

Splendor and misery – Some reflections on the role of Public Consultations in European Research Policy

Public Consultations are an important tool to make the shaping of European policies more transparent and to foster public participation. This paper presents a closer look at the use of Public Consultations for European Research Policy. Despite all good intentions and a remarkable mobilization of respondents from all over Europe, a closer analysis also highlights some important shortfalls of the current practice. The final chapter presents some reflections on how to tackle some of the problems identified and to achieve an adequate interpretation of the responses received.

1. Public Consultations as part of the Better Regulation Strategy

One of the most widespread stereotypes about European politics is to describe it as “technocratic” and “opaque”. While it is true - and in a democratic context unavoidable – that the decision-making process is lengthy and complicated, the way by which legal acts are prepared has undergone some remarkable changes over recent years. The flagship initiative in this context is the so-called “Better Regulation Package”¹, which aims at a much more stringent ex-ante control of the feasibility and adequacy of proposed initiatives. While most of the new measures introduced concern the internal quality control within the Commission services, the most visible novelty for the broader public was the introduction of Public Consultations as mandatory prerequisite for any new activity or legislation.

¹ Better Regulation: Delivering better results for a stronger Union, Communication from the Commission to the European Parliament, the European Council and the Council COM(2016) 615

More information available on

https://ec.europa.eu/info/law/law-making-process/better-regulation-why-and-how_en

In times where political decisions in other parts of the world are taken without any real evidence base and without any serious attempt to assess foreseeable consequences, the intention to base European legislation on formal ex-ante impact assessments is remarkable – and the idea to involve systematically the public at large in the early phase of the decision-making process is revolutionary.

Public Consultations invite all stakeholders to have their say, and allow the wider public and in a sense every single citizen to get involved in the policy shaping process. They are central element to increase transparency and to achieve a more participatory and rational policy shaping process.

2. Use of Public Consultations for European Research Policy

Since the introduction of the Better Regulation Package, 14 Public Consultations relating to European Research Policy have been concluded²:

Public Consultation	Deadline	Number of responses	Number of papers
Interim Evaluation PPPs (Art. 185)	30.04.2017	?	?
Interim Evaluation Joint Undertakings	10.03.2017	?	?
Interim Evaluation Horizon 2020	15.01.2017	3483	296
Interim Evaluation Euratom	15.01.2017	?	?
EDCTP2 Clinical Trials	15.11.2016	?	?
Joint Programming Metrology EMPR and EMPIR	07.10.2016	250	0
WP 2018-20 Food	28.08.2016	?	?
WP 2018-20 Science with and for society	04.07.2016	90	0
Strategy for an Energy Union	31.05.2016	243	0
PRIMA	24.04.2016	562	0
Ex-Post Evaluation FP7	22.05.2015	202	0
Earth Observation	20.04.2015	326	0
WP 2016-17 Science with and for Society	12.10.2014	170	0
Science 2.0	30.09.2014	498	27

Even in a policy area like research, where new legislation is not that frequent, Public Consultations are no longer exceptional events, but have become a kind of routine operation.

3. Some observations

After two and a half years, it might be appropriate to have a closer look at the current practice of using Public Consultations in the context of European Research Policy. The motivation is not to criticize a tool which is tremendously powerful and could contribute significantly to overcome some of the problems with the current European governance system. The motivation is also not to criticize any consultation or the services involved in their implementation. This is a novel tool and experiences are gained on a trial and error basis, so it might be helpful to highlight some issues where further action is needed – not only from the Commission, but from the public at large ...

² The table is based on information provided on <https://ec.europa.eu/research/consultations/index.cfm?pg=list>

3.1. Thematic coverage

A quick analysis of the 14 Public Consultations so far shows that most of these were based on formal obligations (new legislation, evaluations), whereas some were of a more “voluntary” nature (Work Programme preparation in some areas).

Since such “voluntary” public consultations are relatively rare, and as legislation is - beyond the period of designing the next Framework Programme – not really the core business of research policy, the overall list might not exactly mirror the real hotspots in policy development over the last 30 months. For example, there has been no Public Consultation on the very influential concept of the “Three O’s”, presented by Commissioner Moedas in 2015 as guidance for European Research Policy under his responsibility³.

Public Consultations follow a top-down logic, in the sense that the timing and the subject of the consultation, and the scope of the questions, are decided by the Commission services. This means that certain issues are very unlikely to be ever addressed in a Public Consultation, and that the implicit and explicit guidance given through the questionnaires is narrowing down the diversity of the feedback received.

3.2. Representativeness

Mobilising people to devote their time and thinking to a Public Consultation is a demanding and difficult process, and it is very difficult to assess which number of responses would be needed to get a comprehensive view. Consequently, there might be a tendency to cut the story short by using the French standing expression “les absents ont tort” (those absent are wrong) and focussing exclusively on the responses received.

For a realistic assessment, one should consider the specific topic of every single Public Consultation. The mobilisation effect is certainly higher for specific initiatives in very specialised and in a sense “narrow” issues, and 250 responses received in the field of Metrology⁴ might be a very solid turnout.

The recently completed Public Consultation for the Interim Evaluation of Horizon 2020 is by far the most successful one in the context of European Research Policy, and mobilising more than 3500 responses is a big achievement.

And yet, even this impressive figure needs to be put in context:

- In 2015, there were 1.82 million researchers employed in the 28 Member States⁵, so the response rate calculated for the European research population would be roughly 0.2%.
- Up to 1.1.2017, there were 16 679 “participants”⁶ (in the sense of participating legal entities) in Horizon 2020. If there were on average three people involved per “participant”, the response rate for the active Horizon 2020 population would be roughly 7%.

³ „Open Innovation, Open Science, Open to the World“, Speech by Commissioner Carlos Moedas on 22 June 2015
http://europa.eu/rapid/press-release_SPEECH-15-5243_en.htm

⁴ Metrology is the science of measurement, embracing both experimental and theoretical determinations at any level of uncertainty in any field of science and technology (Definition by the Bureau International des Poids et Mesures, see <http://www.bipm.org/en/worldwide-metrology/>)

⁵ http://ec.europa.eu/eurostat/statistics-explained/index.php/R_%26_D_personnel#Researchers_and_R.C2.A0.26.C2.A0D_personnel

- Eurobarometer, the EU wide opinion poll, is based on 1000 face-to-face interviews per country⁷, so the number of responses to this Public Consultation represents roughly 12% of the Eurobarometer sample size.

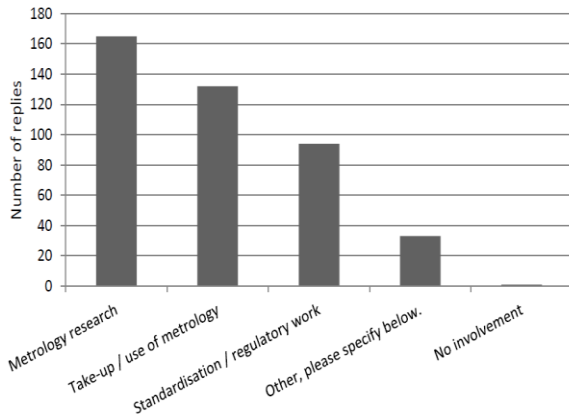
These very simple comparisons show that even the “best” Public Consultation so far (in terms of turn-out) falls short of the participation levels that would be required for a convincing representation of the relevant communities.

3.3. Response Bias

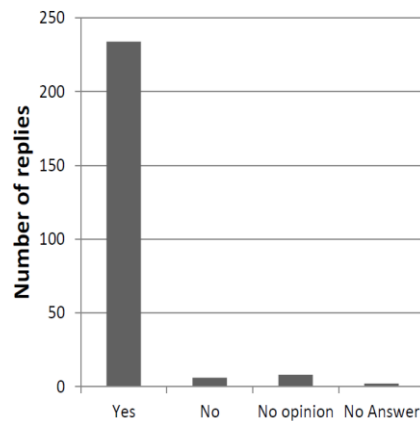
Since responding to a Public Consultation requires time and effort, only people or institutions with a pronounced interest in the subject are likely to invest in a reply. For the Public Consultations on specific research fields this means that the only respondents are essentially the (potential) beneficiaries of the envisaged action. This is probably unavoidable, but undermines considerably the credibility of the responses:

A good illustration for this phenomenon is the Public Consultation on the Joint Programming on Metrology Research⁸. As Table A.7 (left hand below) illustrates, virtually all respondents were involved in Metrology. And as illustrated in Table E.1 (right hand below) these respondents – surprise, surprise - support almost unanimously a future European-wide research programme on Metrology.

A.7. What aspect of metrology are you/is your organisation involved in?



E.1. Would you be in favour of future European-wide research programmes in metrology?



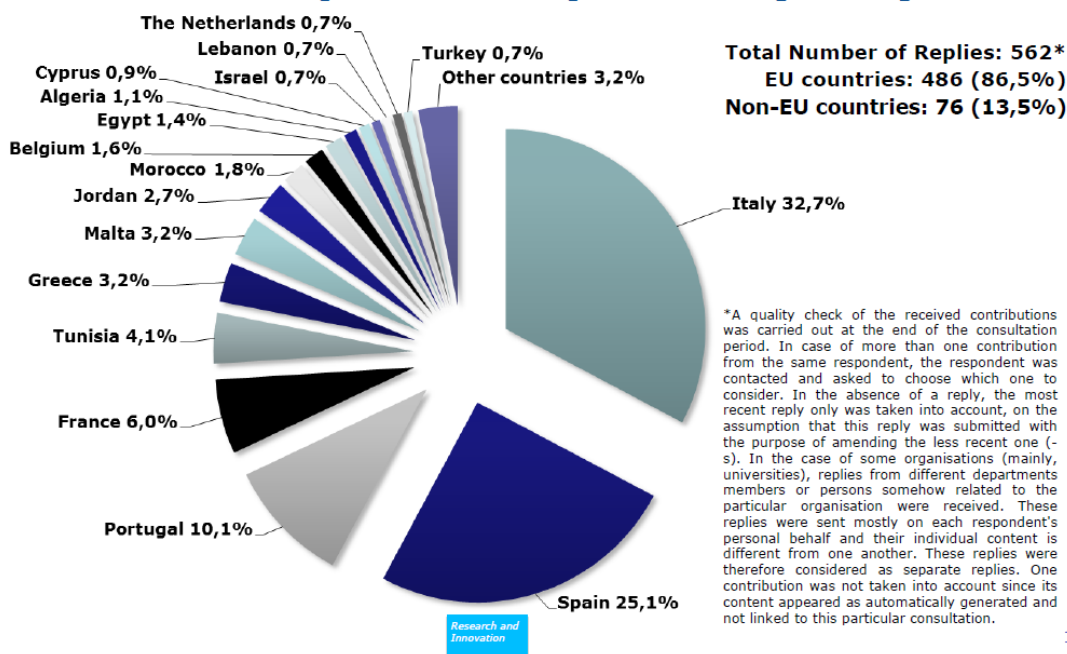
⁶ Commission Staff Working Document SWD(2017) 221 Interim Evaluation of Horizon 2020 – Annex 1, page 74, Table 3 [https://ec.europa.eu/research/evaluations/pdf/archive/h2020_evaluations/swd\(2017\)221-interim_evaluation-h2020.pdf#view=fit&pagemode=none](https://ec.europa.eu/research/evaluations/pdf/archive/h2020_evaluations/swd(2017)221-interim_evaluation-h2020.pdf#view=fit&pagemode=none)

⁷ <http://ec.europa.eu/commfrontoffice/publicopinion/index.cfm>

⁸ https://ec.europa.eu/research/consultations/joint_programming_metrology/consultation_results.pdf

A good example for another kind of strong bias can be found in the Public Consultation on the Partnership for Research and Innovation in the Mediterranean Area (“PRIMA”)⁹. Here the regional focus of the initiative led to a somewhat special distribution of the respondents, with two thirds originating from Italy, Spain and Portugal, whereas the very few respondents from Germany or the United Kingdom are apparently included in the residual category “Other countries” ...

A.1. Respondent profile (1/5)



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The current practice of Public Consultations favours the response by those who have a direct interest in the field, and provides no incentives for any wider audiences to get involved in the process.

Given the importance of Public Consultations within the Better regulation approach, more and more players seem to have understood that a positive outcome of a Public Consultation is essential for the launch of new funding initiatives. This has two important consequences:

- Since it is obvious which kind of responses are “helpful” to support a new initiative, the feedback received might be biased towards the “positive” side.
- More and more organisations include the pro-active follow-up to Public Consultations in the job description of their staff – together with other lobbying activities. This might lead to the development of a “Consultation Community”, systematically responding with a limited number of core messages to all Public Consultations which might be of relevance.

⁹ https://ec.europa.eu/research/environment/pdf/prima/prima-ia_consultation_ssr.pdf#view=fit&pagemode=none

4. Some reflections

The following thoughts do not present any solution to the issues raised, but they might be helpful to stimulate a general debate on how to further develop this important policy tool.

- The technical possibilities of online Public Consultations create a unique opportunity for the direct dialogue between the European administration on the one hand and citizens and stakeholders across all Member States on the other hand. Unfortunately, the availability of this option does not imply a general use, as there are no real incentives for “normal” people to get involved.
- As a result, the participation in Public Consultations is often limited to those with potential (financial) interests and/or those who do regard influencing European policies as one of their key tasks (people and organisations also known as “lobbyists” ...). It is thus probably one of the biggest achievements of Public Consultations to have considerably increased the transparency of the lobbying process.
- There might be a temptation to “oversell” the results of Public Consultations. Given the obvious response bias and/or the low response rates, results should be used and interpreted very carefully.
- From a more philosophical perspective a word of warning might also be appropriate. A better knowledge about a great number of individual preferences does not necessarily help to get an idea about the common public interest. To put it in simple words: Whereas “les absents ont tort” (those absent are wrong), those present are not necessarily right... as they might (legitimately) look first at their own interests rather than the development of a coherent public policy.
- Along similar lines, one should may-be raise more frequently the question about the aims and objectives of the Framework Programme. In practice, the large beneficiaries from universities and research organisation seem to assume that the Framework Programme is made for them. Ultimately, however, the researchers are just “agents” to achieve the real objectives, such as future jobs and growth, but also a better society for our children and grandchildren. Such a perspective helps to understand that simply taking the feedback from the current stakeholders as “public response” is by no means appropriate when dealing with long term initiatives like research and innovation.

Seventy years ago, back in 1947, Winston Churchill said *“No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.”*

In 2017, a similar statement could be made about Public Consultations. In these difficult times, where the alleged alienation between the European citizens and „Brussels“ is a subject of raising concern, Public Consultations are despite all critical remarks the best way to provide feedback from stakeholders and the public. But raising awareness for the limitations and weaknesses of this tool is a precondition for an even better use in the future, and an even more democratic decision-making process in Europe.

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