	1.00%	14.10%	8.30%	15.00%
Trade	169	93.40%	0.00%	3.00%	1.20%	2.40%
Transport	1209	4.00%	70.00%	23.00%	0.00%	3.00%

Transport, Research and Technology, Energy, Climate Action, Internal Market	243	29.00%	0.00%	21.00%	6.00%	36.00%
Energy	59	32.20%	0.00%	28.80%	32.20%	6.80%
Justice and Fundamental Rights	436	60.00%	0.00%	54.00%	6.00%	0.00%
Median %		36.20%	0.35%	16.45%	8.90%	15.80%

Annex 3: Matching between EU online public consultations and the EESC Opinions

EU public online consultations	EESC Opinions (mandatory)	EESC Opinions (own initiative)
DG Banking and Finance: An EU framework for simple, transparent and standardised securitisation (18.02.2015 – 13.05.2015)	Legal framework for securitisation – consulted by the Council and the European Parliament in October 2015 (adopted in <i>January 2016</i>).	
DG Energy: Public Consultation on a new Energy Market Design (15.07.2015 – 08.10.2015)	Launching the public consultation process on a new energy market design (communication) – consulted by the European Commission in July 2015 (<i>adopted in January 2016</i>).	
DG Banking and Finance: Building a Capital Markets Union (18.02.2015 – 13.05.2015)	Action Plan on Capital Markets Union (communication) – consulted by the European Commission in September 2015 (<i>adopted in February 2016</i>).	
DG Environment: Public Consultation on the Circular Economy (28.05.2015 – 20.08.2015)	Circular Economy Package – consulted by the European Commission in December 2015 (<i>adopted in April 2016</i>).	
DG Neighbourhood Policy: Towards a new European Neighbourhood Policy (04.03.2015 – 30.06.2015)	Review of the European Neighbourhood Policy – consulted by the European Commission in November 2015 (<i>adopted in May 2016</i>).	

<p>DG Transport:</p> <p><u>Aviation package for improving the competitiveness of the EU Aviation sector</u></p> <p>(19.03.2015 – 10.06.2015)</p>	<p>Aviation package – consulted by the European Commission in December 2015 (<i>adopted in July 2016</i>).</p>	
<p>DG Energy:</p> <p><u>Public consultation on the Revision of Regulation (EU) No 994/2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC</u></p> <p>(15.01.2015 – 08.04.2015)</p>	<p>Security of natural gas supply – consulted by the Council of the European Union and the European Parliament in March 2016, by the European Commission in September 2016 (<i>adopted in September 2016</i>).</p>	
<p>DG Communications Networks - Content & Technology:</p> <p><u>Public consultation: eGovernment Action Plan 2016-2020</u></p> <p>30.10.2015 – 22.01.2016</p>	<p>European eGovernment Action Plan 2016-2020 – consulted by the European Commission in April 2016 (<i>adopted in September 2016</i>).</p>	
<p>DG Communications Networks - Content & Technology, Information Society:</p> <p><u>Geo-blocking and other geographically-based restrictions when shopping and accessing information in the EU</u></p> <p>(25.09.2015 – 28.12.2015)</p>	<p>Unjustified geo-blocking – consulted by the European Parliament and the Council of the European Union in June 2016 (<i>adopted in October 2016</i>).</p>	
<p>DG Employment and Social Affairs:</p> <p><u>Public consultation on the review of the European Disability Strategy 2010-2020</u></p> <p>(22.12.2015 – 18.03.2016)</p>		<p>Concluding observations of the UN CRPD Committee to the European Union—A new strategy for persons with disabilities in the EU – January/October 2016</p>

<p>DG Communications Networks - Content & Technology, Information Society:</p> <p><u>Public consultation on the review of national wholesale roaming markets, fair use policy and the sustainability mechanism referred to in the Roaming Regulation 531/2012 as amended by Regulation 2015/2120</u></p> <p>(26.11.2015 – 18.02.2016)</p>	<p>Review of the wholesale roaming market in the EU - consulted by the European Parliament and the European Council in July 2016 (<i>adopted in October 2016</i>).</p>	
<p>DG Communication:</p> <p>Consultation on Directive 2010/13/EU on audiovisual media services (AVMSD) – A media framework for the 21st century</p> <p>(06.07.2015 – 30.09.2015)</p>	<p>Review of the Audio-Visual Media Services Directive – consulted by the European Commission in July 2016 (<i>adopted in October 2016</i>).</p>	
<p>DG Internal Market:</p> <p><u>Public Consultation on cross-border parcel delivery</u></p> <p>(06.05.2015 – 05.08.2015)</p>	<p>Parcel Delivery – consulted by the European Parliament and the Council of the European Union in June 2016 (<i>adopted in October 2016</i>).</p>	
<p>DG Research and Technology, Maritime Affairs and Fisheries, Agriculture and Rural Development:</p> <p><u>Public consultation on Horizon 2020 ‘Food Security, sustainable agriculture and forestry, marine and maritime and inland water research and the bioeconomy’ Work Programme 2018-2020</u></p> <p>(06.06.2016 – 28.08.2016)</p>	<p>Mid-term evaluation of Horizon 2020 – consulted by the Slovak presidency of the Council in March 2016 (<i>adopted in October 2016</i>).</p>	
<p>DG Trade:</p> <p><u>Public consultation on the future of EU-Turkey trade and economic relations</u></p> <p>(16.03.2016 – 09.06.2016)</p>	<p>Enhancement of the EU-Turkey bilateral trade relations and the modernisation of the Customs Union – consulted by the European Commission in April 2016 (<i>adopted in December 2016</i>).</p>	

DG Banking and Finance: Review of the European Venture Capital Funds (EuVECA) and European Social Entrepreneurship Funds (EuSEF) regulations (30.09.2015 – 06.01.2016)	Amendment EuVECA and EuSEF – consulted by the Council of the European Union in July 2016, by the European Parliament in September 2016 (<i>adopted in December 2016</i>).	
DG Communications Networks – Content & Technology, Information Society: Regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy (25.09.2015 – 06.01.2016)	Collaborative economy – consulted by the European Commission in December 2016, (<i>adopted in December 2016</i>).	
DG Home Affairs: Public consultation on the EU Blue Card and the EU's labour migration policies (27.05.2015 – 30.09.2015)	On the way to a coherent EU labour migration policy – consulted by the European Parliament in July 2016 (<i>adopted in December 2016</i>).	
DG Climate Action: Addressing greenhouse gas emissions from agriculture and land use, land use change and forestry (LULUCF) in the context of the 2030 EU climate and energy framework (26.03.2015 – 18.06.2015)	Effort Sharing Decision in 2030 Climate and Energy Policy Framework and Emissions and removals from land use, land-use change and forestry (LULUCF) – consulted by the European Commission in July 2016, by the Council of the European Union in August 2016 and by the European Parliament in September 2016 (<i>adopted in December 2016</i>).	
DG Banking and Finance: Public consultation on further corporate tax transparency (17.06.2015 – 09.09.2015)		An appropriate framework for the transparency of companies – <i>January/December 2016</i>

Annex 4: Survey - EESC Members' Organisations and EU Public Consultations in the Digital Age

The Potential Outreach of your Organisation

1. Which EESC Group are you part of?

- Employers' Group
- Workers' Group
- Various Interests' Group

2. If your Organisation has individual members, how many members does your Organisation count? (Please indicate a number)

3. If your Organisation includes organisations, how many member organisations does it have? (Please indicate a number)

4. Is your Organisation part of other networks?

- Yes
- No

If yes, which ones?

The Use of Information and Communication Technology (ICT)

5. Your Organisation mainly uses Information and Communication Technology (eg. social media) in order to:

- Facilitate and enhance the exchange of information with members/supporters
- Mobilise members/supporters for action
- Promote campaigns at EU level
- Promote fundraising at EU level
- It never uses ICT
- Other

Reason for your answer (optional)

6. What instruments have you developed for the above mentioned purposes?

- Interactive websites
- Newsletters
- Social Media
- None
- Other

7. Which social media platforms does your Organisation use?

- Facebook
- Twitter
- LinkedIn
- Instagram
- None
- Other

8. How often does your Organisation use Facebook for outreach purposes?

- Daily
- Weekly
- Monthly
- Never

Reason for your answer (optional)

9. How often does your Organisation use Twitter for outreach purposes?

- Daily
- Weekly
- Monthly
- Never

Reason for your answer (optional)

10. Have you noticed any significant changes in the composition of your membership since your Organisation started using ICT (eg. increase of young people)?

- Yes
- No

Reason for your answer (optional)

11. Please indicate if you agree or disagree with the following statement: "Information and Communication Technology (ICT) can strengthen communication between CSOs and citizens"

Strongly disagree 1 2 3 4 5 Strongly agree

Reason for your answer (optional)

12. Please indicate if you agree or disagree with the following statement: "Wider access to ICT can foster civic engagement and civil society empowerment at EU level".

Strongly disagree 1 2 3 4 5 Strongly agree

Reason for your answer (optional)

13. Do you think the use of digital communication tools has led to the emergence of new forms of citizen participation or only reinforced the traditional ones?

Reinforced traditional forms	1	2	3	4	5	Emergence	new forms
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Reason for your answer (optional)

14. Do you think wider access to the Internet and social media has changed the role of your Organisation?

- Yes
- No

Reason for your answer (optional)

The use of ICTs and social media for online EU public consultations

15. Does your Organisation participate in EU online public consultations?

- Yes
- No

Reason for your answer (optional)

16. What is the average number of contributions to online EU consultations that your Organisation has submitted per year? (Please write a number)

17. Has your Organisation's participation in EU online public consultations increased in recent years (eg. following new features implemented by the European Commission such as the single access point, 2015 Guidelines, etc.)?

- Yes
- No

Reason for your answer (optional)

18. How many times has the Commission provided your Organisation with detailed feedback and/or outcomes about your contribution?

- 75%-100%
- 50%-75%
- 25%-50%
- 0%-25%
- Never

Reason for your answer (optional)

19. How, in your opinion, could online EU public consultation processes be improved?

20. To what extent does your Organisation employ ICT in order to facilitate and enhance the participation of your members and/or supporters in EU online public consultations?

Never	1	2	3	4	5	Always
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Reason for your answer (optional)

21. Does your Organisation organise information campaigns (online and/or offline) to raise awareness about the public online consultations?

- Yes
- No

Reason for your answer (optional)

22. Does your Organisation provide your members/supporters with information and training concerning online public consultations?

- Yes
- No

Reason for your answer (optional)

23. Does your Organisation inform its members or the wider public about the results of consultation processes?

- Yes
- No

Reason for your answer (optional)

24. In your opinion, what role should civil society organisations play in order to improve EU online public consultation processes?

25. How would you want the EESC to support your Organisation in EU online public consultation processes?



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