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'Have Your Say' in practice: assessing citizens' use of the EU's public consultation platform

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ABSTRACT

Article 11 of the Treaty on European Union stipulates that the Commission shall consult citizens and civil society. The breadth, frequency, and user-friendliness of consultations have increased considerably since the Lisbon Treaty of 2007 and Better Regulation Agenda of 2015. This study examines the extent to which individual citizens in member states use the consultation process; the policy areas in which they are predominantly active; and the degree to which individual citizen engagement correlates with organizational engagement, including different organizational types. To better understand the conditions that help produce stronger or weaker citizen vis-à-vis organizational responses, we compiled a corpus of more than 850 open public consultations (OPCs) that closed between 2014 and 2021, and randomly selected a subset of nearly 400 OPCs of which approximately 200 reported response data. We find rather low and inconsistent participation rates of citizens, even for consultations in policy areas generally known to rank higher on issue salience as well as substantial dominance of for-profit vis-à-vis individual citizen input. More concentrated citizen activity in Central and Eastern European (CEE) countries might indicate stronger individual commitment in new member states to 'have their say' in specific policy areas. Implications for the EU's engagement architecture and democratic model are discussed.

KEYWORDS

citizen participation; European Union (EU); EU legitimacy; participatory democracy; public consultations

Introduction

Article 11 of the Treaty on European Union (EU) stipulates that the Commission consult citizens and civil society groups in all areas of Union action.¹ While consultations are not new to the EU's governance processes, their breadth, frequency, and user-friendliness have considerably increased with the Lisbon Treaty of 2007 and experienced a defining boost with the *Better Regulation Agenda* (BRA) of 2015. In 2018, the OECD ranked the EU *first* among OECD countries in terms of its 'stakeholder engagement' with organized civil society and individual citizens, a distinction reconfirmed in 2021 (OECD, 2022).

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The EU's extensive engagement portfolio addresses longstanding criticism of suffering from a democratic deficit (e.g. Hurrelmann, 2014; Kohler-Koch & Quittkat, 2013) and lacking a public sphere (e.g. Rivas-de-Roca & Garcia-Gordillo, 2022; Risse, 2010). The growth of Eurosceptic parties and governments criticizing the EU's integration process as an undemocratic 'elite-driven project going against the will of the people' (Ivaldi, 2018, p. 291; see also Csehi & Zgut, 2021) have further contributed to the institutional determination to engage citizens. Initiatives such as the 2021–2022 Conference on the Future of Europe (CoFoE) signal the EU Commission's and Parliament's commitment to show broader inclusiveness and 'listening' to citizen voices in its policymaking processes.² CoFoE, in particular, provided both face-to-face deliberation in citizen panels as well as digital tools aimed at enabling individual citizens to communicate ideas and organize or attend regional events addressing the future of Europe (Abels, 2023).

The most consistent and potentially far-reaching investment into generating citizen input, however, occurred with the expansion of the EU's consultation regime. Whereas stakeholder conferences with experts invite organized interests to partake in EU-level policy formulation and assessments, online open public consultations (OPCs) have turned into the most robust engagement offer for both organizations *and* individual citizens. Their intent to allow stakeholders and EU publics to 'Have Your Say' (giving the OPC platform its name) was articulated in the 2015 *Better Regulation: Guidelines and Toolbox* and streamlined in the 2021 consolidated revision (European Commission, 2021b). Stakeholders, including 'members of the public,' are invited to 'contribute to initiatives as they take shape before and after adoption by the Commission' (p. 5).

Whereas academic literature on stakeholder consultations of organized civil society has been burgeoning (e.g. Arras & Beyers, 2020; Arras & Braun, 2018; Binderkrantz et al., 2021, 2022; Bunea, 2017; Bunea & Thomson, 2015; Joosen, 2020; Quittkat, 2013), individual citizen participation in the consultation process only recently gained scholarly attention (e.g. Alemanno, 2020a, 2020b; Bunea & Chrisp, 2023; Nørbech, 2024). Even though the Commission declared often and urgently that it needs citizens to have a voice in EU affairs (Haverland et al., 2018), the scope, intensity, and institutional valorization of individual citizens' input in public consultations remains unclear. The focus of this article is to bring central dimensions of citizen input in the consultation process to light by, in the broadest sense, asking who participates. We do so by investigating the role of *countries, policy areas, and organizations* in shaping citizen engagement with the EU.

First, although signing on to the Treaty on European Union implies that member states formally share a certain set of norms and values, lived experiences of and attachment to EU affairs differ (European Commission, 2024). To some extent, the time of accession reflects different national experiences with the idea of democracy, specifically democratic engagement in a supranational context. However, this experience might not just be rooted in membership time and national political culture but also shaped by national interests, both emerging and long-standing. To illustrate, citizens in a landlocked state might find little incentive to participate in an OPC focused on maritime management while consultations tackling transportation and logistics issues are likely to yield more relevance to them. We therefore first ask to which extent citizens in EU member states participate in OPCs.

Second, historically, the Commission relied on evidence-based policymaking strategies in which the expertise of civil society plays a key role. Incorporating stronger participatory

elements into policy development, however, also meant tapping into a reservoir of experience and public opinion that might make defining scope and issues more complex and output less clear. This raises another set of questions about particular issue areas with strong individual citizen input. Such input may be stronger for consultation opportunities with higher and sustained salience on the public agenda, such as those related to migration and energy (but see Nørbech, 2024), or if an OPC is located at the intersection of two policy areas, such as agriculture and technology. In contrast, citizen input may be more modest for OPCs focusing on niche topics of particular interest or those perceived to be highly technical (e.g. banking regulations) versus those with a broader appeal to societal groups, involving less technicality or a specific area of expertise. We thus ask about differences in citizen engagement with OPCs based on the policy areas they address.

Third, little is known about the role of organized civil society in incentivizing citizens to participate in a consultation (Badouard, 2013; Kies, 2021). Depending on their connectedness and influence, civil society organizations (CSOs)³ can mobilize constituencies but, at the same time, their identity hinges on representing them. Thus, they might or might not encourage citizen input. A politically efficacious, interested and active citizenry might represent a counterweight complementing organizational input; however, citizens might also perceive this type of political participation as burdensome, ineffective or hold beliefs that organizations are better equipped to take part in consultations due to their institutional knowledge and resources. Ultimately, the organizational type is likely to bear some relevance to understanding variation in citizen responses, with nonprofits focusing on societal matters having more intrinsic interest in citizen participation than others, such as profit-oriented lobby groups. We therefore ask whether more citizens participate in consultations that also have strong organizational participation, and if so, which organizational type is likely to correlate more with citizen engagement.

Taken together, we examine (1) the extent to which individual citizens in member states use the consultation process; (2) the policy areas in which they are predominantly active; and (3) the degree to which individual citizen engagement correlates with organizational engagement, including different organizational types, to better understand the conditions that help produce stronger or weaker citizen vis-à-vis organizational responses. To address these questions, we compiled a comprehensive corpus of more than 850 OPCs from 2014 to 2021 from the two main archives for OPCs: 'Have Your Say' and its predecessor database. Analyzing digitally archived data based on a random sample of nearly 400 OPCs, we seek to explain how the consultation process and platforms are utilized by individual citizens.

More broadly, our study contributes to the literature on consultations' efficacy in communicating citizen preferences and engagement with the EU. We make the case for a differentiated analysis of citizen engagement via the OPC process. Theoretically, this analysis engages with debates on public participation in EU governance by addressing macro- and meso-level factors that potentially drive micro-level citizen engagement. Utilizing the large variance in response rates among citizens and exploring differences between input from CSOs and individual citizens across policy fields, we discuss the role that CSOs might play in mobilizing individual citizen responses, thus contributing

to the ongoing debate about what constitutes a 'good' and engaged European citizen (Blokker, 2022; Hierlemann et al., 2022).

In the following sections, we will first lay out the history of the public consultation instrument, discuss its current breadth, and provide a review of the literature on consultations. In the subsequent analytical section, we introduce the data, present our methodology, and discuss findings from the empirical study in the context of the three research questions.

Consulting with EU publics

The EU's efforts to consult with publics are as old as the integration process itself. Broadly speaking, these initiatives can be divided into four distinct periods: The first two consultation phases consisted of dialogue with organized economic interests between 1960 and 1980, and of incorporating social partners and other non-governmental stakeholders between 1980 and 2000 (Kohler-Koch & Finke, 2007; Quittkat & Kohler-Koch, 2011). At that time, citizen input was limited to the right to submit a petition to the European Parliament (European Union, 1992) or register formal complaints with the ombudsperson (Tosun & Schaub, 2021). This second phase culminated in the EC's *White Paper on European Governance* in 2001, which articulated commitment to 'engaging with stakeholders and citizens throughout the policy cycle in order to increase the EU's democratic legitimacy and accountability in the EU lawmaking process' (European Court of Auditors [ECA], 2019, p. 4; see also European Commission, 2001). The Commission's DG Environment conducted the first online consultation in 2001 (Kohler-Koch & Finke, 2007).

A third phase, anchored in the Lisbon Treaty, included the European Citizens' Initiative and a stronger formal commitment to process-oriented consultations with and listening to European citizens. The 'need to get away from the notion of communication as 'selling' and move towards one based on participation' so citizens evolve from consumers to engaged public actors was articulated by Margot Wallström (2008, as cited in Boucher, 2009), then Vice-President of the European Commission. EU-level institutions were asked to experiment with engaging citizens, and consultation became the Commission's engagement formula (Kies & Nanz, 2016; Lang, 2020; Van Brussel, 2014).

With the reformed BRA of 2015, a fourth phase of the public consultation regime emerged, introducing a stronger regulatory framework and specified mechanisms of when and how consultations should be utilized to inform policymaking (Deligiaouri & Suiter, 2021). Whereas before the Commission was asked to hold consultations when 'major policy initiatives' were on the agenda (Marxsen, 2015, p. 262; see also European Commission, 2002, p. 16), leaving the interpretation to the respective DG, the engagement norm shifted to public consultations being 'normalized.' Notably, with BRA, the concept of 'stakeholder' shifted from organized civil society to include 'members of the public, scientific and technical experts' (European Commission, 2021a, p. 13). The Commission articulated that it was 'strongly committed to engaging with citizens' (ECA, 2019, p. 7), consulting as widely as possible, and making the consultation process more meaningful for individuals.⁴

If, however, the reformed consultation regime can effectively 'give voice to citizens and thus can at least partly substitute for the underdeveloped institutions of representative democracy at the European level' (Marxsen, 2015, p. 258), is still up for debate. Alemanno

(2020a, 2022) argues that the current consultation process, while opening participatory venues, is insufficient to support the principles of political equality enshrined in EU law and treaties. Research suggests that 2015 did not mark a watershed moment for EU participatory culture; instead, tensions between the predominant EU model of evidence-based policymaking and the input demands on civil society and individual citizens indicate that ‘the policy objectives and practice of participatory and evidence-based tools may not be easy to reconcile’ (Bunea & Chrisp, 2023, p. 730; see also Fraussen et al., 2020; Fumagalli, 2019). Bunea and Nørbech (2023) argue that the Commission might face a ‘trade-off’ between its ‘time-tested, evidence-based policymaking’ and ‘adding an extensive participatory layer’ to its governance (p. 1783), with the latter effectively allowing for stronger politicization of EU-level deliberations.

This article asks to what degree citizens have embraced this participatory layer. By examining how frequently individual citizens in EU member states make use of OPCs and in which policy fields they do so, we hope to understand how far the Commission’s commitment to consulting as widely as possible and making the OPC process meaningful has advanced. By measuring the degree to which individual citizen input correlates with that of different forms of organized interests, we provide additional insight into what drives citizen activism in OPCs.

Data and findings

Data collection

Using the two main archives for OPCs (‘Have Your Say’ and its predecessor database), we first compiled a comprehensive corpus of 858 OPCs whose consultation periods closed between January 2014 and December 2021. We then drew a simple probability sample by randomly selecting a subset of OPCs from this corpus (44 per cent, $N = 381$). Within this sample, roughly six in ten OPCs (58 per cent, $N = 220$)⁵ included publicly available data on our key variables via reports and other post-consultation engagements. The statistics from these consultations inform our analysis. It should be noted, however, that contributing to an OPC is a highly self-selective endeavor and inferences about country populations should therefore be interpreted with caution. Furthermore, identification as a citizen is based on one’s self-identification in the database. Once the registration process is completed and a particular OPC is chosen, an individual contributor must specify whether they provide feedback as a citizen or organization (choosing among various types, such as NGO or business association), including their country of origin or that of their organization.

Measures

Information about OPCs (the unit of analysis) was recorded using the data provided by the respective platform. Given our focus on *citizen engagement*, the key dependent variable is the total number of citizen responses per OPC. The following served as key explanatory (independent) variables:

- (1) *Country-specific input*: In light of varying national priorities, distribution channels, and experiences with democracy and supranationalism (e.g. between more recently

joined and long-time member states), it was recorded whether an OPC received input from each of the 28 member states.⁶ As country-level indicators, we used years since accession (as a metric measure) and belonging to Central and Eastern Europe (as a binary/dummy variable).

- (2) *Policy area*: Each OPC is administered by one of nearly forty DGs, ranging from Agriculture and Rural Development to Youth, and covering a wide array of policy areas. We use the lead DG as a proxy measure for policy area, considering that some areas are more salient in the public sphere (e.g. migration, energy) than others (e.g. customs, fisheries). More salient issues are more likely to correspond to policy initiatives and proposals that more citizens care about, thus increasing interest and incentivizing citizen participation. However, it is also plausible that other features (such as interest group mobilization for an OPC) might result in stronger citizen participation.
- (3) *Organizational engagement*: In view of varying institutional landscapes and activity levels, organizations might help or hinder citizen participation. They may act as catalysts, providing the necessary levels of awareness and interest in consultation opportunities among citizens (e.g. safeguarding democracy), or, on the contrary, organizational interests may stand in contrast to those of citizens (e.g. consumer protection). They may also face a less efficacious and interested citizenry and may have no discernible impact on citizen participation. We therefore collected the number of organizational responses per OPC, in total and by sector (consisting of NGOs, business associations, public-sector institutions, etc.) to illuminate such differences. To draw comparisons with individual engagement, we also treat organizational engagement as a dependent variable contingent upon policy area.

Analysis

An individual OPC received, on average, 544 responses. Given the highly skewed distribution of these responses,⁷ the median (a distribution's midpoint) is considerably lower (192), meaning that roughly half of all OPCs in the sample received fewer than 200 responses in total. We therefore proceed with non-parametric statistical tests (specifically, Mann–Whitney-U tests) to compare medians instead of means, which tend to be susceptible to extreme values. To explain variation in citizen participation under multivariate conditions, negative binomial regression analyses are performed. These models are more suitable for highly overdispersed count data as the key dependent variable demonstrates (with many OPCs in our sample having received very few responses while others garnered several thousand).⁸

Table 1. Sample summary statistics.

| | <i>N</i> | % | <i>M</i> | SD | Mdn |
|---|----------|-------|----------|---------|-----|
| Number of OPCs | | | | | |
| With publicly available responses (total) | 210 | 100.0 | 543.6 | 1,093.3 | 192 |
| With citizen responses | 178 | 84.8 | 347.2 | 1,023.1 | 49 |
| With organizational responses | 188 | 89.5 | 215.8 | 243.4 | 136 |
| For-profit organizations | 165 | 78.6 | 110.7 | 128.7 | 66 |
| Non-profit organizations | 152 | 72.3 | 38.9 | 51.0 | 18 |

Citizens' use of open public consultations across EU member states

As the sample summary statistics in Table 1 show, a total of 178 OPCs (85 per cent) received input from individual citizens ($Mdn = 49$) – a rather low input rate considering the role that the Commission attributes to their engagement architecture. A slightly higher number (90 per cent, $N = 188$) received responses from organizations ($Mdn = 136$). To what extent do individual citizens utilize the consultation process across the different member states? To investigate this relationship, we first calculated the average (median) number of individual responses for each of the 28 countries if there was at least one recorded citizen response per OPC in which that member state participated.⁹ Values range from a minimum of 32.5 (Luxembourg) to a maximum of 160 responses on average (Lithuania). Although citizens from countries with larger populations also contribute more to OPCs overall ($r = 0.65$, $p < .001$), the correlation between a country's population size and its average citizen engagement in the consultation process tends to be negative yet marginally significant ($r = -0.33$, $p = .09$). Thus, citizens from smaller, less populous EU member states might experience the consultation process as more empowering than citizens from larger, more populous member states.

Moreover, citizens from member states that (a) more recently joined the EU and (b) are located in Central and Eastern Europe (CEE) appear to be more selective in the OPCs that received input from that country. Citizens in CEE countries contribute to fewer OPCs overall ($Mdn = 62$) compared to non-CEE countries ($Mdn = 109$) – but, interestingly,

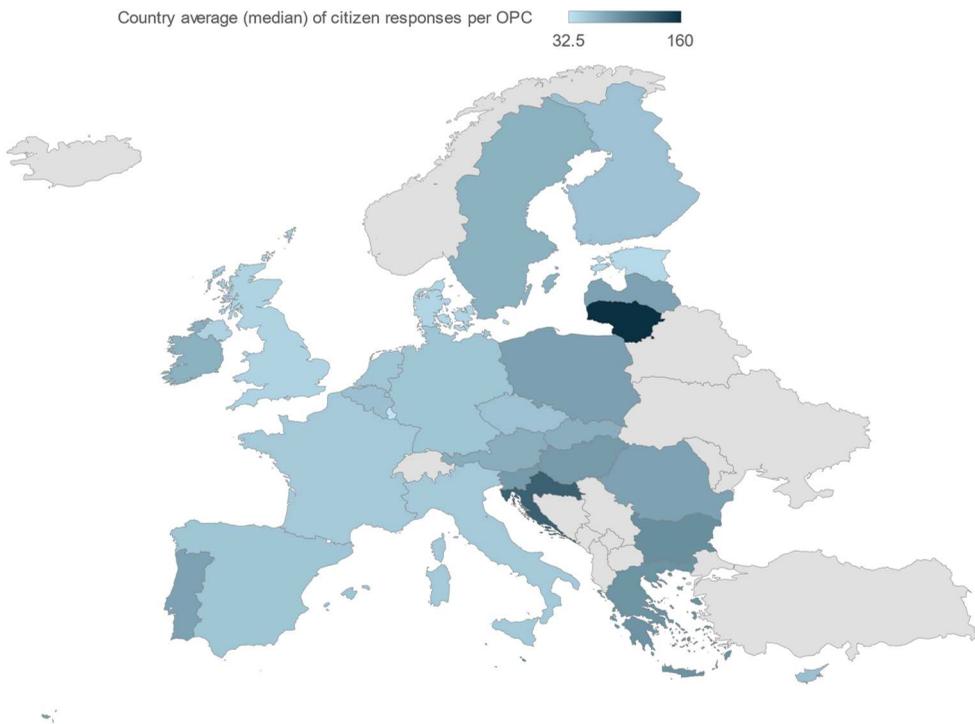


Figure 1. Citizen engagement in OPCs, by country.

Note: $N = 28$. A country was considered for analysis if it had some representation in the OPC's response data in our sample (≥ 1).

when they do, they participate more actively in those consultations ($Mdn = 80$) compared to citizens in non-CEE countries ($Mdn = 56$), as shown in [Figure 1](#).¹⁰

Similarly, a member state's time in the EU since accession is positively associated with the number of OPCs that received input from that country ($r = .62, p < .001$) but negatively associated with its average citizen engagement in OPCs ($r = -.55, p < .01$). For example, as a country, Lithuania took part in 35 OPCs with recorded citizen responses, Croatia in 43, and Malta in only 28 in our sample. However, those countries top the list for median citizen participation. By contrast, Germany, France, and Italy participated in many more (141) OPCs overall, but their citizens participated, on average, less in individual consultations. In fact, we find a sizable and inverse relationship between a member state's average citizen engagement in OPCs and the number of OPCs in which that country participates ($r = -.47, p < .05$).

To summarize, citizen input in the OPC process is overall low, relativizing the Commission's stated claim to consult *as widely as possible*. We see more concentrated citizen activity in smaller and newer CEE member states, potentially pointing towards a more engrained organizational participation culture in older member states (V-Dem, 2024) and, on the upside, stronger individual empowerment experienced in new member states to 'have their say'.

Citizen engagement by policy area

Is citizen engagement stronger in some policy areas than others? Our second research question focuses on the policy domains (via DGs) in which individual citizens are predominantly responsive to OPCs. While our sample includes OPCs in policy areas of potentially high public salience, citizen response rates are rather low across most consultations. Even in policy areas with presumably high salience, such as single market and public health (e.g. Nørbech, 2024; see also Rasmussen et al., 2014), citizen response rates vary widely. This could point towards an overall lack of consistent communication in how OPCs are conveyed to relevant publics (ECA, 2019, p. 48). The wide variation in terms of the number of OPCs by DG merits a closer look at the distribution of OPCs that received citizen input. Results are presented in [Figure 2](#), showing that OPCs from just seven DGs (out of a total of 40) account for more than half of all OPCs with citizen engagement in our sample.¹¹

DGs with the highest OPC citizen input include Environment, Transport, Single Market, Banking & Financial Services, Climate Action, Digital Economy & Society, and Justice & Fundamental Rights. In contrast, DGs without any OPC garnering citizen input in our sample include Regional Policy, Fraud Prevention, and EU Enlargement (among others), and DGs with a strong social issue orientation that would clearly benefit from wide citizen input, including Sports, Youth, and Gender, LGBTQ & Diversity. This frequency distribution is statistically significant,¹² indicating that some DGs launched OPCs with citizen input far more often than others.

Citizen vis-à-vis organizational engagement by policy area

Once an OPC is launched, citizen engagement can vary considerably. [Figure 3](#) presents the results of a negative binomial regression, ranked from most to least active DG in

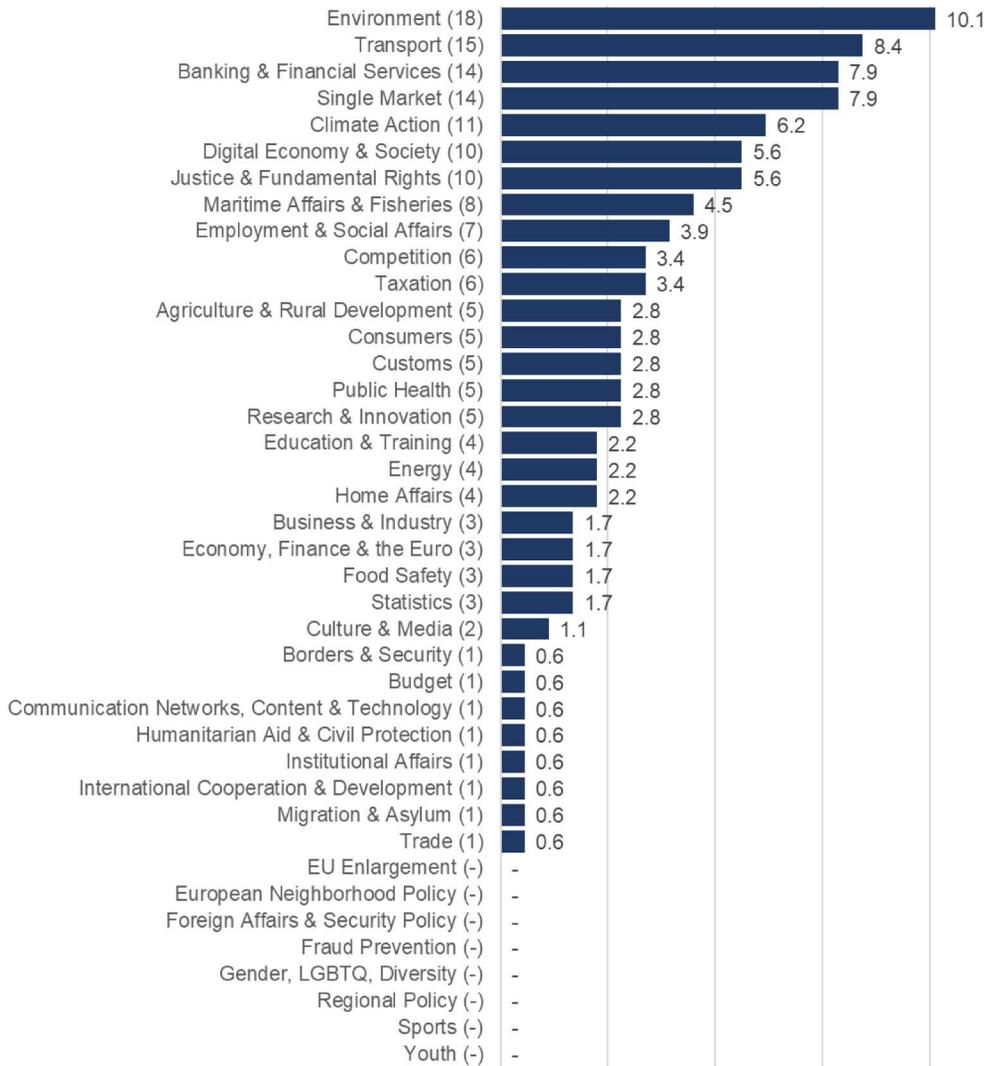


Figure 2. Share of OPCs with citizen participation in study sample, by DG (in % of total).

Note: $N = 178$. Values in parentheses indicate the number of OPCs in our sample led by the respective DG with available data on citizen responses.

terms of citizen participation (red), with organizational participation (blue) as a comparison and the most active DG (Environment) regarding OPCs launched as a reference category.

Generally, larger OPC input tends to be driven by citizens, even though the vast majority of OPCs with recorded citizen responses in our sample (70 per cent, $N = 124$) garnered more organizational than citizen responses. A few takeaways from [Figure 3](#) are worth highlighting: First, only three DGs (Taxation, Employment & Social Affairs, Digital Economy & Society) garnered significantly *more* citizen input for their OPCs relative to DG Environment. The majority of DGs received significantly *less* citizen feedback for their OPCs, including those that appeal to more particular

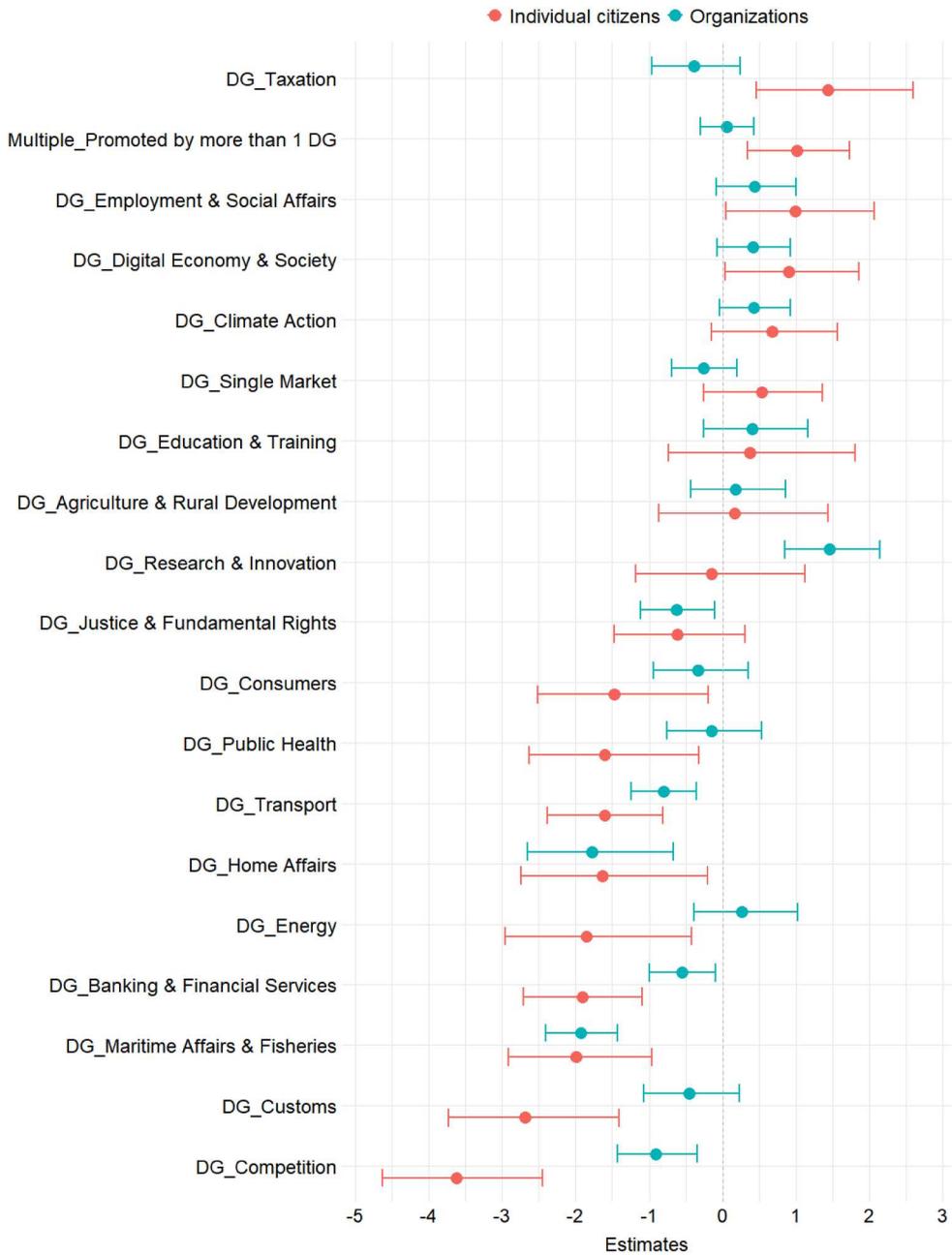


Figure 3. Citizen and organizational engagement in OPCs, by DG.

Note: Citizens: $N = 178$; AIC = 2,187/Organizations: $N = 188$; AIC = 2,339. Coefficients shown are the estimates of a negative binomial regression on citizen engagement (red, bottom value) and organizational engagement (blue, upper value), including their 90% confidence intervals and using DG Environment as reference category. For reasons of parsimony and relevance, only DGs are displayed if information about citizen engagement in their respective OPCs was available for at least four OPCs.

stakeholders (e.g. DG Maritime Affairs & Fisheries, Customs) but, interestingly, also those with a strong citizen focus (e.g. DG Consumers, Public Health). Among DGs that regularly received low numbers of citizen responses for their OPCs, participation

rates may partly be explained by the presumed technicality (or policy complexity, see Nørbech, 2024) and specificity of topics while other OPCs tackle specific occupations or industries (e.g. EU competition law, Schengen facility instrument for Croatia, evaluation of the European Maritime Safety Agency). Even when OPCs fall into policy areas such as public health or consumer protection, they tend to tackle rather specific issues (e.g. foreign subsidies, medicines for rare diseases and specific populations), suggesting that it could be a combination of challenges on both the demand (e.g. lack of interest and awareness among citizens) and supply side (e.g. insufficient promotion of OPCs) from a DG perspective.

Second, a direct comparison with organizational engagement (indicated by the blue dots and bars in Figure 3) suggests that more sizable differences exist for OPCs launched by DGs Research & Innovation (R&I), Banking & Financial Services, Customs, and Competition (among others), with organizational engagement outweighing individual citizen engagement, thus resembling the overall trend. Specifically, OPCs on R&I issues, such as artificial intelligence, clean air, and sustainability, stand out as those that attracted considerably more organizational than citizen responses. In contrast, only OPCs launched by DG Taxation and, to a lesser degree, DG Single Market, received on average more citizen than organizational input. Among those are, for instance, OPCs requesting input on issues like excise duties on manufactured tobacco, short-term rental services for tourists, or energy labeling of mobile phones.

Third, OPCs that involve (and therefore are likely to be also promoted by) more than just the lead DG have a significantly higher chance of increasing citizen engagement than those administered by a single DG ($\beta = 1.01$, $SE = 0.38$, $p < .01$). Interestingly, joining forces seems largely irrelevant regarding organizational engagement ($\beta = 0.05$, $SE = 0.22$, $p = .81$). To illustrate, some of the OPCs with higher citizen participation rates, such as those focusing on measures to counter illegal services and content online or reducing greenhouse gas emissions, received support from various DGs, likely contributing to raising more awareness and mobilizing more citizens to participate in those consultation opportunities.

Taking into consideration the internal heterogeneity of organizational actors, we further segmented the data by organizational type. Figure 4 zooms in on that aspect by juxtaposing the average input from for-profit entities (private companies, business associations), shown in red, and non-profit entities (NGOs), shown in blue, as classified on the Have Your Say website.

With regard to how these different stakeholder groups intersect in terms of engagement, a few observations are worth highlighting: First, the largest discrepancies between citizen and nonprofit engagement exist for OPCs launched by DGs Taxation and Single Market (with citizens outweighing nonprofits) and, to a lesser degree, DGs Competition and Public Health (with nonprofits outweighing citizens). Overall, however, they generally behave in similar ways, that is, if nonprofits increasingly participate in consultation opportunities, citizens tend to do so too. This observation also supports the notion of a ‘transmission belt’ function of civil society actors (Steffek et al., 2010), emphasizing their capacity to mobilize citizens to voice common interests and to help transmit these interests into institutional policymaking settings.

Second, the largest discrepancies between citizens and for-profit organizations in terms of engaging with OPCs can be observed in the cases of DGs Justice & Fundamental Rights and Taxation (with citizens outweighing for-profits), and DGs R&I, Banking &

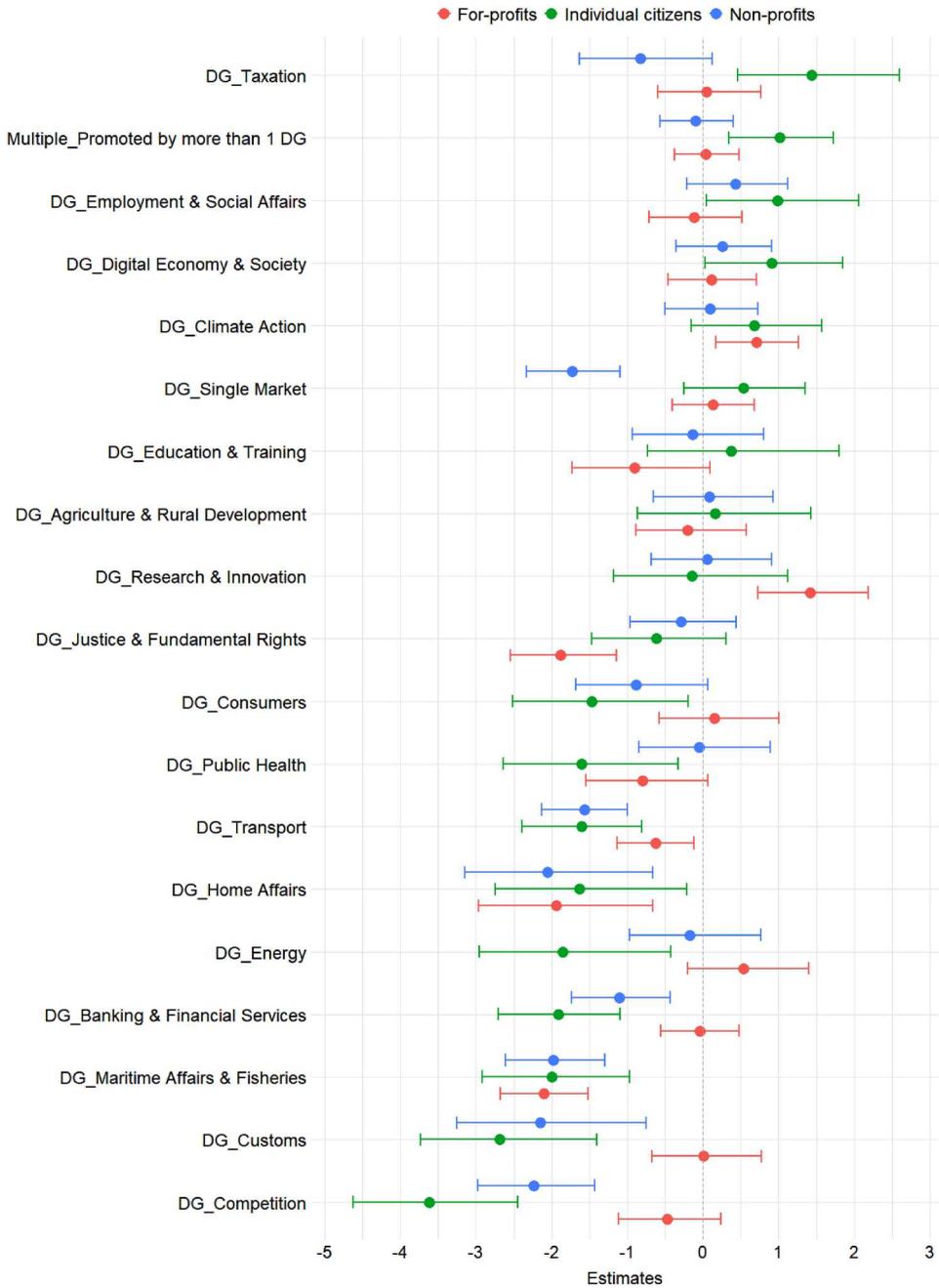


Figure 4. Citizen, non-profit, and for-profit organizational engagement, by DG.

Note: Citizens: N = 178; AIC = 2,187/Non-profits: N = 152; AIC = 1,377/For-profits: N = 165; AIC = 1833. Coefficients shown are the estimates from negative binomial regressions on engagement by citizens (green, middle value), non-profit (blue, upper value), and for-profit organizations (red, bottom value), including their 90% confidence intervals and using DG Environment as reference category. OPCs were included if a breakdown of response rates by organizational type was available for DGs with at least four data points.

Financial Services, among others (with for-profits outweighing citizens). Overall, however, these patterns are more similar to the overall organizational patterns shown in [Figure 3](#). In fact, overall organizational engagement is shaped more by for-profits ($\beta = 0.55$, $SE = 0.05$, $IRR = 1.73$, $p < .001$) than non-profits ($\beta = 0.45$, $SE = 0.06$, $IRR = 1.57$, $p < .001$).¹³ This finding challenges assumptions that for-profit civil society actors primarily utilize institutional settings for lobbying (Bouwen, 2004). To the contrary, and echoing Klüver (2012), they appear to be highly active in utilizing the public consultation process to advance their interests and in selecting issue areas of OPCs such as climate change or innovation strategies to contribute to EU policy-making.

Third, apart from citizens, nonprofit and for-profit organizations also participate differently in OPCs, with most DGs seeing higher participation rates by the latter (e.g. DGs Single Market, Customs, Transport). There are only few DGs whose consultation opportunities are used by both types rather equally (e.g. DGs Agriculture & Rural Development, Digital Economy & Society). Across all DGs, OPCs generate, on average, roughly four times more input from for-profit than non-profit entities, highlighting the role of business lobbies even in this open arena geared primarily towards citizen input (Coen et al., 2021). This result lends support to research examining the considerable influence of for-profit actors in EU civil society more generally (Greenwood, 2014) and vis-à-vis non-profits in particular.

Lastly, while joint DG efforts to promote OPCs matter for citizen participation, it makes no difference for nonprofit or for-profit participation, thus indicating a great potential of stronger coordination and reconciliation of interests among DGs when it comes to engaging EU citizens.

The role of organizations shaping citizen engagement

While the previous section examined citizen and organizational engagement (as outcomes) simultaneously, we now assess the degree to which organizational engagement might influence (or predict) individual citizen engagement in OPCs. We analyzed the data in two ways: Assessing citizen participation as contingent upon organizations generally,¹⁴ and non-profit and for-profit organizations particularly.

As foreshadowed by the rather diffuse patterns shown in [Figure 3](#), citizen and organizational engagement are overall moderately positively correlated ($\beta = 1.11$, $SE = 0.11$, $IRR = 3.04$, $p < .001$). This association is weaker (and negative) when it comes to for-profit engagement ($\beta = -0.19$, $SE = 0.13$, $IRR = 0.83$, $p = .14$) but stronger (and positive) in terms of nonprofit engagement ($\beta = 1.46$, $SE = 0.13$, $IRR = 4.29$, $p < .001$),¹⁵ hinting at the important role of NGOs, labor unions and social movements as potential conduits for articulating shared interests and functioning as potential catalysts for citizen engagement with OPCs (e.g. Wurzel & Connelly, 2011, on the role of environmental groups).

Conclusion

This paper explored how citizens use the EU public consultation process and identified factors that contribute to the limited role that the consultation regime plays in nurturing a European public sphere. We argue that while 'Have Your Say' represents institutional commitment to OPCs, inconsistent and overall low rates of citizen participation, even

in policy areas of ostensibly high issue salience, coupled with a predominance of for-profit organizations pose a substantive challenge to EU participatory democracy. Despite BRA's intent to formalize guidelines on when and how to consult citizen stakeholders, these rules leave substantial room for divergent approaches and appear to be interpreted differently across DGs (Alemanno, 2022, p. 35). Our findings mainly inform scholarship on input legitimacy.

First, OPCs experience overall low citizen response rates with only few exceptions, which merit further empirical attention to better understand the driving factors and mechanisms behind particularly high citizen response rates. The low response rates we observe in our sample are, however, in line with survey results ranking participation in online consultations as lowest among all engagement options (Kantar, 2020, p. 28). This behavioral outcome is likely rooted in low EU participatory literacy, indicating that most EU citizens (and residents) are simply not aware of all participatory venues that are available to them (Alemanno, 2024).

Second, the observation that citizens in smaller, less populous and CEE countries tend to use the consultation process somewhat more frequently than citizens from larger and older member states leaves room for different interpretations: For example, it is plausible that CSOs from those countries are more effective in mobilizing citizens to submit consultation responses – or that the symbolic 'currency' of contributing to the participatory regime is higher in more recent member states than in larger and earlier member states, thus likely encouraging more public attention for OPCs. Future research will need to answer this question.

Third, while there are some expected patterns regarding the policy area in which OPCs are embedded, as demonstrated by higher citizen response rates for consultations dealing with taxation, employment or digitization (via their respective DGs), there are also some unexpectedly low rates. OPCs linked to policy areas like energy or public health received considerably less citizen input, likely because of the specificity of some OPCs in our sample (e.g. rare diseases, EU energy efficiency directive). However, those policy domains likely feature more prominently across Europe following the COVID-19 pandemic and Russia's invasion of Ukraine. Perceptions of salience and prioritization might change with those recent crisis experiences.

Fourth, our data show that citizen input tends to be stronger in consultation opportunities in which nonprofit responses cumulate as well (likely pointing at shared interests and effective mobilization), but that overall organizational engagement is primarily driven by for-profit organizations (likely pointing at stronger interorganizational mobilization within the business sector). Considering that OPCs, as a type of citizen engagement architecture, is heavily used by organizations, it is therefore important to disentangle these effects and shed light on the type of organizations and the degree to which their responses might shape the consultation outcome. Overall, the patterns that emerge from the data suggest that higher citizen engagement might take place in areas with stronger civil society activism, thus supporting the notion that in OPCs, civil society actors might serve as conduits and incentivize individual citizen input.

A final takeaway emerged for those OPCs that result from joint efforts. An OPC administered by more than just a single DG (as is common) likely benefits from increased and diversified distribution channels that help generate more citizen input to inform policy-making. It is plausible that policy areas increasingly overlap and intersect. Advocacy

groups and policymakers alike may engage in such cooperations not only to integrate insights from different policy areas and sectors into more comprehensive proposals, but also to redefine issues and build broader coalitions. Specifically, climate action can also represent (and be framed as) a public health issue; an OPC on LGBTQ+ rights may find a strong co-sponsor by DG Employment & Social Affairs.

What do these findings mean for the future of public consultations in the EU? The standards of compliance currently set out in the *Better Regulation Agenda* are not living up to what Article 11 of the Treaty on European Union mandates: to consult citizens in all areas of policymaking. In terms of design and implementation, the most obvious gap between intention and reality is low citizen input for OPCs. If the Commission intends to fulfill its promise to ‘promote Have Your Say more widely’ (European Commission, 2021a, p. 5), it will need to intensify its publicity about consultation opportunities. However, and perhaps more importantly, it might utilize the civil society sector more actively as a conduit to invite and expand the number of individual citizen responses.

Study limitations and directions for future research

These findings must be interpreted in view of study-specific considerations and limitations. First, the rather low and inconsistent engagement patterns of citizens by policy area can have different reasons whose examination is beyond the scope of this study. With regard to consultation strategies, the 2019 European Court of Auditors Special Report already made clear that ‘the choice and extent of communication methods and channels used (including social media) differed considerably between DGs and public consultations’ (ECA, 2019, p. 48). Future research may therefore include measures on distribution in their designs to better understand which set of outreach activities, including social media platforms and messaging, seems most effective at garnering citizen input in OPCs.

Second, in light of the strong self-selection bias in the data, network analyses may be particularly fruitful endeavors to better understand communication flows within the European public sphere and identify key multipliers in civil society, media, and politics that shape the consultation process and incentivize individual citizen participation (Pfetsch & Heft, 2015). Qualitative interviews may provide additional insights into the underlying motivations of these stakeholders. Relatedly, at the level of content, future studies are encouraged to zoom in on the actual input provided by these stakeholders to better understand the nature and substance of their contributions, including, for example, the type of problems they identify, use of evidence, and argumentative strategies that shape these responses. Such endeavors would also allow for a useful comparison between citizen and organizational contributions, and possible impacts via mass campaigns (Marxsen, 2015).

Third, some findings presented seem at first counterintuitive. For example, why would OPCs from DG Banking and Financial Services receive more citizen input than, for instance, OPCs from DGs Sports or Youth? Capacity-related explanations (e.g. differences in staff size and other resource constraints) may be ascertainable with archival research and information requests, but more dynamic, consultation- or DG-specific intricacies may only be understood with both in-depth expert interviews involving strategists and

decisionmakers within the DGs and detailed examinations of the substantive input that citizens bring to particular consultations.

Fourth, as a more streamlined public consultation platform arguably has provided the EU with some added *input legitimacy*, scholars have warned about a lack of responsiveness of the Commission, particularly to individual citizen input, making consultations appear as ‘mere symbolic efforts to create the image of responsive policymaking’ (Bunea & Nørbech, 2023, p. 1783). While the Commission has strong incentives to take citizen submissions seriously (Nørbech, 2024, p. 134) as it draws extensively on this legitimacy source, a closer examination of the EU’s *throughput legitimacy* is needed to better understand the accountability mechanisms, inclusiveness standards and transparency measures that govern the relations between citizens, civil society, and EU institutions (Steffek, 2019, p. 792; see also Hofmann & Leino-Sandberg, 2019).

Finally, little is known about *output legitimacy* concerned with the problem-solving quality of policies, laws and rules, including their institutional mechanisms (Scharpf, 1999). Future scholarship should therefore focus on how DGs process the information gathered via consultations, the extent to which this information eventually informs policies, and the degree to which those policies resonate with citizens’ values and European identity (Schmidt, 2013). Such a holistic empirical assessment would require following entire policy paths leading to legislation. Addressing these future research trajectories might help lead to what Alberto Alemanno (2022) calls an ‘integrated participatory and deliberative system’ (p. 67), in effect helping the EU to build a better architecture for public consultations so citizens can indeed ‘have their say.’

Notes

1. See https://eur-lex.europa.eu/eli/treaty/teu_2016/art_11/oj/eng
2. Several other engagement initiatives provide evidence of EU institutions’ commitment to experimenting with participatory and deliberative formats. The deliberative-polling project *Europolis* convened a random sample of EU citizens to debate climate change and immigration before the 2009 European Parliament elections (Fishkin et al., 2014). More recently, the ‘new generation’ *European Citizens’ Panels*, modeled after the *CoFoE Citizen Panels*, randomly convened around 150 European citizens, one third of them younger than 26, to debate three ‘hot’ topics in European affairs, namely food waste, virtual worlds, and learning mobility (Gjaldbæk-Sverdrup et al., 2023).
3. Following Sanchez Salgado (2021), we define civil society organizations as nonprofits that promote public-spirited norms. In cases where we use the terms nongovernmental organizations (NGOs) or lobbyists in this article, they have been pre-classified as such in the consultation databases. Whereas Schoenefeld (2021) highlights that the interest group frame is still the most relevant in EU civil society literature, this article utilizes the CSO frame that signals concern with democracy, legitimacy, and citizen participation (p. 593).
4. To enhance throughput legitimacy, the Commission undertook a thorough review of its consultation platform and, between 2017 and 2018, upgraded the former ‘Contribute to law-making’ website and streamlined the ‘Have your Say’ portal to include more transparency and user-friendly functions.
5. The remaining units in our sample (42%, $N = 161$) provided no information about the number of responses, were duplicates or had dysfunctional hyperlinks. We therefore decided to adopt a user perspective (as opposed to, for example, requesting data from the Commission or specific DGs) and proceed with the publicly available data provided by the two platforms. Additionally, OPCs with more than 10,000 responses in our sample ($N = 10$) were considered

- outliers (above the 97th percentile) and excluded from subsequent analysis. For instance, these include consultations on topics like summertime arrangements and ivory trade.
6. Including UK.
 7. The distribution shows a strong skew ($v = 4.7$, $SE = 0.2$) and kurtosis ($k = 27.7$, $SE = 0.3$), even after excluding outliers.
 8. Data are overdispersed when the variance exceeds the mean, which is typical for data demonstrating a wide range and extreme variation. Compared to similar approaches also used for modeling count data (e.g., Quasi-Poisson regression), negative binomial regression appears to be the more suitable option as it tends to provide a better fit, more flexibility in modeling overdispersion, and a probabilistic foundation for inference.
 9. Given the limited number of cases when working with aggregate data at the member state level ($N = 28$), we proceed with bivariate correlations for this part of the analysis. This is informed by a statistical power analysis using G*Power (Faul et al., 2009), conservatively assuming a moderate effect size (0.15), a standard significance level (0.05), and a conventional power (0.80), with a minimum of two predictor variables. For later analysis with more cases (at the OPC level), multivariate analyses will be applied.
 10. These differences are statistically significant based on a Mann-Whitney-U test: $U = 39.50$, $p = .011$, and $U = 40$, $p = .012$, respectively.
 11. Note that the composition of DGs changes with different Commissions and the denomination is based on self-identification on the consultation site.
 12. Based on a chi-square test, $\chi^2(39) = 194.00$, $p < .001$.
 13. Based on a standardized negative binomial regression.
 14. Including corporations, business associations, public-sector organizations, academic institutions, among others.
 15. Based on a standardized negative binomial regression.

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