

The First Ten Years of the European Citizens' Initiative

Is it an Instrument for Enhancing Democracy or Advocacy?

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Abstract

The European Citizens' Initiative (ECI) has been available to EU citizens since April 1, 2012, which marks the tenth anniversary of the new instrument of the participatory democracy in the EU. The question to be asked at this milestone is what has become of the ECI over this decade? Although both the relevant legislation and the jurisprudence consider the ECI to be a tool for reducing the EU's democracy deficit, given the practice of the past ten years, we may consider it an advocacy tool for the promotion of the specific interests of certain groups of EU citizens, instead. How effective is the tool in this form and what are the factors that affect its effectiveness? In this assessment, I analyze both the definition of a 'successful ECI', and the 'price-value ratio' of the ECI, with special attention to the experiences of the first decade of using the ECI in Hungary. The article aims to review the practice of the ECI in the first ten years of its operation from a theoretical approach, considering its role in the system of EU law and the development of this role throughout its implementation.

Keywords: European Citizens' Initiative, ECI, participatory democracy, democracy deficit, advocacy.

1. Introduction

The Treaty of Lisbon supplemented the system of representative democracy with the tools of participatory democracy.¹ Under Article 10 TEU, every citizen shall have the right to participate in the democratic life of the Union. While there have been earlier efforts to reinforce the role of participatory democracy in the EU, before the adoption of the Lisbon Treaty, participatory democracy had no real effect on the operation of the EU.² Most of the channels for the participation of

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1 Roland Bieber, 'The Citizens' Initiative – a Source of Additional Legitimacy for the European Union', in José María Beneyto et al. (eds.), *Europe's Constitutional Challenges in the Light of the Recent Case Law of National Constitutional Courts*, Nomos, Baden-Baden, 2011, p. 240.

2 Michael Dougan, 'What are we to make of the citizens' initiative?', *Common Market Law Review*, Vol. 48, Issue 6, 2011, p. 1808.

citizens introduced after the Maastricht Treaty were indirect, informal and non-binding.³

The European Citizens' Initiative (ECI), introduced by the Lisbon Treaty, is an innovative instrument of transnational participatory democracy in the EU⁴ that was inspired by national constitutional institutions.⁵ The ECI is the first ever transnational agenda-initiative⁶ that reflects a more radical interpretation of citizen participation than has tended to be the case throughout the history of the EU.⁷ This tool is much more direct and transnational than anything we have seen before.⁸

According to Article 11(4) TEU,

“not less than one million citizens who are nationals of a significant number of Member States may take the initiative of inviting the European Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties.”

An ECI can therefore be launched in a matter that falls under the competence of the EU. With this tool, EU citizens are able to influence EU policy decision-making by initiating specific legal measures in matters that are important to them in the areas in which the European Commission is authorized to submit legislative proposals.

The detailed rules on the functioning of the ECI are specified by the relevant regulation.⁹ In order for an ECI to be valid, two conjunctive conditions must be met: (i) on the one hand, at least one million valid signatures of EU citizens are required, and (ii) on the other hand, a predetermined minimum number of signatures must be gathered in at least seven Member States.¹⁰ An ECI can be submitted by an organizing group of at least seven individuals, who are citizens of at least seven different EU Member States. The ECI must be submitted to the European Commission which shall register it if the proposal meets the admissibility criteria. After the Commission registers the ECI, the organizers shall have 12 months to collect the required number of supporting signatures. Statements of

3 Michael Nentwich, 'Opportunity Structures for Citizens' Participation: The Case of the European Union', *European Integration online Papers (EIoP)*, 2002, p. 1.

4 Irmgard Anglmayer, *Implementation of the European Citizens' Initiative. The Experience of the First Three Years*, European Parliamentary Research Service, Ex-Post Impact Assessment Unit, 2015, p. 3.

5 Victor Cuesta-López, 'A Comparative Approach to the Regulation of the European Citizens' Initiative', *Perspectives on European Politics and Society*, Vol. 13, Issue 3, 2012, p. 258.

6 Maximilian Conrad, 'A Small-States Perspective on the European Citizens' Initiative', *Icelandic Review of Politics and Administration*, Vol. 9, Issue 2, 2013, p. 302.

7 Elizabeth Monaghan, 'Assessing Participation and Democracy in the EU: The Case of the European Citizens' Initiative', *Perspectives on European Politics and Society*, Vol. 13, Issue 3, 2012, p. 295.

8 Bruno Kaufmann, *The European Citizens' Initiative Pocket Guide*, Brussels, Green European Foundation, 2012.

9 Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative.

10 Specific number defined by Annex II of the ECI regulation.

support can be collected both in paper format and online. After the collection of signatures has been completed, the authorities of each Member State shall verify the validity of the collected signatures, and if the abovementioned two conjunctive requirements are met following the verification process, the organizers may submit the ECI to the European Commission. The Commission must then examine the ECI and decide in a reasoned decision whether it wishes to initiate EU legislation on the matter proposed by the ECI.

In the EU, the European Commission has the exclusive right to launch the ordinary legislative process by submitting proposals for legislative acts. The ECI modulates the Commission's monopoly in this respect; if an ECI has at least one million valid statements of support, the Commission must set the matter on its agenda and decide whether or not to take action. The European Commission, however, is not obliged to propose a legislative act as a result of an ECI. Therefore, the ECI, as an agenda initiative,¹¹ cannot truly challenge the EU legislative process.¹²

2. ECI as a Tool to Enhance the Democracy of the EU?

The ECI was developed to enhance the democratic functioning of the EU through the participation of citizens in its democratic and political life.¹³ The introduction of the instruments of participatory democracy, such as the ECI, into the EU decision-making procedure can be explained by the phenomenon of the EU's democracy deficit.¹⁴ The democracy deficit is a controversial problem of European integration dating back decades, the concept of which can be described according to different interpretations and approaches.

According to Follesdal and Hix, the democracy deficit is a media-driven, fashionable term referring to the fact that EU citizens do not see the EU as an accountable and transparent form of governance.¹⁵ Moravcsik is particularly skeptical of the existence of a democracy deficit.¹⁶ Other scholars also tried to define the democracy deficit on the basis of the difference between the perceived and real manifestation of democracy. In the interpretation of Crombez and Norris, the degree of democracy deficit is represented by the difference between the

11 Paweł Głogowski & Andreas Maurer, 'The European Citizens' Initiative – Chances, Constraints and Limits', *IHS Political Science Series, Working Paper*, No. 134, 2013, p. 9.

12 Nikos Vogiatzis, 'Is the European Citizens' Initiative a Serious Threat for the Community Method?', *European Journal of Legal Studies*, Vol. 6, Issue 1, 2013, pp. 91-107.

13 Recital 1 of the ECI Regulation.

14 László Komáromi, 'Participatory Democracy: International and European Tendencies, Constitutional Framework in Visegrad Countries, Hungarian Instruments and Experiences', *Iustum Aequum Salutare*, Vol. 11, Issue 3, 2015, p. 53; Alex Warleigh, 'On the Path to Legitimacy? The EU Citizens Initiative Right from a Critical Deliberativist Perspective', in Carlo Ruzza & Vincent Della Sala (eds.), *Governance and Civil Society in the European Union*, Manchester University Press, 2007, p. 55.

15 Andreas Follesdal & Simon Hix, 'Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik', *Journal of Common Market Studies*, Vol. 44, Issue 3, 2006, pp. 533-562.

16 Andrew Moravcsik, 'Is There a 'Democratic Deficit' in World Politics? A Framework for Analysis', *Government and Oppositions*, Vol. 39, Issue 2, 2004, pp. 336-363; Andrew Moravcsik, 'Reassessing Legitimacy in the European Union', *Journal of Common Market Studies*, Vol. 40, Issue 4, 2002, pp. 603-624.

expectations of the average voter and political results achieved. This means that democracy deficit reflects the difference between public opinion about democracy and satisfaction with the democratic polity's actual functioning.¹⁷ In other words: democracy deficit describes the difference between the realities of democratic life and the desires of the citizens.¹⁸

Although most academics are of the view that the ECI was created with the purpose of increasing the EU's democratic legitimacy, it is questionable whether it can reduce the perceived deficiencies characteristic of Union democracy. Mendoza and Cuesta-López believe that the ECI is not the solution to the EU's democracy deficit, as citizen participation can never replace political representation.¹⁹ According to Greenwood, the ECI was created to improve the democracy of the Union, but its design is flawed.²⁰ EU citizens were not really capable of having a direct say in EU decision-making through the ECI, so in fact, it did not contribute to reducing the democracy deficit of the Union.²¹

The abovementioned discretionary power of the Commission to submit a proposal for adopting an EU legal act can be considered worrisome from the point of view of the democracy deficit of the EU. According to Bouza García, if the Commission completely rejects an ECI that successfully collected the necessary number of signatures, without foreseeing any legal or political measures, this could lead to the disappointment of the citizens who supported the particular ECI. Indeed, it may reinforce the feeling that the EU leadership is ignoring the will of the citizens.²² From among the six ECIs that have successfully completed the collection of signatures in the first ten years, the Commission envisaged legislation on the basis of only two ECIs, the *End the Cage Age* and the *Right2Water* ECI. The remaining four ECIs were fully rejected by the Commission, with the supranational institution refusing to submit a proposal for a legislative act.²³ The European Commission rejecting ECIs may eventually cause an effect contrary to the declared goal of the ECI: instead of bringing the EU closer to its the citizens, it distances them from each other.

17 Christophe Crombez, 'The Democratic Deficit in the European Union: Much Ado About Nothing?', *European Union Politics*, Vol. 4, Issue 1, 2003, pp. 101-120; Pippa Norris, *Democratic Deficit. Critical Citizens Revisited*, Cambridge, Cambridge University Press, 2011, p. 242.

18 Patti Tamara Lenard & Richard Simeon, 'Introduction', in Patti Tamara Lenard & Richard Simeon (eds.), *Imperfect Democracies*, Vancouver-Toronto, UCB Press, 2012, pp. 1-22.

19 Mary Anne Mendoza, 'A Case for the European Citizens' Initiative amidst the Perceived Democratic Deficit of the EU', *Review of European & Transatlantic Affairs*, Vol. 1, Issue 2, 2015, p. 137; Víctor Cuesta-López, 'The Lisbon Treaty's Provisions on Democratic Principles: A Legal Framework for Participatory Democracy', *European Public Law*, Vol. 16, Issue 1, 2010, p. 138.

20 Justin Greenwood, 'The European Citizens' Initiative: Bringing the EU Closer to Its Citizens?', *Comparative European Politics*, Vol. 17, Issue 6, 2019, pp. 940-956.

21 Carmen Gerstenmeyer et al., 'Study on the European Added Value of the European Citizens' Initiative', in Christian Salm (ed.), *The Added Value of the European Citizens' Initiative (ECI), and its Revision*, Brussels, European Parliamentary Research Service, 2018.

22 Luis Bouza García, 'How Could Article 11 TEU Contribute to Reduce the EU's Democratic Malaise?', in Michael Dougan et al. (eds.), *Empowerment and Disempowerment of the European Citizen*, Portland, Hart Publishing, 2012.

23 ECIs *One of Us*, *Stop Vivisection*, *Minority SafePack* and the *Ban Glyphosate*.

3. ECI as a Political Opportunity Structure (Tool of Advocacy)

Given that the ECI, as a new instrument of the EU's participatory democracy, could not fulfill the initial expectations regarding its role in enhancing the democracy of the Union, I shall turn to analyzing it as a political opportunity structure²⁴ or a tool for advocacy in the EU, instead.²⁵ In the context of such an interpretation, it is necessary to examine the extent to which the ECI can be considered an effective tool of advocacy. When doing this, we consider the definition of a 'successful' ECI, and its 'price-value ratio'.

On the one hand, an ECI can be considered successful, from a legal perspective, when the European Commission examines the proposal and decides to submit a proposal for the adoption of a legal act of the Union. It is also relevant to what extent the ensuing proposal for the legal act of the Union corresponds to the proposal that had been formulated by the organizers and supported by more than one million EU citizens. On the other hand, even a legally unsuccessful ECI can achieve its goals.

An ECI is legally unsuccessful, if (i) the European Commission refuses to register it, or if the organizers unsuccessfully challenge the Commission's decision refusing to register the ECI at the General Court of the EU; (ii) if the organizers of the ECI are unable to collect the required number of signatures in the 12 month-long time period available for signature collection; (iii) the organizers withdraw the ECI; or (iv) after the successful collection of signatures, the European Commission refuses to submit a proposal for the legal act of the Union.

In each case, however, the organizers are in the position to successfully convey their goals in the European and national public spheres, thematizing the given issue and raising public awareness for the subject-matter of the ECI. From this perspective, even the legally unsuccessful ECIs may exert political pressure on decision-makers, indirectly achieving results at both European and member state level.²⁶ This indirect influence can be regarded as the 'added value' of the ECI.

A good example for such influence is the *Stop TTIP* ECI, the registration of which was rejected by the European Commission. However, the organizers informally started collecting signatures and gathered 3.2 million statements of support for the initiative. Legally speaking, this signature collection cannot even be seen as a process of ECI, because it was completely informal, yet the 3 million signatures had a significant effect on the negotiation over the Transatlantic Trade

24 Chris Rootes, 'Political Opportunity Structures. Promise, Problems and Prospects', *La Lettre de la maison Française d'Oxford*, No. 10, 1999, p. 10; Herbert P. Kitschelt, 'Political Opportunity Structures and Political Protest: Anti-nuclear Movements in Four Democracies', *British Journal of Political Science*, Vol. 16, Issue 1, 1986, pp. 57-85.

25 Manès Weisskircher, 'The European Citizens' Initiative: Mobilization Strategies and Consequences', *Political Studies*, Vol. 68, Issue 3, 2019, pp. 797-815.

26 Greenwood 2019; Luis Bouza García, *Participatory Democracy and Civil Society in the EU. Agenda-Setting and Institutionalisation*, Palgrave Macmillan, 2015; Maximilian Conrad, 'The ECI's Contribution to the Emergence of a European Public Sphere', in Maximilian Conrad *et al.* (eds.), *Bridging the Gap? Opportunities and Constraints of the European Citizens' Initiative*, Nomos, Baden-Baden, 2016, pp. 64-80.

and Investment Partnership.²⁷ In the *Stop Vivisection* ECI the organizers collected the required number of statements of support, however, the European Commission refused to submit a proposal for the adoption of a legal act of the Union. Although the European Commission refused to take any measures, the public hearing of the ECI in the European Parliament resulted in a lively debate and a scientific discourse, as well as wide media coverage that also helped promote the aims of the ECI in the European public sphere.²⁸

Even where the European Commission refuses to take action in an ECI after the successful collection of signatures, that does not necessarily mean that no measures will be taken, or proposals submitted in its wake. In 2014, the Commission refused to submit a proposal for the legal act of the Union in the *Right2Water* ECI, but four years later it proposed the modification of the directive on the quality of water intended for human consumption,²⁹ partially corresponding to the proposals of the organizers as expressed in the ECI, also making reference to the *Right2Water* ECI and the will of the EU citizens.

In some cases, the organizers of certain ECIs do not even have the intention to collect the required number of statements of support. The ECI provides organizers with special advocacy opportunities in the context of transnational campaigns, therefore, organizers may use the ECI merely as a tool to promote their goals in the European public sphere and raise awareness for a given matter.³⁰ This also shows that even a rejected ECI can be considered successful in the long term, in case political actors recognize the underlying social value of the proposal and subsequently try to promote it through the classical methods of representative democracy.³¹

Another method for assessing the ECI's effectiveness is to take a closer look at its 'price-value ratio'. This is particularly important because the ECI is a fundamentally expensive tool, in particular, since it requires the organization of a transnational signature collection campaign. Therefore, if a distortion arises in terms of the price-value ratio of the ECI, it may contribute to EU citizens looking for other means to assert their interests in the European public sphere.

Given that a successful ECI does not oblige the European Commission to submit a proposal for a legislative act, the validity criteria of the ECI can be considered overly strict compared to the possible legal effects this tool can achieve. This is so, in particular, if we compare the ECI with other tools, such as petitions or informal tools for influencing the agenda. Conrad and Knaut believe that the ECI's

27 Gerstenmeyer *et al.* 2018, p. 70; Eszter Zalán, "Stop TTIP' Activists Hand EU 3mn Signatures", *EUobserver*, Brussels, October 7, 2015, at <https://euobserver.com/eu-political/130587>.

28 Andre Menache, "The European Citizens' Stop Vivisection Initiative and the Revision of Directive 2010/63/EU", *Alternatives to Laboratory Animals*, Vol. 44, Issue 4, 2016, p. 386.

29 Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption (recast).

30 Luis Bouza García & Justin Greenwood, 'Introduction', *Perspectives on European Politics and Society*, Vol. 13, Issue 3, 2012; Luis Bouza García & Justin Greenwood, 'What is a successful ECI?', in Conrad *et al.* (eds.) 2016, p. 164.

31 László Komáromi, 'Improving Representation by Direct Democracy?', in László Komáromi & Zoltán Tibor Pállinger (eds.), *Good Governance – Enhancing Representation*, Pázmány Press, Budapest, 2016, p. 31.

organizational requirements resemble a citizens' initiative, while its effect on legislation is more reminiscent of a petition.³² Berg and Głogowski share a similar view: according to them the validity requirements of the ECI are similar to the requirements of referendum initiatives, but in terms of its legal nature it is a 'weak popular initiative' (an agenda-setting initiative), instead.³³

By comparing the validity criteria and the possible effects of the ECI, we may conclude that the formal requirements of the instrument are not proportionate to its possible legal effects (either its validity criteria are too strict, or its potential effect is too weak).³⁴ The price-value ratio of the tool is therefore lower than that of participatory democracy applied in national legal systems. This can also affect the 'consumer attitude', *i.e.* if the ECI does not achieve the legal effect expected and hoped for by citizens, and especially the organizers, it can discourage citizens from using this tool.

The ECI's effectiveness as an interest enforcement tool is further exacerbated by its statistical indicators. Between 1 April 2012, and 31 March 2022, the first ten years of the ECI's operation, 111 ECI registration applications were submitted to the European Commission. The Commission registered 88 of them, rejecting at the same time the registration of 23 ECIs. 6 of the 88 ECIs successfully collected the necessary number of signatures, and the Commission has already responded to these proposals. Another 3 ECIs have successfully completed the collection of signatures but not the verification process in the examined period, and thus the organizers have not yet submitted these ECIs to the Commission. As of 1 April 2022, 21 ECIs were in progress in various phases (most of them in the phase of the signature collection), and 61 ECIs had been unsuccessful in the instrument's first decade (insufficient number of statements of support or ECIs withdrawn by the organizers).³⁵ Therefore, in the span of ten years, out of 111 submitted ECIs, only 6 were capable of meeting the validity requirements related to the signature collection. It is even more devastating if we examine how many of these 6 initiatives achieved their goal, that is, resulted in the European Commission submitting a proposal for a legislative act of the Union. This happened only in two ECIs: partially in the *Right2Water* (see above) and the *End the Cage Age* ECI.

32 Maximilian Conrad & Annette Knaut, 'Introduction: The ECI at Three – More Constraints than Opportunities?', in Maximilian Conrad *et al.* (eds.), *Bridging the Gap? Opportunities and Constraints of the European Citizens' Initiative*, Nomos, Baden-Baden, 2016, p. 12.

33 Carsten Berg & Paweł Głogowski, 'An Overview of the First Two Years of the European Citizens' Initiative', in Carsten Berg & Janice Thomson (eds.), *An ECI That Works! Learning from the First Two Years of the European Citizens' Initiative*, The ECI Campaign, 2014, pp. 11-18.

34 Gerstenmeyer *et al.* 2018, p. 58.

35 From April 1, 2022, till July 6, 2023, 23 ECIs were registered, and no ECI registration request was denied by the European Commission. Two more ECIs were answered by the European Commission in this period. Currently, on July 6, 2023, two ECIs are waiting for the communication of the Commission, and two other ECI's statements of support are being verified by Member State authorities. At this moment, in 8 ECIs the collection of statements of support is ongoing, while 3 ECIs were registered but the organizers have not launched the collection of signatures yet. Thus, from April 1, 2012, till July 6, 2023, out of 134 ECIs only 8 were capable of meeting the validity requirements related to the signature collection.

4. The Past Ten Years of the ECI in Hungary

Hungary has been an active Member State in the EU in terms of the total number of statements of support collected in the first ten years of the functioning of the ECI. This is mostly owed to two ECIs that focused on the protection of the rights and promotion of the interests of persons belonging to national minorities: the *Minority SafePack – one million signatures for diversity in Europe* ECI ('Minority SafePack Initiative' or 'MSPI') and the *Cohesion Policy for the Equality of the Regions and the Sustainability of the Regional Cultures* ECI (also known as the 'Cohesion policy ECI' or the 'ECI for National Regions').³⁶

The *Minority SafePack Initiative* was submitted to the European Commission in 2013.³⁷ The aim of the proposal was to call upon the EU to improve the protection of persons belonging to national and linguistic minorities and strengthen the cultural and linguistic diversity in the EU.³⁸ The European Commission refused to register the ECI on the grounds that some of its proposals do not fall under the competence of the EU. The decision was successfully challenged by the organizers at the General Court,³⁹ after which the Commission, with its new decision, partially registered the MSPI. On 3 April 2017, the organizers could start collecting the supporting signatures. In the course of a Europe-wide campaign, the ECI was signed by 1.32 million EU citizens by 3 April 2018. Following the verification of the signatures in the Member States, the official result of the signature collection was 1,128,385 statements of support, reaching the minimum threshold in 11 Member States. In Hungary, 527,686 citizens' valid signatures supported the *Minority SafePack* (out of a total of ca. 643,000 signatures collected in Hungary).

The proposal was submitted to the Commission only one and a half years later, in January 2020.⁴⁰ In 2020, the MSPI also obtained the support of the Bundestag, the Hungarian Parliament, the lower chamber of the Dutch parliament, many regional parliaments, and the European Parliament, too, which adopted a supportive resolution in December 2020 with an overwhelming majority. Nevertheless, in January 2021 the European Commission decided to reject the package in its entirety and not to propose any legal act or other action based on its

36 See also Balázs Tárnok, 'European Citizens' Initiatives for the Protection and Promotion of Rights and Interests of National Minorities – Latest Developments', *Hungarian Yearbook of International Law and European Law*, Vol. 8, 2020, pp. 299-313.

37 The European campaign was coordinated by the Federal Union of European Nationalities (FUEN) whose current president is Loránt Vincze, an ethnic Hungarian Romanian citizen, MEP of the party of ethnic Hungarians in Romania, the Democratic Alliance of Hungarians in Romania (DAHR). Hunor Kelemen, also an ethnic Hungarian Romanian citizen, the president of the, DAHR, was the member of the citizens' committee of the ECI.

38 See at https://europa.eu/citizens-initiative/initiatives/details/2017/000004_en.

39 See Balázs Tárnok, 'European Minorities Win a Battle in Luxembourg. The Judgment of the General Court in the Case *Minority SafePack European Citizens' Initiative*', *Journal on Ethnopolitics and Minority Issues in Europe*, Vol. 16, Issue 1, 2017, pp. 79-94.

40 This was possible because there was no deadline specified for the submission of successful ECIs to the Commission in the former ECI regulation applicable at the time. See Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative.

proposals.⁴¹ On 24 March 2021, the organizers of the MSPI filed an application at the General Court of the EU requesting the annulment of the European Commission's decision on the initiative. Even though in November 2022 the General Court rejected the application, the organizers filed an appeal against the judgment, therefore, the case is still pending at the CJEU.⁴²

The other minority-related ECI achieving a huge number of signatures in Hungary was the *ECI for National Regions*.⁴³ According to this proposal, the cohesion policy of the EU should pay special attention to regions with national, ethnic, cultural, religious or linguistic characteristics that are different than those of the surrounding regions (the organizers call these territories 'national regions').⁴⁴ The ECI was rejected by the European Commission in 2013 on the basis of lack of EU competence. The organizers challenged this decision before the General Court. While the organizers lost the case at first instance in 2016,⁴⁵ the CJEU as a second instance court, annulled the Commission's 2013 decision rejecting the registration of the ECI for National Regions in 2019. Subsequently, the organizers started the signature collection campaign which lasted two years owing to a derogation granted during the coronavirus pandemic.

The organizers collected 1,414,175 statements of support, exceeding the Member State validity threshold in 11 member states. The verification process of the collected signatures was completed on 20 December 2021. The result was 1,266,682 valid signatures (with 8 member states exceeding the threshold). In Hungary, 901,758 signatures were provided in support for the ECI for National Regions, out of which 826,826 proved to be valid.⁴⁶ This number is also an outstanding figure in the ten-year history of the ECI. Only one other ECI achieved a greater number of valid statements of support collected within a single member state, namely the *Right2Water* ECI, which managed to collect more supporting signatures from Germany (1,236,455 valid signatures). The total population of Germany, however, is more than eight times that of Hungary. This figure also means that more than 10 percent of Hungary's total population validly supported this ECI.

41 Balázs Tárnok, 'The European Commission turned its back on national and linguistic minorities', Europe Strategy Research Institute, University of Public Service, 20 January 2021. See at <https://eustrat.uni-nke.hu/hirek/2021/01/20/the-european-commission-turned-its-back-on-national-and-linguistic-minorities>.

42 Balázs Tárnok, 'The fight for minority rights in the EU continues at the Court of Justice', *Ludovika*, January 25, 2023. See at <https://www.ludovika.hu/en/blogs/the-daily-european/2023/01/25/the-fight-for-minority-rights-in-the-eu-continues-at-the-court-of-justice/>.

43 The ECI was formulated by the Szekler National Council (SZNC), a non-formalized association of ethnic Hungarians in Szeklerland, Romania. The representative of this ECI is Balázs Izsák, an ethnic Hungarian Romanian citizen, president of the SZNC, while the substitute is Hungarian citizen Attila Dabis.

44 See at https://europa.eu/citizens-initiative/initiatives/details/2019/000007_en.

45 See Balázs Tárnok, 'The Szekler National Council's European Citizens' Initiative for the Equality of the Regions and Sustainability of the Regional Cultures at the Court of Justice of the European Union', *Hungarian Yearbook of International Law and European Law*, Vol. 4, 2016, pp. 489-505.

46 See at <https://www.nationalregions.eu/en/news/173-the-verification-is-complete>.

Even though the process of signature verification is over, this ECI has not yet been submitted to the European Commission.⁴⁷ The organizers reported that they are not willing to submit the ECI to the current European Commission,⁴⁸ thus, the EU institutional revision of this ECI will most likely start only after the new Commission enters office following the European elections in 2024.

Hungarian citizens played an extremely active part in supporting these two ECIs. Altogether about 1.5 million signatures were collected in Hungary in their support. During the signature collection campaign several media outlets reported on the development of these initiatives. Accordingly, the refusal of the Minority SafePack Initiative resulted in a significant disappointment among Hungarian citizens, especially those who took active part in the signature collection campaign.⁴⁹

In addition to the above two ECIs, in terms of the number of signatures collected in Hungary, the pro-life *One of Us* ECI and *Mum, Dad & Kids – ECI to protect Marriage and Family* ECI are also relevant.⁵⁰ Almost 45,933 valid supporting signatures were collected for the *One of Us* ECI in Hungary, and around 55,000 signatures were collected for the *Mum, Dad & Kids* ECI. Although the latter ECI had just collected the required one million supporting statements, due to the number of invalid signatures, the total number of valid signatures amounted to less than one million. In the first ten years of the functioning of the ECI, the minimum number of signatures required for member state validity was collected in Hungary for other ECIs as well, such as the *Right2Water* and the *Stop Vivisection* ECI.

In Hungary, the Minority SafePack and ECI for National Regions significantly contributed to the education of union citizens about the existence of the ECI as a tool of the EU's participatory democracy. Throughout the EU, very few EU citizens know about the existence of the ECI. According to a survey conducted in five EU member states in 2021, only 8.5% of the respondents knew about the existence of the ECI.⁵¹ Ten years into the operation of the ECI and nearly 90 EU-wide signature collection campaigns later, this number seems particularly low. These findings were also supported by the experiences gained during the signature collection campaign of the *Minority SafePack* in Hungary.⁵² Based on the experience I gathered as an

47 The organizers used the same loophole of the former ECI regulation, i.e. not defining deadline for the submission of a successful ECI after the verification of signatures.

48 See at <https://civilek.info/en/2022/09/21/kivar-with-the-inaugural-presentation-of-the-national-regional-garden-is-celebrating-st/>.

49 The campaign was highly decentralized, several smaller entities participated in collecting the supporting signatures. The Hungarian signature collection campaign was coordinated by the Rákóczi Association, an NGO with more than 600 local branches and 31 thousand individual members. The author at the time of the signature collection was a contracted expert of this NGO, while since 2018 he is vice-chairman of the organization. After the European Commission rejected the MSPI in January 2021, several of its partners, who participated in the signature collection, approached the Rákóczi Association with their negative feedback regarding the Commission's decision, also echoing the disappointments of the citizens being part of their networks. Therefore, the above statements are not based on representative experiences, but on the personal insights of the author.

50 Hungarian citizen Edith Frivaldszky was a member of the citizens' committee of the One of Us ECI, later she was the main organizer of the Mun, Dad & Kids ECI.

51 See at <https://voxeurop.eu/en/the-european-citizens-initiative-right-still-unknown/>.

52 Balázs Tárnok, 'A Minority SafePack európai polgári kezdeményezés és a magyarországi aláírásgyűjtés tapasztalatai', *Létünk*, Vol. 49, Issue 2, 2019, pp. 131-148.

organizer of the signature collection in Hungary between early January and 3 April 2018, most citizens had never heard of this institution. Moreover, the press repeatedly referred to the instrument as a 'petition', which is misleading, because the petition in the framework of the EU is a different instrument. On the other hand, considering the Hungarian constitutional traditions and public opinion, referring to the ECI as a 'petition' made the procedure for collecting signatures more comprehensible for the citizens, which was also supported by the experience of collecting signatures on the streets.

We can assume that following the signature collection related to the *Minority SafePack*, and in particular, the *ECI for National Regions*, public awareness regarding the existence of the ECI in Hungary shall be higher than before. As such, we may conclude that these specific ECIs promoted in Hungary also helped broaden public knowledge about the system of EU participatory democracy.

5. Conclusion

Although the ECI was developed to bridge the gap between the EU and its citizens, it is incapable of fulfilling this task. On the one hand, according to the prevailing opinion among scholars, the ECI cannot eradicate the democracy deficit, and on the other hand, the operation of ECIs over the past ten years in practice has not contributed to bringing citizens closer to the Union. Several ECIs that successfully collected the required number of statements of support were not followed by a legislative proposal, and this way, the European Commission achieved the exact opposite effect of the ECIs' goal among EU citizens.

For this reason, I consider the ECI to be primarily a tool for promoting political interests. However, even if we take this approach, we cannot be satisfied with the practical functioning of the ECI. This may be traced back to factors hindering the effectiveness of the tool. On the one hand, public awareness related to the instrument exhibits significant deficiencies. The EU, together with the Member States, should take steps to promote the exercise of the rights related to EU citizenship, such as the right to vote, the right to start an ECI and the right to petition, since the goals of these legal institutions cannot be achieved in the absence of basic public knowledge about the opportunities inherent the system of EU participatory democracy. On the other hand, when it comes to comparing the instrument's validity criteria and its possible legal effects, I concluded that they are not proportionate to each other. This can significantly reduce the willingness to employ the ECI as an advocacy tool. Therefore, it would be necessary to ease the validity requirements or increase the possible legal effects of ECIs, that is, to improve the price-value ratio of the instrument.

There are many reasons to assume that the ECI is merely a 'showcase instrument' of participatory democracy, and that the European Commission is not genuinely interested in citizens' grassroots initiatives. Even though the European Commission regularly consults with NGOs in the 'Brussels bubble', if grassroots initiatives have no chance of truly influencing EU decision-making processes, the EU participatory democracy will not be taken seriously by union citizens, and thus,

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the gap between citizens and the EU will become even wider. Although the involvement of organizations specialized in professional lobbying in the decision-making process is undoubtedly useful, it cannot replace real citizens' participation mobilizing a great number of EU citizens – the only instrument of which in the EU is the ECI.