



Next level citizen participation in the EU

Institutionalising European Citizens' Assemblies

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Dominik Hierlemann, Anna Renkamp, Alexander Trechsel

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Executive summary

Citizens' assemblies have gained popularity as instruments of effective and meaningful citizen participation. In the complex transnational context of EU policy-making, citizens' assemblies can bring citizens and policy-makers closer, promote truly transnational political debates and improve the quality of the EU democracy and policies. But how can citizens' assemblies be introduced into the EU legal and institutional framework, and its policy processes? What functions should citizens' assemblies perform? And how should their work be organised to ensure they are democratic, well-functioning and effective instruments of policy-making and citizen participation in the EU? This paper provides answers to these questions by introducing a model for the institutionalisation of European Citizens' Assemblies. It describes the processes, main bodies and institutions that need to be involved and explores how citizens' assemblies can be integrated into the EU's institutional and legal set-up.

The proposed model has several distinct features. First and foremost, it is citizen-centred. EU institutions put forward their ideas, but it is randomly

selected citizens that steer the process. As members of a Citizens' Board, they define the agenda for a Citizens' Assembly by selecting topics and questions, organise deliberations and monitor the implementation of results. Second, the model describes how to connect European Citizens' Assemblies directly to the EU's policy-making process. It proposes an Interinstitutional Agreement on deliberative law-making between the EU main institutions as the legal foundation of European Citizens' Assemblies. It also illustrates how the deliberative cycle of European Citizens' Assemblies can be effectively connected to the EU policy cycle.

The model for European Citizens' Assemblies is a concrete response to the lessons from the Conference on the Future of Europe. It draws on the experience of the Conference's European Citizens' Panels and suggests a format that would make this experience permanent and more impactful. The model presents a logical next step forward—a step that is necessary to move onto the next level of EU citizen participation.

Introduction

Decisive moment for citizen participation in Europe

Citizen participation in the EU is at an important junction. The EU is facing ever more complex policy problems that require swift and comprehensive solutions as well as wide acceptance and legitimacy in terms of the ongoing pandemic, the climate crisis, social inequality, and large-scale geopolitical challenges and threats. In order to be maximally effective, flexible, and timely, these policy solutions need to be based on citizens' real-life experiences and drawn up together with citizens who aspire to be better involved in EU policy-making.

More than 70% of Europeans, according to recent polls, expect a more regular and meaningful involvement, and refer to the lack of such involvement as the primary reason for their weak interest in European elections.¹ Casting a ballot for members of the European Parliament every five years no longer lives up to citizens' expectations of contributing to EU policy-making. Existing additional opportunities for participation—be it adding a signature to a European Citizens' Initiative or submitting observations in public consultations on important EU policy issues—do not fill this gap in citizens' expectations of better involvement. Recent studies show that these instruments are largely unknown, can be difficult to navigate and hardly produce policy outcomes².

Citizens' assemblies in Europe

The challenge of growing disillusionment with democracy coupled with increasing complexity of policy problems does not come as a surprise for policy-makers. Confronted with even louder demands and protest, policy and decision-makers have been looking for solutions on how to ensure better citizen participation. Citizens' assemblies gained popularity as a promising format not only for improving the quality of policy-making, but also for giving democracy a renewed appeal. This has led to a wave of experiments with citizens' assemblies in different parts of Europe at various levels: the French Climate Convention, the Irish Citizens Assemblies, the UK Climate Assembly, Iceland's Constitutional Convention to name but a few. In Austria, Germany and Belgium, policy-makers at regional levels have attempted to make citizens' assemblies permanent, the *Ostbelgien* model in Belgium being the most prominent case.³ Citizens' assemblies are convened at different governmental levels (regional, national and local) to seek citizens' input on issues of a different scale (constitutional, global, dividing domestic issues) and end up with a different degree of success—from total failure to a meaningful policy change.

Existing research on the effects and added value of citizens' assemblies does not draw unequivocal conclusions about their potential. There are cases of citizens' assemblies having led to the introduction of progressive regulation at various levels, better governance and better public satisfaction with policy-making.⁴ There are good reasons to expect that these effects are not limited to the national level only, and citizens' assemblies can be a useful and—importantly—effective instrument in EU policy-making.



What are citizens assemblies?

Citizens' assembly—a form of direct citizen participation in policy-making, a type of mini-public. Citizens' assemblies bring together randomly selected citizens (and residents) representative of a larger public with respect to the key socio-demographic characteristics such as gender, age, geographic location, education etc. Assemblies are convened to engage citizens in an open and informed deliberation on a given policy issue and produce recommendations in relation to the debated issue. Citizens' assemblies can differ in size, scope (local, regional, national), tasks (agenda-setting, scrutiny, evaluation etc.), permanence and other characteristics. The topics for deliberation can be selected by governing authorities or the citizens themselves.

The Conference on the Future of Europe: Citizens' assemblies in the EU

The assemblies have an even greater relevance given that the debates on citizen participation in the EU have reached a critical turning point. 9 May 2022 marked the end of a unique experiment in transnational deliberative democracy—the Conference on the Future of Europe (CoFoE). Launched in 2021, the Conference invited 800 randomly selected Europeans to discuss about where the EU is heading. Besides Conference discussions in Member States and other events, citizens were invited to take part in four transnational topic-related European Citizens' Panels to deliberate over the most pressing policy issues related to the future of Europe, and to draft policy recommendations for European decision-makers. The Conference is over, and its legacy is already straightforward. As the European Commission outlines in its recent Communication 'Conference on the Future of Europe. Putting vision into concrete action', it will continue experiments with transnational deliberative democracy.⁵ The European Commission plans on convening Citizens' Panels ahead of certain key proposals and in line with existing Better Regulation principles. From a larger perspective, it means that citizens' experiences of deliberative encounters with fellow Europeans during the Conference and expectations about better involvement in the EU policy-making are meeting with concrete plans to make Citizens' Panels a permanent mechanism of citizen participation. In this light, knowledge how to organise Citizens' Panels and, importantly, institutionalize them in such a complex context as the EU acquires special significance.

The key questions

The Conference posed an important question: What is the added value of citizens' assemblies in the context of EU policy-making? Given the variety of citizens' assembly designs and formats, what are appropriate design choices for transnational European Citizens' Assemblies? What role could they play in the EU system and what could be the scope of their action? How could and should the process of transnational deliberation be organised given the lessons learned from the CoFoE and similar experiments? The potential for citizens' assemblies for EU policy-making has not been exhausted, and EU democracy can benefit from more citizen participation. The challenge is to put forward a format and a framework for a kind of participation that could consider the multiple complexities of the EU institutional system and unique transnational character of the EU policy-making process. By taking a step in that direction, we are proposing a model for institutionalisation of European Citizens' Assemblies that builds on the experience of CoFoE and which is calibrated on the peculiarities of the EU institutional and policy-making architecture.

European Citizens' Assemblies: Distinct features of the model

The proposed model has several distinct features. First, the model envisages European Citizens' Assemblies as an *institutional add-on* to the existing architecture of the EU institutions. The discussed pathway for institutionalisation of European Citizens' Assemblies does not require

any tectonic shifts in the existing EU institutional system, be it in terms of redistribution of authority, decision-making roles or competences. Neither does it require an initiation of a lengthy and cumbersome process of Treaty change. Our model proposes the Assemblies to be introduced via an **Interinstitutional Agreement on deliberative law-making** concluded among the three main EU institutions: the European Parliament, the Council of the EU and the European Commission. This will provide a sufficient legal basis for citizen participation and define the scope for how the EU institutions can use citizens' input.

Secondly, our model offers solutions to several dilemmas that decision-makers face when choosing the appropriate format for citizen assemblies. These dilemmas revolve around issues of permanence, scope, role, and place of citizens' assemblies in the EU policy cycle. In particular, the model builds on European Citizens' Assemblies being a **permanent** rather than an *ad hoc* mechanism of citizen participation. As for the **scope**, our model prescribes assemblies to be convened to involve citizens in deliberation over both broader political and more policy-specific questions of EU decision and policy-making and on topics that do not necessarily fall under the immediate EU competence. When it comes to **tasks** or **the place** in the EU policy cycle, the assemblies can be entrusted with a variety of tasks including agenda-setting and scrutiny. Therefore, they can be convened and initiated, and their input can be relevant for

any **phase** of the EU policy process: agenda-setting, implementation, evaluation and so on. We argue that these choices will help to magnify the strengths and added value of citizens' assemblies as a format of citizen participation specifically in a European context, for the benefits of both citizens and EU decision and policy-makers.

Thirdly, our model envisages the whole process as **citizens-led**: it is randomly selected European citizens who take the lead of the process from start to finish, beginning with the selection of topics and ending with the monitoring of the institutional response. It is also European citizens who deliberate over the chosen topics. In a European context, where citizens frequently express their dissatisfaction with how disconnected they are from policy-making, this feature is given significant importance.

Fourthly, the model is not just another stand-alone EU citizen participation instrument but is closely connected to and **integrated** into the existing infrastructure of the EU transnational participation instruments and the EU's annual policy cycle. Existing participatory mechanisms such as European citizens' initiatives, public consultations, right to petition, citizen dialogues and others are criticised for lacking impact as citizens' input rarely gets incorporated into the EU legislation.⁶ The model can ensure that input is not lost and that it makes it to the deliberative agenda of European Citizens' Assemblies.



European Citizens' Assemblies: distinct features of the model

1. Institutionalisation of European Citizens' Assemblies does not require legal (EU Treaty) or institutional change
2. European Citizens' Assemblies are a permanent mechanism of the EU policy-making
3. Citizens deliberate over a broad range of topics: strategic issues, policy-specific topics etc.
4. European Citizens' Assemblies perform multiple tasks at any phase of the EU policy cycle: agenda-setting, scrutiny, evaluation, etc.
5. The process is citizens-led: citizens select the topics, organise the process and deliberate
6. European Citizens' Assemblies are integrated into the EU participatory infrastructure

The issue of institutionalisation of citizens' assemblies at a transnational level is rarely discussed, both theoretically and, importantly, from the perspective of practical implementation. The paper advances the discussion on this topic and zooms in on practical steps in the direction of institutionalisation. As to whether European Citizens' Assemblies could be successfully institutionalised at the EU level, is presented in the paper in several steps. **Part 1** introduces an overview of advantages and potential challenges of such institutionalisation for the EU decision and policy-making, citizens and European democracy. **Part 2** presents the key features of the model: the legal basis for European Citizens' Assemblies and the main elements of the model. **Part 3** describes the main phases of the process, institutions involved, their responsibilities and relations between one another. **Part 4** concludes the paper with recommendations for the institutionalisation of the model.

The proposed model is a collective intellectual endeavour of the Bertelsmann Stiftung and four leading experts in EU politics, EU institutions and citizen participation. The Bertelsmann Stiftung's project 'Democracy and participation in Europe' has been researching, developing and appraising new forms of citizen participation in Europe for a long time. Together with the invited experts we have been thinking about how to introduce citizens' assemblies in the complex European political environment. In shaping the model, we drew inspiration from both real world and our own experience. The idea of two citizens' bodies has been derived from the Ostbelgien model of the German-speaking region in Belgium. Systematic observations of citizens assemblies in other countries and at the EU level in the format of the Conference on the Future of Europe Observatory as well as our very own experience in organising new forms of citizen participation served as a basis of our thinking and deliberations.

1. A European Citizens' Assembly: Can it make a Difference?

Citizens' assemblies have been widely discussed among politicians, state officials and practitioners as a promising innovative format of citizen participation, both at a national and an EU level. There have been arguments both in favour and against using citizens' assemblies as an instrument of policy-making, especially in an EU context. This part examines those arguments and looks at strengths and weaknesses as well as the added value of citizens' assemblies for EU policy-making.

Why introduce a European Citizens' Assembly?

EU decision-making is meant to be made *for* and *on behalf* of EU citizens. However, EU democracy faces a **double challenge**. On the one hand, there is **no common EU public sphere**. That means that there is no process and no infrastructure through which the views and preferences of opinions from citizens from across the EU effectively meet and respond to one another. This is in marked contrast to the situation in most member states, where a national media landscape can capture and reflect the diversity of opinions in society. Essentially, as they remain locked within their mostly national perspectives, EU citizens lack a shared political debate in which they can forge shared political perspectives.

On the other hand, and partly as a consequence of the absence of an EU public sphere, the EU decision-making process remains extremely fragmented and faces **all kinds of political divides**. Any piece of legislation that is to be adopted, needs to overcome the divides between the Member States in the Council, and the divides between political groups in the European Parliament. In general,

such a decision is also subject to advisory opinions from different socio-economic interest representatives in the European Economic and Social Committee and the Committee of the Regions that brings together representatives of different sub-national authorities. And that is only the tip of the iceberg. Below the surface, there are a range of highly institutionalised, resourceful and well-organised actors such as interest groups, social partners, and CSOs. Clearly this is a cumbersome process in which any proposal risks being watered down to the lowest common denominator. However, it also raises the question as to whether these divides really reflect the interests of the EU citizens or whether they have somehow become artificially entrenched in the process.

The proposal to **institutionalise European Citizens' Assemblies** responds to these two challenges and offers a promise to move beyond them. European Citizens' Assemblies would insert a European 'mini-public' into the EU decision-making process that can serve as a laboratory for EU citizens to enter a truly transnational debate. It would also operate as a testing ground to examine ideas that can be acceptable across borders and other artificial divides.

The idea of citizens' assemblies has gained much interest in recent years. Citizens' assemblies have been established, mostly on an *ad hoc* basis, across Europe by local and regional governments as well as by national ones. Most recently, four genuine transnational citizens' assemblies (Citizens' Panels) have run as part of the Conference on the Future of Europe. There is still a lot to learn about how citizens' assemblies can be made most productive, but some of their advantages are clear. Most importantly, citizens' assemblies have proven able to give impetus to policy files (like abortion in Ireland or climate change in France) where the usual decision-making process risks getting stalled. This is also exactly what citizens' assemblies are expected to do, since they are premised on a process of **open deliberation**—that is, the genuine exchange of arguments and the willingness to change one's mind. What is more, participants enter these assemblies without any specific affiliations or commitments to parties or other kinds of constituencies. It is exactly because of these characteristics that citizens' assemblies are expected to produce **new and original ideas**.

What is probably even more important is that citizens' assemblies can help to identify **bridging ideas**—i.e. proposals that can appeal to people with different points of view and interests even if they do so in different ways or on different grounds—that would be unlikely to emerge in the established political institutions. Indeed, given the EU's highly diverse and fragmented character, it is often unclear what kind of policy ideas may appeal across its multiple *demoi* and what ideas might allow the reconciliation of their competing interests. A policy that appears utterly beneficial and common-sensical in Riga need not be regarded the same in Valencia. A European Citizens' Assembly allows citizens from these different places to exchange perspectives and to come to appreciate one another's points of view. That way they can explore whether their perspectives are indeed in conflict or whether ideas can be found that would be acceptable to all sides.

Institutionalising European Citizens' Assemblies can provide EU decision-making with something that it is now short of: The ability to test ideas beyond entrenched political divides and a laboratory for a genuine cross-national political conver-

sation in Europe. To be sure, European Citizens' Assemblies are not a panacea for remedying the EU's much-discussed 'democratic deficit'. However, if carefully calibrated, they can be an innovative and valuable corrective to some of the critical shortcomings from which EU decision-making suffers at present.

What is the added value of European Citizens' Assemblies?

We see the benefits of European Citizens' Assemblies as operating at three levels; it benefits EU citizens, decision-makers, and the political system as a whole.

A European Citizens' Assembly will have a major impact on the **citizens selected** to participate in it. It will put these citizens into a setting that is completely unfamiliar to most of them, and provide them with a unique, hands-on experience in terms of European political decision-making. Participants will gain exposure to EU decision-making and transnational debates, and develop expertise on the policy topic on their agenda and the different perspectives on them from across Europe. They will learn about the nature of EU decision-making and, indeed, come to appreciate its intricacies from the inside. Above all, they will be exposed to other Europeans and come to experience the similarities they share with them, but also the differences that divide them.

In that sense, the personal and socializing impact of transnational citizens' assemblies in the EU can be likened to initiatives like the Erasmus student exchange programme. Overall, one would expect (former) participants to think about themselves more as Europeans, to gain a greater interest in EU politics, and to become more appreciative of the complexities within the EU. Obviously, that direct impact of participating in a European Citizens' Assembly would be limited to a few hundred citizens annually. Still, the effect will multiply as we envisage new citizens' assemblies every year, and no doubt their impact is bound to resonate into the social circles (families, friends, colleagues and communities) of the participants, and potentially be amplified by the media.

What is more, the proceedings as well as the outcome of European Citizens' Assemblies would be visible for every EU citizen to see and reflect upon. As 'mini-publics', citizens' assemblies serve as a stage for public deliberation that is truly open to citizens from all walks of life, in which genuine citizens' concerns are raised, and in which participants engage based on each other's arguments rather than on pre-defined ideological and cleavage lines.

Institutionalising a European Citizens' Assembly also has the potential to benefit EU **decision-makers**. Notably, in the Conference on the Future of Europe, some elected politicians tended to see themselves in competition with the proposals from the four transnational Citizens' Panels. This sense of competition has very much been induced by the absence of clear rules about how exactly the conclusions of the citizens' panels were to feed into the Conference's plenary. By contrast, our proposal for the institutionalisation of a European Citizens' Assembly emphatically positions it as an add-on that is to enrich decision-making in the established representative institutions.

The open deliberation that characterises their proceedings is expected to forge creative consensus that could function as a deal-breaker between competing policy ideas and overcome entrenched political divides. With these objectives in mind, our proposals for the institutionalisation of a European Citizens' Assembly aim to reinforce the functioning of the representative institutions rather than that they frame it as competitors. Our proposals both seek to ensure high-quality and usable recommendations from the citizens' assemblies and to invite the representative institutions to seriously consider these recommendations and follow up on them.

Looking at the impact of institutionalising a European Citizens' Assemblies for the **EU political system** on a whole, its primary benefit is to offer a new and innovative inroad of citizens into EU decision-making. The very presence of such a channel would increase the visibility of EU decision-making and help to reduce the gap between the politicians and the European public. The European Citizens' Assembly will also serve as a seedling for a genuine European public sphere. Sub-

stantively, a European Citizens' Assembly would tap into a reservoir of ideas that remains unused at present—the EU citizens' real-life experiences. The ideas and recommendations emerging from those exchanges are to enable the EU institutions to reach conclusions that they would not be able to reach by themselves.

The strengths and challenges of citizens' assemblies in an EU context

Before going into our specific proposals, it is useful to briefly reflect upon the specific strengths and risks attached to institutionalising a European Citizens' Assembly. With regards to the strengths, it is critical to underline that citizens' assemblies introduce a kind of logic into political decision-making that is fundamentally distinct from that embodied by the established EU institutions. When implemented carefully, this logic of political decision-making is characterised by equality of access, the absence of vested interests, and (genuine) deliberation. Given these virtues, which are indeed fundamentally distinct from and complementary to those of election-based institutions, citizens' assemblies also come with some important limitations and challenges. These challenges can be summed up as concerning external authority, credible expectations, public visibility, persisting disagreements, and depoliticisation.

The principle of **equality of access**, which is required by Article 9 of the Treaty of the European Union, is deeply enshrined in the organisation of citizens' assemblies as all citizens are genuinely treated as full equals in that they have an equal chance of being selected. What is more, as they rely on random selection (while possibly checking for certain demographic characteristics), the selection procedures can be both extremely simple and transparent. This stands in marked contrast to the complex and highly selective procedures that decide over access to elected office, and which are known to be systematically biased towards certain kinds of profiles (higher educated, male, majority members). What is more, the open selection for citizens' assemblies avoids any sense of competition and self-selection on character traits. Every citizen can come as they are.

It is the latter characteristic that also implies the second virtue of citizens' assemblies, namely the **absence of vested interests**. Members of citizens' assemblies enter the assembly as individuals without allegiance to any political organisation outside of themselves. As their role is temporary and dependent, their only procedural reward lies in the engagement with the process to which they have been assigned. Again, such a role conception stands in marked contrast with the way most representative institutions work these days as representatives are bound to party positions and other vested interests, which makes them prioritise power over principle and the party line over their convictions.

It is exactly the absence of vested interests that allows members of citizens' assemblies to engage in **genuine deliberation**. As the members of citizens' assemblies are not tied by parties or any other affiliations, they are unlikely to enter the process with all too deeply entrenched positions and there are no significant costs attached to them changing their views. Therefore, they can openly engage with the questions they are asked and the information they encounter, and they are free to raise any new idea that may come to mind. For that reason, the process of citizen assemblies can be much more open, creative, and fruitful than the often-predictable interactions that are typical of party politics. Indeed, it is exactly the openness and quality of the deliberation in citizens' assemblies in which ideas are genuinely tested from all sides that eventually is the basis for the authority of any conclusions they can collectively arrive at. Ultimately, these conclusions are not to rely on power or on numbers but only on the force of the better argument.

Indeed, the fundamental challenge for citizens' assemblies concerns their **external authority**. Members of citizens' assemblies have not been given a personal mandate; at best one can consider the procedure by which the assembly is established to be democratically endorsed. However high the quality of its deliberations, given their random composition, citizens' assemblies cannot convert decisions into the will of the majority. For that reason, the present model for European Citizens' Assemblies emphatically frames them as an add-on to the existing decision-making pro-

cedures. Their aim is not to replace existing representative institutions but rather to enrich them and to provide them with new ideas and additional legitimacy.

However, as the adoption of the conclusions of citizens' assemblies remains subject to the approval by the established representative institutions, there is a major risk of **disappointing expectations**. When submitting its conclusions for approval by the representative institutions, they may well become hostage to the very political (electoral) logic that the citizens' assembly was meant to overcome. In a worst-case scenario, when electoral institutions decide to reject (part of) the conclusions of the citizens' assemblies for (valid or not) reasons of their own, they create a legitimacy backlash because expectations that were projected on the citizens' assemblies are undermined. Establishing citizens' assemblies raises expectations, and these expectations need to be seriously addressed. This does not imply that whatever decision-making recommendations that come out of a citizens' assembly need to be adopted in legislation. There may be good reasons to put the recommendations of citizens' assemblies aside or to revise them. Still, any such rejections or revisions should be the outcome of a public and reason-based process in which the legislative institutions take full account of the argumentation of the citizens' assembly and are bound to respond to it whenever they decide not to follow up on them.

A key factor to strengthen external authority and the pressure on elected institutions is **public visibility**, engagement and support that a citizens' assembly succeeds in mobilising in the course of its work. If the citizens' assembly has been working mostly in isolation and proceeded as good as unnoticed by the media and the wider public, then it will have little leverage over the electoral institutions. The legitimacy of citizens' assemblies benefits from them being a widely publicised affair, that is, if its deliberations have received considerable **media attention**, and if the reception of its deliberations in the wider society has already fed back into its work. Ideally, one wants a citizens' assembly to inspire a wider societal debate and to be able to incorporate the dynamics of that debate directly into its own deliberations

and conclusions. If the wider public feels like it has been actively engaged by the process of the citizens' assembly, then this is also a compelling force for the electoral institutions to adopt its conclusions.

Finally, it needs to be recognised that there are limits to what deliberation can achieve. This is also an important reason why any political consensus remains fragile and may well run into objections and disappointed expectations at a later stage. However, much deliberation one can mobilise, there always remains **political disagreements** that resist being bridged. That is indeed the essence of politics. It applies in particular to issues that are distributive in character so that any gains for one social group need to be paid for by another. Obvious cases are questions of income distribution or regional funds in the EU context.

The risk of overestimating the capacity of deliberation to overcome political divides takes on a specific meaning in an EU-context. There are manifold reasons why EU decision-making is prone to **depoliticisation**. This partly has to do with the absence of an EU public sphere and the disconnection citizens feel with much of the EU decision-making process. In addition, many European policies have traditionally been approached in a functional way where it is assumed that the benefits of integration befall on all. What is more, given the complexity of much EU decision-making, the main institutions are prone to rather consensus-oriented decision-making, and arguably already very deliberative in character. Overall,

then, and in contrast to much domestic politics, EU decision-making tends to suppress, exclude, or hide political divides.

If depoliticisation is indeed handicapping EU politics, then the consensus-seeking orientation of citizens' assemblies risks to only reinforce this character and to provide further fodder for the institutions' inclination to downplay persistent conflicts of interests in the EU constituency. If European Citizens' Assemblies are to address real issues, then there are most likely real political choices that need to be made. The visibility of political conflict is also essential to make clear what is at stake and, indeed, to attract media attention. Hence, before any attempts are made to establish common solutions, it is crucial to ensure the full expression of the diversity of views in the composition of a citizens' assembly, the formulation of its mandate, and the time allowed for it to develop its positions. What is more, the need to establish a consensus should not be the overarching aim in working towards citizens' assembly conclusions. Allowance should be made for the when it comes to agreeing to disagree or, indeed, for the expression of minority opinions—recognising that also the latter can serve as useful input into the decision-making process.

Bearing these reflections in mind, the model for a European Citizens' Assembly, presented in the next chapter, has been calibrated to optimise on the potential strengths of citizens' assemblies in the context of the EU and to minimise their limitations.

2. A Proposal: Embedding a European Citizens' Assembly in EU Policy-Making

This part presents, in a concentrated fashion, the essence of the proposal for the institutionalisation of European Citizens' Assemblies for EU policy-making. In particular, it briefly describes the main features of the model and outlines the legal basis for its institutionalisation.

Brief description of the model

This section provides a succinct description of the main elements of the model. It proposes four stages for citizen deliberation: **topic proposition, topic selection, citizen deliberation and institutional response and implementation**. Randomly selected citizens, acting within two citizens bodies—the Citizens Board and Citizens Assembly—steer and oversee the outright process making it exclusively citizens-led. The Secretariat provides the needed support for all the activities at all stages of the process. Citizens can deliberate on a wide range of topics relevant for EU policy-making at any phase of the EU policy cycle. European Citizens' Assemblies are integrated into the EU institutional system via a separate Inter-Institutional Agreement between the European Commission, the European Parliament, the Council of the European Union. The agreement clarifies the roles and responsibilities of all those involved actors, as well as the respective procedures.

Topics proposition: European institutions and society

Topics for deliberation can be proposed via two channels: top-down—EU institutions, and bottom-up—European citizens and residents.

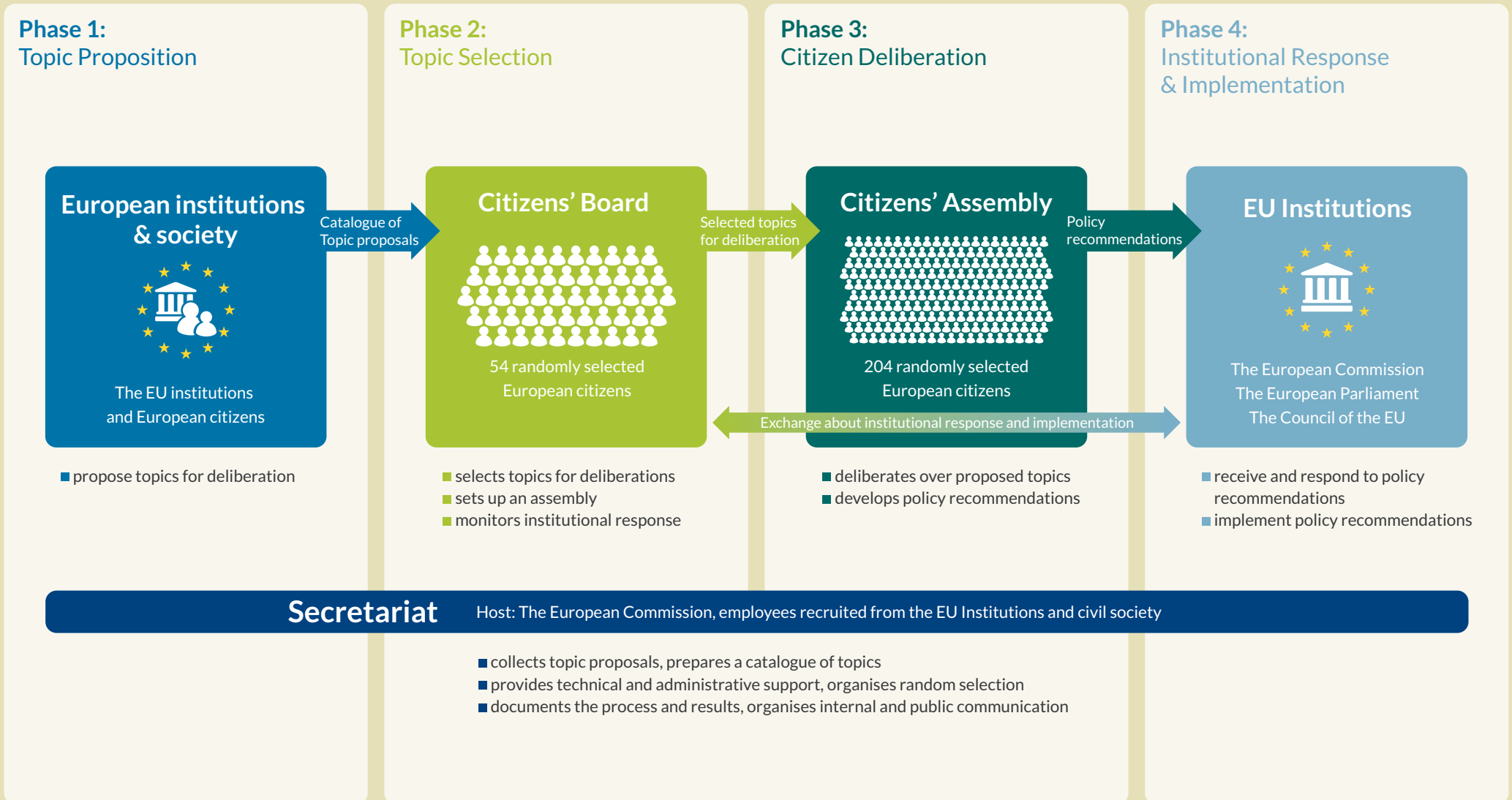
For the top-down channel, the topics for deliberation are proposed by the following EU institutions: the European Commission, the European Parliament, the Council of the European Union, as well as the European Council, the European Economic and Social Committee and the Committee of the Regions. For the bottom-up channel, EU citizens and residents can submit their topic proposals by responding to the Open Call and via the online participatory hub, managed by the Secretariat. Under this bottom-up channel, the Secretariat also collects topics that have been submitted via other EU participatory instruments but not yet taken into consideration by the EU institutions. The proposed topics can cover a wide range of policy issues and do not need to fall under the immediate EU competences. The Secretariat collects the topics and checks whether they are manifestly fictitious and/or against the public order. It then systematises them into a catalogue and submits it to the Citizens' Board for topic selection.

Topic selection: The Citizens' Board

The Citizens' Board is a permanent body made of randomly selected citizens who selects topics and formulates questions for deliberation.

FIGURE 1

The model: European Citizens' Assemblies in EU policy-making



Source: own illustration

| BertelsmannStiftung

The Citizens' Board is composed of 54 randomly selected members with a previous experience of participation in citizens' assemblies, two from each EU Member State. Membership on the Board is for two years and non-renewable with half of the Board replaced every year to ensure continuity and flow of expertise. The Citizens' Board performs three main functions: (1) every year it selects topics and formulates questions for deliberation in the Citizens' Assembly; (2) it defines and, if necessary, adjusts modalities of every Citizens' Assembly (composition, representation etc.); (3) it monitors EU institutional response and implementation of the developed policy recommendations.

The Citizens' Board selects up to two topics for deliberation in up to two Citizens' Assemblies and formulates concrete questions for deliberation. The topics for deliberation should directly concern European citizens and residents, be timely, future-oriented and relate to controversial/conflictual issues. The Citizens' Board submits the selected topics to the EU institutions and makes a proposition to officially convene a Citizens' Assembly.

Citizen deliberation: Citizens' Assembly

Citizens deliberate over the selected topics in Citizens' Assemblies and develop policy recommendations.

The Citizens' Assembly is an *ad hoc* citizens' body held yearly. One Citizens Assembly is convened to deliberate on one topic. It is composed of 204 randomly selected European citizens and residents representative of the wider European public in terms of age, gender, socio-economic backgrounds, and other relevant characteristics. Representation of the EU Member States is warranted according to the 4-8-12 formula: 4 citizens are selected to represent smaller Member States, 8 for medium-sized ones and 12 for the larger ones⁷. The main functions of the Citizens' Assembly are, first, to deliberate over a topic (question) selected by the Citizens' Board and, second, to develop policy recommendations. Citizens deliberate in smaller thematic working groups during five to eight meetings held both on-site and digitally.

The deliberative process must meet the criteria for high quality deliberation: clear purpose and mandate, good organisation, sufficient resources and time for citizen deliberation, availability of high-quality expertise and relevant information, simultaneous interpretation and transparency. The process of deliberation is managed by a professional facilitation company. Decisions on policy recommendations during deliberation should be based on a consensus or supported by no less than 75% of the Assembly members. Minority opinions on policy recommendations are registered and submitted along with the final decision.

Upon the completion of deliberation, the Secretariat prepares an official report that summarizes the policy recommendations developed by citizens. The report is approved by the Citizens' Assembly, made public and is sent to the EU institutions as the official outcome of the citizen deliberation.

Institutional response and implementation: The EU institutions

The EU institutions respond to and implement citizens' policy recommendations. The Citizens Board monitors the process of implementation.

The Citizens' Assembly together with representatives of the Citizens' Board presents the developed policy recommendations with the EU institutions during the State of the European Union address. Within a period of up to six months, the EU institutions respond individually to the received policy recommendations. After that, and within a period of max. twelve months, the European Commission together with European Parliament and the Council develops a joint action plan that consolidates the measures to be taken to implement policy recommendations. The European Commission presents the joint action plan to the citizens as soon as it is available and begins the implementation process. The EU institutions regularly report on the state of implementation of policy recommendations with the day of the State of the European Union address being an occasion for such follow-ups. The Citizens' Board is responsible for systematic monitoring of the implementation and follows up on the actions of the EU institutions.

Process support and the timeline

The Secretariat supports the process throughout the whole cycle. The deliberative cycle takes up to two years. The State of the Union address is the 'checkpoint' for the established actions of the cycle.

The Secretariat is a permanent administrative supporting body. It is hosted by the European Commission and composed of employees with extensive expertise on EU policy-making and citizen participation and recruited from the EU institutions and civil society. The Secretariat (1) collects topic proposals for deliberation, filters them and systematises them into a catalogue of topics, (2) provides overall administrative and technical support of the citizens' bodies and the process of deliberation (citizen sortition and selection, assembly logistics and organisation), (3) organises internal communication between all the participants in the process, and (4) performs public outreach and media communication about the course and outcomes of the process for a wider European public.

The deliberation process in European Citizens' Assemblies is linked to the EU policy cycle and has

a clear timeline. The State of the European Union address is an important moment on the timeline. On this day, the EU institutions convene Citizens' Assemblies, receive policy recommendations from citizens and report on the state of implementation. Below is the description of how the deliberative cycle for the first European Citizens' Assembly could ideally look like. At the beginning of the year, the Secretariat launches an Open Call for topic propositions, organises collection of topics and prepares a catalogue. By September the Citizens' Board selects the topics for deliberation and formulates questions for a future assembly and submits them to the EU institutions. On the day of the State of the European Union address (SOTEU), the EU institutions convene an assembly and announce the topics and questions for deliberation. The Secretariat begins the preparations for a Citizens' Assembly. The Citizens' Assembly takes place in winter or spring of the following year and develops the policy recommendations by mid-summer. During the next State of the European Union address, citizens present their policy recommendations to the EU institutions. In the year after, the EU institutions work on preparing a joint action plan for the implementation of the received policy recommendations.

FIGURE 2

Ideal timeline for European Citizens' Assemblies



*The EU institutions have up to 6 months to provide their individual responses and share them with citizens and up to 12 months to develop a joint action plan that specifies how policy recommendations will be implemented. Both individual responses and joint action plan can be presented as soon as they become available.

SOTEU = State of the Union address by the President of the European Commission

The legal basis for the model

The establishment and operation of our model of European Citizens' Assemblies needs to take place within the boundaries defined by the EU legal order. This, first, requires the identification of a valid legal basis and, second, that both assembly's creation and operation be compatible with the existing EU legal framework.

When measured against the existing EU constitutional framework, institutionalisation of our model of European Citizens' Assemblies may find direct support in the Treaties, notably in Article 11 (1) TEU, which clearly states: "The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action". Since representative democracy is a necessary but not sufficient basis for EU democracy⁸, the EU institutions are entitled—and even expected to—create the conditions for citizens to "make known and publicly exchange their views". Seen from this perspective, the establishment of European Citizens' Assemblies appears possible to operationalise not only Article 11(1) but also Article 10(3) TEU, which states: "Every citizen shall have the right to participate in the democratic life of the Union in order to ultimately exercise their right to participate in the democratic life of the Union".

These provisions suggest that the treaty provides a valid legal basis for the Union to accommodate innovative forms of citizen participation, creating the conditions "for citizens to make known and publicly exchange their views".

The most straightforward way to legally foresee the establishment of European Citizens' Assemblies is to rely upon an Interinstitutional Agreement (IIA). IIAs, as foreseen in Article 295 TFEU,

allow the European Parliament, the Council and the European Commission to conclude binding agreements between themselves so as to organise their cooperation.⁹ As such, IIAs provide a framework for coordination among the EU institutions¹⁰, and can be legally binding as a concerted measure of self-organisation. While it is contested how far IIAs concluded between two (or more) institutions may impose obligations on—or have repercussions for—other institutions¹¹, our model foresees it as an institutional add-on of high symbolic value to the existing EU institutional system. This means that the deliberative body would not exercise any other role that those generally assigned to equivalent deliberative mini-publics, by essentially remaining an advisory body to the existing decision-making processes.

The same IIA could—as a matter of principle—also set up the organisational framework, including the structure and operation of the body (possibly via an Interinstitutional Body, IIB, i.e., the Citizens' Board)¹², so as to ensure that this participatory mechanism operates effectively. By way of a voluntary, concerted agreement, each institution could coordinate its own administrative competence with a new independent deliberative mechanism by relying on its own procedural autonomy.¹³ In any event, the proposed IIA, by giving meaning to the existing participatory imperative enshrined into primary law, will not compromise the substantive rights and obligations provided by the latter. Rather, the proposed IIA would concretize and make enforceable these obligations for which the EU institutions must already take all adequate measures to make them a reality in the EU decision-making process. Drawing inspiration from the Interinstitutional Agreement on Better Law-Making, the same three EU institutions could conclude a dedicated IIA on Deliberative Law-Making.

3. The Model in Detail: Phases, Functions and Responsibilities

This part specifies and details the described model. It describes the phases of European Citizens' Assemblies, the main bodies and institutions involved in the functioning of assemblies at every phase, and their functions and responsibilities.

Topic proposition and selection

Prior to any deliberation among citizens in a Citizens' Assembly, one needs to define who can put topics onto the agenda of such an assembly, as well as the types of topics that may become selected for deliberation. This section presents the proposal for a double-process of topic proposition, as well as an institutionalised procedure and criteria for the selection of the latter to be put forward to the European Citizens' Assembly.

The model proposes two channels through which topics can be proposed. This **double-process of topic proposition** is one of the distinct features of the proposed model. The EU institutions, such as the European Parliament, the European Commission, the Council and the European Council, among others, should be able to propose topics for deliberation in European Citizens' Assemblies. Originating within the EU institutions, this is a top-down channel. By enabling EU institutions to propose topics, the entire process leading to a European Citizens' Assembly gains in institutional commitment, which is important to foster meaningful institutional response to the outcome of this process.

In addition, a bottom-up channel should also be given a chance by opening a channel in which citizens, or intermediary organisations—linking the

latter to the European institutions—propose topic. The purpose of this channel is to also make the input process accessible to citizens. It ensures a greater level of legitimacy, public visibility, and representation.

Proposition of topics: Top-down and bottom-up channels

According to our model, proposals for topics that may become selected for citizens' deliberation within the Citizens' Assemblies are collected both in a top-down and bottom-up manner.

Top-down channel

Most experiences with Citizens' Assemblies have so far been initiated in accordance with a top-down approach, with an institution (a President, a Government, a Parliament, a Council, or an Administration) taking the role of the initiator and proposing the relevant topics to be deliberated upon. For the European Citizens' Assembly process, a whole range of EU institutions should be given the opportunity to propose topics for deliberation. This right to propose should be given to the European Commission, the European Parliament and the Council of the EU, as well as to the European Council, but also to the European Economic and Social Committee and the Committee of the Regions. Proposing topics, and therefore

launching the process in a top-down manner, presents numerous advantages. It gives the entire process a level of legitimacy and visibility. Also, and this is not to be neglected, in top-down initiated processes, the initiator is usually declaring *ex ante* that the recommendations stemming from the subsequent Citizens' Assembly deliberations will be heard, considered and, in cases of political support, implemented.

Theoretically, an EU level deliberative process could address any political issue. However, the complexities of EU level exclusive competences, shared competences with the Member States, as well as competences that are only in the hands of Member States need to be considered. A deliberative process, initiated through a top-down channel of topic proposals should, from a formal point of view, only be related to issues in which the European institutions have at least some kinds of competence, excluding issues that are in the sole hands of the Member States. However, and as the model is designed as a citizens-led feature, deliberative processes may become most helpful regarding issues that are not yet in the competence of European decision-making, such as fundamental questions regarding the future of European societies—still dealt with at the national level today. These issues most likely fall out of the range of the sole EU competence. It is also reasonable to expect citizens' priorities to differ from those advanced by EU institutions. Therefore, collecting proposals through a bottom-up channel is of utmost importance, and can be designed parallel to the top-down channel.

Bottom-up channel

One of the main characteristics of our model is its **openness**. Through the bottom-up channel of topic propositions, the model guarantees a diversity of input. The process becomes open to issues that have not been determined by authorities beforehand, therefore guaranteeing a better input legitimization of the process, compared to a process that is simply managed top-down.

Civil society organisations, like in the process of Germany's 2019 *Bürgerrat Demokratie*, in Austria's *Vorarlberger Model*, or even individual citizens, as in the *Ostbelgien Model*, can very fruitfully provide

proposals for topics to be subsequently deliberated upon within the scope of a Citizens' Assembly. The advantage is that the process is open to issues that were not determined by authorities beforehand. Such bottom-up processes can be compared to direct democratic institutions and in particular to popular initiatives that already exist, for example, at a regional (*Länder*) level in Germany or at a national level like in Switzerland. Here, the input legitimization of the process is better guaranteed than in a purely top-down process.

The model foresees two basic features for a bottom-up topic proposition: An annual Open Call mechanism, and a mechanism through which topics that have not received sufficient attention or endorsements—via other EU participatory processes—may also be added to a common pool of topics for further selection.

The Open Call mechanism constitutes the first and main feature of the bottom-up channel. A dedicated Secretariat, hosted by the European Commission, will publish such a call at the very beginning of a deliberative cycle in February every year. The Open Call lasts for three months and offers any European citizen, resident but also denizen, as well as any intermediary organisation—such as civil society organisations or political parties at all levels of the European polity—the right to submit their proposals for topics to be considered by the European Citizens' Assembly. Submission of proposals for topics is done through a web-based participation hub, hosted and administered by the Secretariat. The hub should be designed in an easy-to-use way, allowing citizens and intermediary organisations to register their proposed topics and briefly describe the latter in any of the official European languages. The Secretariat offers administrative support to topic proposers in case of difficulties with the use of the hub. To ensure the model's openness, no formal thresholds for proposals coming from citizens via the Open Call are required, i.e., there is no signature required for a topic to be proposed and registered on the hub. It goes without saying that any proposal may be supported by organisations and citizens themselves. While not necessary from a formal point of view, the organisation supporting a proposal (through online tools, open letters etc.) may be envisaged by the originator of the proposal. After

the selection process (see below) has taken place within the realms of the Citizens' Board, the Secretariat notifies all topic proposers about the outcome of the process, i.e., whether their topic has been selected for deliberation or not. The decision cannot be followed up or formally questioned by the topic proposers.

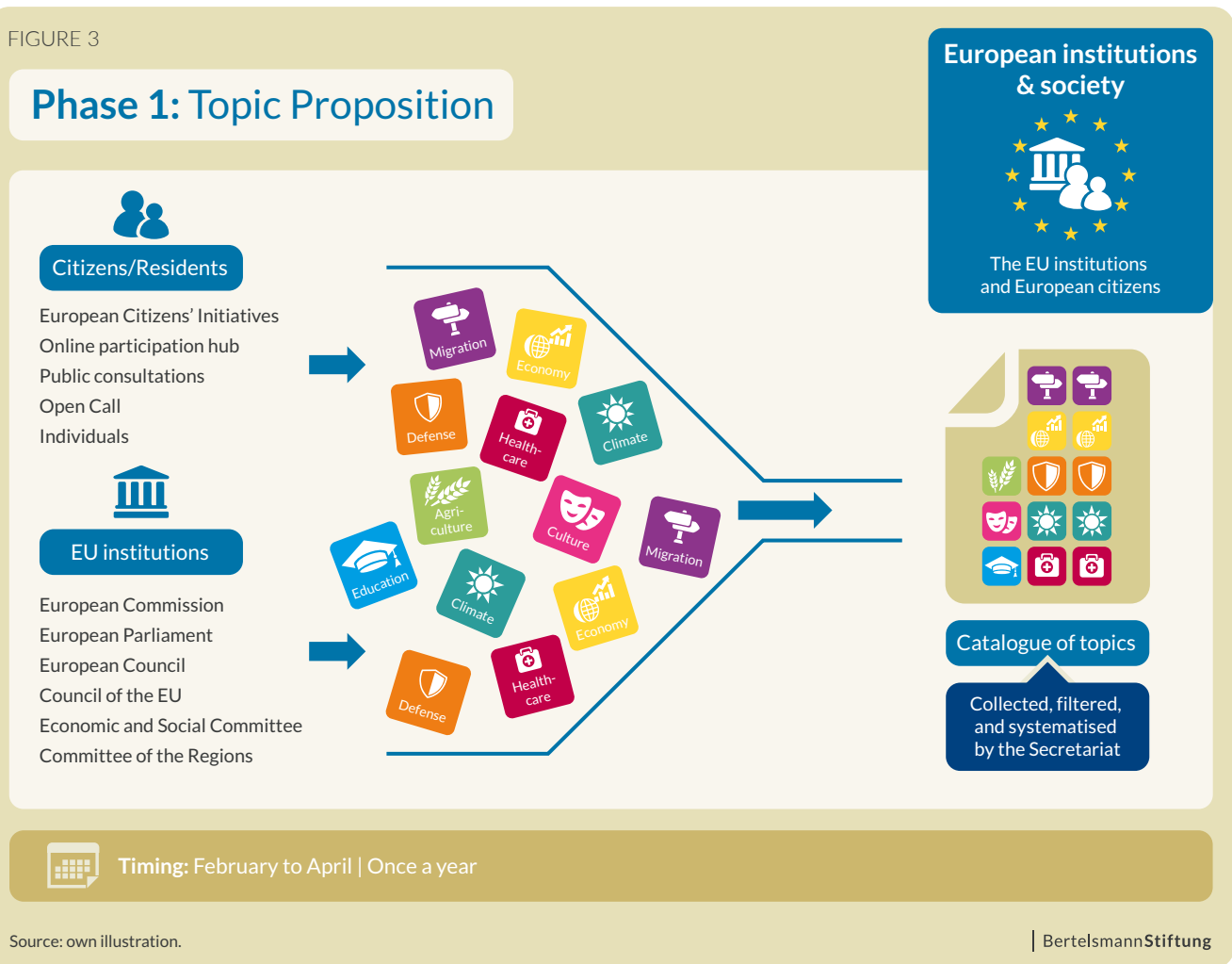
The second mechanism of topic proposals gives the Secretariat the opportunity to consider topics that stem from other EU participatory instruments. Topics that were selected for discussion/deliberation on and within different EU participatory instruments, but have been set aside or did not meet formal criteria (e.g. because of failing to reach certain signature thresholds etc.) can also be selected for Citizens' Assemblies. This is where

the Secretariat plays a central role. The Secretariat systematically reviews, analyses, and does research on what is out there that is of direct relevance for European citizens, but has not received enough attention or endorsement via other participatory mechanisms, such as

- The European Citizens' Initiative
- Petitions to the European Parliament
- The European Ombudsman
- Public consultations organised by the European Commission
- The Citizens' Dialogues organised by the European Commission

FIGURE 3

Phase 1: Topic Proposition



Topic selection

Our model is designed to simultaneously accommodate the top-down and bottom-up topic proposal mechanisms. The Citizens' Assembly process in Austria's Vorarlberg serves as an example. The catalogue of topics gathered by the Secretariat through the two mechanisms functions as a kind of sponge; soaking up whatever ideas for topics are circulating in the public sphere or ones that come about through citizens' social and political concerns. Once the Citizens' Board has selected the topics to be put forward to the Citizens' Assembly, all proposers are notified about the outcome and the catalogue is archived on the web-based participation hub. Whether or not, the selected topic has come about from the top-down or the bottom-up channel should, for the Citizens' Assembly deliberations, not make a difference.

A crucial aspect of the entire model is the topic selection stage. Here, the two bodies—the Citizens' Board and the Secretariat—work closely together. The Secretariat—the body that organises, oversees, and monitors all the input in the form of topic proposals—registers the proposals, keeps record of all issues and questions raised by the citizens via the Open Call or other channels, and presents the catalogue of topics to the Citizens' Board for deliberation and selection. The catalogue of topics lists the proposals independently from the source of initiation. It can group the topics into policy areas, for example, and highlight doubles or overlapping topics. The topics are either listed chronologically or alphabetically for each policy area.

The Secretariat should run a preliminary check on each topic proposition to eliminate any topic that would violate the *ius cogens*—the EU Charter of Fundamental Rights. Topic proposals should also respect the unity of form and matter (they should not combine, within the same topic, clearly unrelated subtopics), they should not be included in the catalogue if they are visibly meant as a joke (electing the next President of the EU Commission from comic super heroes), or if they are retroactive in their consequences (if they ask for the re-establishment of a status *ex ante* that cannot be re-established).

Once the catalogue of topics has been completed and validated by the Secretariat, it is forwarded to the Citizens' Board. They are then responsible to both deliberate and select from the catalogue: two topics it either deems most appropriate, most pressing, most timely and important for a Citizens' Assembly to deliberate upon the ones that satisfy the selection criteria described below. The selection process undertaken by the Citizens' Board should be deliberative in form. The criteria for good deliberation should be identical to those adopted by the Citizens' Assembly.

Topic selection: Four basic criteria

One of the fundamental challenges is the determination of criteria for the topic selection. At this stage, and given that this is conceptually relevant to the input part of our model, we outline those basic criteria that the Citizens' Board should abide by when selecting the topics that will be forwarded to the Citizens' Assembly.

We have identified four basic guiding criteria that should be considered by the Citizens' Board when selecting up to four topics among the, presumably, multitude of proposed topics included in the catalogue. In particular, the Citizens' Board should pick topics that are

- clearly **relevant** for European citizens and residents and pertaining to their core interests and aspirations. In other words: societal importance should be given;
- **timely** and politically resolvable with a certain sense of urgency. This may either concern brand new topics (related to a sudden pandemic, a war, etc.), as well as topics in which a debate might be stalemate, respectively topics that have been continuously ignored by EU political bodies;
- **future-oriented**, in the sense that the topics selected should address issues of major interest not just for current, but above all for future generations of European citizens;
- **controversial/conflicted** issues that are not per se valence issues, but constitute areas where a trade-off must be found. Typically, these are

issues where conflicts of interest are apparent, where politicians have a clear stake, such as (but not limited to) constitutional issues. More particularly, the selected issues should bear the potential to create bridging ideas and/or compromises on topics that are difficult to tackle via the traditional channels of representative democracy due to their moral, religious, or other value-dependent character. This does not exclude, however, the selection of topics that address traditional policy issues, such as digitalisation (“Digital Europe”) or climate change (the “Green Deal”).

Ideally, the Citizens’ Board should deliberate on the catalogue’s content and make its decisions regarding topic selection consensually. The act of voting within the body should be possible, but avoided as much as possible at the same time. In case the board resorts to voting to make decisions, they must be supported by no less than

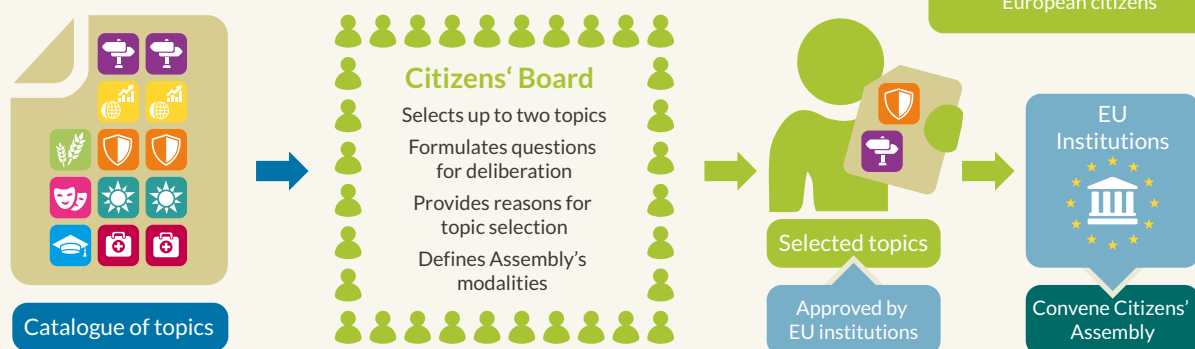
75% of the board members with minority reports noted.

The final list of topics for deliberation, i.e., those sent to the Citizens’ Assembly, should not only be a list of highly visionary ideas, neither must they reflect the debates in the Brussels bubble; nor should they be framed as something that is amiss only. Rather, the process gives ample room for issues concerning topics that can be done better. This way the Citizens’ Board can strike a balance between selecting only reactive or proactive issues.

The next section describes in greater detail the major bodies that the model proposes to establish to further institutionalise European Citizens’ Assemblies, their composition and functions. It also illustrates how the process of citizen deliberation could be organised at a European level by discussing its phases, preparatory process and major quality requirements.

FIGURE 4

Phase 2: Topic Selection



Timing: Meetings in May and June | Every year

Source: own illustration.

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Citizens' bodies and deliberation

The most distinct characteristic of the proposed model is that it puts citizens in the driver's seat by introducing a **dual citizens-led structure**. It is the citizens who deliberate and choose the topics for deliberation—this is normally done by the Citizens' Board—and they are the ones to deliberate on the topics and develop policy recommendations—otherwise the task of the Citizens' Assemblies. This structure enhances overall citizens' acceptance as well as ownership over and trust in the process. A further key aspect is the permanent structure via **routinisation, as in developing an annual cycle** which is intrinsically linked to the annual working cycle of EU institutions. The annual State of the European Union (SOTEU) address of the Commission President delivered in the European Parliament in September every year is the beginning and concluding event of the cycle. Both elements together lead to strong institutionalisation. They increase the commitment by the EU institutions to citizens' recommendations. Potentially, this institutionalisation also invites stronger media attention and, thereby, may already raise citizens' awareness for the process, as well as for the topics in the national arena.

This part describes in detail the main elements of the model: (a) citizens' and technical bodies, their composition, functions, and relations between each other, (b) the organisation of the process of deliberation in a way that ensures a high quality of deliberation, and (c) the annual cycle with its connection to the EU policy process.

Ad hoc Citizens' Assemblies for the deliberation of single topics have become more widespread in many European countries. Moreover, some forms of transnational deliberative processes have been introduced to the EU in recent years. The Conference on the Future of Europe is, of course, the prime example of this trend. The key innovative feature of our proposal is to institutionalise the model by introducing a permanent Citizens' Board and to combine them with yearly transnational Citizens' Assemblies.

The Citizens' Board

The **Citizens' Board**, given its function and com-

position, is the most innovative part of our model. The board is made up of randomly selected citizens, and it is an independent, autonomous, and permanent organ. Its key functions are topic selection and steering the outright process of citizens' participation and how it is linked to the EU institutions and political environment. This is a central component of the dual citizens-led structure.

The Citizens' Board has a permanent structure, and its members serve for a two-year term. The board is comprised of two delegates per member state—which would (currently) amount to 54 members. The selected members are ordinary citizens. Ideally, all members have previous experience of participation in citizens assemblies at national or EU level. Hence, members of the CoFoE's EU Citizens' Panel can be part of the Citizens' Board. This could be particularly useful for the very first Citizens' Board.

The overall composition of the Citizens' Board shall be as diverse as possible; gender parity is a must. The Secretariat is important for securing such diversity. The membership is renewed on a rotation basis with half of the members replaced when their term is over to ensure a flexible flow of expertise from one cycle to another and to avoid emergence of semi-professional politicians. The Citizens' Board shall not be driven by political logic, tactics, power, and strategies. Therefore, members can be nominated only once and the two-year term on the Citizens' Board is non-renewable. The board chooses its speakers from among its members.

The meetings of the Citizens' Board take place in May – June of every year, preceding the SOTEU address in September at which the topics and questions for deliberation are presented to the public. This timing allows for the Citizens' Board to take up and discuss the catalogue of topics. The Citizens' Board discusses and identifies up to two topics per year to be discussed in follow-up Citizens' Assemblies. In the proposed model, the Citizens' Board serves several **functions**. First, it deliberates on the catalogue of topics and then decides on up to two **topics** to be handed over to the Citizens' Assemblies (CA) for deliberation. As previously explained, the Secretariat assembles

a catalogue of topic proposals derived from the combined bottom-up/top-down topic proposition process. The Citizens' Board selects up to two topics from this catalogue. Decisions should be consensual, but in case of voting a supermajority of 75% of its members is required. This screening and selection process in the Citizens' Board must fulfil strict criteria for quality deliberation to avoid any bias on partisan, political logic. The Citizens' Board can seek support from and help of external experts in this deliberation and selection process. The Citizens' Board makes a decision on (1) the topic, (2) formulates question(s) for deliberation, (3) defines the assembly's modalities specifications (representation of particular groups etc.), and (4) shares reasoning behind the topic(s) selected.

Second, the Citizens' Board makes a proposal to convene an assembly which is then formalised by the three institutions: the European Commission, the Council of the Union and the European Parliament. This formal assent by the EU institutions is not a substantive check of the topics or their content, but a formal endorsement that the topics shall be deliberated in the Citizens' Assembly. Through this endorsement, the EU institutions commit to the process, namely convening the assembly and following up on the recommendations. The convening of up to two assemblies is announced at the SOTEU. This decision gives a formal authorisation to the Secretariat to proceed with the preparations for convening the Citizens' Assembly.

A default standard for the **modalities** of the Citizens' Assemblies is in place including standards for the composition of Citizens' Assemblies, of citizens' selection, the use of experts and stakeholders, as well as the representativeness of assemblies and so forth. However, in case a topic might require a Citizens' Assembly which deviates from the model, in that it is not representative of the European population, in terms of certain characteristics the Citizens' Board can propose to adjust the composition of an assembly.

Third, the Citizens' Board **directly communicates** with the Citizens' Assemblies. This entails that, if necessary, the board specifies and clarifies the topics submitted for deliberation to narrow them

down. It can also propose adjustments to the Citizens' Assemblies composition or representation depending on the topic under deliberation. Furthermore, given the crucial importance of timing and briefing citizens for a quality deliberation, the Citizens' Board—through the Secretariat—may also handle inquiries from an assembly, if during deliberation specific problems or needs arise (more time for deliberation needed, resources for more experts required).

Fourth, the Citizens' Board is *the hinge to the EU institutions* and communicates directly with them. These relations and encounters occur at different points throughout the process, and they relate to different issues. During the input phase, the board communicates the selected topics back to the EU institutions for political endorsement. This endorsement mechanism is important in the EU legal order and aims to increase the commitment of the EU institutions to the deliberative process, as well as their responsiveness to the citizens' policy recommendations. During the output phase, representatives of the Citizens' Board accompany the Citizens' Assembly who presents the policy recommendations to the EU institutions. The board can reiterate why these topics for deliberation were chosen and commits to follow-up monitoring on the institutional response to policy recommendations. To do so, the Citizens' Board is supported by the Secretariat—the body providing overall technical and administrative support to the outright process and other involved bodies. This monitoring mechanism is important for continued pressure on the EU institutions, to give credibility—thereby ensuring trust—to the process and uphold citizens motivation in participation. This does not mean that there is an automatism of implementing citizens' recommendations, but there must be a (written) response and justification and monitoring over time, as recommendations may require medium or long-term strategies.

Citizens' Assemblies

Citizens' Assemblies are the second key citizen body. Recruitment takes place in autumn of every year so that the Citizens' Assemblies convene and deliberate during the winter or spring of the following year. Citizens' Assemblies are key

in terms of actual deliberation on specific topics and questions, and the development of policy recommendations. They resemble, in many ways, similar bodies of randomly selected citizens to be found at national level in an ad hoc fashion, but their composition and functions are adapted to the peculiarities of the EU political system. The European Citizens' Panels—a part of the Conference on the Future of Europe (CoFoE)—serve as a reference point and an inspiration for composition and membership of the proposed European Citizens' Assemblies.

A single European Citizens' Assembly is composed of a maximum of 204 randomly selected European citizens and residents (citizenship of an EU member state is not a formal requirement for participation). Given the selection of up to two topics for deliberation per year requires up to two Citizens' Assemblies to be set up. This means a recruitment of up to some 400 citizens per year from all EU member states. In this body, the size of Member States in terms of population is reflected, but not in a strict proportional way. The minimum number of representatives from each Member State is four. A minimum number is required to ensure diversity and gender parity in each national grouping. While the small Member States select four, medium-sized Member States select eight and larger member states twelve.

For each national group, some representational balance must be ensured in terms of gender, geography (urban/rural), ethnicity, socio-economic status, age, etc. Depending on the topic of deliberation, the Citizens' Board can, however, ask for overrepresentation of a certain group (e.g., younger generation; see discussion above). Given the limited number of citizens per member state, there can be no strict representativeness of national groups, but the whole group for each Citizens' Assembly shall be representative of the EU citizenry and residents. This diversity among citizens is the guiding principle in terms of composition of Citizens' Assemblies. Representation is in line with representing the European population as best as possible.

To ensure this guiding principle, the selection of citizens for Citizens' Assemblies is conducted in a two-step process: (a) random selection of cit-

izens for a sample (oversampling is essential at this stage). This is a standard practice today, and (b) the final composition is determined by matching the people who have responded favourably to the invitation. Based on a monitoring of the process, adjustments to the recruitment can be made to ensure some degree of overall representativeness. It is crucial to ensure room for minority representation, especially when it comes to the topic of deliberation.

The **main function** of a Citizens' Assembly is to deliberate on the topic selected by the Citizens' Board, and to agree on a report with recommendations on the topic. To fit into the annual cycle, this deliberation takes place in spring/summer of every year. Each Citizens' Assembly usually hold 5 to 8 deliberative meetings per topic. In-person meetings are the best format, whereby digital formats are accepted. At least two meetings (preferably the first for getting to know one another and the last for intense discussion of the report and the policy recommendations) must take place on site. Moreover, discussions in thematic sub-groups are not only possible, but also recommended to ensure high quality of deliberation. The sub-groups should also represent a diversity of citizens and potentially of perspectives. Sufficient time is needed for discussion in thematic sub-groups.

Timing and briefing are crucial in deliberative procedures. Deliberation is per se a **time-consuming** social process, especially under conditions of multi-lingual and lay-person deliberation. This is an important lesson to be drawn from the CoFoE.¹⁴ Hence, if for a particular reason a Citizens' Assembly considers the need for more meetings to ensure quality and pluralistic perspectives, they can go back to the Citizens' Board and ask for permission and if need be additional resources.

The quality of deliberation also depends on the **briefing material and what the experts say and share**. Supported by the Secretariat, the Citizens' Assembly can—and usually does—invite external experts and stakeholders to its meetings. Both types of external actors are important and they make different contributions. Experts, in a stricter sense, are scholars; they are expected to provide unbiased information presenting the pros and

cons on the issues. Stakeholders, in contrast, are professionals from the field with a self-interest (stake) in the issue. They can be, for instance, representatives of a range of civil society organisations or economic organisations. While their expertise from the field is important, it is also important to recognise the stakes they have in a particular topic.

The citizens select the experts and stakeholders. The Secretariat must support the citizens in this crucial selection process by providing them with a list of persons representing a diversity of perspectives and academia as well as professional backgrounds. The experts and stakeholders must provide a declaration of interest that allows the citizens to recognise the potential biased nature of the thematic input. As for the stakeholders, they should represent European associations and movements rather than national ones. This can ensure that they already reflect a more European consensus for particular issues. To ensure transparency, the stakeholders must be registered in the EU transparency register.

The citizens must have briefing material available, to allow them to prepare for the exchange with experts and stakeholders. The Secretariat is responsible for putting together and providing such briefing material. Citizens need sufficient time to exchange viewpoints with experts and stakeholders and to deliberate on the expertise provided by them.

The main task of each Citizens' Assembly is to develop **(policy) recommendations**. Sufficient time and energy must be invested in this final stage.

At the end of deliberations, the Secretariat prepares a full report that includes the policy recommendations discussed and agreed upon by Citizens' Assembly. Upon completion of the final report, the Secretariat shares this with the Citizens' Assembly to ensure that the report includes precisely what citizens have discussed and agreed upon in terms of content. The assembly approves the report, and the report becomes the official outcome of the citizens' deliberation. The report is published and shared with the Citizens' Board. The Secretariat sends

the report to the EU institutions, the European Parliament, the Council and the Commission, as well as the EU Council, the European Committee of the Regions and the European Economic and Social Committee.

The report must be finalised by July of every year to ensure that a response can be given during the upcoming SOTEU address in September of that same year. The objective is to reach consensus on recommendations that are precise enough to be translated into a limited number of actionable proposals. If there are too many and/or too broad recommendations, it is difficult to add them into the policy process. This is linked to the initial stage, i.e., the need for defining a clear and precise questions by the Citizens' Board. Consensus is desired, and in case voting is required a supermajority on recommendations of 75% is necessary. Minority opinions endorsed by at least 10% of the assembly members must be included in the report.

The lifespan of the Citizens' Assembly ends upon finalizing the report and presenting it at the SOTEU. The Citizens' Assembly is then formally dissolved. Members of the assembly can, as citizen ambassadors, be active at national level to further discuss about the findings and recommendations of the Citizens' Assembly.

The Secretariat

The third, supportive, element in the model is the **Secretariat**. It has an important role in linking and supporting the different elements, (1) the Citizens' Board to the Citizens' Assembly and (2) the Citizens' Board to the EU political environment and (3) the public at large. The Secretariat is an administrative body hosted by the European Commission given that this is the most experienced EU organ for such a task. The Secretariat's staff consists of individuals experienced in EU politics and policy-making, and competent in organisation of the deliberative process and made up of current or former employees of EU institutions, civil society organisations, think tanks and so on.

The Secretariat has the following functions: First, it provides **guidance and administrative sup-**

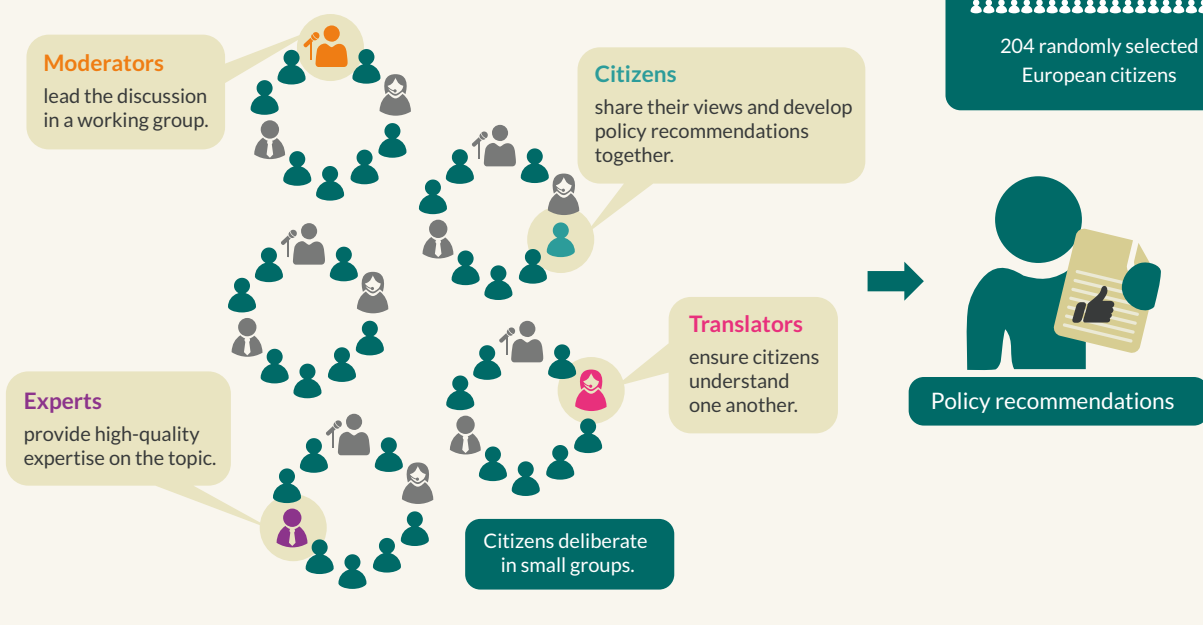
port for the organisation of the process of deliberation, i.e., for the work of the Citizens' Board and Citizens' Assembly, especially for the citizens' selection process, representation, recruitment of experts and providing briefing material. The Secretariat also documents and protocols the process and communicates with the EU institutions.

Besides these rather technical functions of ensuring deliberative logistics and documenting the process itself, a second important function is **public and media communication** and outreach. National experiences have shown that wider discussion and public outreach is crucial for the success, for the meaningfulness and for the potential effects of deliberative processes, in other words: for its external legitimacy. Within EU policy this is even more important, and very dif-

ficult to achieve given the lack of a public sphere and its fragmentation, as well as the need to link the supranational with national arenas. To create effects for the EU system, for its greater legitimacy and for citizens, the levels and degrees of their involvement, trust and commitment to direct deliberation hugely depend on how well the work of the Citizens' Assemblies is known to the wider public. Media coverage is crucial to make information available to Europeans and to foster broader debate and increase citizen's awareness and knowledge at best even before deliberation even begins. The Secretariat's function at this stage is to ensure such public outreach and media attention. Making the whole process part of the annual cycle and linking it strongly to the annual SOTEU address will allow for greater media and public attention.

FIGURE 5

Phase 3: Citizen Deliberation



Timing: 5 – 8 on-site and digital meetings | January to May

Source: own illustration.

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Deliberative cycle

After outlining the composition and functions of the key organisational elements (bodies), it is important to take a look at the key procedural elements, i.e., the **organisation of the deliberative process** which is crucial for the efficiency and legitimacy of the model. To ensure the permanent nature, the model presupposes that the deliberative process follows an **annual cycle**. This cycle is intrinsically linked to the annual policy cycle of the EU and its institutions.

Both for symbolic and for reasons of effective cycling in our model, the deliberative annual cycle begins (and ends) with the **State of the European Union (SOTEU)** address, given by the Commission President in the European Parliament in September each year and with the Council present. To initiate a new cycle, the SOTEU momentum can be used to invite the EU institutions or their representatives to pitch their ideas/proposals for topics to be deliberated. On the day of the SOTEU, the Citizens' Board announces selected topics and questions for deliberation collected during the Open Call launched and finalised in the winter and spring preceding the day of the address.

The selection and recruitment of citizens for the Citizens' Assemblies takes place in autumn following the SOTEU. The new Citizens' Assemblies convene in the winter or spring each year and over the course of several months they deliberate and write up their report including policy recommendations. By end of July, the report must be finalised and sent to the EU institutions and, of course, to the European Commission. Besides the European Commission President, a Commissioner shall also be designated to oversee the participatory process and pledge to effectively deal with the results of deliberations.

In the following September during the SOTEU address, members of the Citizens' Assembly present the report(s) and recommendations to the EU institutions and the European public at large. Since the SOTEU now attracts wide media attention, it is also a good opportunity to bring attention to the citizens' reports in the media and among citizens. The SOTEU can and should also be used by the EU institutions to announce the

results of the previous deliberation cycle, and to look back at what happened to previously elaborated policy recommendations. This is part of the medium and long-term monitoring process aimed at ensuring credibility and accountability of the deliberative process by introducing a participatory footprint.

Deliberative process: Organisation and quality criteria

Achieving **high quality deliberation** and thereby legitimacy and credibility of a deliberative is a demanding task. The OECD has established a set of good practice principles for quality citizen deliberation.¹⁵ Applied to our model and to the needs for European transnational deliberation, the following principles and considerations are paramount.

Deliberation takes place both at the Citizens' Board and in the Citizens' Assemblies. In the Citizens' Board, citizens are requested to select the topics for the Citizens' Assemblies for the latter to deliberate over them. In both cases, the same quality criteria apply. Citizens should have a clear understanding of their tasks and mandate. The process must be well organised, prepared and have all the necessary technological support. That means that sufficient resources should be available at all stages of the process. Deliberation requires professional moderation/facilitation, and that it is structured and consensus-oriented. In the Citizens' Board—being the smaller and more experienced body—this is easier to achieve, yet the task of selecting precise enough topics and questions out of a whole catalogue of proposals is demanding. To do so, a variety of interactive methods are used. Prioritizing topics/questions is necessary and shall be done in a consensual way. In the Citizens' Assemblies—being the bigger and ad hoc bodies—different methods for deliberation are just as important. Citizens in both bodies must have sufficient time to learn, prepare, and familiarize themselves with topics and questions for deliberation, as well as to listen to, understand and weigh up one another's arguments and come to joint conclusions. Hence, they need access to relevant high-quality and accurate information and expertise both prior and during the process of deliberation to ensure in-depth citizen discussions and the development of proposals based

on facts and argument. Deliberation in both bodies takes place in multilingual and transnational groups, which places emphasis on the availability

of high-quality simultaneous interpretation. And ultimately, the outright process needs to be made transparent.



What is Needed for High Quality Deliberation in a European Citizens Assembly?

Clear purpose and mandate: The mutual expectations of both the EU institutions and citizens from an Assembly and outcomes of deliberation should be clearly stated prior to the deliberation process. The questions for deliberation must be clearly formulated. Citizens need to receive a clear response to their policy recommendations. The outcomes of the entire process must be documented, made public, and 'participatory footprint' must be traced.

Good organisation: A European Citizens Assembly must be carefully prepared well in advance. There must be sufficient time for recruiting citizens and preparation of the deliberative settings. Citizens need to be fully informed on the overall logistics and steps in the process. Citizens deliberate in thematic groups moderated by professional and neutral facilitators.

Sufficient resources: There are available resources from the EU budget for the organisation of the process (citizens' recruitment, simultaneous translation, communication technology for digital deliberation etc.). Citizens should be offered sufficient remuneration to cover travel, childcare, elderly care or other costs associated with participation in an Assembly.

Sufficient time for preparation, learning and deliberation: Citizens should be given sufficient time for preparation prior to deliberation: learning about the topics and questions under deliberation, familiarising themselves with experts' input and accessing additional information. Briefing materials, evidence, and information should be provided in advance. To arrive at informed and qualified policy recommendations citizens should hold five to eight meetings of sufficient length, preferably on-site but also digitally. During the meetings citizens should have sufficient time to listen to experts, weigh arguments and available evidence, discuss, reach consensus and formulate recommendations together.

Information and expertise: Citizens should have access to a wide range of reliable, accurate and relevant information and expertise on topics and questions for deliberation as well as on and about the EU. Professional experts are present throughout the process of deliberation and available for citizens' inquires and questions.

Simultaneous translation: Citizens should be given an opportunity to communicate in their native languages. Professional translators and digital simultaneous translation with integrated video tools should be available at every step of the deliberation process to ensure meaningful transnational deliberation.

Transparency: The course and outcomes of the deliberative process are carefully documented. The Secretariat makes agendas, briefing documents, audio and video recordings available to the broader public prior and post deliberation. All the materials, reports and recommendations of various annual deliberation cycles should be stored on an on-line participation hub. The Secretariat organises public communication and media outreach throughout the process.

Policy recommendations, institutional response and implementation

Once the report containing all the policy recommendations is prepared by the Secretariat and approved by the Citizens' Assembly, it is handed over to the following EU institutions: the European Commission, the European Parliament, the Council as well as the European Council, the European Economic and Social Committee and the Committee of the Regions.

An institutional response is required from the three main institutions signatories of the IIA: the European Parliament, the European Commission, and the Council, acting within their own competences and according to their individual procedures.

Ultimately, the quality and speed of the response provided by EU defines the added value provided by the deliberative experience to EU decision-making.

Phase 1: Finalisation and adoption of the final report

Upon the end of deliberations, the Secretariat prepares a full report which includes the policy recommendations discussed and agreed upon in the Citizens' Assembly. Upon completion of the final report, the Secretariat shares this document with the Citizens' Assembly to ensure that the report accurately reflects what citizens have discussed and agreed upon. The resulting document crystallizes citizens' results and recommendations.

In its final meeting, the Citizens' Assembly approves the report, and the report becomes the official outcome of the citizen deliberation. The report is published and shared with all relevant EU institutions, the European Parliament, the Council and the European Commission, as well as the European Council, the European Committee of the Regions and the European Economic and Social Committee.

When the assembly is dissolved, the board is expected to monitor the institutional response to its recommendations (see phase 4).

Phase 2: Public presentation of the recommendations to the EU institutions and media

Following the circulation of the final report by the Secretariat, the institutions invite a delegation of the Citizens' Assembly with the representatives of the Citizens' Board to present and discuss the results of deliberations to the EU institutions. This meeting, which takes place during the SOTEU address in September, is set to enable the citizens to convey their message to the EU institutions and to allow the latter to ask for clarification on citizens' expectations.

Phase 3: Publication and presentation of the Institutional response(s) and a joint action plan

Within a period of six months, each EU institution is expected to provide its response within its competences and according to its procedures. Having assessed the feasibility of recommendations, each institution responds individually in written form specifying whether and how the policy recommendations will be dealt with—within that institution's sphere of competences—and specifies the timeline. This duty to respond is accompanied by a duty to motivate the reasons supporting the stance taken by the relevant institution. It is each institution's responsibility to decide who and how it organizes the preparation of its response. In the case of the European Parliament, the policy recommendations are discussed in relevant sectoral committees insofar as they guarantee the presence of representatives of all political groups and the sectoral expertise. The resulting statements can be discussed at the parliament's plenary and treated like a normal commission proposal. It is expected that each political group prepares and makes public its own position.

After that the EU institutions consolidate their individual responses into a joint action plan that specifies how the EU institutions intend to implement the Citizens' Assembly recommendations. Development of the joint action plan ideally should not take longer than 12 months after citizens have submitted their policy recommendations, however, the European Commission can present it as soon as it becomes available.

Phase 4: Monitoring of the implementation of the institutional response

The Citizens’ Board—supported by its Secretariat—is tasked to monitor, on a regular basis throughout the year, the implementation of the EU institutional response. To that end, the three institutions report, on a regular basis throughout the year, on the implementation of the joint declaration.

The Citizens’ Board is also invited by the three Institutions to participate in debates on the implementation of their response in the European Parliament and/or the Council during the spring of the year in question.

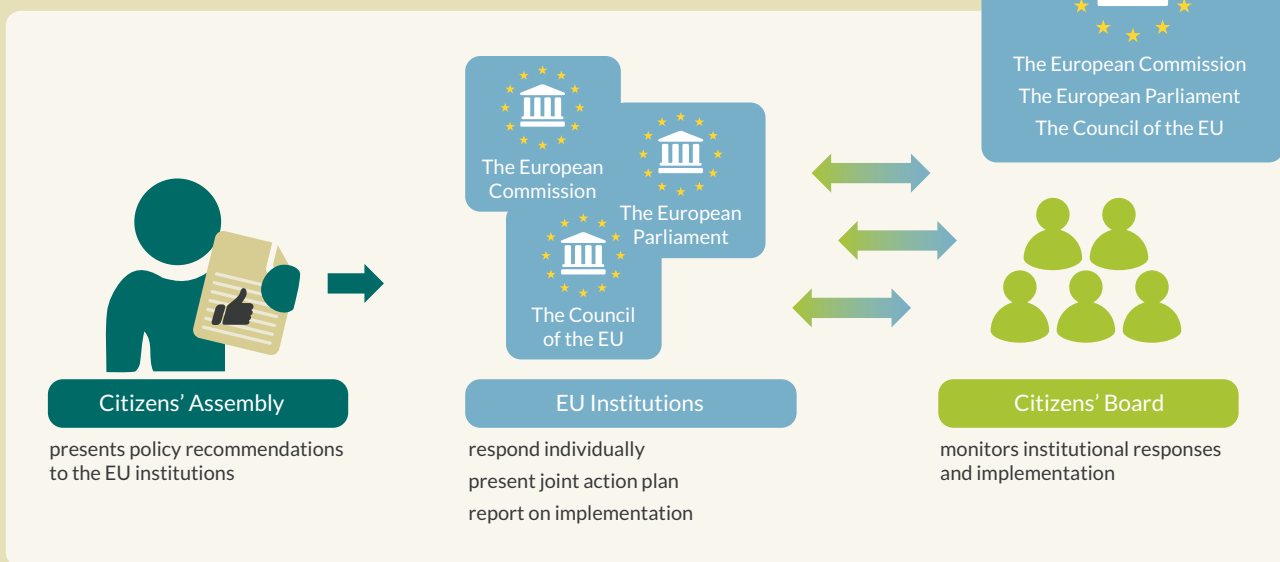
More broadly, the Secretariat tracks the participatory footprint as it appears in the EU decision-making processes and documents, to follow up on and monitor implementation of policy

recommendations. The Secretariat might work on increasing the visibility of the process and the results and including the results into the national debates. The addressees of the updates on the implementation progress may include

- the European Parliament’s sectoral committees, as well as the Parliament’s plenary
- Council’s working groups with national administration delegates and Council General Secretariat representatives
- National parliaments’ committees, plenaries and hearings with the participants of the Citizens’ Assemblies invited
- Ensuring media coverage
- Arranging dialogues between citizens and the Citizens’ Assemblies/Citizens’ Boards Ambassadors

FIGURE 6

Phase 4: Institutional response & implementation



EU Institutions

The European Commission
The European Parliament
The Council of the EU

Timing: Policy Recommendations presented in September on the day of the State of the Union address | Continuous monitoring and exchange in the following years

Source: own illustration.

4. Moving forward: Five Recommendations Towards the Institutionalisation of European Citizens' Assemblies

The process of institutionalisation, should it occur, will unfold in a wider political and institutional context. There will be challenges. In the following we present recommendations on how they should be addressed.

European Citizens' Assemblies: An idea whose time has come

Democracies face a serious challenge: a growing sense of disconnection from formal politics and decision-makers experienced by citizens. In the transnational EU context, where this gap between ordinary citizens and policy-makers is larger, this challenge is even more pronounced. Advancing citizen participation via new formats and innovative methods is essential for the overall EU resilience. Citizens' assemblies have been one of the promising formats for citizen participation that, when applied at the EU level, can help to bridge the growing gap between Europeans and EU policy-makers.

In many parts of Europe Citizens' Assemblies have proven to improve citizens' sense of connection to politics, and contribute to better and wider accepted policy solutions. In countries like Austria, Germany and Belgium, policy-makers at the regional level took further steps in making Citizens' Assemblies a permanent mechanism. In the EU, the first steps were already taken by incorporating the format of European Citizens' Panels at the Conference on the Future of Europe between 2021 – 2022. The Panels have shown that bring-

ing citizens together in a transnational Citizens' Assembly *is* feasible, *is* positively perceived by participating Europeans and contributes to their sense of meaningful participation. The Conference has also proven that when brought together citizens are willing and capable of taking part in a serious in-depth discussion about solutions for the most pressing policy problems that the EU is struggling with.

The Conference has been only the first step in making Citizens' Assemblies a feature of EU policy-making paving the way for the next logical step—institutionalisation of Citizens' Assemblies. What path needs to be taken for such institutionalisation? The model described in this paper addresses exactly this question. Building on the lessons and experiences of the use of assemblies in other contexts and taking into account the complex and unique character of the EU policy-making system, the model describes how European Citizens' Assemblies could be introduced, organised and function in the EU.

The model zooms in on legal, procedural and organisational elements of European Citizens' Assemblies. However, before we can get there, several other steps need to be considered.

Moving forward: Five recommendations towards institutionalisation of European Citizens' Assemblies

1. Seize the moment: A window of opportunity after the Conference on the Future of Europe

The window of opportunities for institutionalisation of European Citizens' Assemblies is open now and it needs to be used. Three trends converge and define the current political momentum as especially favourable for democratic innovations in the EU such as Citizens' Assemblies. First of all, there is a consensus that EU democracy requires further improvement and stronger resilience. The latest round of shocks that the EU has been dealing with—the rise of right-wing populism in several member states, the COVID-19 pandemic and the war in Ukraine—has reinvigorated the debate about the democratic qualities of the EU and measures that could be taken to enhance them. Democracy in the EU is increasingly challenged by populists, illiberal turns in some Member States and nativist and nationalist sentiments. To retain its resilience in the face of these competing political games in town, it needs to be strengthened. Under current political circumstances, being a democratic innovator is a must rather than a choice for the EU.

Secondly, the fact that the EU democracy needs to be advanced is confirmed and echoed by citizens themselves. Numerous studies, surveys and measurements show that Europeans expect more participation. Most Europeans still retain faith in democracy and their expectations should become guidelines for concrete actions.

Thirdly and finally, the Conference on the Future of Europe confirmed that Europeans, despite being sceptical, do not shy away from democracy and citizen participation innovations and experiments. Even more importantly, the Conference demonstrated how demands of the current political moment can be turned into actions and set the example of a concrete action designed to find a way out of the growing disillusionment with democracy. It would be short-sighted to let the wave of expectations created by the Conference lose its impulse. The call for institutionalisation of citizen's participation in online and offline for-

mat is a recommendation proposed by the citizens themselves in the CoFoE and it is part of the proposals adopted by the Conference Plenary and the CoFoE Executive Board.

2. A common strategy: EU institutions should engage in a concerted action

European Citizens' Assemblies and EU institutions need one another. Democracy in the EU is increasingly challenged by populists, illiberal turns in some Member States and nativist and nationalist sentiments. To retain its resilience in the face of these competing 'political games in town', it needs to be strengthened. Under current political circumstances, being a democratic innovator is a must rather than a choice for the EU. In turn, the potential of European Citizens' Assemblies can be fully explored if EU institutions show commitment, take citizens' work in assemblies seriously and take an active role in engaging with citizens, be it via submitting topics for deliberation or exchanging feedback on elaborated policy recommendations. The latter calls for a concerted action, political will and sustained commitment from all major EU institutions. Institutionalisation of European Citizens' Assemblies should become one of the strategic goals for EU institutions as another milestone in widening and deepening citizen participation. All three major EU institutions must subscribe to this strategy. Additionally, EU institutions need to explore and make use of existing institutional and policy-making practices that help make strategic commitment more tangible in turn strengthening it. The current model for institutionalisation of European Citizens' Assemblies proposes that a special Interinstitutional Agreement on Deliberative Law-making can cement this strategic commitment for the three major EU Institutions: the European Parliament, the European Commission and the Council.

3. Learning by doing: Continuous improvement is key

As with any novel format, introduction of the assemblies does not guarantee immediate success. Such expectations of immediate political and policy results, whatever they are, should be tamed—Citizens' Assemblies are not an easy remedy for resolving all the difficulties the EU is facing. It is

important to establish a learning and living institution which can change and adapt over time. The Conference on the Future of Europe demonstrated the possibility of organising transnational Citizens' Assemblies, but it was also only a first step in that direction. There should be a clear understanding that the success rate of such novel formats of policy-making depends on and increases as a result of systematicity and continuity of their application, i.e., learning by doing. Tapping into the full potential of Citizens' Assemblies as a participatory and policy-making instrument requires systematicity and consistency of their use, continuous upholding of standards and development of frameworks for the assemblies' work. Equally, learning how to adjust this format to the peculiarities of the EU context, policy areas and stages in the EU policy cycle requires repetition and consistency. The EU institutions need to embrace the tension that certain failures may be inevitable. For the general public, it is essential to get used to this novel participation format and to see it develop over time. Initially public attention will be limited. However, over time, chances that Citizens' Assemblies hit on issues that genuinely resonate across European societies increase. Such moments will be essential to develop their standing and political appreciation.

4. Concrete and relevant: Cornerstones for the organisation of assemblies

Besides seizing the moment and strategic commitment to institutionalisation of European Citizens' Assemblies, EU institutions need to give substance to their work. First, European Citizens' Assemblies must be convened to deliberate over topics and questions most relevant for the EU and citizens. Citizens need to see and understand that they are called to share their ideas and input on the most pressing policy issues and that European Citizens' Assemblies are the mechanism of substantive and consequential policy-making rather than mere legitimisation or letting steam off. Second, allocation of sufficient resources necessary for organisation of European Citizens' Assemblies, with a mandate to produce substantial policy recommendations, is just as important and should be taken seriously. Here learning from the experience of the Conference on the Future of Europe is crucial. Third, besides treating European Citizens' Assemblies

as sources of knowledge and expertise, EU institutions need to routinize mechanisms of own institutional response and feedback. This needs to be done to ensure that the citizens' input is taken seriously, informs about further decision-making or gives clear and detailed justifications for not being considered. Citizens' trust, commitment and willingness to continue a personal involvement in assemblies directly depend on this feedback and response.

All in all, these measures will convince citizens that the institutionalisation of European Citizens' Assemblies is not just another technocratic fix. Success means that citizens must be enabled to take ownership and lead the process and define the topics. Citizens' Assemblies need to have a clear mandate and precise goal. They need sufficient resources to allow for high-quality deliberation. Equally they need a clear response mechanism from EU institutions and mechanisms that ensure the monitoring of institutional and policy response.

5. A missing piece in the puzzle: Developing a wider EU participatory infrastructure

European Citizens' Assemblies should become an integral part of the existing EU participatory infrastructure. Citizens' assemblies complement a range of participatory instruments that European citizens already have access to, such as petitions, online and offline consultations, initiatives, etc. Institutionalisation of European Citizens' Assemblies will expand the range of participatory opportunities available to European citizens and offer them a distinctly novel channel that functions according to a different logic, calls for different roles for EU institutions and potentially leads to different outcomes. However, despite—or rather because of—these differences, institutionalisation of European Citizens' Assemblies is a logical step in deepening citizen participation, a step that will make citizen participation more transnational, representative and deliberative. For these benefits to fully transpire, additional effort is required to define the role and place of European Citizens' Assemblies in the overall participatory infrastructure. European citizens must have a clear understanding of the purpose of this format, its links and connections to other instruments, respon-

sibilities of EU institutions and what they can achieve by participating in assemblies, be it by proposing a topic or being selected as an assembly participant. All of it should be clearly communicated to citizens and they must be granted easy access to this information. Clarity with regards to the role and place of European Citizens' Assemblies and clear expectations regarding final outcomes of assemblies are essential for streamlining citizens' participatory effort and ensuring that it reaches policy and decision-makers.

Embedding European Citizens' Assemblies in the EU participatory infrastructure presumes the establishment of links between other participatory instruments, like the European Citizens' Initiative, the European Ombudsman and, indeed, the elections of the European Parliament. Linking these different participation instruments ensures that citizens' input does not go astray, but that it is reinforced across the different channels and eventually gets onto policy-making agendas. Ultimately, mutual reinforcement and synergies between different participatory instruments should serve the main purpose: better democracy and better policy-making.

Appendix

An Interinstitutional Agreement between the main EU institutions can facilitate the institutionalisation of European Citizens' Assemblies. Below is an illustration of how such Interinstitutional Agreement could look like.

Interinstitutional Agreement on deliberative law-making

of 00 / 00 / 20xx

between the European Parliament, the Council of the European Union and the European Commission on deliberative law-making

The European Parliament, the Council of the European Union and the European Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 295 thereof,

Whereas:

- The European Parliament, the Council of the European Union and the European Commission ('the signatory institutions') are required to give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action in accordance with the Treaty on European Union (TEU), and in particular Article 11(1) and (2) thereof.
- That dialogue should enable all stakeholders, including citizens, to present their views on decisions that may affect them and hence to contribute effectively to the policy proposals are made. Engaging with all stakeholders enhances the quality of decision-making by providing channels for external views and expertise to be given.
- Transparency and accountability are essential for maintaining the trust of Union citizens in the legitimacy of the political, legislative, and administrative processes of the Union.
- The signatory institutions recognise that since the entry into force of the Lisbon Treaty the EU draws its legitimacy not only from representative democracy, but also from participatory democracy, line with Article 10 TEU. However, as it emerged from the proposals formulated by the final report of the Conference on the Future of Europe (herein after 'the Conference'), the Treaty-enshrined right to participate in the Union democratic life remains underdeveloped.
- It is therefore necessary to highlight the importance of improving the effectiveness of existing and developing new citizens' participation mechanisms, in line with EU acquis, and in response to citizens' demand for greater citizens' participation in European democracy as expressed in the Conference.

- In line with the founding text of the Conference, the signatory institutions have committed to follow up effectively on the conclusions, each within the framework of their competences and in accordance with the Treaties.
- To this purpose, and in view of the positive experience with the Citizens' Assemblies organised within the framework of the Conference, the signatory institutions establish a framework for deliberative decision-making (hereinafter, the 'EU Deliberative Mechanism'), entailing the participation of randomly selected EU citizens from, and residents in, the Union.
- The aim pursued by this Agreement is to expand on the existing participatory opportunities in EU decision-making, capable of creating the conditions for citizens to "make known and publicly exchange their views", in accordance with Article 11 TEU. This should occur through the establishment of EU Deliberative mechanism, which should not impinge on the competences of any of the signatory institutions or affect their respective powers of internal organisation according to the principle of institutional balance.
- The signatory institutions should act in mutual sincere cooperation in implementing this agreement.
- Any of the signatory institutions should be able to pursue other deliberative policies and mechanisms outside of the framework of this Agreement, to the extent that such policies and mechanisms do not interfere with the implementation of and the objectives pursued by this Agreement.

Agree as Follows:

I. Common Commitments and Objectives

1. The three Institutions hereby agree to set up a joint deliberative decision-making mechanism entailing the participation of randomly selected EU citizens and residents by means of a set of bodies and procedures, as set out in this Agreement.
2. In exercising their powers and in compliance with the procedures laid down in the Treaties, and recalling the importance which they attach to the Community method, the three Institutions agree to observe general principles of Union law, such as democratic legitimacy, subsidiarity and proportionality, and legal certainty.
3. They further agree to promote the right of participation in the Union's democratic life in the preparation of Union legislation and to promote the utmost transparency of the legislative process.

ARTICLE 1

Purpose and scope of the interinstitutional agreement

1. This interinstitutional agreement establishes a mechanism for deliberative decision-making through the creation of a permanent Citizens' Board and yearly Citizens' Assemblies, whose operation should not impinge on the competences of any of the signatory institutions or affect their respective powers of internal organisation.
2. By means of individual decisions taken on the basis of their powers of internal organisations, the signatory institutions agree to implement the deliberative mechanism referred to in the first paragraph with regard to the activities covered by this Agreement.

ARTICLE 2

Definitions

For the purposes of this Agreement, the following definitions apply:

- (a) 'Citizens' Board' means an independent, autonomous, and permanent body composed of randomly selected citizens is an independent, autonomous, and permanent body, tasked to select the proposed topics and steer the whole deliberative cycle by linking it to the EU institutions and political environment.
- (b) 'Citizens' Assembly' means an assembly convened on a yearly basis to deliberate on the topics selected by the Citizens' Board, and to agree on a report with recommendations on the topic. They are made up of randomly selected EU citizens and residents in the Union.
- (c) 'Joint action plan' means a document that specifies how the signatory institutions intend to follow up on the assembly's recommendations.
- (d) 'Secretariat' means a body hosted within the EU Commission that provides guidance and administrative support for the organisation of the process of deliberation, i.e., for the work of the Citizens' Board and Citizens' Assembly, especially for citizens' selection, representation, recruitment of experts and providing briefing material.
- (e) 'State of the European Union or SOTEU' means the annual speech addressed by the President of the European Commission to the European Parliament plenary session in September of every year.
- (f) 'Deliberative cycle' means the entire process that begins and ends with the State of the European Union (SOTEU) address, and it entails the following stages: topic proposal, collection and selection, convening of one or more Citizens' Assembly, deliberation by one or more of Citizens' Assembly, preparation and adoption of the report, presentation, institutional response, and monitoring of implementation.

II. EU Deliberative Bodies

ARTICLE 3

Citizens' Board

1. The Citizens' Board shall be a permanent body made of randomly selected citizens, tasked with three main functions: a) every year it selects topics and formulates questions for deliberation in the Citizens' Assembly, b) it defines and, if necessary, adjusts modalities of every Citizens' Assembly (composition, representation etc.), c) it monitors EU institutional response and implementation of the developed policy recommendations.
2. It shall be composed of 54 randomly selected members with a previous experience of participation in Citizens' Assemblies, two from each EU Member State. Membership in the board is for two years and non-renewable with half of the board replaced every year to ensure continuity and flow of expertise.

3. The Citizens' Board shall select up to two topics for deliberation in up to two Citizens' Assemblies and formulates concrete questions for deliberation, before formulating a proposal to officially convene a Citizens' Assembly.

ARTICLE 4

Citizens' Assemblies

1. Citizens' Assemblies shall be ad hoc bodies convened by the signatory institutions on a yearly basis to deliberate one topic chosen by the Citizens' Board.
2. Each Assembly shall consist of 204 randomly selected EU citizens and residents representative of EU sociological diversity, in terms of citizens' geographic origin, gender, age, socioeconomic background and/or level of education. Selection methods shall be defined by the Rules of Procedure to be adopted by the Citizens' Board.
3. The main functions of the Citizens' Assembly are
 - a. to deliberate a topic (question) selected by the Citizens' Board, and
 - b. to develop policy recommendations, to be summed up in a final report

Deliberation and report preparation are governed by Article 5.

ARTICLE 4

Secretariat

1. The Secretariat shall support the EU deliberative process and bodies throughout the whole cycle.
2. The Secretariat shall be a permanent administrative supporting body. It is hosted by the European Commission and composed of up to 7 employees with extensive expertise on the EU policy-making and citizen participation.
3. The Secretariat shall collect topic proposals for deliberation, filter and systematize them into a catalogue of topics. It shall provide overall administrative and technical support to the citizens' bodies and the process of deliberation, including citizen sortition and selection, organisation of the assemblies. It shall organise internal communication between all participants of the process and perform public outreach and media communication about the course and outcomes of the process for the broader European public.

III. EU Deliberative Cycle

ARTICLE 5

Topic proposition, collection, and selection

1. Proposals for topics that may be selected for citizens' deliberation within the Citizens' Assemblies are collected both through top-down and bottom-up procedures.

Top-down procedure

2. Under the top-down procedure, each of the signatory institution—the Council of the EU, the European Commission, the European Parliament—plus the Committee of the Regions, the European Economic and Social Committee, as well as the European Council can put forward topics to be debated within the EU deliberative mechanism.

Bottom-up procedure

3. Under the bottom-up procedure, there are two alternative channels to collect topics for deliberation from EU citizens and residents: (i) the publication of an annual Open Call and (ii) a residual mechanism through which topics that have not received sufficient attention or endorsements via other EU participatory processes, such as the right of petition or European Citizens' Initiative, may also be added to a common pool of topics for further selection. Following the publication of a call at the very beginning of a deliberative cycle, in February every year, submission of proposals for topics is done through a web-based, multi-lingual participation hub, hosted and administered by the Secretariat. The Open Call, which stays open for three months, offers any European citizen and resident, as well as civil society organisations and political parties the possibility to submit their proposals for topics to be considered.

Selection

4. Topic selection is entrusted to the Secretariat and the Citizens' Board, who work closely together. The Secretariat, the body that organises, oversees, and monitors all the input in the form of topic proposals, registers the latter, keeps the record of all issues and questions raised by the citizens via the Open Call and other channels. The Secretariat is also tasked to run a preliminary check on each topic proposition to eliminate from the outset any topic that might appear manifestly fictitious and/or against the public order. After preparing a catalogue of topic proposals, stemming from the combined bottom-up and top-down procedures, it then presents it to the Citizens' Board, which is tasked to select up to two topics from this catalogue. The selection process undertaken by the Citizens' Board should be deliberative in form and guided by the following criteria:
 - **Relevance:** the topic must be clearly relevant for European citizens and residents, and pertaining to their core interests and aspirations. In other words: societal importance should be given;
 - **Timeliness:** it may either concern an urgent topic and/or a contentious one that has been continuously neglected;
 - **Future-oriented:** it must address issues of major interest not just for current, but above all future generations of European citizens and residents.

5. The Citizens' Board shall deliberate on the catalogue's content and make its decisions regarding topic selection by consensus. In case the board resorts to voting to reach a decision, this must be supported by no less than 75% of the board members, with the possibility to prepare and publish minority reports.

ARTICLE 6

Convening of a Citizens' Assembly

Upon deliberation based on the selected topics, the Citizens' Board shall make a proposal to convene one or more Citizens' Assembly. This proposal shall then be formalised by the signatory institutions, through the adoption of a joint decision. This is announced at the SOTEU, with the institutions committing to the deliberative process, and their recommendations.

ARTICLE 7

Deliberation by a Citizens' Assembly

1. Each Citizens' Assembly shall be tasked to deliberate on any given topic selected by the Citizens' Board, and to prepare a report including a set of recommendations. Every Citizens' Assembly meets a minimum of five to a maximum of eight times, by combining in-person meetings with digital formats. At least two meetings, preferably the first and the last, must take place on-site.
2. Supported by the Secretariat, the Citizens' Assemblies can invite external experts and stakeholders to its meetings. Experts are expected to provide unbiased information presenting pros and cons on thematic issues, whereas stakeholders are interest groups, be it civil society organisations or industry groups, affected by topics discussed by the Citizens' Assembly, or professionals from the field with a self-interest (stake) in the issue.

ARTICLE 8

Preparation and adoption of the report by a Citizens' Assembly

1. Upon the end of deliberations, the Secretariat shall prepare a final report which includes the policy recommendations discussed and agreed upon in the Citizens' Assembly. The citizens at the Citizens' Assembly shall decide by consensus, but—should a vote be needed—a minimum of 75% of members must vote in favour. Minority opinions, when endorsed by at least 10% of the Assembly members, can also be included in the report.
2. Upon completion of the final report, the Secretariat shall share this document with the Citizens' Assembly to ensure that the report accurately reflects what citizens have discussed and agreed upon. The resulting document crystalizes citizens' results and recommendations.
3. The report shall be finalised by July of every year to ensure that a response can be given during the upcoming SOTEU address in September of that same year.

ARTICLE 9

Publication of the report

Upon its completion, the report shall be sent by the Secretariat to the signatory institutions, as well as the EU Council, the European Committee of the Regions and the European Economic and Social Committee.

ARTICLE 10

Presentation of the report

Following the publication and circulation of the final report by the Secretariat, the signatory institutions shall invite a delegation of the Citizens' Assembly, accompanied by some representatives of the Citizens' Board, to present and discuss the results of deliberations to the EU institutions. This meeting, which takes place during the SOTEU address, is set to enable the citizens to convey their message to the EU institutions and to allow the latter to ask for clarification on citizens' expectations.

ARTICLE 11

Institutional response to the report of the Citizens' Assembly

1. Within a period of six months each signatory institution is expected to provide its response to the report by the Citizens' Assembly, by acting within its competences and according to its procedures. Having assessed the feasibility of recommendations, each institution shall respond individually in writing specifying whether and how the policy recommendations will be dealt with and in what time. This duty to respond shall be accompanied by a duty to motivate the reasons supporting the stance taken by the relevant institution.
2. Every institution decides who and how it organises the preparation of its response. In the case of the EU Parliament, the policy recommendations are discussed in relevant sectoral committees insofar as they guarantee the presence of representatives of all political groups. The resulting statements shall be discussed at the Parliament's plenary according to its own Rules of Procedure. It is expected that each political group prepares and makes public its own position.
3. All signatory institutions shall then consolidate their individual responses into a joint action plan that specifies how they intend to implement the Citizens' Assembly recommendations. The preparation of the joint action plan shall not take longer than 12 months after citizens have submitted their policy recommendations, but the European Commission can present it as soon as it becomes available.

ARTICLE 12

Monitoring of implementation of the institutional response

1. The Citizens' Board, supported by its Secretariat, shall be tasked to monitor, on a regular basis throughout the year, the implementation of the EU institutional response. To that end, the three Institutions shall report, on a regular basis throughout the year, on the implementation of the joint response. The Board is also invited by the signatory Institutions to participate in debates on the implementation of their response in the European Parliament and/or the Council during the spring of the year in question.

2. More broadly, the Secretariat is tasked to monitor the implementation of policy recommendations, and to ensure the visibility of the deliberative process and the results, by also connecting it to the national debates.

IV. Final Provisions

ARTICLE 13

Annual Report

1. The Secretariat shall adopt an annual report on the functioning and activities of the EU deliberative mechanism during the preceding year.
2. The annual report shall include
 - a chapter on factual information on the mechanism and its operation
 - a chapter on the recommendations put forward by the Citizens' Assembly
 - a chapter on the follow-up provided by the signatory institutions to the Citizens' Assembly based on their joint action
3. The Secretariat shall submit the annual report to the signatory institutions and shall ensure that it is published on a dedicated website of the EU deliberative mechanism.

ARTICLE 14

Final and transitional provisions

1. This Agreement shall be of a binding nature for the signatory institutions.
2. For the purpose of Article 5(4) and 11 of the present Agreement, each signatory institution commits to adopt a decision which shall read as follow:

'The Citizens' Board and its Secretariat shall be empowered to adopt on behalf of (name of the institution) decisions concerning the topics proposals to put forward, in accordance with the Interinstitutional Agreement of 00/00/2022 on deliberative decision-making'.

Those decisions should enter into force on the date of the entry into force of this Agreement.

3. This Agreement should enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Signed in Brussels, 00/00/2022

Endnotes

- 1 Conference on the Future of Europe. Report on the final outcome. May 2022, <https://futureu.europa.eu/pages/reporting?locale=en> (prod-cofe-platform.s3.eu-central-1.amazonaws.com)
- 2 Dominik Hierlemann, Stefan Roch, Paul Butcher, Janis A. Emmanouilidis, Corina Stratulat, Maarten de Groot, Under construction. Citizen participation in the European Union, Gütersloh: Bertelsmann Stiftung, 2022.
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- 4 David M. Farrell, Jane Suiter, Clodagh Harris, “Systematizing constitutional deliberation: the 2016–18 citizens’ assembly in Ireland”, *Irish Political Studies*, 34 (2019): 1, 113–123; Christoph Niessen and Min Reuchamps, Institutionalising citizen deliberation in parliament: the permanent citizens’s dialogue in the German-speaking community of Belgium, *Parliamentary Affairs*, 75: (2022), 135–153; Laurence Eymard, “From the French citizens’ convention on climate to the Conference on the Future of Europe: a participatory science and democracy perspective”, *European Law Journal*, 26: (2020), 136–140.
- 5 European Commission, Conference on the Future of Europe. Putting Vision into Concrete Action, 17 June 2022.
- 6 Dominik Hierlemann, Stefan Roch, Paul Butcher, Janis A. Emmanouilidis, Corina Stratulat, Maarten de Groot, Under construction. Citizen participation in the European Union, Gütersloh: Bertelsmann Stiftung, 2022.
- 7 The ‘4–8–12’ breakdown of a CA essentially results in selecting 60 citizens from 5 ‘biggest’ Member States (Ge, Fr, It, Sp, Pl), 112 citizens from 14 ‘middle’ Member States (Nl, Be, Pt, Ir, Sw, Fi, Dn, Au, Hu, CzR, Sk, Bg, Ro, Gr) and 32 citizens from 8 ‘smaller’ Member States (Es, Lt, Lh, Hr, Sl, Ml, Cy, Lux). The overall number is 204.
- 8 Alberto Alemanno, “Europe’s Democracy Challenge: Citizen Participation in and Beyond Elections”, *German Law Journal*, 21 (2020): 1, 35–40.
- 9 Art. 295 TFEU: ‘The European Parliament, the Council and the Commission shall consult each other and by common agreement make arrangements for their cooperation. To that end, they may, in compliance with the Treaties, conclude interinstitutional agreements which may be of a binding nature’.
- 10 See the opinion of Advocate General Wathelet delivered on 17 March 2015 in the case *European Commission vs. Council of the European Union*, C-425/13, EU:C:2015:174, para. 82–90.
- 11 Bart Driessen, “Interinstitutional conventions and institutional balance”, 33 (2008): 4, *European Law Review*, 550–562. See also the very critical opinion of the Council Legal Service on the 2010 Framework Agreement between the Commission and the Parliament, Council of the European Union, 15018/10, Brussels, 18 October 2010. As for the case law, Advocate General Sharpston recalled: “[w]hether the Interinstitutional Agreement at issue here is binding is to be determined by consideration of the wording and the context of that agreement” (Opinion delivered on 11 April 2019 in the case *Czech Republic v Parliament and Council*, C-482/17, EU:C:2019:321, para. 93).
- 12 As discussed above, this is an independent autonomous permanently functioning body steering the whole process, by selecting topics for the Citizens’ Assemblies, determining their working modalities, monitoring of the institutional response and feedback.
- 13 European Commission, *A new type of office for managing support and administrative tasks at the European Commission*, 28 May 2002..
- 14 Conference on the Future of Europe: what worked, what now, what next?, report by the High Level Advisory Group, 2022.
- 15 Alessandro Belantoni, Claudia Chwalisz, Ieva Cesnulaityte, Good practice principles for deliberative processes for public decision making, OECD.

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Imprint | Acknowledgements

© Bertelsmann Stiftung, Gütersloh
June 2022

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Picture credits

© European Union 2022 – Source : EP /
Mathieu CUGNOT (cover photo)
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(several graphic elements)

Acknowledgements

The publication is a truly collective endeavour. The authors would also like to thank Charlotte Freihse, Stefan Roch and Emily Williams for their ideas and contributions.

DOI 10.11586/2022073

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