

Campaigns and Consultations: Campaigns in the European Commission's public consultation



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Find part 1 - How can reporting affect civic engagement in EU policymaking [here](#)

Introduction

Consulting stakeholders is an important means of collecting evidence to support EU policymaking. Under Article 11 of the Treaty on European Union (TEU), the Commission has a duty to carry out broad consultations with interested parties in order to ensure that EU action is coherent and transparent. Citizens and key stakeholders are invited to participate in the EU policymaking process through the online platform *Have your say*. The public is asked to provide their feedback (comments) on the *Call for Evidence* (a document which describes the initiative) and/or to contribute to policy-making by responding to a public consultation questionnaire related to the initiative.

In 2020, the European Commission (EC) launched an open Public Consultation (PC) on the “Sustainable Corporate Governance Initiative”. This consultation attracted considerable interest from NGOs and civil society groups who organised campaigns and encouraged their members and followers to contribute. However, the extent to which these contributions were reported in the EC’s subsequent publications was limited. After an official complaint was filed to the Ombudsman by one of the campaign organisers, the former issued a decision stating that, although in line with the Better Regulation Guidelines and Toolbox, “*this minimal reporting was not in keeping with the spirit of the Treaty of the European Union* (see Part 1 for more detail on the case) that states that “*decisions should be taken as openly and as closely as possible to the citizens*”. The Ombudsman’s assessment raised some concerns about how such campaigns should be considered, and how these voices can be acknowledged in future public consultations.

This post aims to initiate a discussion on how online campaigns should be treated in the EC’s consultation document. As such, we try to answer the following questions: what are campaigns? How should campaigns be treated in the public consultation of the EC? Should all

campaigns be reported on in the same way? And how can campaigns be considered in the EC's stakeholder consultation process?

This blog's argumentation is built on exploratory research focusing on online campaigns that took place in the context of EU PCs whose footprint was still possible to trace. Twelve online campaigns were screened in an effort to elicit information on the scope, campaigning strategies and interests behind (if any) the organisations coordinating them.

What are campaigns?

Campaigns refer to planned activities aimed at achieving social or political change. In the context of EU policy making, civil society groups and NGOs launch *campaigns* to encourage stakeholders within their networks to participate in EU public consultations.

Campaigns are often perceived by the general public as a means to exert political pressure and ultimately affect political decisions. However, campaigns should not be confused with lobbying in which interest groups plan activities primarily to influence the decision making instead of the policy making process. Campaigns on the other hand, are an effective tool to reach out to the large group of citizens. For instance, responses to the PC for the Sustainable Corporate Governance initiative were mainly driven by campaigns organised by several NGOs. Out of the 472.066 only 855 were considered as non-campaign responses. Obviously, without the campaigns, this consultation would have gathered a far lower number of responses.

The EC in its Better Regulation Toolbox (Tool #54) suggests that campaigns should be identified by checking for responses that "*are the same across all closed questions or the same or almost the same across open questions*". As a rule of thumb, 10 or more identical responses suggest the presence of a campaign. It further emphasises that during a public consultation it is essential to identify campaigns and be transparent in analysing, reporting, and

incorporating their input in the stakeholder consultation reports.



How do campaigns fit within the current public consultation system?

Public consultations provide stakeholders and citizens the opportunity to present their viewpoints, they draw public attention and ultimately affect the EU policies. Moreover, the EC gains expertise and insight to support its decision making process. At the same time it enhances its legitimacy by demonstrating that stakeholders and citizens are involved in the policy making process. Citizens can participate as individuals or as representatives of business associations, NGOs, public authorities, academic institutions etc. Their opinions on proposed initiatives can be influenced in several ways. For example, NGOs might opt for a briefing or a position paper presenting their stances on the issues introduced in public consultation questionnaires.

Online campaigns appeal to individuals who, due to the complexity of the issues addressed in Public Consultations, "*...feel more comfortable to entrust an organisation with expert knowledge, even when it advocates a certain political standpoint, than taking the risk to produce and submit their own statements*" (Marxsen, C. (2014) . This explains why

campaigns can boost citizens' participation in public consultations and therefore can be considered as a tool of participatory governance.

The EC states that "campaigns are very effective in order to generate interest amongst stakeholders and highlight key messages for policy makers". Despite this acknowledgement the question remains why, prior to the Ombudsman decision, campaigns were not given more consideration in the documents reporting on public consultation documents?

Should all campaigns be treated the same when consultation results are reported?

Online campaigns can drive participation in and responses to a PC using various means to mobilise citizens. Depending on the format of the campaign, there is a link between the level of engagement and the cost of participation in terms of the time it takes to access the necessary information and the effort required to form an opinion. Logically, the quality and comprehensibility of information as well as the time spent by respondents have an impact on the level of engagement and eventually the response rate.

In practice, we find that few campaigns provide in depth insight to their participants. The majority of them can be described as "low-effort feel good" campaigns that provide a prefilled online questionnaire which respondents can submit to the PC.

In our exploratory research we categorised campaigns based on the level of engagement they require of respondent in the consultation process and the resulting costs (time and/or effort) involved. This led to the following three categories:

Category 1 – The highly-engaging campaigns

The first category includes the *highly-engaging campaigns* that require active respondent participation. In our research we have identified two cases that fall under this category:

- The NGO Crustacean Compassion launched a campaign in the context of the public consultation on Animal Welfare in 2022. The NGO uploaded an article on their website which included a brief description of the initiative and provided guidance and suggestions to readers on how to respond to one of the open questions of the consultation questionnaire. Finally, it provided the link to the *Have your say* platform, to encourage the readers to login and respond.
- The campaign organised by *Pesticide Action Network Europe* in response to the public consultation on updated EU Rules on Sustainable Use of Pesticides (2021). The organisation proposed a reply to an open question which included 10 points the EU should act towards. Readers were advised to reformulate their responses. In this case, a respondent would have to compile the rest of the questionnaire on their own according to their own views.

The main challenge for the EC is to identify which responses are influenced by this type of campaign. As individuals formulate their own responses, these may not be considered as part of a coordinated action, yet they are heavily driven by them. Moreover, if one initiative raises several campaigns, it may be even more difficult which campaign to ascribe these responses to.

- For example, the public consultation on the *EU Digital COVID Certificate* gathered around 385000 responses among which only 218 were identified as part of campaigns. The remaining "unique" responses (99%) were against the initiative. However, a quick Twitter scan reveals that several accounts shared the link to the public consultation often with an explicit negative opinion on the initiative. Although in this case no campaign organised by NGOs was identified, the large number of negative

responses still points towards an action coordinated at a social media level.

In these campaigns respondents are provided with information or suggestions and are free to choose the responses that best fit their individual views. Usually, the information is presented in an article on the organisation's website and includes a (detailed) description of the initiative, how it fits the purpose of the campaign organisation, and how the latter can use the consultation to bring its ideas forward.

This type of campaign requires significant time and effort by respondents to formulate and provide their individual answers to the PC questionnaire.



Category 2 – The grassroots campaigns

The second category refers to the *grassroots campaigns* that require a lower level of respondent engagement as compared to the category 1 and impose a lower burden on participants. In these campaigns, respondents are provided with pre-filled responses to the questionnaires for the open public consultations (in the form of a PDF linked to an article on the organisation's website) and predefined comments to the Call for Evidence that serve as a model for anyone who wants to provide feedback through the *Have your say* web portal.

The following are examples of grassroots campaigns:

- The Anti-Slavery International campaign, world's oldest human rights organisation, launched for Sustainable Corporate Governance initiative in 2020. This campaign, organised in collaboration with partner associations in more than 20 countries worldwide, advocated for greater responsibility among European companies concerning workers' conditions throughout the entire supply chain.
- The European Patient Forum campaign for the European Health Data Space. The stance brought forward by the association prioritizes barrier-free access, data protection, patient safety, harmonization, addressing inequalities, ethical challenges, patient involvement, and value for healthcare transformation.

Under this category, respondents are often not provided with in-depth information on the subject matter. They are only engaged by getting a basic understanding of the context and might be led to adhere to the opinions expressed in the pre-filled questionnaires. Logically, emotions become the predominant reason for participation, which if they correspond to the campaign information respondents are less likely to critically engage with the issue. That is, the cost of participating in grassroots campaigns is minimal because participants are given access to a ready-to-go questionnaire that they can copy paste.

Category 3: Petition campaigns

The third category of campaigns corresponds to the lowest level of engagement and cost for participants and refers to the *petitions*.

- For example, EU Bioenergy conducted a petition in response to the PC on the amendment of the Renewable Energy Directive pushing for a stop to the

exploitation of forests and food for energy production. According to the NGO Fern, taking part in the campaign, more than 40.000 people signed the petition.

In petitions, often stakeholders/citizens do not have to be well-informed to participate as only a name and signature are required. The possibility to sign an online petition within a couple of clicks requires less intellectual effort and reduces further the cost of participation.

There are, however, a few issues related to petitions. Respondents might not be fully aware of the initiative or objectives presented by the EC in the consultation. Moreover, even if they only partially agree they may still sign it. This inflicts a conformity bias to the results due to misrepresentation of participants' opinions. Additionally, it is very difficult to identify the profile (nationality, profession, etc) of respondents as only basic personal data for the signature are required. This means that conclusions about stakeholder opinions are limited, lack transparency and are of limited use.

How should campaigns be considered in the EC's Stakeholder Consultation Process?

As campaigns can boost participation in PCs, it is important to acknowledge their role and understand the context in which they take place. Namely, it is important to identify the objectives/interests of the campaigns, the organisers' financial resources and the methods they use to mobilise their supporters. Campaigns can influence policy making, especially in some key areas (environment, fundamental rights, food and health). As such, when campaign organisers mobilise a noticeable share of responses, they should be identified and presented in a transparent manner. Information about the associations' financing system, structure, mission and board members can be found on the transparency register database. However, this information is self-reported and registration is not mandatory for every association.

Individual self-driven participation differs from participation via campaigns because it entails more time and mental effort from the side of the participant. As the results of PCs are considered as an important source of evidence in EU policy making, this differential should be acknowledged and highlighted in the consultation reports for reasons of transparency and accountability in the policy making process.

Final considerations

Summarising what has been presented before we can argue for the following:

- Campaigns should not be discredited or demonised, as they can boost participation in PCs. However, they should be carefully presented and analysed, especially if they use petitions as a means to increase their outreach, because they might misrepresent the opinions of respondents;
- Increased citizens' participation through campaigns, does not necessarily mean more representative results, yet it is an indication of the complexity of the topics included in the original PC.
- Not all campaigns have the same impact on the level of citizens' engagement and contribute to the principle of participatory democracy. Hence, they should on a case by case basis.
- In highly-engaging campaigns it is difficult, if not impossible, to decipher if an answer to a question is influenced or not, especially when there is no coordinated action. Similarly challenging is to decide if all answers to the questionnaire should be classified as campaigns, or not.
- When the EC reports on PC results, the type of campaign, the organisation behind it along with its objectives and finances should be included in the consultation documents. This is to ensure that the decision makers have all the

information needed to make an objective judgment.

The European Commission has a few challenges ahead:

- Campaigns are not easily recognizable using the strict definition provided in the toolbox. Coordinated action is not easily identifiable and may not be driven by an organised campaign.
- In some cases, campaigns only offer guidance to some of the questions (usually open questions) included in the questionnaire of a Public Consultation. How should these responses be treated?
- The number of responses influenced by campaigns is sometimes difficult to estimate. (for example in high engaging campaigns).

The Commission is committed to listening more closely to citizens and stakeholders. Campaigns encourage this and the consultation documents should present their key messages and the

number of those who participate. However, these messages should be considered carefully and reported transparently allowing respondents to feel that their contribution has been acknowledged.

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EIPA regularly organises trainings on Stakeholder Consultation in the context of Better Regulation, this provides extensive guidance for practitioners on how to conduct a Stakeholder Consultation and can help participants understand how this Better Regulation instrument fits into the policy making process.

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