

ESTUDIOS

DEMOCRACIA EUROPEA Y MERCADO ÚNICO: 30 AÑOS DEL TRATADO DE MAASTRICHT

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Índice General

Página

PARTE I

MAASTRICHT Y LA POTENCIACIÓN DE LA DEMOCRACIA EUROPEA

CAPÍTULO I

THE INDISPENSABLE EUROPEAN INTEGRATION, AT MATURITY, BETWEEN THE DEMOCRATIC DEFICIT AND THE LIMITS OF SOVEREIGNTY

ENNIO TRIGGIANI	21
I. «Sovereignist» conceptions in the light of the pandemic crisis and the financial solidarity of the Union	21
II. Evolution of the concept of sovereignty in today's globalized world	25
III. The inadequate level of intergovernmental problem solving in the European Union	28
IV. Peace and fundamental rights at the heart of the European integration process	31
V. The nation state's inability to effectively exercise the powers of government and the crisis of «substantial» democracy	33
VI. European sovereignty in the absence of a European people	36
VII. Conclusions	38
Bibliografy	40

CAPÍTULO II

FROM MAASTRICHT TO LISBON AND BACK: 30 YEARS OF THE UNION OF VALUES

ONDREJ BLAŽO.	45
I. Introduction.	46
II. Values, principles and objectives of the EU.	48
1. <i>Values or principles?</i>	48
2. <i>Values-principles and other «principles» and objectives.</i>	51
2.1 Values and other «principles».	51
2.2 Values and objectives.	53
III. Values of the EU outside of the wording of art. 2 TEU.	54
1. <i>Historic overview of pre-Lisbon era.</i>	54
1.1. References to values or programmatic provisions corresponding to values in primary law and political acts ... ARANZADI.	54
1.2. Confirmation of existence of particular values in pre-Lisbon era.	59
2. <i>Are all values of the EU codified by the treaty of Lisbon?</i>	62
2.1. Services of General Economic Interest: Shared Values – Divided Competences.	64
IV. Common and shared values, values of the union.	68
V. Conclusions.	73
Bibliography.	73

CAPÍTULO III

INTEGRACIÓN E INTERACCIÓN DE LOS CIUDADANOS EN LA DEMOCRACIA DE LA UNIÓN EUROPEA: ANÁLISIS DESDE EL PUNTO DE VISTA DE SU EFICACIA PRÁCTICA

MARÍA JESÚS GARCÍA GARCÍA.	79
I. Introducción.	80

ÍNDICE GENERAL

	<i>Página</i>
II. La Unión Europea como un sistema democrático de gobierno	80
III. La integración de los ciudadanos en la democracia europea a través de la participación en los asuntos públicos comunitarios	82
1. <i>La integración de la ciudadanía a través del ejercicio de los derechos electorales y el ejercicio de la democracia transnacional: aspectos a mejorar</i>	83
2. <i>Integración e interacción directa a través de los mecanismos de la democracia participativa: integración e interacción en el proceso normativo</i>	89
2.1. El derecho a proponer normas jurídicas en aplicación de los Tratados	91
2.2. El derecho a intervenir en la tramitación normativa	92
IV. Integración e interacción entre las instituciones comunitarias y sus ciudadanos: democracia y buena administración	94
1. <i>El derecho a dirigirse a las instituciones europeas y el derecho de acceso a los documentos públicos</i>	94
2. <i>Mecanismos de defensa de los derechos democráticos en los supuestos de mala administración: el derecho a acudir al Defensor del Pueblo</i>	97
V. Conclusiones	101
Bibliografía	104

CAPÍTULO IV

EL PARLAMENTO EUROPEO Y EL VALOR DE LA DEMOCRACIA. UN ANÁLISIS DE LA PROPUESTA DE REGLAMENTO DEL CONSEJO RELATIVO A LA ELECCIÓN DE DIPUTADOS AL PARLAMENTO EUROPEO POR SUFRAGIO UNIVERSAL DIRECTO DE 2022

MARÍA TORRES PÉREZ. 109

I. Introducción. El valor de la democracia en la construcción europea	110
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	<i>Página</i>
II. El Parlamento Europeo como reflejo interno del valor democrático: las elecciones por sufragio directo y el aumento competencial	111
1. <i>Los primeros tratados constitutivos</i>	111
2. <i>La primera ampliación de Estados miembros y la Decisión y el Acta relativos a la elección de los representantes de la Asamblea por sufragio universal directo</i>	114
3. <i>El Acta Única Europea de 1986</i>	115
4. <i>El Tratado de la Unión Europea de 1992</i>	117
5. <i>Los Tratados de Ámsterdam de 1997 y Niza de 2000</i>	118
6. <i>El Tratado de Lisboa de 2007</i>	119
III. La Propuesta de Reglamento del Consejo relativo a la elección de diputados al Parlamento Europeo por sufragio universal directo de 2022	121
CAPÍTULO V	
ARANZADI	
THE EUROPEAN CITIZENSHIP FROM MAASTRICHT TO LISBON: DO CITIZENS PARTICIPATE IN THE DEMOCRATIC LIFE OF THE EU?	
ASSOC. PROF. ÁNGELA MARÍA ROMITO	127
I. The origin of European citizenship: Purpose and general features	127
II. Active Citizenship from Maastricht to Lisbon	131
III. The EU Participatory Tools and the European Citizens' Initiative	136
IV. The Conference of the Future of Europe	140
V. Conclusions	144
Bibliography	146

CAPÍTULO VI

**EL BALUARTE DE LOS DERECHOS HUMANOS EN LA
UNIÓN EUROPEA: DESDE LOS FUNDAMENTOS DE
MAASTRICHT HACIA LA REGULACIÓN DE LA
ACTIVIDAD EMPRESARIAL**

ESTRELLA DEL VALLE CALZADA	153
I. Planteamiento	154
II. El amparo de los derechos humanos desde los orígenes de la organización	154
III. De la Carta de Derechos Fundamentales de la Unión Europea a los Planes de Acción sobre Derechos Humanos y Democracia	157
IV. Posición integral de la Unión Europea sobre la aplicación de los estándares de respeto y protección de los derechos humanos en la actividad empresarial.	159
1. <i>El horizonte hacia una iniciativa legislativa europea sobre diligencia debida empresarial en materia de derechos humanos .</i>	160
2. <i>La Unión Europea y su posición en la negociación del Instrumento jurídicamente vinculante para regular las actividades de las empresas transnacionales y otras empresas comerciales</i>	166
V. Consideraciones finales	169
Bibliografía	171

CAPÍTULO VII

**MAASTRICHT 30 YEARS LATER: THE «GREAT
(DEMOCRATIC) TRANSFORMATION» OF EUROPE**

MURIEL ROUYER	173
I. Towards a political union of sort: the dilemmas of scale in historical light	173
1. <i>Changing world, changing scale: the magnitude of external constraints and the paradox of tied hands</i>	173
2. <i>Maastricht (High) politics: Internal Grand bargains and Bounded Rationalities</i>	176

	<i>Página</i>
3. <i>To Complicated Democracy, We Sail with Simple Ideas: Europe's 'Permanent Institutional Revolution' and Democratic innovation in the EU</i>	179
II. The International Predicaments of EU-Democracy: the liberal consensus, East and West	184
1. <i>The external resources of Democracy in Europe: Democratizing Oneself, Democratizing Others</i>	184
2. <i>What makes a people a people? The liberal consensus, East and West, and the fleeting question of the «eurodemos»</i>	187
Bibliographical References	193

PARTE II

MAASTRICHT Y LA CONSECUCCIÓN DEL MERCADO ÚNICO DESDE LA PERSPECTIVA AMBIENTAL Y SOCIAL

CAPÍTULO VIII

ARANZADI	
THIRTY YEARS AFTER MAASTRICHT: IS THE EURO THE SINGLE CURRENCY OF THE EU? ASSOC. PROF. KALOYAN SIMEONOV	203
I. Introduction	204
II. The importance of the EMU in the integration process	206
III. The role of the Treaty of Maastricht for the establishment of the EMU	210
IV. Is the euro today the single currency of the EU?	217
V. The international role of the euro	224
VI. Main challenges for the single currency and the EMU	229
VII. Conclusions	231
Bibliography	232

CAPÍTULO IX

**DEMOCRACIA CONSTITUCIONAL E INTEGRACIÓN
ECONÓMICA: HACIA UNA UNIÓN EUROPEA SOCIAL**

GABRIEL MORENO GONZÁLEZ	235
I. El Estado social en la democracia constitucional europea ..	235
II. La integración económica europea	241
III. El modelo político fragmentado	245
IV. El modelo económico competitivo	248
V. Convergencia de modelos. ¿Hacia una Unión Europea so- cial?	252
Bibliografía	259

CAPÍTULO X

**LOS SERVICIOS ECONÓMICOS DE INTERÉS GENERAL
COMO INSTRUMENTO DE AVANZADA POLÍTICA SOCIAL EUROPEA:
SECTORES REGULADOS Y DERECHO DE LOS
CIUDADANOS A ACCEDER A LOS SERVICIOS BÁSICOS**

MARÍA JESÚS GARCÍA GARCÍA	263
I. La política social europea	264
1. <i>Los objetivos de la política social europea</i>	264
2. <i>Las competencias de la Unión Europea en materia de política social</i>	266
II. Los servicios económicos de interés general como instru- mento de la política social europea	268
1. <i>Delimitación conceptual de los Servicios Económicos de Inte- rés General</i>	268
2. <i>El componente social de los Servicios Económicos de Interés General en la Unión Europea</i>	271
3. <i>El acceso a los servicios económicos de interés general en el marco de la política social de la Unión Europea</i>	275

	<i>Página</i>
3.1. Derechos sociales de los ciudadanos europeos: el derecho de acceso a los servicios de interés general.	276
A) El derecho de acceso a los servicios de interés general en los Tratados.	276
B) El derecho de acceso a los servicios económicos de interés general en el derecho derivado: la indeterminación del contenido	277
3.2. El estado regulador como estado garante del acceso de los ciudadanos a los derechos sociales	281
3.3. La concreción del interés general y del contenido del derecho de acceso a los servicios esenciales. ...	282
A) El servicio universal.	282
B) El acceso a colectivos con necesidades especiales.	285
III. El acceso a los servicios económicos de interés general en el marco del pilar europeo de los derechos sociales	287
1. <i>El Pilar europeo de los derechos sociales</i>	287
2. <i>El plan de acción del Pilar europeo de Derechos sociales y el acceso a los servicios esenciales</i>	289
IV. Conclusiones	291
Bibliografía	294

CAPÍTULO XI

DEL TRATADO DE MAASTRICHT AL GREEN DEAL

FRANCISCO GABRIEL VILLALBA CLEMENTE	301
I. Introducción	301
II. Evolución histórica del proceso de integración europea de la política ambiental	303
1. <i>Origen y evolución hasta el acta única europea</i>	304
2. <i>Tratado de Maastricht</i>	308
3. <i>El Tratado de Ámsterdam (TA 1997)</i>	311

ÍNDICE GENERAL

	<i>Página</i>
4. <i>Tratado de Niza (2001)</i>	314
5. <i>El intento fallido de constitución europea (2004)</i>	316
6. <i>Tratado de Lisboa (2007)</i>	317
III. El pacto verde europeo (The green deal)	319
IV. Conclusiones	322
Bibliografía	323

CAPÍTULO XII

LAS COMPETENCIAS MEDIOAMBIENTALES TRAS EL TRATADO DE MAASTRICHT: ENTRE LO GLOBAL Y LO LOCAL. EL ORDENAMIENTO COMUNITARIO COMO NEXO DE UNIÓN ENTRE SISTEMAS JURÍDICOS DE PROTECCIÓN AMBIENTAL

MARÍA JESÚS GARCÍA GARCÍA	327
I. Las ideas nucleares del medio ambiente	328
1. <i>La clave del problema: las organizaciones económicas del medio ambiente</i>	328
2. <i>La dimensión local y global del medio ambiente</i>	330
II. La interacción entre los distintos sistemas de protección del medio ambiente	331
1. <i>El impulso internacional. Valoración de los instrumentos internacionales en materia de medio ambiente</i>	331
2. <i>La protección del medio ambiente a nivel regional: el papel de la Unión Europea</i>	334
2.1. <i>La evolución de Derecho Ambiental en el ámbito de la Unión Europea</i>	335
2.2. <i>Los instrumentos europeos de política ambiental</i> .	337
2.3. <i>Un ejemplo más en la concreción de los objetivos internacionales en el plano europeo: la Ley de restauración de la naturaleza</i>	340

	<i>Página</i>
III. La aplicación de las normas europeas a nivel local: instrumentos comunitarios de seguimiento, fiscalización y control del cumplimiento de las normas ambientales por parte de los estados.	344
1. <i>Mecanismos institucionales de carácter general</i>	345
2. <i>Mecanismos a disposición de los particulares para el cumplimiento de la legislación ambiental</i>	347
2.1. El derecho de petición ante la infracción de normas ambientales por parte de los estados.	348
2.2. La acción de responsabilidad por incumplimiento de las normas ambientales europeas	349
IV. Conclusiones	352
Bibliografía	356

CAPÍTULO XIII

EL PRINCIPIO DE PROPORCIONALIDAD EN LA RESTRICCIÓN DE LAS LIBERTADES ECONÓMICAS EUROPEAS: EVOLUCIÓN DESDE SU RECONOCIMIENTO EXPRESO EN EL TRATADO DE MAASTRICHT

CLÀUDIA GIMENO FERNÁNDEZ	359
I. Planteamiento: las libertades económicas europeas y el principio de proporcionalidad.	359
II. El principio de proporcionalidad: fundamentos	362
1. <i>Desarrollo del principio de proporcionalidad en la Unión Europea</i>	363
2. <i>Las partes del principio de proporcionalidad</i>	365
3. <i>La consistencia de las medidas</i>	368
III. Proporcionalidad y restricciones a las libertades del mercado único	369
1. <i>Los problemas de la aplicación generalizada del principio de proporcionalidad</i>	370
2. <i>El contrapeso a las críticas al uso del principio para la limitación de las libertades del mercado interior</i>	375

ÍNDICE GENERAL

	<i>Página</i>
IV. Elementos procesales relevantes en la aplicación del principio de proporcionalidad.	378
Bibliografía	382
CAPÍTULO XIV	
EL SISTEMA DE PREFERENCIAS GENERALIZADAS DE PREFERENCIAS DE LA UNIÓN EUROPEA Y LA CONDICIONALIDAD POLÍTICA	
CLARA PORTELA	389
I. Introducción	390
II. La evolución del SGP de la UE	391
III. Condicionalidad y retirada bajo el reglamento del 2012 . . .	393
IV. Experiencia de suspensión y restablecimiento.	396
V. La propuesta de reforma de 2021.	398
VI. ¿Próximos pasos?	402
VII. Conclusión. ARANZADI.	404
Bibliografía	405

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Capítulo V

The European Citizenship from Maastricht to Lisbon: Do Citizens Participate in the Democratic Life of the EU?

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SUMARIO: I. THE ORIGIN OF EUROPEAN CITIZENSHIP: PURPOSE AND GENERAL FEATURES. II. ACTIVE CITIZENSHIP FROM MAASTRICHT TO LISBON. III. THE EU PARTICIPATORY TOOLS AND THE EUROPEAN CITIZENS' INITIATIVE. IV. THE CONFERENCE OF THE FUTURE OF EUROPE. V. CONCLUSIONS. BIBLIOGRAPHY.

Summary (Abstract): Thirty years after the Maastricht Treaty came into force, European citizenship has yet to achieve its full potential. This study examines the development of European citizenship by analysing the provisions of the 1993 Treaty, tracing its evolutionary paths, and exploring the new participatory instruments introduced with the Lisbon Treaty. Examining the current legal experiences reveals a lack of awareness among Member State nationals of the potential of EU citizenship. However, some positive signs of innovative participatory processes promise well for the future.

I. THE ORIGIN OF EUROPEAN CITIZENSHIP: PURPOSE AND GENERAL FEATURES

European citizenship, as a concept, was introduced in the Treaty of Maastricht, formally in the Treaty on European Union (TEU), which was

signed in February 1992 and came into effect in November 1993¹. It constitutes one of the most relevant novelties of that reform and a decisive step towards a constitutionalised Union². According to Article 8 TEC (now Article 20 TFEU)³, any person holding the nationality of a country belonging to the European Union (EU) automatically became a citizen of the Union⁴. A series of rights and duties derive from this *status*. While the former are expressly listed in the Treaty and in the secondary norms (and from 2000 also in the Charter of Fundamental Rights), the latter are merely enounced and appear so far to be without object.

The European Union citizenship was introduced in a clear attempt to increase citizens' allegiance to the European integration project; as expressly enounced in article B of the Maastricht Treaty (repealed and actually rephrased in the new Art. 3 TEU), the goal was to enhance the protection of the rights and interests of the citizens of the Member States⁵.

Initially, the EC Treaty granted the right to free movement only to nationals of Member States engaged in economic activity. However, the enjoyment of these rights has since been extended by Community legislation and case law to not only nationals of some Member States who are not engaged in economic activity but also to nationals of non-member States who are dependants of economically active nationals of Member States.

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1. Treaty on European Union, Official Journal of the European Communities C191, 29 July 1993, p. 4. See eur-lex-europa.eu.
2. Wiener, A., «The Constructive Potential of Citizenship: building European Union». *Policy & Politics*, 27 (3), (1999), pp. 271-293.
3. Over the years, the number of articles referring to EU citizenship has changed due to various Treaty reforms. The Treaty of Maastricht outlined the rights and duties in articles 8 to 8-D of the TCE. Subsequently, the Amsterdam Treaty, which came into effect in 1999, listed these articles from 17 to 22 of the TCE. The Treaty establishing a European Constitution that never entered into force, listed these articles in Title V from II-39 to II-46. Finally, the Lisbon Treaty, outlines the relevant provisions in Article 9 TUE and from Articles 20 to 25 of the Treaty on the Functioning of the European Union (TFEU). Additionally, the Charter of Fundamental Rights of the EU (CFREU) devotes the entire Chapter V (from Article 39 to Article 46) to these issue. The citizenship rights established in the Maastricht Treaty have remained mostly unchanged to date.
4. Pursuant to art. 8 TEC (equal to art. 20 TFEU) «is a citizen of the Union whoever holds the citizenship of a Member State». For an in-depth analysis of the connections and differences between nationality and citizenship, see CLOSA, C., «Union citizenship and Nationality of the Member States», *Common Market Law Review*, 1995, spec. p. 487.
5. According to CARTABIA, M., «La cittadinanza europea» in Enciclopedia giuridica Treccani vol. VI, (1995), p. 2 ff, the rights conferred by the Treaty create a «privileged foreign status» for nationals of Member States residing in another country of the Union, «since most of the rights listed concern his or her relations with the States of the Union and only to a small extent the individual's attitude towards the Union or the Community and its institutions».

The conferral of European citizenship, which concerns only individuals, marked the end of a long process aimed at enlarging the sphere of beneficiaries of the right of movement in the territory of the Member States⁶. At the same time, it represents the beginning of a path, nowadays still in progress, aimed not only at defining and enhancing the *status* of Europeans but also, as the Court of Justice has often repeated, at making it «the fundamental status of the citizens of the Member States»⁷.

Since 1993, EU citizenship, which does not replace the national one but is additional to it, has had autonomous legal and political features; it cannot be perceived as the re-enactment on a larger scale of national citizenship. Differently from the latter, it originates from the will expressed by the Governments of Member States to create an ever closer union among their citizens and strengthen the protection of the rights and interests of their nationals.

The European citizenship concept is radically innovative as it specifies that «the Union belongs to, is composed of citizens who by definition do not share the same nationality»⁸. Thus, EU citizenship is a *sui generis* concept that does not interfere with any of the characteristics typical of national citizenship status defined in national domestic law but adds a qualitative and quantitative plus to the rights associated with national citizenship.

It is necessarily detached from the concept of territoriality, having, by contrast, a cosmopolitan character: those residing in any of the 27 Member States enjoy a sole *legal status* that connects them via a shared sense of belonging to a «community» that transcends the national territorial borders and is founded on the rule of law.

The opinion of Advocate General Poiares Maduro, delivered on 30th September 2009, in the Rottmann case, clearly explains the miracle of EU citizenship:

«Union citizenship assumes nationality of a Member State, but it is also a legal and political concept independent of that of nationality. Nationality of a Member State not only provides access to enjoyment of the rights conferred by Community law; it also makes us citizens of the Union. European citizenship

6. KOCHENOV, D., PLENDER, R. «EU Citizenship: From an Incipient Form to an Incipient Substance? The Discovery of the Treaty Text», *European Law Review*, 2012, pp. 369-396.
7. Initially perceived as merely symbolic, it was progressively fleshed out in a persistent line of case law of EJC. See KALAITZAKI, K., «EU Citizenship as a Means of Broadening the Application of EU Fundamental Rights: Developments and Limits», *European Citizenship under Stress*, pp. 44-66 DOI: https://doi.org/10.1163/9789004433076_005
8. Weiler, J., *The Constitution of Europe*, Cambridge University Press, 1999, spec. p. 344.

is more than a body of rights which, in themselves, could be granted even to those who do not possess it. It presupposes the existence of a political relationship between European citizens, although it is not a relationship of belonging to a people. On the contrary, that political relationship unites the peoples of Europe. It is based on their mutual commitment to open their respective bodies politic to other European citizens and to construct a new form of civic and political allegiance on a European scale. It does not require the existence of a people, but is founded on the existence of a European political area from which rights and duties emerge.(...). It strengthens the ties between us and our States (in so far as we are European citizens precisely because we are nationals of our States) and, at the same time, it emancipates us from them (in so far as we are now citizens beyond our States). Access to European citizenship is gained through nationality of a Member State, which is regulated by national law, but, like any form of citizenship, it forms the basis of a new political area from which rights and duties emerge, which are laid down by Community law and do not depend on the State. That is why, although it is true that nationality of a Member State is a precondition for access to Union citizenship, it is equally true that the body of rights and obligations associated with the latter cannot be limited in an unjustified manner by the former».

In this respect, the Maastricht Treaty highlighted a crucial aspect that had already been widely acknowledged by both community institutions and Member States, namely, that the citizens who form part of the new community are also the subjects of the integration system⁹. In other words, European citizenship emphasises an integration system that places the 'person', considered as a 'citizen', as its pivot.

The list of rights is currently outlined in Article 20 TFEU, although it is widely recognised that the nature of EU citizenship extends well beyond this¹⁰. Besides the right to free movement and residence and diplomatic and consular protection in third countries from other Member States, several rights to political action are listed. Some of these provisions can be claimed irrespective of whether a Union citizen has exercised free movement rights. This is the case, for instance, with the right to petition the European Parliament (EP) and the right to apply to the European Ombudsman. However, the exercise of electoral rights listed in the TFEU relies upon the movement to another Member State. The TFEU sets out two of these rights: the right to vote and to stand as a candidate at municipal elections and the right to

9. As already stated in the judgment of the Court, 5 February 1963, case 26-62, Van Gend & Loos.

10. The list of rights outlined in Article 20(2) of the TFEU is preceded by the expression «inter alia». Additionally, the Council may add new rights, as stated in Article 25(2) of the TFEU. See KOCHENOV, D. «On Tiles and Pillars: EU Citizenship as the Federal Denominator», KOCHENOV, ed., *EU Citizenship and Federalism: The Role of Rights*, Cambridge, Cambridge University Press, 2017, p. 26 et seq.

vote and to stand as a candidate at elections to the EP. In both cases, the Union citizens are entitled to have the same right 'in the Member State where they reside, under the same conditions as nationals of that State'.

Upon reviewing the provisions, it is evident that EU citizenship is a multifaceted and evolving legal concept that spans different economic, social, civil, and, notably, political dimensions. Additionally, it is apparent that the regulatory structure of EU citizenship set in 1993 was dictated by an *elite* who sought to involve citizens in its recognition. However, it would be shortsighted to assume that introducing the concept of EU citizenship merely resulted in EU citizens receiving passive rights acknowledgement. As we will see, subsequent Treaty reforms highlight its inner value: encouraging debates among European citizens.

II. ACTIVE CITIZENSHIP FROM MAASTRICHT TO LISBON

When the Union was established, and the ECC was transformed into the European Community, it was intended to emphasise that the relevant Treaty regarded the individual no longer only as *homo oeconomicus* but also as a participating and conscious political actor in the European integration process¹¹.

From this perspective, the participatory dimension of European citizenship in the Maastricht Treaty was nearly entirely limited to the participation in the electoral process, and the political rights granted were relatively modest¹². Specifically, the only rights emerging as strictly relevant to the citizens' participation in the life of the EU were the right to vote and stand as a candidate in elections to the European Parliament, the right to petition the European Parliament and apply to the European Ombudsman.

11. Since ancient times, the primary element of citizenship has been the enjoyment of political rights and the possibility to influence state policy. For an in-depth analysis of citizenship in the Greek polis and the Roman civitas compared to EU citizenship, see TRIGGIANI, E., «La cittadinanza europea per la "utopia" sovranazionale», *Studi sulla integrazione europea*, (2006), pp. 435-477, spec. p. 439.

12. The EU citizenship has mainly been conceived in terms of rights and identity rather than as a participatory status: this trend is confirmed by the fact that most EU documents and initiatives on citizenship focused on how citizenship practice would create belonging and support for the European integration process through broad debate on European issues, while active citizenship as a daily governance practice was not considered. For details, see VAN ROSSEM, J. W., «Political citizenship in European Union: what it means, how it came about and what challenges lie ahead», DER HARST, J., HOOGERS, G., VOERMAN, G., (ed.) *European citizenship in European Citizenship in Perspective. History, Politics and Law*, University of Groningen, the Netherlands, 2018.

However, the political system of the EU has not yet fully prioritised engagement and participation from European citizens in European politics, and the aforementioned rights were inadequate in closing the gap between citizens and the political decision-making process at the European level.

The rising participation of citizens – and more broadly, civil society – in the EU governance began in the late 1990s when the Treaty of Amsterdam established, for the first time, an obligation for European institutions to adhere to the principles of democracy¹³. In the same year, Declaration No. 23 of the future of the Union annexed to the Treaty of Nice expressed «the need to improve and to monitor the democratic legitimacy and transparency of the Union and its institutions, to bring them closer to the citizens of the Member States»¹⁴.

In the 2000 Commission White Paper on European Governance¹⁵, citizen participation throughout the entire policy cycle was emphasised as essential to ensuring EU policymaking's quality, relevance, and effectiveness. The draft Treaty establishing a European Constitution acknowledged the principle of representative democracy as foundational¹⁶ and introduced the principle of participatory democracy¹⁷ for the first time.

Amidst mounting discontent surrounding the 'democratic deficit' of the EU¹⁸, as evidenced by unsuccessful French and Dutch referenda regarding the Constitutional Treaty, the Heads of State and governments urged for

13. Article 6(1) TEU as amended by the Amsterdam Treaty.

14. Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts, Declarations Adopted by The Conference, Declaration on the future of the Union, OJ C 80, 10.3.2001, pp. 85-86.

15. Commission, European Governance. A White Paper. Brussels. COM (2001) 428 final. 25 July 2001, p. 3.

16. Article I-45.

17. Article I-46.

18. According to MAJONE, G., «The common sense of European Integration», *Journal of European Public Policy*, Vol. 13, N.º 5, p. 608, the democratic deficit is «absence of underdevelopment of the institutions and processes of parliamentary democracy at the EU level»; SIEBERSON, S. C., «The Treaty of Lisbon and its impact on the European Union's Democracy Deficit», *Columbia Journal of European Law*, 2008, p. 446 refers to 'a perceived lack of democratic structures and processes within the EU's institutions, in contrast to those that prominently exist at the national level within the Union'; on the same issue see also FOLLESDAL, A., HIX, S., «Why there is a democratic deficit in the UE: a response to Majone and Moravcsik», *Journal of Common Market Studies*, 44:3, pp. 533-535.

Among other aspects, the term refers to the relatively weak position of the European Parliament compared to the European Council, the perception that European elections have a 'second-order' character and lack a real 'European' dimension, the remoteness between the voters and the EU, the mismatch between the policy preferences of the majority of the voters and EU policies, and a lack of transparency.

closer engagement of Europe's institutions with its citizens¹⁹. The consequent reform of European governance proved to be the most effective way to foster this connection. For this purpose, the European Constitutional Convention established within the «Democratic Life of the Union» (title VI), «The principle of participatory democracy»²⁰ next to «The principle of representative democracy», and the Commission ambitiously declared it would «devise a completely new form of governance»²¹.

Citizens's (and Civil society's²²) role in shaping Europe received greater recognition through the Lisbon Treaty of the European Union. Inspired by a need for more significant influence and participation by citizens (and civil society organisations) as proactive actors in the governing structures of the EU²³, the Treaty introduced a new chapter entitled «Provisions on demo-

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19. Presidency conclusions of the Laeken European Council, 14 and 15 December 2001. Annex I: Laeken declaration on the future of the European Union. *Bulletin of the European Union*, 12, 19-23, p. 20.
20. The principle of participatory democracy simply stated the opportunity for citizens and representative associations to make known and publicly exchange their views in all areas of Union action, without any reference to European citizenship (art. I-8). Few statements took issue with the right of every citizen to participate in the democratic life of the EU and the pledge that the EU shall give citizens and representative associations the opportunity to make known and publicly exchange their opinions on all areas of Union action.
21. PRODI, R., *Shaping the New Europe*. European Parliament, Strasbourg. 15 February 2000 SPEECH/00/41.
22. The role of citizenship, on the one hand, and the role of civil society, on the other, differ: both have been introduced by institutional actors in an attempt to find support for and increase the legitimacy of a process of supranational polity-building, however while the former aims to contribute to bringing the peoples of Europe closer together (not only benefits the process of European integration, but supports peace and understanding across the continent), the latter's will is to answer to the democratic deficit of the EU. Unlike the concept of European citizenship, the concept of (European) civil society has never been defined in the EU founding Treaties, neither does the Treaty describe what would be its the role. The concept has spontaneously, emerged in the EU's official documents precisely to stress the role of intermediary associations in European governance, but with the citizens more assumed to exist than given a central place and without conceiving such participation in terms of active citizenship. SMISMANS, S., «European Civil Society and Citizenship: Complementary or Exclusionary Concepts?», *Policy and Society*, 28(1), (2009), pp. 59-70.
23. According to article 2 TEU, 'democracy' represents one of the founding values of the Union, a value shared by its Member States. The Preamble highlights the will of the Member States to «complete the process initiated by the Treaty of Amsterdam and the Treaty of Nice in order to strengthen the efficiency and democratic legitimacy of the Union». For a detailed analysis, see, e.g., CLOSA, C., 'European Citizenship and New Forms of Democracy', in AMATO G., BRIBOSIA H., DE WITTE B., *Genèse et destinée de la Constitution européenne: commentaire du Traité établissant une Constitution pour l'Europe à la lumière des travaux préparatoires et perspectives d'avenir*, Brussels: Bruylant, 2007, pp. 1050-1073.

cratic principles» (Title II Articles 9-12 TEU)²⁴. This section encompasses various ways citizens and civil society are represented or can voice their opinions and contribute to European policymaking²⁵.

As a consequence of 2009, Europeans not only benefit from the rights of market citizenship but can also take part in the decision-making process of the Union. Although the changes made to the *status* of the European citizen listed in the TFUE do not appear particularly relevant²⁶, the 'political' character of the relationship between the Union and its citizens is significantly emphasised.

The foremost political aspect of European citizenship expressly pertains to each citizen's entitlement 'to participate in the democratic existence of the Union'²⁷. The political system of the EU is defined as a representative democracy, wherein 'political parties at the European level contribute to forming European political awareness and to expressing the will of citizens of the Union' - a formulation almost exactly stemming from the Maastricht Treaty. However, due to limited engagement by European citizens with EU politics and the lack of effectiveness of European political citizenship, participatory democracy principles have been introduced alongside «traditional» mechanisms. The aim is not to diminish the importance of representative democracy but to provide a new tool to embank citizens' general 'disaffection' towards the EU: their right to **ARANZADI** and publicly exchange their views in all areas of Union action²⁸.

24. The term «participatory democracy» has been replaced, but the practice has been incorporated into the new section.

25. See *amplius* DRAETTA, U., «I principi democratici dell'Unione europea nel Trattato di Lisbona», *Studi sull'integrazione europea*, (2008), pp. 513-527; ID., «The Democratic Principles of the European Union in the Treaty of Lisbon». *The federalist, Political Review*, (2008), n. 2, p. 110, www.thefederalist.eu; BIFULCO, R., «Democrazia deliberativa, partecipativa e rappresentativa: tre diverse forme di democrazia?», U. allegretti (a cura di), *Democrazia partecipativa: esperienze e prospettive in Italia e in Europa*, Firenze, 2010, p. 66 ss.; PESCE, C., *Democrazia rappresentativa e democrazia partecipativa nell'Unione europea*, Napoli, 2016.

26. See SCHRAUWEN, A., «European Union Citizenship in the Treaty of Lisbon: Any Change at All?», *Maastricht Journal of European and Comparative Law*, (2008), vol. 15, pp. 55-64; BESSON, S., UTZINGER, A., «Introduction: Future Challenges of European Citizenship – Facing a Wide-Open Pandora's Box», *European Law Journal*, vol. 13, (2007), pp. 573-590.

27. Art.10.3 TEU.

28. According GREENWOOD, J., «Review article: Organized civil society and democratic legitimacy in the European Union», *British Journal of Political Studies*, Vol 37, n. 2, (2007), pp. 333-357, participatory tools are only established secondary to the other mechanisms of representative democracy. Cfr. CUESTA LOPEZ, V., «The Lisbon Treaty's Provisions on Democratic Principles: A Legal Framework for Participatory Democracy», *European Public Law*, (2010), pp. 123-138.

Those principles are complementary²⁹. In the former, citizens participate in the political process through their elected representatives, which include Parliament and the governments gathering in the Council. In contrast, under the latter, citizens directly participate via various participation channels. Both principles agreed that new modes of governance and citizen participation would create a «virtuous circle» that enhances the input and output legitimacy of the European Union³⁰.

In short, within the body of the provisions relating to the participation of the citizens in the democratic life of the Union, the framework is the following: article 9 TEU establishes how a person acquires EU citizenship³¹. Subsequently, article 10 TEU sets out the foundations of the principle of representative democracy: citizens are directly represented at Union level in the EP; the representatives of the Member States in the European Council and the Council are democratically accountable to their national parliaments or their citizens; every citizen has the right to participate in the democratic life of the European Union explicitly stating that decisions shall be taken as openly and as closely as possible to the citizens; and political parties at European level contribute to forming European political awareness and to expressing the will of the citizens of the Union.

Furthermore, Art. 11 TEU fills the content of the participatory democracy. The provision covers the **ARANZADI** citizen-to-citizen relationship as well as the vertical, institution-to-citizen relationship. The Commission has the particular duty to «carry out broad consultations with parties concerned

29. See KUTAY, A., «Limits of Participatory Democracy in European Governance», *European Law Journal*, vol. 21(6), (2015), spec. p. 814.

30. VON BOGDANDY, A., «The European Lesson for International Democracy: The Significance of Articles 9-12 EU Treaty for International Organizations Armin», *The European Journal of International Law* Vol. 23 no. 2, (2012), pp. 315-334 explains: «Thus, alongside the Union citizens, the Member States' democratically organized peoples are acting in the Union's decision-making process as organized associations. The Union's principle of democracy builds on these two elements: the current Treaties speak on the one hand of the peoples of the Member States, and on the other hand of the Union's citizens, insofar as the principle of democracy is at issue. The central elements which determine the Union's principle of democracy at this basic level are thus named. The Union rests on a dual structure of democratic legitimation: the totality of the Union's citizens and the peoples in the European Union as organized by their respective Member States' constitutions».

31. Art. 9 TEU states that citizenship of the Union «shall be additional to national citizenship and shall not replace it», a point that is reiterated by Art. 20(1) TFEU.

to ensure that the Union's actions are coherent and transparent»³². The provision is innovative because it provides the most concrete new instrument to directly involve citizens (individually or in organised groups), namely the European Citizens' Initiative (hereinafter ECI).

Article 12 TEU refers to the involvement of national parliaments in the effective functioning of the European Union³³.

III. THE EU PARTICIPATORY TOOLS AND THE EUROPEAN CITIZENS' INITIATIVE

Starting from 2009, in an effort to bridge the gap between European and EU institutions – which were often perceived as disconnected from the people whose lives were deeply impacted by their decisions – several tools for consultation and dialogue were implemented.

Those include the requests for access to documents of the EU institutions³⁴, the petitions to Parliament³⁵, the public consultations by the Commission³⁶, complaints to the European Ombudsman³⁷, the complaints to the Commission³⁸, Citizens' Dialogues, and – the latest EU participatory mechanism – ECI³⁹.

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32. For more detailed references see MORGESSE, G., «Principio e strumenti della democrazia partecipativa nell'Unione europea» in E. TRIGGIANI (a cura di), *Le nuove frontiere della cittadinanza europea*, Bari, 2011, pp. 37-59; MENDES, J., «Participation and the Role of Law After Lisbon: A Legal View on Article 11 TEU», *Common Market Law Review*, vol. 48(6), (2011), pp. 1849-1878.
33. Integrated with further provisions set out in the TFEU, as well as with Protocol 1 (on the role of national parliaments in the European Union), which is annexed to the Treaty of Lisbon.
34. Regulation (EC) N° 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.05.2001, pp. 43-48.
35. Article 24(2) TFEU.
36. Article 11(3) TEU.
37. Article 20(2)(d) TFEU and Article 24 TFEU.
38. Article 24(4) and also Article 41 of the Charter of Fundamental Rights of the EU.
39. Article 11(4) TEU establishes the basic framework for that right, while Article 24(1) TFEU sets out the general principles for a regulation defining concrete procedures and detailed conditions. The procedures, and conditions for exercising this right are governed by Regulation (EU) 2019/788 of the European Parliament and of the Council of 17 April 2019 on the European citizens' initiative, OJ L 130, 17.5.2019, pp. 55-81 (recasting Regulation (EU) N° 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative, OJ L 65, 11.3.2011, pp. 1-22).

All these participatory tools – regardless of their classification⁴⁰ and scattered origin⁴¹ – share the capability to involve citizens to play a role ‘in the Union’s democratic life’ beyond just the electoral moment and provide a means to gather constructive feedback⁴². While the ECIs, petitions to the European Parliament, and complaints to the European Ombudsman fall into the category of bottom-up instruments as these offer citizens the opportunity to trigger specific processes themselves, Citizens’ consultations and Citizens’ dialogues are categorised as top-down’ approaches that are initiated by the EU’s political *elite*⁴³.

Above all, the European Citizens’ Initiative is the most prominent example of the Treaty’s new vision of democracy and a new «bottoms-up» approach⁴⁴: it represents the first transnational participatory and digital democracy instrument⁴⁵, empowering at least 7 EU citizens hailing from 7 different Member States to introduce novel policy initiatives in any field

40. The classification of those mechanisms differs among commentators; cfr. ALEMANNINO, A., Towards a permanent citizens’ participatory mechanism in the Eu, Policy Department for Citizens’ Rights and Constitutional Affairs Directorate-General for Internal Policies PE 735.927 - September 2022; HIERLEMANN, D. Et al., Under Construction, Citizen Participation in the European Union, Verlag Bertelsmann Stiftung, 2022.
41. Some of those were already listed in the Maastricht Treaty.
42. Examines each existing participatory mechanism, in terms of their accessibility, responsiveness and effectiveness the study, commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs, ALEMANNINO, A., «Towards a permanent citizens’ participatory mechanism in the Eu», cit.
43. Bottom-up instruments facilitate citizens’ influence over policy outcome because they challenge the existing policy preferences of the political elite. Top-down instruments are generally weaker as they aim for support of existing policies and the clarification of policy value to achieve more effective governance. See in details, S. Russack, *Pathways for Citizens to Engage in EU Policymaking*, CEPS Policy Insights No. 2018-14 / November 2018.
44. AMNÁ, E., «New form of citizens participation», Baden-Baden, 2010; KAUFMANN, B., The European Citizens Initiative handbook, Bruxelles, 2010; PICHLER, J. W., KAUFMANN, B., The European Citizen’ Initiative: into new democratic territory, Mortsel, 2010; RASPADORI, F., «La democrazia partecipativa ed il diritto di iniziativa dei cittadini europei», *Studi sull’integrazione europea*, 2010, pp. 675-689; BORDINO, G., Un nuovo diritto per la democrazia e lo sviluppo in Europa: l’iniziativa dei cittadini europei (ICE), Bologna, 2013; CARTABIA, M., LUPO, N., SIMONCINI, A., Democracy and subsidiarity in Europe, Bologna, 2013; R. MASTROIANNI, A. MAFFEO (a cura di), L’iniziativa dei cittadini europei, Napoli, 2015; M. CONRAD, A. KNAUT, K. BÖTTGER (eds.), Bridging the gap? Opportunities and constraints of the European Citizen’s Initiative, Broschert, 2016.
45. GREENWOOD, J., TUOKKO, K., «The European Citizens’ Initiative: the territorial extension of a European political public sphere?», *European Politics and Society*, (2017), pp. 166-181. On electronic democracy see LONGO, E., «The European Citizens’ Initiative: Too much democracy for EU polity?», *German Law Journal*, 20(2), (2019), pp. 181-200.

where the EU has the power to propose legislation after collecting one million signatures.

Aside from the consultation system, which provides only informal options for citizen and civil society participation, the ECI enables citizens to engage actively in the EU's democratic processes, allowing them to express their concerns in a very concrete way and to influence the European political and legislative agenda through addressing a request to the European Commission for a proposal of a legal act. Thus, while the initiative provides citizens a limited and indirect right to start legislation, the Commission is the gatekeeper of demands since it retains discretion over the formal right to initiate policy⁴⁶.

After a decade since its launch, the ECI has failed to achieve its intended goal: despite the initial optimism⁴⁷, it has not provided a «whole new dimension of participatory democracy»⁴⁸, as expected, but rather, it has been «virtually unnoticed by the mass media and the wider public»⁴⁹.

Statistics⁵⁰ show that between 1st April 2012 and September 2023, the Commission registered 103 initiatives, 23 of which were rejected; only nine initiatives reached one million signatures⁵¹ and received formal feedback

46. The Commission is not legally obliged to follow upon any such initiatives.

47. ZICCHITTU, P., «Il diritto di iniziativa dei cittadini: un nuovo strumento di partecipazione all'interno dell'Unione europea», *Quaderni costituzionali*, ((2010), pp. 621-625; LEVRAT, N., «L'initiative citoyenne européenne: une réponse au déficit démocratique», *Cahiers de droit européen*, 2011, pp. 53-101; PICHLER, J. W., KAUFMANN, B., «The next big thing, making Europe ready for the Citizens' Initiative», Mortsel, 2011; LECLERC, S., «L'initiative citoyenne européenne: un premier pas vers la démocratie participative dans l'Union européenne», *La Constitution, l'Europe et le droit: mélanges en l'honneur de Jean-Claude Masclat*, Paris, 2013, pp. 675-694; VILLANI, U., «Les principes démocratiques et l'initiative citoyenne européenne dans le Traité de Lisbonne», V. KRONENBERGER, M. T. D'ALESSIO, V. PLACCO (eds.), *De Rome à Lisbonne: les juridictions de l'Union européenne à la croisée del chemis – Mélanges en l'honneur de Paolo Mengozzi*, Bruxelles 2013, p. 193.

48. ORGAN, J., «Decommissioning Direct Democracy? A Critical Analysis of Commission Decision-Making on the Legal Admissibility of European Citizens Initiative Proposals», *European Constitutional Law Review*, 2014, pp. 422-443.

49. As ALEMANN, A. *Unpacking the principle of openness in EU Law: transparency, participation and democracy*, in *European Law Review*, 2014, pp. 72-90, spec. p. 79.

50. Data are from the European Commission's ECIs registry (<https://citizens-initiative.europa.eu>).

51. The nine initiatives having reached one million signatures are: «One of us»; «Right2Water»; «Stop Vivisection»; «Minority SafePack – one million signatures for diversity in Europe»; «Ban glyphosate and protect people and the environment from toxic pesticides»; «End the Cage Age»; «Save cruelty free cosmetics - commit to a europe without animal testing»; «Stop Finning – Stop the trade», and «Save bees and farmers! Towards a bee-friendly agriculture for a healthy environment».

from the Commission; however, none of them have led to concrete EU policy action⁵².

There are several reasons for the lack of effectiveness: limited visibility (leading to a low participation rate), structural obstacles in the registration and collection of signatures (which hinder a truly accessible to ordinary citizens), limited user self-awareness and, last but not least, limited capacity to lead to legislative output⁵³.

Not surprisingly, the lack of success so far has led to considerable criticism and general Euroscepticism among academics and stakeholders, who argue that the ECI is in danger of being used less and less by citizens and ultimately becoming obsolete⁵⁴.

However, while that is a genuine risk, it must be highlighted that the primary goal of the ECI is to encourage cross-border discourse and deliberation. The objective is not simply to gather signatures or empower EU citizens to co-determine the European agenda; rather, it aims to foster grassroots participation in tackling shared challenges. In this perspective, the ECI serves as a valuable means to be a channel for communication and exchange, to build a common European identity, and to facilitate pan-European debate.

52. It has to be pointed out that only three of these nine initiatives have had (or might have) some material impact on the legislative process: «Right2Water» (existing directives were modified and a regulation was adopted)²³⁰; «Stop Glyphosate» (a regulation was adopted, extending the authorisation of the substances but for limited use and shorter period of time); and «End the Cage Age» (the Commission promised to address the issue by the end of the current year).
53. The records show that after a strong initial interest in the instrument, the number of new initiatives has drastically decreased. It is a matter of facts that due to technical shortcomings and the administrative procedures for organisers, the number of initiatives that passed the threshold of one million signatures is very low. In addition, the initiatives had high refusal rates (mostly because Commission considers them to be beyond the scope of its powers). Finally, there is no legislative impact of successful initiatives so far and the Commission's follow-up is perceived as insufficient due to its non-binding character.
54. ROMITO, A. M., «European Citizens' Initiative: New Rules, New Trend?», *Law Review*, 2019, pp. 55-66; ID.; «Civil Society, Democracy and the European Citizens' Initiative: What's the Missing Link?», *Studia Europejskie*, n 4, (2018), pp. 235-250; CONRAD, M., KNAUT, A., BÖTTGER, K. (eds.), *Bridging the gap? Opportunities and constraints of the European Citizen's Initiative*, Broschert, 2016; L. BOUZA GARCÍA, J. GREENWOOD (eds.), *The European citizens' initiative: a first for participatory democracy?*, in Special issue of: *Perspectives on European politics and society*, 2012; G. SMITH, «The European Citizens' Initiative: a new institution for empowering Europe's citizens?», in M. DOUGAN, N. NIC SHUIBHNE, E. SPAVENTA (eds.), *Empowerment and disempowerment of the European citizen*, Oxford, 2012; F. FERRARO, «Il diritto di iniziativa dei cittadini europei: uno strumento efficace di democrazia partecipativa?», *Rivista italiana di diritto pubblico comunitario*, (2011), pp. 727-745; N. LEVRAT, «L'initiative citoyenne européenne: une response au deficit démocratique»,

In order not to frustrate the citizens' participation, positive feedback with tangible significance from the Commission would be important.

IV. THE CONFERENCE OF THE FUTURE OF EUROPE

More recently, drawing on the experience of existing participatory tools and new forms and locations of dialogue, active citizenship and cooperation emerge beyond established institutional structures, fostering a stronger connection to representative democracy.

The Conference on the Future of Europe (hereinafter CoFoE)⁵⁵ fits well into this context, uniquely combining bottom-up participatory features and top-down *elite* decision-making mechanisms⁵⁶.

The purpose of this «out-of-the-box initiative»⁵⁷ was to relaunch the European integration project in an unprecedented way. For the first time, citizens have been involved in rethinking the EU to meet their needs and desires better, so the EU reform proposals were not discussed at the government level but were analysed and redefined «from the bottom»⁵⁸.

The hybrid process of interinstitutional negotiations and citizen participation hinges on the involvement of EU and Member State institutions⁵⁹

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Cahiers de droit européen, 2011, pp. 1807-1848; DOUGAN, «What are we to make out of the Citizens' Initiative?», *Common Market Law Review*, (2011), pp. 1807-1848; J. W. PICHLER, B. KAUFMANN The next big thing, making Europe ready for the Citizens' Initiative, Mortsels, 2011.

55. It was emphatically described by the EC President von der Leyen, as 'an unprecedented exercise in deliberative democracy', see the Opening Statement in the European Parliament Plenary Session dated 15 July 2019.
56. The letterature on the topic is broad and it is fully listed in ROMITO, A. M., «La partecipazione dei cittadini alla riforma dell'Unione europea tra nuovi modelli partecipativi e vecchi problemi», *Freedom Security and Justice*, 2023, pp. 93-120.
57. ALEMANNINO, A., «Unboxing The Conference on the Future of Europe and its democratic raison d'être», *European Law Journal*, 2020, pp. 484-508; also CENGIZ, F., «Bringing the Citizen Back into EU Democracy: Against the Input-Output Model and Why Deliberative Democracy Might Be the Answer», *European Politics and Society*, vol. 19, n. 5, (2018), pp. 577-594.
58. The CoFoE evokes two precedents: the Messina Conference and the Convention on the Future of Europe, although it goes beyond previous models of technocratic or deliberative constitutional change. About its genesis see FABBRINI, F., «The Conference on the Future of Europe: Process and prospects», *European Law Journal*, vol. 26, issue 5-6, (2021), pp. 401-414.
59. Based on the principle that the legitimacy of the Conference would be all the stronger and more evident the more all levels of power were represented, in its structure, the CoFoE ensured an equal presence of all levels of power (European, national, regional and local) in the Conference Plenary and preserved an equal participation of the three European institutions both in the joint presidency of the Conference and in the composition of the Executive Committee.

in informal consultative democratic processes and the participation of (a limited number of randomly selected) European citizens. The process has been developed along two different converging paths: the first is a participatory democracy approach via a multilingual digital platform where citizens upload their ideas and proposals⁶⁰; the second approach embodies a deliberative democratic model, comprising four Citizen Panels (ECPs) with each panel consisting of 200 individuals selected from the 27 members to secure a diverse representation⁶¹.

The ECP filtered the consultation results and translated the proposals into recommendations, which were presented to the bodies in which the political representatives sit: the Conference Plenary⁶² and the Executive Committee⁶³.

On 9th May 2022, the Conference on the Future of Europe concluded officially, and a final report⁶⁴ containing the results of the discussions was sent to the Presidents of the European Parliament, the Council, and the Commission. It is anticipated that each of these EU institutions will «swiftly examine» the outcomes and follow up within their areas of responsibility in accordance with the Treaty⁶⁵. However, over a year has passed, and the expected responses from the European institutions have come to a halt.

Until now, the CoFoE allowed all citizens to express their views on the Union's progress and constitutes the most comprehensive undertaking for civic engagement that the EU has ever introduced. Nevertheless, the outcomes do not support the EU press' upbeat depiction of democratic participation: in actuality, just a tiny proportion of citizens were informed about the Conference's occurrences, and even fewer participated actively⁶⁶.

60. In addition, they can also promote dedicated events within one of the nine planned thematic areas, as well as submit their free-text contributions under «other ideas».

61. CoFoE's five criteria for inclusive panels are nationality, urban/rural, socio-economic background, gender and age.

62. The Plenary was composed of 449 individuals, representatives of the Economic and Social Committee, the Committee of the Regions, the social partners (representatives of trade unions), civil society, representatives of regional and local authorities, representatives of the national parliaments, of the Council (two per Member State), of the Commission and of the European Parliament.

63. The Executive Board is composed of representatives from the three institutions (European Parliament, Council and Commission), on equal footing.

64. In the final report 49 proposals and 326 detailed recommendations on very different topics to improve EU are collected.

65. Pursuant to Article 23 of the Rules of Procedure of the Conference on the Future of Europe.

66. In reality, of the approximately 447.7 million inhabitants, less than 780,000 individuals participated in the debate via the platform or events. This number is small both in absolute terms and especially insignificant when considering that it would not even

Limited visibility through the mass media⁶⁷, low level of digital participation, complex procedures and uncertainty about the CoFoE's ability to produce tangible political outcomes were obvious barriers that hindered widespread participation⁶⁸. Additionally, overshadowed by the pandemic and war, it remained largely unnoticed in the public sphere. Unnoticed and conceived as yet another bureaucratic exercise by the EU, it failed to attract attention.

The question must be raised about its worth - whether it was a useless trial, a mere «cosmetic exercise»⁶⁹, or if it could potentially elicit changes within the European Union towards enhanced citizen participation.

While the Conference's low attendance figures could imply an absence of interest in EU reforms amongst citizens, it is vital to recognise the event as a victorious sociological experiment⁷⁰, marked by its distinctive organisational methods and characteristics.

It was a pan-European deliberative democracy initiative that provided a new public forum for open, inclusive, and transparent discussions on the Union's key priorities and challenges. The opportunity, which otherwise would not have existed, was open to people of all ages, social backgrounds, countries, civil society, and state administrations, albeit to a limited number at this stage.

ARANZADI

The idea that the CoFoE could represent an opportunity for «constitutional revision» of the EU is unrealistic. Nevertheless, it is a practical expedient for identifying a renewed identikit of the European citizen and for monitoring the orientations of European society, which are still *in fieri*. Qualified as a 'pilot project', as a 'laboratory' to empirically test the delibe-

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66. meet the requirements to propose a popular legislative initiative under art. 11(4) TEU and 24 TFEU. Given the limited incorporation of results from previous citizen participation formats into the EU decision-making processes, it is doubtful that the level of citizen involvement in CoFoE will result in significant change or bring about genuine reform.
67. See MICHAILIDOU, A., TRENZ, H., «The Future of Europe debate needs the intermediary power of journalism», March 7th, 2022, <https://blogs.eui.eu/transnational-democracy>.
68. ALEMANNI, A., «Unboxing the Conference on the Future of Europe», cit., ROMITO, A. M., «La partecipazione dei cittadini alla riforma dell'Unione europea tra nuovi modelli partecipativi», cit.
69. FABBRINI, F., «La Conferenza sul Futuro dell'Europa: potenzialità e problematiche», Research paper, Centro studi sul federalismo, giugno 2021, pp. 1-20, online.
70. RASPADORI, F., «La Conferenza sul futuro dell'Europa e le colonne d'Ercole della distanza dai cittadini», BlogDUE, 24 giugno 2022, pp. 1-11, online

rative participation on a transnational scale, the CoFoE holds significant value, as it marks a turning point in democratic consultation methods⁷¹.

Although CoFoE failed to provide clarity on how its own input will be followed up at the political level, there are already tangible effects, with the President of the Commission announcing in her 2023 work programme⁷² that she intends to establish a permanent consultation forum and allocate resources to institutionalise both the Citizens' Panels (which can submit recommendations to the Commission before it formulates legislative proposals)⁷³ and the online Platform (which could complement the Convention convened by the European Council for the reform of the founding Treaties under Article 48 TEU).

In the first half of this year, the contribution of citizens to the public debate by sharing their thoughts and making recommendations is already a reality⁷⁴. This accomplishment is noteworthy and should be further improved upon.

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71. Rather than measuring its success by its ability to cautiously lead to treaty reform —or to transform itself into a new mode of constitution-making—, it seems more pertinent to consider its value in the light of its ability to offer European and national institutions, as well as citizens, a foretaste of a more citizen-centred deliberative system and thus of a more accessible and inclusive transnational Union. A. VON BOGDANDY, *La nostra società europea e la sua Conferenza sul futuro dell'Europa*, in *Quaderni Costituzionali*, 2021, pp. 699-701.
72. V. Commission Work Programme 2023 A strong and united Union, of 18 October 2022, COM(2022) 548 final.
73. The implementation of an innovative participatory process within the EU institutional framework characterized by its deliberative nature and involves citizens drawn by lot, is commonly called 'mini-publics'. See in details ABELS, G., (et al.), «Next level citizen participation in the EU: Institutionalising European Citizens' Assemblies», Bertelsmann Stiftung, 2022; cfr. PATRIQUIN, L., «Permanent Citizens' Assemblies: A New Model for Public Deliberation», Rowman and Littlefield, 2020; SETÄLÄ, M., Advisory, «Collaborative and Scrutinizing Roles of Deliberative Mini-Publics», *Frontiers in Political Science*, 2021, ID., «Connecting deliberative mini-publics to representative decision-making», *European Journal of Political Research*, vol. 56(4), (2017), pp. 846-866; FARRELL, D. M., et al., «Deliberative Mini-Publics: Core Design Features», Centre for Deliberative Democracy and Global Governance working paper 2019/5, Canberra, 2019.
74. A panel to support the legislative initiative on «food waste» has already been convened in Brussels on 16 December 2022, another one to allow citizens «to formulate recommendations on a vision, principles, and actions to ensure that virtual worlds in the EU are fair and fit for people» has been hosted in Brussels on 24 February 2023, and yet another panel on «mobility for learning purposes» has been launched on 3 March 2023. Moreover, the Commission is currently creating a novel interactive platform that is designed similar to the Multilingual Platform. The goal is to merge multiple participation tools that are already accessible online, which includes the 'Have your say' portal and the European Citizens' Initiative website.

V. CONCLUSIONS

Thirty years after the Maastricht Treaty, it is challenging to assert that EU citizenship has fully realised its potential and that the objective of enabling effective citizen participation in the democracy of the European Union has been wholly attained. On the one hand, the development of European citizenship appears still in progress; on the other hand, the citizens of EU Member States still lack a shared consciousness of their relationship with the EU and a strong sense of European identity.

The results of the analysis demonstrate that there is a gap between legal provisions and real life: despite a multitude of legal instruments, the participation from 'ordinary' citizens in EU affairs remains limited, and the establishment of a transnational civil society - a catalyst for a meaningful and productive discussion concerning the EU - still appears distant⁷⁵.

Looking at the ECI and CoFoE experiences, it is clear that they have failed to meet the expectations they raised when introduced and have not worked efficiently in alleviating the democratic deficit of Europe: not only very few citizens are aware of them, but also there is little assurance that will impact EU legislation.

While it cannot be said that EU policymaking is automatically brought closer to citizens, it is worth considering that their primary impact may not necessarily be the adoption of substantial amounts of new legislation or the reform of the existing laws. Rather, those legal tools have a specific value: they could lead to a widening of the policymaking community in Brussels and, help to facilitate the development of a transnational European public opinion and strengthen links with like-minded individuals across the Union.

Their ultimate aim is to promote a trans-European debate on issues of public concern, which can foster an EU-wide public platform.

Both of these tools have the potential to stimulate a European public discourse, but the development of European democracy and new forms of citizen participation have indeed not reached the end of the road.

75. «While there exist embryonic forms of citizen participation at virtually every stage of the policy cycle, ranging from the right to petition to the European Parliament and the right to access to documents, to the right to complain to the EU Ombudsman and European Citizens' Initiatives ("ECIs"), they remain unknown, scattered, and under-used by the average European citizen». ALEMANNI, A. «Unpacking the principle of openness in EU Law», cit. p. 79. The proliferation of digital platforms and the dismantling of language barriers would seem, finally, to have fostered direct democracy; yet, it does not seem that these tools are equivalent to a complete European consciousness or to the active and knowledgeable involvement of active citizenship.

In order to promote broader civic participation based on active citizenship, it could also be important to focus on more concrete and capillary instruments such as consultations and opinions to be formulated in the 'Have your say' platform or citizen's assembly («minipublics»). Through the former, the Commission already consults variously qualified categories of citizens (entrepreneurs, students, environmentalists, trade unionists, etc.) on specific issues; through the latter, randomly selected citizens could be engaged in an open and informed deliberation on a given policy issue and make recommendations concerning the issue under discussion.

Both instruments would have the capacity to test ideas beyond entrenched political divides and provide a laboratory for a genuine cross-national political conversation in Europe. Moreover, they would achieve two significant results: the first is to encourage citizens and various components of civil society to address specific and existing European measures in a timely and informed manner and to help determine their content. The second is to arouse a sense of belonging to the EU, which can only be firmly grounded through concrete approaches. Indeed, what, more than active involvement, can convince citizens of the usefulness of the European integration process and lead them to become enthusiastic Europeans who identify with it?⁷⁶

The legal instruments for grassroots mobilisation, designed to provide a clear right to participate in **ARANZADI** can potentially change how the EU sets its agenda. It is our responsibility to strengthen the cross-border dialogue that fosters successful societal integration in the Member States of the Union while at the same time encouraging cultural growth to enhance the quality of democracy. The formation of a «European people» is a gradual process based on European citizenship⁷⁷, the role of citizenship being primarily a cultural process.

In this rapidly changing global order, with the pressures of globalisation and deepening European integration, citizen-centred practices are necessary to shape and reinforce the values associated with the EU. As stated, «the train of deliberative democracy has now left the station, and there is no going back»⁷⁸.

76. F. RASPADORI, «La partecipazione dei cittadini all'Unione europea e spettro di democrazia», *Federalismi.it*, n. 12, (2022), pp. 220-240.

77. See TRIGGIANI, E., «The indispensable European integration, at maturity, between the democratic deficit and the limits of sovereignty», in this book at par.6.

78. In the words of Vice presidente Suica in the interview dated 22 October 2022 *Citizens should be at the heart of EU policymaking* on line https://joint-research-centre.ec.europa.eu/jrc-news-and-updates/vice-president-suica-citizens-should-be-heart-eu-policymaking-2022-10-25_en

BIBLIOGRAPHY

ABELS, G., (et al.), *Next level citizen participation in the EU: Institutionalising European Citizens' Assemblies*, Bertelsmann Stiftung, 2022.

ALEMANNI, A. «Unpacking the principle of openness in EU Law: transparency, potential to stimulate a European public discourse, but the development of European democracy and new forms of citizen participation have indeed not reached the end of the road.

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BIBLIOGRAPHY

ABELS, G., (et al.), *Next level citizen participation in the EU: Institutionalising European Citizens' Assemblies*, Bertelsmann Stiftung, 2022.

ALEMANNNO, A. «Unpacking the principle of openness in EU Law: transparency, participation and democracy», *European Law Review*, (2014), pp. 72-90.

ALEMANNNO, A., *Towards a permanent citizens' participatory mechanism in the EU*, Policy Department for Citizens' Rights and Constitutional Affairs Directorate-General for Internal Policies PE 735.927 – September 2022.

ALEMANNNO, A., «Unboxing the Conference on the Future of Europe and its democratic raison d'être», *European Law Journal*, (2020), pp. 484-508.

ALLEGRETTI, U., (a cura di), *Democrazia partecipativa: esperienze e prospettive in Italia e in Europa*, Firenze **ARANZADI**

AMNÅ, E., *New form of citizens participation*, Baden-Baden, 2010.

BESSON, S., UTZINGER, A., «Introduction: Future Challenges of European Citizenship – Facing a Wide-Open Pandora's Box», *European Law Journal*, vol. 13, (2007), pp. 573-590.

BIFULCO, R., «Democrazia deliberativa, partecipativa e rappresentativa: tre diverse forme di democrazia?», Allegretti, U. (a cura di), *Democrazia partecipativa. Esperienze e prospettive in Italia e in Europa*, Firenze University Press, Firenze, 2010.

BORDINO, G., *Un nuovo diritto per la democrazia e lo sviluppo in Europa: l'iniziativa dei cittadini europei (ICE)*, Bologna, 2013.

BOUZA L., GARCÍA, J., GREENWOOD (eds.), *The European citizens' initiative: a first for participatory democracy?*, Special issue of *Perspectives on European politics and society*, 2012.

78. In the words of Vice president Suica in the interview dated 22 October 2022 *Citizens should be at the heart of EU policymaking* on line https://joint-research-centre.ec.europa.eu/jrc-news-and-updates/vice-president-suica-citizens-should-be-heart-eu-policymaking-2022-10-25_en

CARTABIA, M., «La cittadinanza europea» in Enciclopedia giuridica Treccani vol VI, 1(995), p. 2 ff.

CARTABIA, M., LUPO, N., SIMONCINI, A., *Democracy and subsidiarity in Europe*, Bologna, 2013.

CENGIZ, F., «Bringing the Citizen Back into EU Democracy: Against the Input-Output Model and Why Deliberative Democracy Might Be the Answer», *European Politics and Society*, vol. 19, n. 58, (2018), pp. 577-594.

CLOSA, C., «European Citizenship and New Forms of Democracy», in AMATO G., BRIBOSIA H., DE WITTE B., *Genèse et destinée de la Constitution européenne: commentaire du Traité établissant une Constitution pour l'Europe à la lumière des travaux préparatoires et perspectives d'avenir*, Brussels: Bruylant, 2007, pp. 1050-1073.

CLOSA, C., «Union citizenship and Nationality of the Member States», *Common Market Law Review*, 1995, pp. 487-518.

CONRAD, M., KNAUT, A., BÖTTGER K. (eds.), *Bridging the gap? Opportunities and constraints of the European Citizen's Initiative*, Broschert, 2016.

CUESTA LOPEZ, V., «The Lisbon Treaty's Provisions on Democratic Principles: A Legal Framework for Participatory Democracy», *European Public Law*, (2010), pp. 123-138.

DOUGAN, M., «What are we to make out of the Citizens' Initiative?» *Common Market Law Review*, (2011), pp. 1807-1848.

DRAETTA, U., «I principi democratici dell'Unione europea nel Trattato di Lisbona», *Studi sull'integrazione europea*, (2008), pp. 513-527.

DRAETTA, U., «The Democratic Principles of the European Union in the Treaty of Lisbon». *The Federalist, Political Review*, n. 2, (2008), pp. 110-118.

FABBRINI, F., «La Conferenza sul Futuro dell'Europa: potenzialità e problematiche», *Research paper, Centro studi sul federalismo*, giugno (2021), pp. 1-20, online.

FABBRINI, F., «The Conference on the Future of Europe: Process and Prospects», *European Law Journal*, vol 26, issue 5-6, (2021), pp. 401-414. Doi: 10.1111/eulj.12401

FARRELL, D. M., et al., «Deliberative Mini-Publics: Core Design Features», *Centre for Deliberative Democracy and Global Governance working paper 2019/5*, Canberra, 2019.

FERRARO, F. «Il diritto di iniziativa dei cittadini europei: uno strumento efficace di democrazia partecipativa?», *Rivista italiana di diritto pubblico comunitario*, (2011), pp. 727-745.

FOLLESDAL, A., HIX, S., «Why there is a democratic deficit in the UE: a response to Majone and Moravcsik», *Journal of Common Market Studies*, pp. 533-535.

GREENWOOD, J., «Review article: Organised civil society and democratic legitimacy in the European Union», *British Journal of Political Studies*, Vol. 37, Issue n. 2, (2007), pp. 333-357.

GREENWOOD, J., TUOKKO, K., «The European Citizens' Initiative: the territorial extension of a European political public sphere?», *European Politics and Society*, (2017), pp. 166-181, DOI: 10.1080/23745118.2016.1202234

HIERLEMANN, D. et al., *Under Construction, Citizen Participation in the European Union*, Verlag Bertelsmann Stiftung, 2022.

KALAITZAKI, K., «EU Citizenship as a Means of Broadening the Application of EU Fundamental Rights: Developments and Limits», CAMBIEN, N., KOCHENOV, D., MUIR E. (eds.), *European Citizenship under Stress*, Brill-Nijhoff, 2020, pp. 44-66, DOI: https://doi.org/10.1163/9789004433076_005

KAUFMANN, B., *The European Citizens Initiative handbook*, Bruxelles, 2010.

KOCHENOV, D. «On Tiles and Pillars: EU Citizenship as the Federal Denominator», KOCHENOV, ed., *EU Citizenship and Federalism: The Role of Rights*. Cambridge, Cambridge University Press, (2017), pp. 3-76.

KOCHENOV, D., PLENDER, R. «EU Citizenship: From an Incipient Form to an Incipient Substance? The Discovery of the Treaty Text», *European Law Review*, (2012), pp. 369-396.

KRONENBERGER, V., D'ALESSIO, M. T., PLACCO V. (eds.), *De Rome à Lisbonne: les juridictions de l'Union européenne à la croisée del chemis – Mélanges en l'honneur de Paolo Mengozzi*, Bruxelles 2013, p. 193.

KUTAY, A., «Limits of Participatory Democracy in European Governance», *European Law Journal*, (2015), vol. 21(6), pp. 803-818. DOI: 0.1111/eulj.12156

LECLERC, S., «L'initiative citoyenne européenne: un premier pas vers la démocratie participative dans l'Union européenne», *La Constitution, l'Europe et le droit: mélanges en l'honneur de Jean-Claude Masclet*, Paris, 2013, pp. 675-694.

LEVRAT, N. «L'initiative Citoyenne Européenne: une response au deficit démocratique», *Cahiers de droit européen*, (2011), pp. 53-101.

LONGO, E., «The European Citizens' Initiative: Too much democracy for EU polity?», *German Law Journal*, 20(2), (2019), pp. 181-200.

MAJONE, G., «The common sense of European Integration», *Journal of European Public Policy*, Vol. 13, n. 5, pp. 607-626.

MASTROIANNI, R., MAFFEO A., (a cura di), *L'iniziativa dei cittadini europei*, Napoli, 2015.

MENDES, J., «Participation and the Role of Law After Lisbon: A Legal View on Article 11 TEU», *Common Market Law Review*, vol. 48(6), (2011), pp. 1849-1878.

MICHAILIDOU, A., TRENZ, H., «The Future of Europe debate needs the intermediary power of journalism», 7th March, 2022, <https://blogs.eui.eu/transnational-democracy>

MORGESE, G., «Principio e strumenti della democrazia partecipativa nell'Unione europea» in E. TRIGGIANI (a cura di), *Le nuove frontiere della cittadinanza europea*, Bari, 2011, pp. 37-59.

ORGAN, J., «Decommissioning Democracy? A Critical Analysis of Commission Decision-Making on the Legal Admissibility of European Citizens Initiative Proposals», *European Constitutional Law Review*, (2014), pp. 422-443.

PATRIQUIN, L., *Permanent Citizens' Assemblies: A New Model for Public Deliberation*, Rowman and Littlefield, 2020.

PESCE, C., *Democrazia rappresentativa e democrazia partecipativa nell'Unione europea*, Napoli, 2016.

PICHLER, J. W., KAUFMANN, B., *The European Citizen' Initiative: into new democratic territory*, Mortsek, 2010.

PICHLER, J. W., KAUFMANN, B., *The next big thing, making Europe ready for the Citizens' Initiative*, Mortsel, 2011.

PRODI, R., *Shaping the New Europe*. European Parliament, Strasbourg. 15th February 2000 SPEECH/00/41.

RASPADORI, F. «La partecipazione dei cittadini all'Unione europea e spettro di democrazia», *Federalismi.it*, n. 12, 2022, pp. 220-240.

RASPADORI, F., «La Conferenza sul futuro dell'Europa e le colonne d'Ercole della distanza dai cittadini», *BlogDUE*, 24 giugno 2022, pp. 1-11 reperibile *online*.

RASPADORI, F., «La democrazia partecipativa ed il diritto di iniziativa dei cittadini europei», *Studi sull'integrazione europea*, (2010), pp. 675-689.

ROMITO, A. M., «Civil Society, Democracy and the European Citizens' Initiative: What's the Missing Link?» *Studia Europejskie*, n. 4, (2018), pp. 235-250.

ROMITO, A. M., «European Citizens' Initiative: New Rules, New Trend?», *Law Review*, (2019), pp. 55-66.

ROMITO, A. M., «La partecipazione dei cittadini alla riforma dell'Unione europea tra nuovi modelli partecipativi e vecchi problemi», *Freedom Security and Justice*, (2023), pp. 93-120.

RUSSACK, S., «Pathways for Citizens to Engage in EU Policymaking», *CEPS Policy Insights No. 2018-14 / November 2018*.

SCHRAUWEN, A., «European Union Citizenship in the Treaty of Lisbon: Any Change at All?», *Maastricht Journal of European and Comparative Law*, vol. 15, (2008), pp. 55-64. <https://doi.org/10.1177/1023263X0701500106>

SETÄLÄ, M., «Connecting deliberative mini-publics to representative decision-making», *European Journal of Political Research*, vol. 56(4), (2017), pp. 846-866.

SETÄLÄ, M., Advisory, «Collaborative and Scrutinizing Roles of Deliberative Mini-Publics», *Frontiers in Political Science*, 2021.

SHAW, J., «EU Citizenship and Pand Political Rights in an Evolving European Union», *Fordham Review*, (2007), pp. 2549-2578.

SIEBERSON, S. C., «The Treaty of Lisbon and its impact on the European Union's Democracy Deficit», (2007). <http://dx.doi.org/10.2139/ssrn.1628869>

SMISMANS, S., «European Civil Society and Citizenship: Complementary or Exclusionary Concepts?», *Policy and Society*, 28(1), (2009), pp. 59-70.

SMITH, G. «The European Citizens' Initiative: a new institution for empowering Europe's citizens?», M. DOUGAN, N. NIC SHUIBHNE, E. SPAVENTA (eds.), *Empowerment and disempowerment of the European citizen*, Oxford, 2012.

TRIGGIANI, E., «La cittadinanza europea per la "utopia" sovranazionale», *Studi sulla integrazione europea*, (2006), pp. 435-477.

TRIGGIANI, E., «The indispensable European integration, at maturity, between the democratic deficit and the limits of sovereignty», in this book at par. 6.

VAN ROSSEM, J. W., «Political citizenship in European Union: what it means, how it came about and what challenges lie ahead», DER HARST, J., HOOGERS, G., VOERMAN, G., (ed.) *European citizenship in European Citizenship in Perspective. History, Politics and Law*, University of Groningen, the Netherlands, 2018, pp. 11-41.

VILLANI, U., «Les principes démocratiques et l'initiative citoyenne européenne dans le Traité de Lisbonne», KRONENBERGER, V., D'ALESSIO, M. T., PLACCO V., (coord.), *De Rome à Lisbonne: les juridictions de l'Union européenne à la croisée des chemins. Mélanges en l'honneur de Paolo Mengozzi*, Bruxelles, 2013.

VILLANI, U., «La cittadinanza dell'Unione europea», AA.VV. *Studi in ricordo di Antonio Panzera*, Bari, 1995, II, pp. 1001-1039.

VILLANI, U., «Considerazioni sulla democratizzazione dell'Unione europea», *Studi sulla integrazione europea*, 2015, pp. 217-224.

VON BOGDANDY, A., «La nostra società europea e la sua Conferenza sul futuro dell'Europa», *Quaderni costituzionali*, (2021), pp. 699-701.

VON BOGDANDY, A., «The European Lesson for International Democracy: The Significance of Articles 9-12 EU Treaty for International Organizations Armin», *The European Journal of International Law*, Vol. 23, no. 2, (2012), pp. 315-334.

WEILER, J., *The Constitution of Europe*, Cambridge University Press, 1999.

WIENER, A. «The Constructive Potential of Citizenship: building European Union», *Policy & Politics*, 27, (1999), pp. 271-293.

ZICCHITTU, P., «Il diritto di iniziativa dei cittadini: un nuovo strumento di partecipazione all'interno dell'Unione europea», *Quaderni costituzionali*, (2010), pp. 621-625.

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ESTUDIOS

Este libro analiza las aportaciones efectuadas por el Tratado de Maastricht tras su entrada en vigor, así como su eficacia y vigencia a día de hoy, a la luz de las nuevas circunstancias y evolución del proyecto comunitario. En esta obra, diferentes expertos en Derecho comunitario de distintos estados miembros de la Unión Europea analizan, desde diferentes áreas y perspectivas jurídicas, las aportaciones que en su día supuso el Tratado de Maastricht, y su repercusión en el proceso de integración europea, centrándose sobre todo en los aspectos relacionados con la evolución democrática de la Unión Europea y en el proceso de integración económica desde las nuevas perspectivas sociales y medioambientales aportadas por Maastricht.

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