FROM PETITION TO POLICY: AN ANALYSIS OF THE TEN SUCCESSFUL EUROPEAN CITIZENS' INITIATIVES

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The European Citizens' Initiative (ECI) was introduced by the Lisbon Treaty as the EU's first instrument of transnational participatory democracy, designed to bring citizens closer to the Union's legislative process. Yet more than a decade after its launch, doubts persist about its practical influence. This article examines the extent to which the legal framework governing the ECI obliges the European Commission to act, and how effective successful initiatives have been in shaping Union legislation. It argues that while the ECI formally secures citizens a procedural right to be heard, it does not confer a substantive right to obtain legislation. Through an analysis of ten initiatives that have met all procedural thresholds since 2012, this article identifies three recurring patterns in the Commission's practice. First, policy alignment allows initiatives to influence existing legislative agendas. Second, constitutional and competence limits prevent action in ethically or legally sensitive areas. Third, temporal deferral enables the Commission to meet procedural obligations while postponing substantive commitments. Together, these patterns show that the Commission's discretion both enables and constrains participatory democracy. The ECI functions less as a tool of direct lawmaking than as a mechanism of constitutional mediation. It channels citizen input into structured institutional dialogue, increasing visibility and accountability without displacing institutional prerogatives. The conclusion reflects on what this balance between inclusion and discretion means for the EU's democratic legitimacy and the evolving relationship between citizens and institutions.

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1. INTRODUCTION

Democracy is never irrelevant, but in today's Europe, its vitality appears increasingly fragile.[1] Across the continent, citizens express growing distrust in political institutions and dissatisfaction with how democracy functions.[2] A 2023 Ipsos poll found that half of Europeans are dissatisfied with the functioning of democracy, while the most recent Eurobarometer reports that nearly 50% of EU citizens do not trust the Union.[3] These are not abstract figures, but reflect a deepening democratic deficit at the heart of European governance.

Against this background, the Lisbon Treaty sought to strengthen the participatory dimension of the EU.[4] Article 11(4) of the Treaty of the European Union (TEU) introduced the ECI as a novel instrument intended to bring citizens closer to EU decision-making.[5] By allowing one million citizens from at least seven Member states to invite the European Commission to propose legislation, the ECI offered a formal channel for bottom-up engagement with the legislative process.[6] It was conceived as a remedy to the EU's legitimacy challenge, a mechanism to transform petitions into policy and render citizen's voices consequential in the Union's legal order.[7]

Expectations were high. The ECI was hailed as "a revolution in disguise," premised on the belief that one million signatures would inevitably carry weight.[8] In practice, however, the instrument has faced sustained criticism for

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1 While writing this thesis, AI has been used as a writing assistant (ChatGPT) and translator (Deepl.com). Questions that have been asked are: 'Translate', 'Rephrase' and 'Check on spelling errors'. None of the generated text was taken verbatim.

2 Massimiliano Masherini, Trust in crisis: Europe's social contract under threat, Eurofound, 2 May 2025, https://www.eurofound.europa.eu/en/blog/2024/trust-crisis-europes-social-contract-under-threat, accessed 27 December 2025; Roberto Foa and others, The Global Satisfaction with Democracy Report 2020 (2020) Cambridge Centre for the Future of Democracy; See also the so called 'Deliberative Wave': Innovative Citizen Participation and New Democratic Institutions, OECD, 10 June 2020, https://www.oecd.org/en/publications/innovative-citizen-participation-and-new-democratic-institutions_339306da-en.html, accessed 27 December 2025.

3 Heading into the biggest election year ever, satisfaction with democracy is low, Ipsos, 12 December 2023, https://www.ipsos.com/en/heading-biggest-election-year-ever-satisfaction-democracy-low, accessed 27 December 2025; New Eurobarometer survey shows record high trust in the EU in recent years, European Commission, 29 November 2024, https://ec.europa.eu/commission/presscorner/detail/en/ip_24_6126, accessed 27 December 2025.

4 Consolidated version of the Treaty of the European Union of 26 October 2012, OJ C 326/13.

5 Democratic deficit, EUR-Lex, https://eur-lex.europa.eu/EN/legal-content/glossary/democratic-deficit.html, accessed 27 December 2025.

6 Jürgen Habermas, Three normative models of democracy (1994) 1 Constellations 1; Erik Longo, The European Citizens' initiative: too much democracy for EU polity? (2019) 20 German Law Journal 183.

7 Eleni Ilia, Casting votes into the void: an empirical study of the twelve years of the European Citizens' Initiative (2024) 3 Nordic Journal of European Law 51.

8 Dominik Hierlemann and Anna Wohlfarth, A Revolution in Disguise: The European Citizens' Initiative (2010) 7 Spotlight Europe 7.

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its weak legal consequences, the absence of binding institutional obligations, and the limited legislative impact of successful initiatives.[9] This article addresses the gap between aspiration and practice by asking: to what extent does the legal framework governing the ECI oblige the Commission to act, and how effective have successful initiatives been in influencing Union legislation?

This question matters because the ECI represents the only formal mechanism for direct citizen participation at the EU level. If it fails to deliver meaningful influence, the Union's participatory promise risks becoming symbolic, deepening rather than alleviating its democratic deficit. Examining how the ECI operates in practice therefore sheds light not only on the instrument itself, but also on whether the EU's democratic architecture can genuinely accommodate bottom-up input in legislative processes.

To answer this question, the article combines a doctrinal analysis of the ECI's legal framework with a comparative study of the ten successful initiatives as of September 2025. Focusing on these cases allows a precise evaluation of how the ECI functions when it reaches its full procedural potential. Each initiative has triggered a formal response from the Commission, offering valuable evidence of how legal obligations interact with institutional discretion and political context.

Ultimately, the article argues that while the ECI formally grants citizens access to the legislative agenda, its design and interpretation confine its transformative capacity. It functions more as a deliberative and agenda-setting mechanism than as a tool of direct legislative influence, revealing the EU's preference for managed participation within constitutional limits.

To situate this inquiry within the existing academic debate, the next section briefly outlines how the ECI has been approached in the literature and identifies the gap this article seeks to address.

2. STATE OF THE ART

Since its introduction, the ECI has attracted wide academic attention as a democratic innovation within the EU's constitutional framework. Early analyses highlighted its potential to enhance participatory democracy and to foster

[9] Diego González Cadenas, Facing Democratic Crisis in the EU: the new ECI Regulation (2020) 9 Global J Comp L; Justin Greenwood, The European Citizens' Initiative: bringing the EU closer to its citizens? (2019) 17 Comparative European Politics; Anastasia Karatzia, The European Citizens' Initiative and the EU institutional balance: On realism and the possibilities of affecting EU lawmaking (2017) 54 Common Market Law Review; Nikos Vogiatzis, Between discretion and control: Reflections on the institutional position of the Commission within the European citizens' initiative process (2017) 23 European Law Journal; Julia De Clerck-Sachsse, Civil Society and Democracy in the EU: The Paradox of the European Citizens' Initiative (2012) 13 Perspectives on European Politics and Society.

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transnational civic engagement.[10] Others examined its institutional origins and design, tracing how it emerged during the Convention on the Future of Europe and was shaped by political compromise.[11] Comparative studies also situated the ECI among national citizens' initiative models, underlining its hybrid nature as a supranational participatory mechanism.[12]

However, after the adoption of Regulation (EU) No 211/2011, scholarship shifted toward more critical assessments.[13] A recurring concern has been the Commission's broad discretion and the limited legislative impact of successful initiatives. Karatzia showed that while the ECI increases transparency and access, it offers no substantive guarantee of legislative follow-up.[14] Longo similarly argued that the mechanism's procedural character risks rendering participation merely symbolic unless its follow-up obligations are strengthened.[15]

More recent work has revisited the instrument under Regulation (EU) 2019/788,[16] which sought to simplify procedures and enhance institutional responsiveness.[17] Christopoulou's analysis of the 2023 ECI Review Report notes an emerging trend toward structured follow-up and integration into broader policy consultations.[18] Yet even these studies tend to focus on procedural reforms rather than on the legal and constitutional consequences of initiatives that have actually succeeded.

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10 Bruno De Witte and others, Legislation after Lisbon: New Opportunities for the European Parliament (EUDO 2010) 5–31; Maximilian Conrad, The European Citizens' Initiative, Transnational Democracy in the EU at last? (2011) Icelandic Review of Politics and Administration 5–22; Elizabeth Monaghan, Assessing Participation and Democracy in the EU: The Case of the European Citizens' initiative (2012) 13 Perspectives on European Politics and Society 285–298.

11 Dorota Szeligowska and Elitsa Mincheva, The European Citizens' Initiative – Empowering European Citizens within the Institutional Triangle: A Political and Legal Analysis (2012) 13 Perspectives on European Politics and Society 270–284.

12 Víctor Cuesta-López, A Comparative Approach to the Regulation on the European Citizens' Initiative (2012) 13 Perspectives on European Politics and Society 257–269.

13 Natassa Athanasiadou, The European citizens' initiative: Lost in admissibility? (2019) 26 Maastricht Journal of European and Comparative Law 183–189; Pawel Glogowski and Andreas Maurer, The European Citizens' Initiative: Chances, Constraints and Limits (2013) IHS Political Science Series 134.

14 Anastasia Karatzia (n 9) 177–208.

15 Erik Longo (n 6) 181–200.

16 Regulation (EU) No 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative, OJ L 130/55.

17 Natassa Athanasiadou, The European citizens' initiative: Lost in admissibility? (2019) 26 Maastricht Journal of European and Comparative Law 183–189; Pawel Glogowski and Andreas Maurer, The European Citizens' Initiative: Chances, Constraints and Limits (2013) IHS Political Science Series 134.

18 Antonia-Evangelia Christopoulou, Towards a Golden Age of the European Citizens' Initiative?, European Law Blog, 30 January 2024, https://www.europeanlawblog.eu/pub/oqrjrv7h/release/1, accessed 27 December 2025; Report from the Commission to the European parliament and the Council on the application of Regulation (EU) 2019/788 on the European citizens' initiative, European Commission COM(2023) 787.

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This article addresses that gap by offering a legal analysis of the ten successful ECIs as of September 2025. By examining how the Commission has interpreted its obligations and exercised its discretion in these cases, it assesses the ECI's capacity to transform citizen participation into legislative influence under the current framework. The focus thus shifts from the design of the mechanism to its constitutional operation in practice.

3. THE LEGAL FRAMEWORK AND RELEVANT CASE LAW: THE PROCEDURAL NATURE OF THE COMMISSION'S OBLIGATIONS

To assess how the ECI functions in practice, it is first necessary to outline its legal foundations and the key jurisprudence defining the Commission's discretion. While the origins of the ECI lie in nation national citizens' initiatives,[19] the ECI itself is rooted in Article 11(4) TEU and Article 24(1) of the Treaty on the Functioning of the European Union (TFEU), which guarantees citizens access to the policy agenda. However, article 17(2) TEU still preserves the Commissions exclusive right of legislative initiative. The procedural framework of the ECI is further set out in Regulation (EU) No 211/2011.[20] This was later replaced by Regulation (EU) 2019/788, as an answer towards criticism about practical hurdles such as complex signature collection, uneven national rules, and limited Commission follow-up.[21] It aimed to simplify procedures, expand accessibility, and strengthen support for organisers.[22]

Under the current regulation, a citizens' committee of at least seven EU citizens from seven Member States may register an initiative with the Commission. Registration may be refused only if the initiative falls outside EU competences or violates EU values.[23] Once registered, organisers have 12 months to collect at least one million statements of support across a minimum seven Member States,[24] either on paper or via the Commission's certified online system.[25] National authorities verify the signatures, after which the organisers formally

[19] Maaike Geuens, Het Europees burgerinitiatief: oude (nationale) wijn in nieuwe Europese zak? (2022) Tijdschrift voor Europees en economisch recht 502–503.
[20] Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, OJ L 65/1.
[21] Report from the Commission to the European Parliament and the Council on the application of Regulation (EU) No 211/2011 on the citizens' initiative, COM (2015) 145 final; Report from the Commission to the European Parliament and The Council on the application of Regulation (EU) No 211/2011 on the citizens' initiative COM(2018) 157 final.
[22] Regulation 2019/788 (n 16); Recital 5 ECI Regulation.
[23] Article 5 and 6 ECI Regulation.
[24] Article 8 ECI Regulation.
[25] Article 8 ECI Regulation.

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submit the initiative.[26] This triggers a meeting with the Commission, a public hearing in the European Parliament, and ultimately a Commission communication outlining its legal and political conclusions. While these steps ensure procedural transparency and accessibility, the Commission retains full discretion over whether to propose legislation.[27]

Case law has confirmed the procedural, rather than substantive, character of the ECI. In *Puppinck*, the Court of Justice of the EU (CJEU) held that the Commission's obligations are strictly procedural: it must engage, explain, and justify, but it retains full discretion not to legislate.[28] Similarly, the General Court in *Minority SafePack*[29] and *Efler*[30] emphasized that this discretion is bounded only by principles of transparency, proportionality, and judicial review, particularly at the registration stage. These rulings underscore that the ECI secures citizens a right to be heard, to receive reasoned responses, and to challenge arbitrary refusals, while leaving substantive legislative decisions firmly with the Commission.[31]

This jurisprudence defines the constitutional perimeter within which the Commission's discretion operates, a space where procedural obligations coexist with substantive autonomy, and where the patterns examined in Section 5 take shape.

4. ANALYTICAL CONCEPTS

To assess how the ECI operates in practice, it is not sufficient to examine its formal legal structure alone. The ECI's impact depends on how the Commission interprets and applies its discretion within broader institutional and political contexts. Legal obligations define the framework, but they do not fully explain why some initiatives succeed in shaping policy while others do not. To capture these dynamics, this article employs three analytical concepts – policy alignment, constitutional and competence limits, and temporal deferral – which together shed light on the interaction between law, politics, and institutional practice. These terms provide the analytical tools to evaluate how procedural participation translates, or fails to translate, into legislative influence.

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26 Article 12 ECI Regulation.
27 Article 12–14 ECI Regulation.
28 Case C-418/18, Patrick Grégor Puppinck and Others v European Commission, EU:C:2019:1113.
29 Case T-646/13, Bürgerausschuss für die Bürgerinitiative Minority SafePack – one million signatures for diversity in Europe v European Commission, EU:T:2017:59.
30 Case T-754/14, Michael Efler and Others v European Commission, EU:T:2017:323.
31 Balázs Tárnok, 'European Minorities Win a Battle in Luxembourg – The Judgment of the General Court in the Case Minority SafePack European Citizens' Initiative' (2017) 16 Journal on Ethnopolitics and Minority Issues in Europe, (79) 79–80.

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Policy alignment refers to the degree to which an initiative's objectives correspond with the Commission's existing policy priorities and strategic frameworks. Drawing on agenda-setting theory,[32] it captures how citizen demands resonate with ongoing legislative or policy trajectories, such as the Green Deal or the Farm to Fork Strategy.[33] Policy alignment reflects strategic compatibility rather than legal conformity: initiatives are more likely to generate institutional responses when their normative claims complement the Commission's priorities,[34] as illustrated by *Right2Water*, *Stop Glyphosate*, and *End the Cage Age*. Within the constitutional framework of Article 17(2) TEU, such alignment explains how initiatives can exert influence without expanding legal powers, by transforming citizen input into policy discourse that fits established institutional agendas.[35]

Secondly, constitutional and competence limits refer to the structural boundaries that define the permissible scope of citizen participation within the European Union's legal order. Derived from the Treaties' foundational principles of conferral, subsidiarity, and proportionality,[36] these limits delineate the space in which the ECI can operate. Under Article 17(2) TEU, the Commission retains the exclusive right of legislative initiative; consequently, the ECI provides procedural access to agenda-setting but cannot compel substantive legislative action.[37] Initiatives that fall outside EU competences, or that raise ethically sensitive or Member State-dependent issues, illustrate the hard boundaries imposed by constitutional and competence constraints.

Additionally, temporal deferral describes the institutional practice of postponing substantive decision-making through procedural engagement. By conducting consultations, assessments, or reviews, the Commission fulfils its formal obligations under the ECI framework while deferring concrete legisla-

[32] See for instance: Frederik Stevens and Evelien Willems, Institutions, public opinion, and advocacy camps: how interest groups benefit from supportive alignments to gain agenda-setting influence (2023) 32 Journal of European Public Policy, 264–295; Nicolle Zeegers, The European Citizens' Initiative: how to establish the influence it gives over the European Union's agenda?, in Jan van der Harst, Gerhard Hoogers and Gerrit Voerman (eds), European Citizenship in Perspective: History, Politics and Law, Edward Elgar Publishing, 2018, 137–156.

[33] Justin Greenwood, The European Citizens' Initiative: bringing the EU closer to its citizens? Comparative European politics (940) 949.

[34] Thomas Cristiansen and Christine Neuhold, Informal Politics in the EU (2013) Journal of Common Market Studies (1) 4.

[35] Nikos Vogiatzis, Between discretion and control: Reflections on the institutional position of the Commission within the European citizens' initiative process (2016) European Law Journal 250.

[36] For more information, see Paul Craig and Gráinne de Búrca, EU Law: Text, Cases, and Materials, OUP, 2020.

[37] Erik Longo (n 6); Dorota Szeligowska and Elitsa Mincheva, The European Citizens' Initiative–Empowering European Citizens within the Institutional Triangle: A Political and Legal Analysis, (2012) 13 Perspectives on European Politics and Society 56.

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tive outcomes. Unlike competence-based rejection, temporal deferral preserves procedural legitimacy and responsiveness yet delays or dilutes the translation of citizen demands into binding law.[38] Cases such as *Fur Free Europe* and *Stop Finning* demonstrate how temporal deferral allows the Commission to manage citizen expectations while maintaining institutional control.

Together, these concepts provide the lens through which the ten successful ECIs are analysed in the following sections. They allow for a nuanced understanding of how procedural participation, constitutional limits, and strategic timing interact to shape the real-world influence of citizen initiatives on EU legislative processes.

5. THE PRACTICE OF DISCRETION: TEN ECIS AND THEIR DIVERGENT OUTCOMES

5.1 Introduction

The legal framework and case law confirm that the ECI secures citizens a procedural right to be heard, but not a substantive right to obtain legislation. The Commission's discretion remains the decisive factor, constrained only by duties of transparency, justification, and judicial review at the margins. This raises the key question: what does this discretion mean in practice? To answer this, it is necessary to examine the record of successful initiatives. Since 2012, ten ECIs have crossed the demanding thresholds of registration, signature collection, and verification.[39] These range from social rights demands (*Right2Water*'s call for water as a human right), regulatory bans (*Stop Glyphosate*'s herbicide prohibition, *End the Cage Age*'s farming restrictions), ethical positions (*One of Us* on embryo research funding), competence-sensitive issues (*Minority SafePack*'s minority rights protections), to environmental and animal welfare concerns (*Stop Vivisection*, *Save Bees and Farmers*, *Stop Finning*, *Save Cruelty Free Cosmetics*, *Fur Free Europe*). Commission responses have varied from legislative commitments to outright rejection, creating distinct patterns of institutional engagement. By analysing their outcomes, one can assess whether the instrument functions as a meaningful channel for citizen influence or whether, despite its procedural guarantees, it risks remaining largely symbolic.

The following analysis identifies three recurring patterns in the Commission's practice. Some initiatives succeed by aligning with existing policy trajectories (Section 5.2), others are constrained by competence or ethical limits

[38] For more information, see: Klaus H. Goetz and Jan-Hinrik Meyer-Sahling, Political time in the EU: dimensions, perspectives, theories (2009) Journal of European Public Policy 180.

[39] For more info, see Find Initiative – Answered Initiatives, European Citizens' Initiative, https://citizens-initiative.europa.eu/find-initiative_en?STATUS[0]=ANSWERED, accessed 27 December 2025.

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(Section 5.3), while more recent cases reveal a tendency toward procedural engagement and temporal deferral (Section 5.4). Together, these patterns show how the Commission exercises its discretion within, and sometimes against, the participatory ambitions of the ECI.

5.2 Agenda-Setting Success Through Policy Alignment

The constitutional design of the ECI creates a procedural channel that secures citizen access to EU decision-making while preserving the Commission's right of initiative under Article 17(2) TEU. In practice, however, its influence arises less from autonomous lawmaking and more from strategic alignment with pre-existing policy trajectories. Initiatives such as *Right2Water*, *Stop Glyphosate*, and *End the Cage Age* illustrate how ECIs acquire constitutional relevance by shaping the policy agenda when citizen demands intersect with institutional priorities, even where formal legislative requests are rejected.

The effectiveness of these initiatives derives from their ability to exploit legal "windows of opportunity" within ongoing legislative processes.[40] Thereby they could transform external citizen pressure into internal policy discourse. *Right-2Water* exemplifies this dynamic: its demand to exclude water services from liberalization coincided with Commission concerns during the Concessions Directive negotiations, creating a legal opening for influence.[41] The eventual exclusion of water services from Directive 2014/23/EU in 2013 illustrates how ECIs can steer legislative interpretation without expanding competences.[42]

A similar pattern is visible in *Stop Glyphosate*. Although the Commission rejected the call for an outright ban, citing scientific evidence and Member State competence, it responded to transparency demands by amending Regulation (EC) 178/2002, the so-called General Food Law.[43] This resulted in the adoption

[40] Iurii Perga, Political Participation as a European Value: the role of civic engagement in shaping european union policy (2025) 35 Актуальні питання у сучасній науці/Current issues in Modern Science 246.

[41] Directive 2014/23/EU of the European Parliament and of the Council on the award of concession contracts 2014] OJ L 94/1; Juan José Ruiz, The Right2Water Initiative: the human right to water in the EU among social sustainability, vulnerable groups and exclusion of management benefits in Serena Baldin and Sara De Vido (eds), Environmental Sustainability in the European Union: Socio-Legal Perspectives EUT 2020, 137; Press Release: 'Right2water citizens' initiative: Commission must act, say MEPs; European Parliament, 25 June 2015, https://www.europarl.europa.eu/news/en/press-room/20150625IPR70912/right2water-citizens-initiative-commission-must-act-say-meps, accessed 27 December 2025.

[42] Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption OJ L 435/1.

[43] European Commission, 'Communication on the European Citizens' Initiative "Ban glyphosate and protect people and environment from toxic pesticides' (Communication) C(2017) 8414 final, 6-12. More concretely, it cited the conclusions of the European Food Safety Authority (EFSA) and the European Chemicals Agency (ECHA), which both determined that glyphosate could not be classified as a carcinogen. The Commission also pointed out

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of Regulation (EU) 2019/1381 on Transparency and Sustainability of the EU Risk Assessment in the Food Chain.[44] This illustrates how ECIs can constitutionalize procedural safeguards within existing frameworks.

Furthermore, *End the Cage Age* represents a particularly illustrative case of agenda-setting success through policy alignment. Following extensive public mobilisation and cross-sectoral advocacy, the initiative achieved an unprecedented institutional response: in June 2021, the European Commission committed to propose legislation phasing out cages for all species listed in the ECI by the end of 2023, integrating this goal into the Farm to Fork Strategy.[45] This could be marked a significant moment of policy convergence, which translates citizen demands into formal legislative commitments. However, despite a completed impact assessment and public consultation, the legislative proposal did not materialise by the announced deadline.[46] While this delay triggered criticism, an inquiry by the European Ombudsman, and a 2024 lawsuit by civil society actors, the issue remains politically salient.[47] Stakeholders have continued to work toward a 2026 phase-out target.[48] This underscores both the ECI's enduring influence on EU policy agendas and the fragility of translating political commitments into binding law.

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that pesticide product authorisation falls under Member State competence, further justifying the lack of legal grounds for a ban. Instead, it extended the EU approval of glyphosate for five years. The Commission noted that this is much shorter than the maximum 15 years permitted through an implementing regulation.

44 Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain and amending Regulations (EC) No 178/2002, (EC) No 1829/2003, (EC) No 1831/2003, (EC) No 2065/2003, (EC) No 1935/2004, (EC) No 1331/2008, (EC) No 1107/2009, (EU) 2015/2283 and Directive 2001/18/EC, OJ L 231/1.

45 European Commission, 'Communication from the Commission on the European Citizens' Initiative (ECI) 'End the Cage Age' (Communication) C(2021) 4747 final; Press Release: European Citizens' Initiative: Commission to propose phasing out of cages for farm animals, European Commission, 30 June 2021, https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3297, accessed 27 December 2025.

46 European Commission, 'Working Document: Fitness Check of the EU Animal Welfare legislation' (2022) SWD(2022) 328 final; Time to End the Cage Age, End the Cage Age, https://www.endthecageage.eu/en/, accessed 27 December 2025.

47 European Ombudsman Emily O'Reilly, Decision on how the European Commission responded to the European Citizens' Initiative 'End the Cage Age (2024) 2287/2023/EIS: the Ombudsman closed he inquiry after determining that the case is also subject to legal proceedings at the moment; Case T-151/24, End the Cage Age v Commission, Action brought on 16 March 2024.

48 Such as with the Strategic Dialogue on the Future of EU Agriculture: 'Strategic dialogue on the future of EU agriculture, European Commission, https://commission.europa.eu/topics/agriculture-and-rural-development/strategic-dialogue-future-eu-agriculture_en, accessed 27 December 2025; 'Vision for Agriculture and Food, European Commission, https://agriculture.ec.europa.eu/overview-vision-agriculture-food/vision-agriculture-and-food_en, accessed 27 December 2025.

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These examples reveal a recurring constitutional pattern: while primary demands are often rejected, alternative achievements emerge through doctrinal reinterpretation or policy reframing. *Right2Water*'s call for recognition of a human right to water was formally declined, yet Directive (EU) 2020/2184 explicitly invoked the initiative to strengthen access obligations. Moreover, *Stop Glyphosate*'s rejected ban nonetheless found indirect expression in the *Farm to Fork* pesticide reduction targets. *End the Cage Age*, despite its strong integration, conversely also exposed the constitutional limits of institutional commitment when the Commission missed its 2023 deadline, prompting Ombudsman scrutiny and litigation. These developments nevertheless show how ECIs can constitutionalize citizen concerns by generating justiciable expectations that activate accountability mechanisms.

The constitutional significance of ECIs also lies in their ability to catalyse inter-institutional engagement. European Parliament resolutions supporting *Right2Water* and *End the Cage Age* reinforced citizen claims by conferring political legitimacy beyond the Commission's discretion.[49] Similarly, litigation linked to *End the Cage Age* underscores that judicial review may enforce implementation obligations rather than question competences, embedding ECIs within a broader constitutional accountability network.

Overall, the ECI's effectiveness depends less on creating new competences than on strategically positioning citizen concerns within existing institutional frameworks. Its democratic legitimacy stems not from direct lawmaking but from enhancing constitutional dialogue, influencing legal interpretation, and embedding citizen priorities into inter-institutional discourse. The ECI thus functions as a constitutional mediation mechanism: it channels citizen demands into the EU's decision-making fabric, achieving significance through integration rather than independence.

Yet, not all initiatives find such openings for policy alignment. Many confront the structural boundaries of the EU's constitutional order, where questions of competence, subsidiarity, or ethical sensitivity leave little room for reinterpretation. The next section examines these limits and how they define the outer edges of participatory influence.

5.3 Constitutional and Competence Limits

Citizen initiatives in the EU frequently encounter constitutional barriers grounded in competence rules, ethical sensitivities, and domains linked to national sovereignty. The initiatives *One of Us*, *Stop Vivisection*, and *Minority SafePack* illustrate how the principles of subsidiarity, proportionality, and lim-

[49] Juan José Ruiz (n 41) 137; European Parliament, Resolution of 10 June 2021 on the European Citizens' Initiative 'End the cage age' (2021) P9_TA(2021)0295.

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ited competence function as decisive limits on the ECI. These cases show that citizen mobilisation, even when numerically impressive, cannot override constitutional boundaries.

The *One of Us* initiative, launched in 2012, attracted more than 1.7 million signatures calling for an end to EU funding of research involving human embryos.[50] The Commission rejected it in its entirety, reasoning that existing law already maintained a careful balance between scientific freedom, ethical standards, and human dignity.[51] Neither Parliament nor Council took up the demand. Litigation followed, but both the General Court and the Court of Justice confirmed the Commission's broad discretion.[52] They held that the ECI guarantees procedural participation but does not constrain the Commission's substantive right of initiative under Article 17(2) TEU.[53] The initiative ultimately produced no legal change, but it crystallised the ECI's structural limit: citizen input cannot displace established constitutional balance in ethically divisive fields.

Stop Vivisection was launched the same year and sought repeal of Directive 2010/63/EU, demanding a full ban on animal testing.[54] The Commission again rejected the request, pointing out that the directive already commits to phasing out animal testing when scientifically feasible.[55] Instead of legislative revision, it pledged stricter implementation of the "Three Rs" (Replacement, Reduction, Refinement), more support for alternatives, and intensified dialogue with researchers.[56] A 2016 scientific conference titled *Non-Animal Approaches – The Way Forward* symbolised this commitment.[57] Yet the directive remained unchanged, Parliament did not act further, and the Ombudsman later upheld

50 Agnieszka Parol, 'The European Citizens' Initiative "One of Us". A Gloss to the Judgment of the CJEU of 19 December 2019 in Case C-418/18 P. Puppinck and Others v Commission' (2024) 56 Review European and Comparative Law 242.

51 Commission, Communication on the European Citizens' Initiative "One of Us" (Communication) COM(2014) 355 final.

52 To reiterate, in One of Us v Commission (T-561/14 and C-418/18 P), the EU courts upheld the Commission's discretion and confirmed that a successful ECI does not create any obligation to initiate legislation. Instead, the ECI was reaffirmed as a tool for democratic dialogue, not legislative entitlement.

53 Case C-418/18, Puppinck and others v Commission, EU:C:2019:1113; Case T-561/14, European Citizens' Initiative One of Us v European Commission, EU:T:2018:210, para 103–118.

54 Backed by more than 250 animal protection organizations, scientific networks, and businesses operating in the cruelty-free sector, Stop Vivisection garnered over 1.17 million validated signatures; Success Story: Stop Vivisection, European Citizens' Initiative Forum, https://citizens-initiative-forum.europa.eu/document/stop-vivisection_en, accessed 27 December 2025.

55 Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes, OJ L 276/33.

56 Ibid.

57 Mieczysława Zdanowicz, The European citizens' initiative. Over one million support, and what next? (2019) 4 Przegląd Europejski 40.

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the Commission's discretion. This case demonstrates how initiatives in science-heavy regulatory fields often yield procedural assurances and symbolic gestures, while substantive legislative change remains out of reach.

Furthermore, the *Minority SafePack* initiative, submitted in 2017, demanded nine measures to strengthen minority rights, ranging from cultural and linguistic protections to anti-discrimination legislation.[58] The European Parliament endorsed the proposals,[59] but in January 2021 the Commission rejected them all, citing either lack of competence or sufficiency of existing frameworks such as the Charter of Fundamental Rights and the EU Roma Strategic Framework.[60] Organisers challenged the decision, but both the General Court and the Court of Justice upheld the Commission's discretion.[61] Despite broad mobilisation, particularly in regions with strong minority populations,[62] the initiative achieved no legislative outcome. Its trajectory illustrates how subsidiarity and competence limits operate as absolute barriers, even in the face of political support.

Across these cases, the courts have reinforced rather than constrained the Commission's discretion, confirming that the ECI provides only procedural rights. Judicial and administrative review focus on whether the Commission gives reasons, not on the substance of decisions. The Ombudsman's endorsement of the *Stop Vivisection* response reflects the same pattern: procedural accountability substitutes for substantive control. In practice, this jurisprudence entrenches a constitutional hierarchy where institutional autonomy outweighs democratic demands.

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58 Minority SafePack – one millions signatures for diversity in Europe, European Citizens' Initiative, https://citizens-initiative.europa.eu/initiatives/details/2017/000004/minority-safepack-one-million-signatures-diversity-europe_en, accessed 27 December 2025.

59 ECI Hearing on 'Minority Safepack – one million signatures for diversity in Europe, European Parliament, https://www.europarl.europa.eu/committees/en/eci-hearing-on-minority-safepack-one-mil/product-details/20200928CHE07522, accessed 27 December 2025; European Parliament, 'Resolution of 17 December 2020 on the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe' (2020) P9_TA(2020)0370: The resolution emphasized the importance of revitalizing the ECI instrument and called on the Commission to respond positively to the demands of over a million EU citizens.

60 Such as the Charter of Fundamental Rights, the EU Roma Strategic Framework, Erasmus+, and Creative Europe, already addressed the initiative's goals; European Commission, 'Communication on the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe' (Communication) C(2021) 171 final.

61 Case C-26/23 P, Citizens' Committee of the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe' v European Commission, EU:C:2025:407; Case T-158/2, Citizens' Committee of the European Citizens' Initiative 'Minority SafePack – one million signatures for diversity in Europe' v European Commission, EU:T:2022:696; Katharina Crepaz, 'The European citizens' initiative (ECI) – Bottom-up participation through social movements – lessons learned and ways forward for the Minority Safepack initiative' in Kyriaki Topidi and Eugenia Relaño Pastor (eds) Minority Rights and Social Change, Routledge, 2024, 185–186.

62 Minority SafePack – one millions signatures for diversity in Europe, European Citizens' Initiative, https://citizens-initiative.europa.eu/initiatives/details/2017/000004/minority-safepack-one-million-signatures-diversity-europe_en, accessed 27 December 2025.

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The Commission's handling of these initiatives also shows strategies of constitutional deflection and isolation. Instead of engaging with substantive proposals, it often channels initiatives into technical consultations or symbolic events, as in *Stop Vivisection*, or leaves them without follow-up, as in *One of Us*. Even sustained legal contestation, as in *Minority SafePack*, has so far failed to alter this dynamic.

Taken together, these experiences show that the ECI clarifies rather than expands the scope of democratic participation in the EU. Success depends not on the scale of citizen mobilisation but on whether proposals fit existing competences. The mechanism's constitutional role lies in setting boundaries: it affirms that citizen participation is possible, but only within limits that preserve legal clarity and institutional prerogatives. The ECI thus functions less as an instrument of direct citizen lawmaking than as a channel for regulated input within the EU's constitutional order.

The cases above reveal how the legal framework of the ECI defines both its power and its fragility. Judicial and administrative review protect procedural participation but leave substantive discretion untouched. As a result, Commission practice has evolved: rather than rejecting initiatives purely on competence grounds, it increasingly manages them through procedural engagement and extended timelines. This development signals a shift from substantive denial to temporal deferral; a pattern explored in the next section.

5.4 Procedural Constitutional Engagement and Strategic Temporal Deferral

Alongside the competence-based limits (Section 5.3) and the agenda-filtering mechanisms (Section 5.2), a third constitutional pattern has become visible in the most recent wave of ECIs. Rather than rejecting initiatives outright on grounds of competence or substantive incompatibility, the Commission increasingly relies on procedural and temporal strategies. Through assessments, consultations, and scientific reviews, the Commission fulfils its formal obligations under the ECI framework while deferring or diluting substantive commitments. This mode of response preserves institutional autonomy yet maintains democratic appearance through process. *Save Bees and Farmers* (2019), *Stop Finning* (2020), *Save Cruelty Free Cosmetics* (2021), and *Fur Free Europe* (2022) provide clear illustrations.

Save Bees and Farmers demonstrates both the ambition of citizen demands and the fragility of procedural accommodation. This initiative sought an 80 per cent reduction in synthetic pesticide use by 2030, a complete phase-out by 2035, and support for agroecological farming.[63] In April 2023 the Commis-

[63] Full name: '*Save Bees and Farmers! Towards a bee-friendly agriculture for a healthy environment*'; Success Story: Save Bees and Farmers!, European Citizens' Initiative Forum, https://citizens-

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sion welcomed the initiative but declined to propose new legislation, pointing instead to the pending Sustainable Use of Pesticides Regulation and the Nature Restoration Regulation.[64] Organisers criticised this as insufficient, and their scepticism was borne out when President von der Leyen withdrew the pesticide regulation in February 2024.[65] What appeared as responsive engagement thus turned into policy reversal, showing how temporal deferral can insulate institutions from sustained citizen influence even after an initiative has shaped the political agenda.

Stop Finning illustrates a different form of temporal substitution. The initiative demanded a ban on the trade in detached shark fins. In July 2023 the Commission launched an impact assessment, introduced new tariff codes for traceability, and opened consultations.[66] These steps recognised the issue but did not address the core demand. By 2025 no legislative proposal had been tabled, highlighting how assessments can become indefinite substitutes for legislative action. Where earlier ECIs such as *Minority SafePack* were blocked by competence claims (Section 5.3), *Stop Finning* shows how initiatives can be absorbed into a procedural loop that keeps the issue alive without producing binding change.

The same dynamic is visible in *Save Cruelty Free Cosmetics*. The initiative called for a legislative roadmap to end animal testing. The Commission rejected this in July 2023, stressing that the Cosmetics Regulation and REACH already covered the field, while invoking pending judicial proceedings to render revision premature.[67] Instead, it promised to develop a non-legislative roadmap, expand

initiative-forum.europa.eu/sites/default/files/2023-06/Save%20Bees%20EN.pdf, accessed 27 December 2025.

64 European Commission, 'Communication on the European Citizens' Initiative (ECI) "Save bees and farmers! Towards a bee-friendly agriculture for a healthy environment' (Communication) C(2023) 2320 final, 9-10. Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869, OJ L 2024/1991.

65 Speech by President von der Leyen at the European Parliament Plenary on the conclusions of the European Council meetings, in particular the special European Council meeting of 1 February 2024, European Commission 6 February 2024, https://ec.europa.eu/commission/presscorner/detail/en/speech_24_661, accessed 27 December 2025.

66 Commission implementing Regulation (EU) 2024/2522 of 23 September 2024 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff, OJ L 2024/2522; The Commission improves shark trade monitoring, as part of the follow-up on European Citizens' Initiative, European Commission 16 December 2024, https://oceans-and-fisheries.ec.europa.eu/news/commission-improves-shark-trade-monitoring-part-follow-european-citizens-initiative-2024-12-16_en, accessed 27 December 2025.

67 European Commission, 'Communication on the European Citizens' Initiative (ECI) 'Save cruelty-free cosmetics – Commit to a Europe without animal testing' (Communication) C(2023) 5041 final; see 'The […] interpretation of the interface between the Cosmetics Regulation and the REACH Regulation is currently under scrutiny by the General Court in two cases brought against ECHA. A registrant challenges the obligation to perform animal testing, requested by ECHA in dossier evaluation decisions under the REACH Regulation.

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research funding, and convene stakeholder dialogue.[68] Research organisations welcomed the emphasis on complexity and the lack of validated alternatives. However, much like *Stop Vivisection* (Section 5.3), the case also shows how scientific and regulatory complexity can be used as a constitutional shield: citizen demands are redirected into procedural exercises rather than substantive reform.

Fur Free Europe provides the clearest example of temporal architecture. The initiative sought a ban on fur farming and fur sales. In July 2023 the Commission announced a multi-stage process: an EFSA opinion on animal welfare (published 30 July 2025[69]), an impact assessment, Member State consultations, and preparatory work for a revision of the Textile Labelling Regulation in late 2025.[70] A final decision was deferred to March 2026. Campaigners welcomed recognition but warned of lost momentum.[71] Here, unlike in *One of Us* where ethical sensitivity produced outright isolation (Section 5.3), the Commission chose to spread deliberation across policy cycles. Hereby it maintains procedural legitimacy while, again, postponing substantive outcomes. As with other animal-related ECIs, *Fur Free Europe* exemplifies a familiar pattern: institutional recognition paired with procedural delay, which then leads to uncertain outcomes.

Taken together, these cases confirm that the ECI's constitutional function lies less in generating immediate legislative reform than in structuring citizen participation into manageable institutional forms. Where earlier ECIs were neutralised by competence barriers or ethical constraints, more recent ones are redirected into procedural architectures and temporal frameworks. Expertise, evaluation, and consultation are used to preserve institutional authority while presenting citizens with visible but non-binding engagement.

The democratic consequences mirror those identified in Sections 5.2 and 5.3. The ECI guarantees procedural rights, agenda access, visibility, and consultation, but substantive influence remains precarious. Formal compliance can coexist with later policy withdrawal, as *Save Bees and Farmers* demonstrates. The constitutional implication is that EU democracy is structured not only by competence boundaries but also by temporal sovereignty: institutions decide when, how, and for how long citizen demands are processed. Participation is thus both enabled and contained, visible in procedure, but subordinated in substance.

The judgments are expected in the course of 2023 and may have consequences for the current interpretation underlying the Commission's response to this ECI.

68 ECHA, ECHA Programming Document 2023–2026 (2022) European Chemicals Agency 48–50.

69 Søren Saxmose Nielsen and others, Welfare of American mink, red and Arctic foxes, raccoon dog and chinchilla kept for fur production, (2025) EFSA scientific opinion.

70 ECI Fur Free Europe, European Commission, https://food.ec.europa.eu/animals/animal-welfare/eci/eci-fur-free-europe_en, accessed 27 December 2025.

71 No Ban on Fur Farms in Europe in Sight, Deutscher Tierschutzbund, 12 August 2023, https://www.tierschutzbund.de/en/about-us/news/press/notification/no-ban-on-fur-farms-in-europe-in-sight/, accessed 27 December 2025.

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5.5 Interim Conclusion: The Role of the Legal Framework and Institutional Practice

The patterns identified in the preceding analysis reveal both the potential and the limits of the European Citizens' Initiative as a vehicle of participatory democracy. Across the ten initiatives, the Commission's discretion manifests in three distinct modes: policy alignment, constitutional limitation, and procedural deferral. Together they show that the ECI's democratic function lies not in transferring legislative power to citizens, but in structuring how citizen input is processed within the EU's constitutional architecture. The legal framework enables participation, but it also disciplines it by converting social mobilisation into institutional dialogue under the Commission's temporal and procedural control.

These findings set the stage for the following reflections on what such "managed participation" means for the legitimacy of EU governance and the evolving relationship between citizens and institutions.

6. REFLECTIONS

This article began with the observation that a democratic deficit continues to shape perceptions of the European Union. In response to this challenge, the ECI was introduced as a participatory democratic tool designed to bring citizens closer to the EU's legislative process.[72] The central research question asked: To what extent does the legal framework of the European Citizens' Initiative enable EU citizens to impact the EU legislative process?

The findings throughout this article lead to a conclusion of nuanced scepticism. While the legal framework of the ECI formally enables citizen participation by granting access to the legislative agenda, its practical capacity to influence legislation remains limited. The mechanism ensures institutional visibility but does not grant enforceable rights. The Commission's discretion, confirmed by both the legal texts and judicial interpretation, often results in symbolic or procedural engagement rather than substantive legal change.

In practice, the ECI functions more reliably as an agenda-setting and deliberative mechanism than as a law-making tool. Its strength lies in raising awareness, mobilising public support, and initiating dialogue across institutions. However, without stronger obligations on the Commission or more robust enforcement mechanisms, its influence depends heavily on political will and alignment with existing institutional priorities.

[72] European Citizens' Initiative, European Parliament, https://www.europarl.europa.eu/factsheets/en/sheet/149/european-citizens-initiative, accessed 27 December 2025.

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Nevertheless, recent practice suggests some incremental progress. Since 2020, the Commission has adopted a more structured approach to follow-up.[73] The Commission now regularly mandates scientific assessments (as in *Fur Free Europe*), launches impact assessments (*Stop Finning*), and initiates roadmaps (*Save Cruelty-Free Cosmetics*). The 2023 Review Report even commits to more consistent follow-up meetings and integrating ECIs into broader policy consultations.[74] These developments suggest growing institutional sensitivity to public mobilisation, but they stop short of guaranteeing action

After all, these improvements do not address the fundamental issue: the lack of binding consequences following an initiative with over one million signatures. Critics like Longo have called the follow-up process 'weak and unconvincing,' and empirical evidence suggests that even politically impactful ECIs (such as *Right2Water* or *Ban Glyphosate*) were ultimately met with regulatory inertia.[75]

Nevertheless, it is not necessarily bad that the ECI can serve an agenda-setting function. Even without formal outcomes, initiatives have triggered parliamentary debates, mobilized public awareness, and influenced Commission workstreams. This potential must not be dismissed, especially at a time when tolerance for a 'not-completely democratic' EU is declining.[76] For the ECI to fulfil its original promise, however, more structural reforms are needed, not only in procedure, but in political will.

However, beyond institutional limitations, broader challenges complicate the democratic potential of the ECI. Chief among them is the uneven capacity for mobilization. In practice, ECIs are often spearheaded by well-funded or highly organized interest groups, rather than by grassroots movements. This raises important concerns about representativeness. An initiative may formally succeed, by meeting signature thresholds, without necessarily reflecting the preferences of the EU population at large.[77]

Although the ECI regulation requires that signatures come from at least seven Member States, this safeguard does not guarantee broad-based support. Initiatives can reach the required threshold by concentrating support in a few countries, while enjoying little or no backing elsewhere. Thus, a successful ECI might express regional or sectoral interests, rather than a pan-European consensus. In a Union of 450 million citizens, such concentrated advocacy may risk privileging certain voices over others.

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73 Antonia-Evangelia Christopoulou (n 18).

74 European Commission, Report from the Commission to the European Parliament and the Council on the application of Regulation (EU) 2019/788 on the European citizens' initiative (Report) COM(2023) 787 final, 28.

75 Katharina Crepaz (n 61) 194; Erik Longo (n 6) 196.

76 Eleni Ilia (n 7) 70–72.

77 Ibid.

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This tension is further complicated by the pluralistic and heterogeneous nature of European society.[78] Within Member States themselves, interests often conflict: industrial concerns may clash with environmental or social justice campaigns; rural regions may differ markedly from urban centres. At the EU level, such diversity is even more pronounced. Differences exist between richer and poorer Member States, large and small ones, secular and more religious societies, and political cultures that either prioritize tradition or individual autonomy, particularly on ethically sensitive topics such as euthanasia or abortion.

In this context, European citizenship entails more than the ability to advocate for change; it requires respect for diversity and a commitment to common ground.[79] The EU motto, 'United in Diversity,' expresses this ideal.[80] Democratic legitimacy at the EU level cannot rest on the loudest voices or the most effective campaigns alone. New legislation must be built on a sufficiently broad base of support, balancing competing perspectives and safeguarding against domination by narrow interests.

Accordingly, the Commission plays a crucial role as an honest broker of interests.[81] Its duty is not only to listen to successful ECIs, but also to weigh their proposals within the broader European context. This includes considering the interests of underrepresented or weaker actors who may lack the resources to launch an ECI of their own. In this light, the Commission's cautious and deliberative approach, though often criticized as unresponsive, also serves a stabilizing function, protecting the integrity of EU policymaking in a deeply pluralistic Union.

In conclusion, the ECI embodies both the aspirations and the constraints of participatory democracy in the EU. It offers opportunities but not guarantees. It opens doors but does not compel change. If it is to live up to its potential, it must evolve, from a symbolic tool of dialogue into a genuinely responsive instrument of democratic governance. At the same time, its evolution must preserve the delicate balance between responsiveness and representativeness, ensuring that the voice of the citizen is heard without drowning out the diversity that defines the European project.

78 Celia Challet and Kris Grimonprez, Case Puppinck – Het verhaal van het Europees burgerinitiatief met twee miljoen handtekeningen, in Griet Galle and Kris grimonprz (eds), Europees burgerschap in de klas: casussen voor mondige EU-burgers, Universitaire Pers Leuven 2022, 7.

79 Ibid; Eleni Ilia (n 7) 70–72.

80 EU Motto, European Union, https://european-union.europa.eu/principles-countries-history/symbols/eu-motto_en, accessed 27 December 2025.

81 Celia Challet and Kris Grimonprez (n 78).

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