

# Chapter Two

## Enhancing Participation and Transparency in the EU Interactive Policy Making Initiative

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### 1 Introduction

“E-government is the use of Information- and Communication Technologies (ICTs) to make public administration more efficient and effective, promoting growth by cutting red tape. This is something which anyone who spent hours waiting in line in a government building can appreciate” (European Commission, 2007).

The potential that information- and communication technologies have to promote democracy and improve transparency increasingly attracts the interest of researchers and policy-makers. Both social media and mobile connectivity are linked to the idea of providing channels “not just for mass dissemination but also for mass production and collaboration” in the political sphere (Linders, 2012, p.1). These new means may alter how the government and the public interact, develop solutions for perceived democratic deficits and improve the delivery of public services (ibid). Because of the relatively limited costs of Internet communication in terms of time, material- and human resources and its decentralized as well as interactive features, ICTs are believed to lead to a more open and democratic exchange of information and political participation. In consideration of the decreasing trust in EU institutions and EU’s supposed democratic deficit, the Internet might provide a new way of improving the relationship between European citizens and Brussels. However, from a normative perspective, concerns have been voiced about the gap between “technology haves and have-nots”, pointing to the potential digital divide (West, 2000, p.3). Next to the lack of both access to new technologies and the necessary skills to work with software and hardware, the promotion of these new instruments to the wider public remains another obstacle to complete democratic participation.

Despite the growing popularity of ICTs, not much research has been conducted with regard to their longer-term effects and implications for democracy and transparency. Many studies analyse participation more broadly in the context of science and technology. The small number of studies with an explicit focus on online consultations, however, only

provides a mixed picture, mainly due to the varying foci. Although Coleman et al. (2011) deal with the impact of ICTs on government management and the delivery of services, they do not analyse the implications of the new technologies for both transparency and democracy. Similarly, Linders (2011), Skelcher (2010) and Meijer (2012) examine new forms of government in the era of the Internet with the aim to enhance democracy, but they do not pay specific attention as to how ICTs impact transparency. Although scholars of the University of Mannheim, such as Quittkat (2011), analyse the usefulness of online consultations by the European Commission, they do not aim for a case study approach that exclusively focuses on the *Interactive Policy Making* initiative and its consultations. This web-based tool is aimed at enhancing the dialogue between the EU and the public.

Hence, the paper is among the first that makes use of a case study approach, analysing the *Interactive Policy Making* initiative based on the following research question: Does the IPM enhance transparency and democratic participation and if so, how? I intend to analyse two consultations, which do not only differ content wise but also in their outcome on the basis of three theoretical models, i.e., the concept of citizens-as-stakeholders, the theoretical model of open government and a typology of citizen coproduction. It is important to note that the IPM initiative does not solely enable citizens to give feedback or voice their comments via the consultation mechanism, but also asks businesses and organisations for input. I shall assess the number of action steps the Commission takes after each consultation's closure by analysing official documents and data in order to assess the degree of EU Commission's realization of the respective results. As participation is assumed to be democratic only when it guarantees equal participation, openness and inclusiveness of consultations appear relevant indicators for the analysis. However, it will not be within the framework of this analysis to draw a representative conclusion. The paper solely aims at assessing whether or not the two consultations enhance transparency and democratic participation.

This shortened version of the original paper will directly begin with a presentation and subsequent analysis of the Interactive Policy Making initiative before studying two consultations on the basis of the theoretical framework. In the conclusion, I shall summarize the most important findings and potential drawbacks.

## 2 Interactive Policy Making

### 2.1 Transparency and Democracy via Interactive Policy Making?

The decline in participation in EU politics has provided the impetus for the European Union to consider how it might begin to provide a response to the democratic deficit (Flash Eurobarometer, No. 189a). According to the Eurobarometer (2008), only a minority of the EU citizens thinks that the EU takes their voices into account. New technologies might not be a panacea but they may be tools for disseminating more relevant information and enriching democracy by increasing the ability to participate. The so-called e-democracy may provide means for reducing the democratic deficit in the European Union, thereby increasing trust in both its institutions and policy-making processes.

In 2001, the European Commission introduced a communication on the *Interactive Policy Making* (IPM) initiative with the aim to improve governance “by using the Internet to collect and analyse reactions of citizens and enterprises across the European Union’s Member States” (European Commission, 2007). This new means is intended to serve both citizens and business interests, as interactive governance “is a way of conducting policies whereby a government involves its citizens, social organizations, enterprises and other stakeholders in the early stages of the policy-making process” (Edelenbos et al., 2004, p.3). The IPM aims at widening opportunities to actively participate in the EU policy shaping.

This initiative, for which one requires a standard Internet browser and an Internet connection, is an online survey management system whose modules aim at the “management of the life-cycle of online questionnaires”, comprising the creation, test, translation, launch and analysis of results (European Commission, IPM). More precisely, the manager specifies the properties of his online questionnaire and creates the structure in terms of sections and questions. After being tested over a sample of users, the questionnaire is translated into a master excel of XML file and promoted to potential participants through the URL address. Thereby, the manager can view the raw results, histograms and percentages. A built-in filter mechanism enables the creation of subsets of results and data can be again exported to Excel for further and more in-depth analysis (IPM, 2012). This structured procedure allows for better observation and increased transparency.

Citizens, stakeholders and businesses are able to either give feedback or to make use of the consultation mechanism whereby they can voice their opinion on EU policies and influence their direction (Your Voice in Europe, 2011). They can choose a particular area and participate directly by sending comments or filling out online questionnaires. More

precisely, the feedback mechanism continuously collects actions and often-encountered difficulties, “using existing networks and contact points as intermediaries, in order to obtain continuous access to the experiences of citizens and businesses” (iDABC, 2007). By collecting and storing cases, around 300 intermediaries throughout the EU enable the Commission to efficiently search for particular cases in a detailed manner (ibid). The clearly arranged structure of data allows for more transparency. The consultation tool, in turn, is used directly with target groups on an identified topic for either issues that can be answered by ‘yes/ no’ or by choosing one option from a limited set of possibilities (Bolkenstein, et al., 2000). This is intended to lead to a more rapid and structured collection of reactions to new initiatives.

The questions are drafted and published by the EU Commission, either based on already existing directives that need to be improved or with the aim to receive ideas and opinions on issues that have not yet been translated into a directive or regulation but require a legal basis. Participants are provided with a pre-given and limited set of questions that they are either asked to answer if it indicates ‘compulsory’ or may leave out if it is ‘optional’. This enables the Commission to instantly analyse the results, “automatically and without further investment of resources” (OECD, 2003, p.123). Online questionnaires with multiple-choice questions consist either of standardized questionnaires, which may not leave enough room for innovative or qualitative input, or semi- and non-standardized questionnaires that enable interested parties to voice their opinion. Quittkat (2011, p. 662), however, referring to the often highly technical questions in ‘open’ questionnaires, fears: “the more open a format and thus the higher the probability to receive qualitative input, the lower the number of participants”.

The screenshot below shows how a question may be structured. Although it is specifically related to a “possible EU initiative on responsible sourcing of minerals originating from conflict-affected or high-risk areas” and therefore differs from other consultations in its content, the online questionnaires are mostly structured in a similar way. Respondents are asked to answer the question, by either indicating ‘Yes’, ‘No’, ‘I don’t know’ or ‘Agree’, ‘Strongly Agree’, ‘I don’t know’, ‘Disagree’ or ‘Strongly Disagree’, which allows for a faster collection of reactions. In case of disagreement, respondents may specify what and how they intend to improve the situation by voicing comments and collaborating more effectively with the Commission. However, not all questionnaires are accessible for citizens, as sometimes only registered stakeholders are able to answer the questions and give comments, depending on whether it is an open, selective or closed consultation (EU Commission, 2012). Around 90 % of the consultations are open and directed towards stakeholders, business and the wider public, allowing for a broad range

of actors. Selective consultations, in contrast, are geared towards a defined group with the main focus on technical issues while the closed consultations are limited to businesses, both diverting from the Commission's proclaimed goal of inclusiveness.

Existing frameworks		Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree	Don't know
<p><b>2.5</b> Would you consider existing international instruments under the corporate social responsibility and supply chain due diligence agenda such as the UN Guiding Principles on Business and Human Rights, OECD Guidelines for Multinational Enterprises and OECD Due Diligence Guidance for responsible supply chains of minerals from conflict-affected and High-risk areas sufficient as they stand? (optional)</p>		0	0	0	0	0
<p><b>2.5.1</b> Companies have already fully integrated those international instruments into corporate risk management systems. (optional)</p>		0	0	0	0	0
<p><b>2.5.2</b> Those instruments appropriately address the issue of responsible sourcing in resource-rich, high developing countries affected by conflicts. (optional)</p>		0	0	0	0	0
<p><b>2.5.3</b> If in questions 2.5 / 2.5.1 / 2.5.2 you disagree and think there is scope for improving complementing the existing instruments, how could this be achieved? (optional) (maximum 1000 characters; count:0)</p>						

Source: EU Commission (2013)

Results are either displayed as histograms, percentages or in full details and can be exported to Excel (IPM, 2012). According to the EU Commission, the availability of the results of each consultation “will contribute to more transparency and accountability in the EU policy-making processes” (ibid). To some extent, the EU Commission succeeds in realizing real time transparency. The Commission tries to give background information about each consultation, and aims at publishing the full results and possible follow-up actions. In this way, the Commission is submitting the rules and procedures to public scrutiny and makes the process more transparent (Heald, et al., 2006, p.31).

Ultimately, with the help of the IPM, EU institutions and administrations at local, regional and national level are able to collect feedback and provide consultation tools to shape new policies and improve existing ones, thereby opening a new space for wider public consultation. Administrations of the member states and EU institutions are able to act as a listening ear and to obtain insights into the reactions of citizens and enterprises in relation to EU policies, thereby making public administrations more accessible, transparent and democratic (iDABC, 2007). From the Commission's perspective, by

participating in the interactive discourses via the IPM, stakeholders may better understand the potential obstacles the Commission faces in reaching its policy decision, helping to build consensus. The IPM is intended to assist the development of policies “by allowing more rapid and targeted responses to emerging issues and problems” with the aim of evaluating the impact of policies and more importantly, providing more accountability to citizens (ibid). The ability to comment on EU matters independent of the pre-given set of questions and to give feedback on existing policies enables citizens and stakeholders to become actively involved in the formulation of policies, thereby creating many-to-many interactivity between the government and the public. Compared to the traditional voting system in which voters are only expected to make a choice between pre-given sets of political candidates and elect their representatives, the IPM may be a tool to transform the passive voter to an active citizen-as-stakeholder, formulates his or her own opinion on different issues and engages in public deliberation. Skelcher et al. (2010) expect that the involvement of citizens as stakeholders will eventually lead to the production of policy outputs and increased democracy.

Since its launch in 2001, the IPM has made available more than 800 public consultations with more than 500000 replies. They are accessible on the web portal *Your Voice in Europe*, the unique access point for European Commission consultations (European Commission, 2012, IPM). The *Your Voice in Europe* web portal is part of the *Interactive Policy Making* initiative and has proven to be popular with over three million citizens from Member States and candidate countries using it (LLP, 2011). It is a one-stop shop in 22 European languages enabling citizens, stakeholders and businesses to tell the Commission their opinion on new policy initiatives, thereby facilitating much wider consultations. *Your Voice in Europe* “presents the pinnacle of this approach to opening up the EU’s institutions in terms of ICT usage” (Ari-Veikko, et al., 2007, p.777). Ultimately, this online portable is expected to contribute to more transparency and accountability in EU policy-making processes and increase democratic participation. However, according to Quittkat (2011) the Commission did neither address all consultations to the wider public, nor did it mention the respective selection criteria, which might result in in-transparency (p.658).

Next to the feedback- and consultation mechanisms, citizens, businesses and all other stakeholders are able to make their voice heard by either contacting the local MEP and the representatives at the Committee of the Regions, by registering as a member of the European Business Test Panel or by using the advice- and information services to make the EU aware of potential problems (European Commission, *Your Voice in Europe*). This variety of possibilities to participate via the IPM portal creates a basis for enhanced dialogue and interaction between the Commission and the EU citizens. In the following, the question

whether or not democratic participation and transparency are factually enhanced through the IPM will be analysed by focussing on two consultations.

## 3 Analysis of Consultations

### 3.1 Consultation I: Misleading Market Practices

The Commission conducted a public consultation, open from October to December 2011, on both the Directive 2006/ 114/ EC concerning *Misleading and Comparative Advertising* and on unfair commercial practices affecting businesses. Its purpose was the protection of traders against misleading advertising and its consequences, thereby laying down conditions under which comparative advertising is allowed (EC Justice, 2012). As the reason for the public consultation was the restriction of the respective Directive to business-to-business relations concerning misleading advertising, the EU Commission aimed at finding out how to improve the existing directive. According to the results of the survey, out of 272 participants, only few citizens (14%) responded to the questionnaire. Mainly enterprises (52.2%) and organisations (33.8%) participated in this survey. The question of the relative weight of contributions from individuals in comparison to those from organisations remains therefore unresolved.

To explain the results of the questionnaire briefly, first of all, the participants could either 'agree/disagree' or indicate 'I don't know'. The respondents revealed multiple different cases of misleading market practices, although the most frequent were rather similar (IPM, 2012). The Commission was mainly asked to increase the protection of small- and medium sized enterprises and independent professionals against misleading market practices, pointing to the Directive's inefficient enforcement at cross-border level and its weak substantive rules.

Shortly after the consultation's closure, the Commission published the results claiming that it "will broadly report about the results in its upcoming Communication misleading marketing practices and will use them when preparing future actions in the area of business-to-business misleading marketing practices" (IPM, 2012). Since the steps the EU Commission takes while preparing for a policy proposal are published online as soon as the consultation is closed and therefore constantly open to disclosure, both citizens and businesses are vested with an observatory function in the procedure. Consequently, the Commission appears transparent in both process and real-time. The accountability window is open and allows for continuous surveillance from the side of the participants.

This, however, may sometimes be damaging to the achievement of policy goals, referring to a possible efficiency whole (Heald et al., 2006, p.33). By making the process open to public scrutiny, the Commission's responsibility to act according to the preferences of the participants increases and might put them under a compulsion to act although the overall circumstances may not always allow for immediate action.

At the end of November, the Commission's strategy to improve the protection of businesses against misleading market practices was published, indicating that the Commission has taken the results of the consultation into account. The following press release confirms that "the Commission's action follows a survey by the European Parliament and a public consultation where business of all sizes and from all sectors called for increased protection at EU level against misleading marketing practices specifically targeting business" (EC, Press Release, 2012). In the course of 2013, the Commission even plans a legal proposal. However, both the Council and the European Parliament must accept and adopt it, which may be time-consuming and give the respondents the feeling that their voices are not being acted upon adequately. This may possibly lead to a decrease in participation.

Nevertheless, the constant accessibility of the steps the Commission takes when preparing for the policy proposal increases transparency and facilitates the dialogue between the citizens, stakeholder and businesses on the one hand and the EU on the other. The IPM therefore serves as a tool for the Commission to see how its policies may be improved in order to satisfy the interests of its main target group, i.e. both businesses and enterprises. However, the low level of participation in the consultation reveals the question of equal representation and democratic participation. As only 272 citizens, stakeholders and businesses took part in the online consultation, democratic participation may not be enhanced through this web-based tool, as it seems to face similar problems as traditional forms of participation, i.e. low turnout. Particularly, for European-level organisations it appears difficult to formulate a common position with their members within the short period of three months. Thus, simply providing formal access to consultations does not necessarily ensure increased participation.

### 3.2 Consultation II: Youth on the Move Card

As the first consultation is directed to businesses rather than to EU citizens, a second open consultation will be examined that seems to be of greater concern to the public. The online survey concerning the Youth on the Move (YoM) card initiative opened on April 2011 and closed in June 2011. It is part of the Europe 2020 strategy that aims at delivering smart, sustainable and inclusive growth (EU Commission, Europe 2020, 2013). With the publication on multiple websites, such as the Erasmus Student Network, European universities and Eurodesk, the EU Commission intended to reach out to as many participants as possible.

The rationale behind the consultation is to detect the experiences citizens have with similar cards and ideas of how to improve them. During the period of three months, 3027 online responses could be gathered and four stakeholders submitted opinions. 91,5 % of the respondents were not older than thirty years, ranging from 19 to 26 years. Although the majority of the respondents (72%) were students, 524 were already employed, 185 were job hunters and 35 entrepreneurs (European Commission, Youth, 2012).

Concerning the effectiveness of this consultation, Murphy (2013) states that the adoption of the initiative, based on the findings of the public consultation, is estimated for the first quarter of 2013, which, however, has not occurred by the end of the research, in May 2013 (p.4). The type of the initiative is listed as a soft law, acting either as a guideline, declaration or option (ibid). Regarding the prioritisation in the Commission's agenda, the YoM initiative is low, which explains the Commission's rather marginal steps in the preparation for a policy proposal. Although the public consultation closed in June 2011, no further data could yet be identified except a review of Prelex and similar EU databases. Currently, the Commission is undertaking a 'wide-ranging Impact Assessment' in order to make sure that the YoM card will be robust and meet the "needs of all stakeholders, including young people, Member States and the organisations involved in delivering the YoM card initiative" (European Youth Card Association, 2012, p.13). The Impact Assessment provides the Commission with analyses that attempt to justify its legislative proposals to the public. It should include as to how the consultation influenced the policy choices taken. However, as this report could not be found on the *Your Voice in Europe* portal, but only on the portal of the Commission's impact assessment, participants are confronted with a high level of in-transparency. The Commission does not offer any easily accessible instrument to "retrace whether and how OC results are taken into consideration by the Commission in the process of decision-making" (Quittkat, 2011, p.664). This online consultation therefore has poor record to date. Additionally, the question which criteria are used to estimate how

different contributions are assessed remains blurred for the process of impact assessment. As no concrete statements about future actions are made in this Impact Assessment, the Commission risks to only test the environment and to tick exercises.

Generally, only 58% of summary consultation reports were published in 2011 (EU Commission, 2011). Nevertheless, as the Commission (2011) claims that the future of the YoM card initiative may be addressed during the Irish Presidency of the European Union in the first half of 2013 and possibly be implemented in the beginning of 2014, the consultation may be effective but serves for now only as a means to outline what the public thinks, expects and aims to change.

Similar to the first consultation, the fact that only 3027 EU citizens took part in the online consultation indicates a relatively low level of participation. This reveals the question whether or not these online feedback- and consultation mechanisms factually succeed in reducing the democratic deficit. Put differently, does the online platform face similar problems as traditional mechanisms, such as a low turnout? The additional research of the *Your Voice in Europe* portal suggests that the consultations are generally highly dominated by business interests and to a lesser extent by citizens, as most of them raise technical and expert-oriented issues that tend to be incomprehensible for the wider public.

In the following, the theoretical framework will help evaluate the implications of the two consultations for both democracy and transparency.

## 4 Increased Democracy & Transparency?

### 4.1 Citizen Coproduction

	<b>Citizen Sourcing</b>	<b>Government as a Platform</b>
<b>Design</b>	<b>Consultation &amp; Ideation</b> Sharing opinion through IPM to improve responsiveness and effectiveness of EU government	<b>Informing &amp; Nudging</b> Citizens equipped with EU documents to allow for informed decisions
<b>Execution</b>	<b>Crowd-sourcing &amp; Co Delivery</b> Opening up of new problem-solving mechanisms to enable EU citizens to make use of their skills	<b>Ecosystem Embedding</b> Embedding capabilities into broader system → EU: part of community through informal contributions?
<b>Monitoring</b>	<b>Citizen Reporting</b> Improvement of situational awareness of EU by sharing knowledge	<b>Open Book Government</b> Dissemination, open publication and analysis of information → more transparency within the EU

Source: Linders (2012). *Citizen Coproduction*, revised by Julia Sachseder

Based on the insights put forward by Linders (2012) the IPM appears to be in line with the concept of *citizen sourcing*, as the public helps the EU Commission to be more responsive by commenting on policy proposals, giving feedback and participating in consultations. Ultimately, this is expected to have a positive effect on the Commission's rules and decisions, as the EU Commission gets better informed about the opinions and preferences of both its citizens and businesses. At the same time, the public is able to directly influence the direction and outcome of policies. However, the participation depends on whether the consultation is closed, selective or open. Moreover, although the Commission

is required to publish all consultations on the Internet in order to be transparent, it remains unclear who contributed and how the comments are further processed. In the second open consultation, it remains uncertain whether or not and if so, to what extent the Commission takes the respective findings into account when formulating its policy proposal. The Commission has not yet taken any significant steps that are made open to public scrutiny, besides its impact assessment whereby it only states that further actions need to be taken. According to Quittkat (2011) “for not even half of the OC are the contributions made publicly available and only about a third of the reports are available” (p.663). Thus, the presented consultation does not appear to be an exception but rather confirms the limited availability of contributions and their further processing.

Additionally, the low level of participation in both consultations upholds that despite the idea to enhance citizen coproduction, the level of citizen involvement in EU matters is relatively low via the IPM mechanism. Both the limited promotion by the Commission and the reduced access to online consultations divert the Commission’s proclaimed goal of inclusiveness. Therefore, respondents point to the need to widen the existing alert system in order “to include the publication of summary reports and to extend its availability to all interested parties, not only those registered in the Transparency register” (EU Commission, 2012, p.15). This clearly indicates the need for better promotion and increased inclusiveness, although the Commission states that it “widely publicizes the launch of its consultations through its single access point portal ‘Your Voice in Europe’” (ibid). Next to this portal and the alert system linked to it, both the individual websites of Commission directorates-general and alerts through existing stakeholder networks may be additional promoting tools. However, regarding the remaining low level of participation, the available instruments do not appear sufficient and deserve further improvement.

Regarding the implications of the category *Consultation and Ideation*, the IPM seems to have become a citizen’s consultation mechanism via e-participation, thereby enabling the public to comment on policy proposals “by eliminating the constraints of time and space” (Linders, 2012, p.448). The passive role of the citizens, who only may exert an influence on the input side being bound to a territory, may shift to a citizen-as-stakeholder who is deliberated from the limits of time and space (Skelcher, et al. 2010, p.10). The consultations are accessible 24/7, depending however whether or not they are open, selective or closed. In case of an open consultation participants are able to see what has already been implemented and what others have commented, thereby collaborating with them and making the process more interactive. As the interactive process “significantly deepens and enriches stakeholder dialogue”, the EU Commission is able to collect preferences with greater degrees of sophistication than “periodic, binary votes” (Linders, 2012, p.448).

The Commission uses the 'ideation' tool to not only gather the comments of its citizens and stakeholders but also to seek online suggestions in the form of comments for cost efficiencies.

The second category *Crowd Serving and Co-Delivery* suggests that new problem-solving mechanisms are opened up enabling the citizens to make use of their skills and expert knowledge to solve governmental challenges. In this regard, the IPM is intended, first, to solve problems stakeholders and citizens may face and second, to provide them with feedback- and consultation mechanisms to receive alternative ideas (ibid, p.448). As seen in the presented consultations, the EU Commission can import innovation from both citizens and entrepreneurs. The consultation concerning the YoM card initiative aims at both collecting users' experiences with current cards and learning more about expectations for possible new features. This enables closer and deeper collaboration between the Commission and the citizens as well as businesses. However, through the information provided by the *Your Voice in Europe* portal, citizens will not automatically become experts, as these information need to be processed and understood first. According to Quitkatt (2011) reports are usually written by the Commission itself instead of by external actors and often not accompanied by descriptions or assessments but only by "bulky tables and diagrams" (p.664). In this context, Heald's idea of the so-called efficiency hole or trade-off may be helpful, as it makes a distinction between event- and process transparency (Heald, et al., 2006, p.31). The Commission may either publish a set of highly concise information, which risks to be fragmented in that sense that only parts of the participations are able to understand or it publishes a single piece of information that is less precise but comprehensible for the whole public.

Furthermore, the Commission does often neither provide its participants with reflective documents nor with concrete result evaluations. This may leave little space for adequate representativeness of general interests, tending to result in the ignorance of private persons' contributions. In consideration of the completeness and clarity of consultation documents, some respondents indicate, "that documents were not always comprehensible and sufficiently clear, especially to the non-expert reader" (EU Commission, 2012, p.13). Regarding technical issues the interest on the part of the public appears to be limited. Thus, the technocratic language often used in EU-related issues poses an obstacle to the increase in participation. Greenwood (2013) states in this context that although the access to documents enables civil society "to act as systemic accountability agents", interest organisations "with sufficient resources for full time staff with EU policy knowledge to trawl through registers of documents" are required (p.2). Therefore, the need for more limited, careful and simpler use of these online tools increases, as the IPM initiative risks

being only accessible for a particular elite and not for the wider public. Mainly journalists, academics and interest organisation make use of such a system (ibid).

In consideration of the complexity of certain pieces of information provided on this platform, human interaction is often required to make the information accessible and comprehensible to the public. Van Dijk (2008) points to the potential lack of operational and informational skills, meaning the capacities to work with soft- and hardware and the ability to search, select and process information in computer- and network sources (p.10). Similarly, Heald et al. (2006) states that for transparency to become effective, “there must be receptors capable of processing, digesting and using the information” (p.35). Hence, the Commission needs to be responsive to interested parties in policy developments. The responsiveness to requests for information, however, consists of more than simply providing the possibility to send e-mails to a standard mailbox. Taking advantage of the new forms of technology needs to be connected to bodies that provide its audiences with comprehensible information in order to enable citizens to make balanced decisions (ibid).

Furthermore, Ari-Veikko et al. (2007) states that “when debates are centred upon specific issues, the actors involved at policy level must be willing and able to provide responses to interested bodies” (p.777). Citizens who make use of such a web-based mechanism must feel that their voices are being heard and acted upon. Interaction through consultation needs to take place (ibid). In the first consultation, the Commission keeps the respondents updated by regularly publishing which further steps it aims to take. In the second consultation, in contrast, participants could voice their opinions and share knowledge with the EU institution, but the Commission has not yet acted accordingly, besides its Impact Assessment. One reason for the missing action may be that the open public consultation is held relatively early in the process, “when there is no definitive view on final policy options and their impacts” (EU Commission, 2012, p.11). Consultations should therefore take place not only at an early but also at later stages. Additionally, as respondents have different opinions on specific issues, the impact of an individual response risks to be minimal, providing room for manoeuvre for political institutions (Greenwood, 2013, p.7). Borscheid et al. describe the consultations as a “façade behind which a dialogue continues with insiders in more specialist consultative fora” (in Greenwood, 2013, p.7).

Nevertheless, according to Linders (2012) the Internet may act as a channel that might improve the situational awareness of the EU Commission “by enabling citizens to efficiently and conveniently share knowledge with governments” (p.448). This may be achieved by the consultation mechanism, whereby citizens have the opportunity to answer questions according to their preferences and to comment on specific issues. In

this way, they are able to share their knowledge and opinion with the Commission. In the first consultation, all respondents were able to voice their interest in increasing the protection of business against misleading practices, thereby giving input for the policy formulation. Similarly, in the second consultation, particularly young citizens could share their experiences with current cards and express their opinions on future initiatives. This creates a system of collaboration between the EU institutions and the public and promotes participation (ibid, p.449). Although the sharing of knowledge with the government is most effective at the local level according to Linders (2010), the IPM may nevertheless be a tool at the European level that enables its participants to voice their opinions and to report on specific issues.

On the basis of Linders' (2010) second categorization, the EU Commission might act as a platform, sharing its knowledge with the public given the low cost of online data dissemination. Via the IPM the EU Commission is able to provide background information for each consultation to adequately inform its participants about past events and future options. In the two consultations the participants were able to get informed by reading background information concerning the respective consultation, thereby widening their knowledge and being able to take informed decisions (Your Voice in Europe, 2011). From the outset, a summary statement of the context, the objectives of the consultations, its scope and a description of particular issues that are open for discourse are presented. However, the more the sources of information diversify and multiply, the more the Commission may get room for manoeuvre. As the Commission is able to choose its consultative instruments, its ability to control the flow of information increases. Conversely, the deficits to provide information from the consultation processes limit the flow of information the other way (Greenwood, 2013, p.8). In consideration of EU's claim to become more transparent through the increasing use of the IPM, it is interesting and necessary to analyse both the effects of the online consultations on both democracy and transparency in the light of the concept 'Open Government'.

## 4.2 Open Government

According to Meijer's et al. definition (2012) that refers to transparency as freedom of information, active dissemination of information, access to documents and usability of websites, the EU Commission succeeds to be more transparent and open. The IPM theoretically allows for observation of what the EU Commission decides in its policy-making processes. However, whether the EU institution factually makes all information available to the wider public or publishes only the most relevant remains open to further investigation. Given both the Commission's control over the flow of information and the various competitors within the European Union aiming for different policy outcomes, not always complete sets of information are provided. Heald et al. (2006) refer in this context to the so-called transparency illusion, which is described as the gap between nominal- and effective transparency (p.33). Although transparency may seem to increase, as measured by some index, "the reality may be quite different" (ibid, p.34). The crucial question therefore is what is actually made visible.

According to Meijer et al. (2012) the quality of transparency depends on both the usefulness of information and the timing of the release of documents (p.11). Concerning the first condition, the information provided on the IPM portal for the two consultations is useful for all respondents, as they are able to adequately inform themselves about the background and the potential policy options. With regard to the latter, although the documents required for the background information are published on time, the dissemination of information about how the Commission proceeds afterwards appears to be rather late. Participants may be confronted "with a high level of in-transparency concerning contributions sent to the Commission and their further processing" (Quittkat, 2011, p.663). The Commission has not yet published any information as to how it will proceed with regard to the implementation of the YoM card initiative besides its Impact Assessment that however does not outline any clear intentions (EC Commission, Youth, 2013). This may be referred to as transparency in retrospect, whereby the Commission only publishes information relevant for its performance in periodic intervals and not on a continuous basis. Hence, transparency is increased but its quality remains dependent on further improvement.

With regard to the second dimension of open government, participation refers to interactivity in the policy-making process, dialogue, consultation, the involvement of stakeholders as well as the opportunity to take part in these processes. In case of an open consultation, citizens, enterprises and stakeholders are able to take part in consultation processes via the IPM mechanism, thereby commenting and giving input on specific issues.

This enhances the dialogue between the EU and the citizens as well as the stakeholders and involves them in the policy-making process. However, in case of a selective or closed consultation, only a limited number of businesses and organisations are allowed to participate, which diverts from the Commission's aim of inclusiveness. Additionally, given the time limit of three months of each consultation, particularly organisations face difficulties to formulate a common position and to participate on time. Despite the potential drawbacks of the IPM in terms of both enhanced transparency- and democratic participation, the following model will reveal possible advantages of the IPM, pointing to citizen empowerment.

### 4.3 Citizen-as-Stakeholders

On the basis of Skelcher's et al. insights (2010), the IPM may be described as a tool to transform the citizen from a sole voter to an active participant in policy-making processes, as the web-based mechanism allows for participation independent of time and space. Via both the feedback-and consultation tools, participants may influence the policy formulation by providing new views on policy-related issues and by giving feedback on existing ones (IPM, 2012). Democratic participation of the citizens-as-stakeholders may enhance "new forms of empowered participatory governance that will both enable a better aggregation of relevant interests, ideas and resources and a better integration of the relevant and affected actors" (Skelcher, et al., 2010, p.10). The democratic merits of this new form of participation is that democracy can be deepened by enhancing participation at the output-side, as actors can be empowered via the enhancement of their rights, resources, competences and know-how. The IPM may contribute to the empowerment of its participants with the dissemination of political information and by enabling them to actively participate in consultation processes (IPM, 2012). Citizens and stakeholders are expected to become more involved in the consultation process, providing input on new initiatives and feedback on existing legislation (iDABC, 2007). However, firstly, the ability to participate depends on the format of the consultation and whether it is closed, open or selective. Secondly, the IPM tends to favour a particular elite, leaving behind those that either lack access to the Internet, are not able to understand and process the highly technical information or lack physical- as well as material access.

Hence, in consideration of both potential advantages and drawbacks of the IPM, I shall summarize the facts surrounding the research question whether or not in the long run the drawbacks of the IPM pose a major obstacle to the enhancement of both transparency and democracy within the European Union.

## 5 Conclusion

This paper studied the quality and usage of e-services offered by the IPM with a specific focus on their effects on both transparency and democratic participation within the European Union. My objectives were to identify the effectiveness of two consultations, retrieved from the IPM platform, by analysing the level of both the government-public interactivity and transparency. As the findings show, the question is no longer whether the EU is represented online but how it attempts to achieve enhanced democratic participation and increased transparency. Via the IPM platform, citizens, stakeholders and businesses are theoretically able to give feedback and to comment on specific proposals via the consultation mechanism, depending on whether the consultation is open, selective or closed. The Commission is able to see what kind of comments have been issued by the participants in a structured manner, thereby “allowing more rapid and targeted responses to emerging issues and problems” (iDABC, 2007). At the same time, the Commission may publish the steps as to how it intends to proceed with the aim to keep the respondents updated and to render itself more accountable. Both the design and the operationalization of the procedures increase the ability of participants to call the Commission to account. The IPM is aimed at evaluating the impact of policies and more importantly, providing more accountability to citizens and stakeholders by enabling governments at regional, national and European level to act as a listening ear. However, the Commission makes only a limited number of consultations and reports publicly accessible, thereby often failing to mention the selection criteria. This may decrease both the ability to hold the Commission to account and transparency.

Respondents often express their concern that only the elite and those enrolled in the Transparency Register are able to effectively communicate with the Commission, excluding the average citizens. So far, although only two consultations were analysed in this paper, the additional research of other consultations confirms the rather low level of participation. Participation rates are not only influenced by the format, meaning whether the questionnaires are standardized, semi-standardized or open, but also by the insufficient promotion, the short period of time and the digital divide. Consequently, the already existing inequities might be fostered, widening the gap between the privileged and those left behind.

Traditional patterns of participation in EU consultations seem to prevail, particularly with regard to the dominance of older EU member states and the over-representation of associations relative to the population. Despite the chance of equal access, the IPM is still far away from inclusiveness and equal representation. Although the IPM offers an equal

chance of participation, “factual participation is biased” (Quittkat, 2011, p.671). According to Heald et al. (2006) transparency is only effective if the receptors are able to process and digest the provided information (p.30). As indicated by the respondents, the data are often incomprehensible and therefore only accessible for a particular elite. Additionally, the Commission’s record on publishing contributions and reports is rather weak and therefore an obstacle to the principle of transparency.

Dealing with the issue of transparency and democratic participation I suggest that, the Commission needs to improve both the publication of reflective reports and the promotion of its consultations on websites that are frequently accessed by both citizens and enterprises. Particularly the interests of citizens shall be taken into consideration by addressing topics and issues in a comprehensible manner that are of relevance to the EU population. Participants need to have the guarantee that their voices are being heard and acted upon, as otherwise participation risks to decrease. As long as inclusiveness is not ensured and it “remains unclear who contributes how to the consultation process and how and why arguments are accepted or dismissed, the story of OC remains only one of very confined success” (Quittkat, 2011, p.672). If the Commission, however, succeeds in overcoming these issues, the IPM may constitute a good starting point to enhance both the involvement of citizens and the dialogue between them and Brussels, thereby decreasing the democratic deficit and increasing public trust in EU institutions.

Up to now, the IPM has remained a supplemental tool to traditional methods of information- and service provision, consultation, public participation and increased transparency. Over time, it may become a powerful means of transformation, having advantages that are impossible in the offline world, such as interactive policy consultations, 24/7 accessibility and the dissemination of vast amounts of information. The IPM may be used to refocus the attention on how to collaborate effectively with the public, by allowing for quantitative surveys that indicate the preferences of each participant.