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"Technocratic Democratisation": What can we learn from the European Commission's New Generation European Citizens' Panels?

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Abstract

This paper delves into the “new generation” European Citizens Panels (ECPs) convened by the European Commission during Spring 2023 on three issue areas, namely food waste, virtual worlds, and learning mobility. The analysis encompasses the genealogy, methodology, and achievements of the “new generation” ECPs, underscoring the inherently top-down nature of the process. The authors introduce the concept of “technocratic democratisation” to characterize a form of citizen engagement that, while moderately fostering democratic progress, is narrowly confined to the technocratic sphere and thus remains part of a broadly technocratic logic. The paper is based on and participant-observation methods (due to the participation of the authors as observers or as assistants to the facilitators during the ECPs) and unstructured interviews with panel participants. Issues discussed relato to both progress in relations to previously organised pannels under the Conference on the Future of Europe as well as limitations regarding design, citizen selection, expert choices, consensus bias, transparency, and the lack of connection to the public sphere, due to a great extent to the exclusively top-down character of the exercise in question. While opening up EU policy-making in an unprecedented manner, the process remains a technocratic one, reflecting the ever-present tension between the aspirations of a genuinely transformative exercise of deliberative democracy and the hesitation of the Commission to relinquish full control. However, despite its technocratic nature, the paper argues that these panels might contribute to incremental procedural enhancements in citizen engagement, therefore representing modest strides in a broader agenda of EU democratisation.

Keywords

European Union, deliberative democracy, Citizens’ Assemblies, Citizens Panels, democratic innovations

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Introduction

A democratic EU ought to start with enhancing citizens' sense of ownership of the decisions taken in their name by "the EU."[1] But this is easier said than done. Indeed, EU institutions have been trying to do it for the last three decades and yet the perception by citizens remains stronger than ever that decisions that affect their everyday life are made out-there or up-there in a Brussels bubble. We do not find this surprising. Citizen engagement at EU as well as national level has remained broadly a technocratic exercise, sometimes informed by citizens' opinion, rather than a citizen-led democratic process. How then can EU institutions genuinely engage in a transformative process allowing citizens to write themselves into the EU story? What is the path putting citizens at the heart of it all? Are there enough 'agents for change' in the EU to boldly engage in such a path?

Sometimes, one small part of our social reality becomes an exemplar for the whole. Here we examine the most recent answer to this question in the guise of the so-called "new generation" European Citizens Panels (ECPs) organised by the EU Commission which took place in the Spring of 2023. These followed the broad ranging experiment of the Conference on the Future of Europe (CoFoE), while seeking to draw lessons and focussing on three issue areas, namely food waste, virtual worlds, learning mobility all relevant to the current EU legislative agenda but on different timescales. We analyse the organisation and functioning of the ECPs and offer recommendations for their future development. Our findings are mostly based on participant observation on our part as each of us took part either as observers or as assistants to the facilitators during the ECPs.

We argue here that these new generation ECPs must be understood as what can be labelled "technocratic democratisation", that is a kind of citizen's engagement which does open the door to democratic progress in the EU, but is narrowly applied to the technocratic sphere, and thus remains in a broadly technocratic logic.

We present our analysis in three parts. First, we go over the genealogy of these panels to ascertain the degree to which they have been the result of institutional learning. Second, we assess the methodology of the panels, and how in particular participating citizens, topics, experts, and goals were selected, with which concerns and criteria. And thirdly we assess the achievements of these panels, through five angles, substantive, policy, sociological, political, and international. For each of these three realms we discuss lessons learned and possible move that would deliver the second rather than first Janus-side.

I. Genealogy: From institutional learning to democratic renovation

EU citizens have long had formal channels to "convey their opinions" when it comes to EU law-making and decision-making, starting with the right to petition the European Parliament introduced in 1993 by the Treaty of Maastricht. For 15 years, however, this was the only instrument for EU citizens' participation until the Treaty of Lisbon came into force in 2008. The latter introduced four new instruments for what it referred to as "participatory democracy" (article 11), above all the so called "European Citizens' Initiative (ECI)" which is a misnomer since this does not amount to a "right of initiative", but to the right for 1 million signatories to invite the Commission to act within its powers and submit "any appropriate proposal" on matters where they consider that a legal act is required "for the purpose of implementing the Treaties". The treaty of Lisbon also introduced the right to send Complaints to the European Ombudsman, the injunction for the Commission to carry out broad consultations with parties concerned to ensure that the Union's actions are coherent and transparent, and last but not least "Citizens' Dialogues" to "*maintain an open, transparent and regular*

1 We would like to thank the participants of the EUI-STG Democracy Forum who have engaged in sustained observation and assessment of the CoFoE and this new generation of European Citizens' Panels, including specifically the meetings of 16 March 2023 and 30 June 2023, from the Commission, facilitators, and academia.

dialogue with representative associations and civil society."

By 2021, these five so-called "instruments" had the merit of existing but suffered from three fundamental flaws. For one, only a tiny minority knew about them, and even fewer ordinary citizens availed themselves. Second, it is not clear what difference they have made either in the culture or the outcome of EU policy making. Last but not least, many, although not all, sections of the EU institutional machinery have not genuinely offered an open mind and practices conducive to genuinely using these channels to enhance citizens' empowerment. The resistance to the actual implementation of successful ECIs, clearly the most significant among these is a case in point (Nicolaidis & Markovic, 2021).

To seek to remedy these limitations, the CoFoE which took place in 2021-2022, in part during the COVID pandemic, introduced the idea of citizens' panels, modelled around the many similar experiment that had been taking place around the world in the last 20 years. To be sure, the arguments for "government by lot" had been floating for a while in the democratisation debates pertaining to the EU (see, among others, Sintomer, 2022 or Alemanno, 2022). Many scholars, and CSOs in particular, had come to argue that sortition would provide an apt remedy to the creeping nepotism and corruption of our institutions, with many, temporarily empowered citizens harder to corrupt than a few.

Admittedly, this was the first exercise in transnational deliberative democracy within the European Union, whereby the panels intended to allow 'ordinary citizens' to think together about the future they wanted for the European Union and to offer recommendations on specific issues. This new approach, i.e. panels composed of entirely randomly selected European citizens, seemed to herald a new democratic era for the EU.

Table 1 summarises the methodology of these panels and the issues they addressed.

Table 1: CoFoE's European Citizens' Panels

Methodology	Panels
• 4 Panels of 200 European citizens each chosen through random selection, from the 27 Member States; • Reflecting the EU's diversity: geographic origin (nationality and urban/rural), gender, age, socioeconomic background, and level of education; • At least one female and one male citizen per Member State is part of each Panel; • A third of each Panel is composed of young people (age 16 – 25). A special link between this youth group and the European Youth Event has been created.	• Panel 1 - "Stronger economy, social justice, jobs, education, culture, sport, digital transformation" • Panel 2 - "EU democracy, values, rights, rule of law, security" • Panel 3 - "Climate change, environment, health" • Panel 4 - "EU in the world, migration"

The CoFoE was subject to intense scrutiny by NGOs and academic institutions, as a promising new democratic venture, an experiment in transnational democracy (Alemanno and Nicolaidis, 2022). While, many aspects of the experiment could be deemed promising, including the quality of deliberation in the sub-groups of the panels as well as the shared plenaries between 'random citizens' and politicians, the CoFoE was criticised on several fronts – see for instance the 10+1 guidelines for EU citizens' assemblies and the diagnosis offered by a federation of NGOs under the umbrella 'Citizens Take over Europe.' Wherever one falls on these assessments, one point is clear. The Conference failed to make a dent regarding the lack of public interest in the process. The panels ended up offering the function of mega-focus groups rather than genuine democratic exercises. In this sense the CoFoE retained a technocratic rather than a democratic look and feel.

One can argue however, that democratic progress in the EU will necessarily be incremental be it while remaining in a broadly technocratic logic or pertaining to a more ambitious democratic agenda. Which is why we need to pay special attention to the so-called new generation ECPs which the Commission decided to initiate as a follow up to CoFoE. While the organisation of CoFoE and its panels arose from an inter-institutional agreement between the three main EU institutions (Commission, Council and Parliament), the European Commission decided to incorporate similar panels into its internal work (without the participation of the Parliament or the Council) to discuss "key, upcoming proposals" of its Work Programme. This was announced by European Commission President Ursula Von der Leyen herself in the 2022 State of the Union address: "*The Citizens' Panels that were central to the Conference will now become a regular feature of our democratic life*" (Von der Leyen, 2022).

Thus, the new generation of European Citizens' Panels was born, which will be held, in principle, on an annual basis. Although the European Parliament is also planning to organise ECPs, the Commission-led ECPs represent at the time of writing the most concrete follow up to the CoFoE, procedurally at least, since its conclusions offered in the closing in May 2022 included proposition 39 which called for "*holding Citizens' assemblies periodically, on the basis of legally binding EU law*."

By the end of 2022, only six months after the end of CoFoE, three such Citizens' Panels were launched, held between mid-December 2022 to the end of April 2023. In this initial stage of the "new generation panels", citizens were asked to provide recommendations on three key initiatives of the 2023 Commission Work Programme, namely food waste, virtual worlds, and learning mobility. Each of the three panels was divided into three sessions (two face-to-face in Brussels and one online in between), consisting of a combination of general plenaries with all citizens present, and several working groups of 12 participants. Table 2 summarises the methodology and topics covered in this first wave of the new generation of European Citizens' Panels.

Table 2: European Commission's new generation of European Citizens' Panels

Methodology	Panels
• Around 150 citizens, randomly selected through random dialling from the 27 member-states • Representing the EU's diversity - geography (urban/rural), gender, age, education, socioeconomic background • 1/3 of participants are young people (16-25 years old) • Other socio-demographic characteristics considered relate to: education level, geographic location, and occupation.	• Panel 1 "Food waste" • Panel 2 "Virtual worlds" • Panel 3 "Learning Mobility"

(European Commission, 2022)

To what extent can we characterise this process as an instance of institutional learning? Following recommendation 39 mentioned above, proposed by the citizens at the CoFoE, these three initial ECPs were often labelled by their Commission sponsors as a pilot for a deeper integration of deliberative democracy in the EU. To be sure, the European Commission is the only institution that has endeavoured to consolidate the use of citizens' panels following up on the CoFoE.

This, however, does not mean that the perceived legitimacy and value of the panels can be taken for granted. Analysts have already argued that the implementation of the new generation of ECPs has had largely the same pitfalls as the previous rounds (Oleart, 2023; Bailly, 2023; CTOE, 2023). Democratic activists still have much work to do further convince the EU institutions of the value of such deliberative processes. The lessons learned from the Citizens' Panels will be key to such an agenda. Hopefully, while the Commission is currently the only EU institution gaining experience in integrating deliberative outcomes in its decision-making processes, other institutions will surely eventually follow through. While the Panels respond to the Right of Initiative of the Commission, future potential more permanent citizens' panels or assemblies can be envisaged integrating co-legislators, as seen with CoFoE. The ECPs can be seen as a learning experiment whereby agents for change within the Commission seek to convince their peers of their value through a collective process of exploration as to how deliberative democracy fits within the landscape of EU decision-making.

But the panels themselves tell a cautionary tale, with their constrained space for manoeuvre and narrow room for spontaneity, highlighting our Janus-faced diagnosis, namely the tension between genuine, yet incremental, democratic innovation and the co-optation of the panels as a strategy of self-legitimization. The attempt by the Commission to incorporate the panels into its internal working dynamics is, for the moment, an experiment for which much convincing, activism and institutional learning is still required. We need much patience if we are to judge the institutional anchoring of the panels and their future development.[2] The success and frequency of such panels will depend on the Commission's commitment to genuine citizen empowerment which in turn will depend on the existing momentum and resistance within its political-bureaucratic apparatus. This will be measured by the willingness to lose control and share power with the citizens involved in the process.

How did the Spring 2023 ECPs fare against such a standard?

2 Colin Scicluna, Head of Cabinet for VP Dubravka Šuica, EUI-STG Democracy Forum,16 March 2023

II. Methodology: Promise and limits of top-down citizen empowerment

We first turn to the methodology of the panels and examine in turn, the participant selection process, the topic and expert selection and the dynamics or goals of the debates themselves. For each of these dimensions we offer an assessment and some recommendations for change. We find that, for each, the exclusively top-down character of the ECPs constituted a major impediment to their success. Such an exclusively top-down approach is not surprising. It reflects the embryonic state of the integration of the deliberative process discussed in the introduction.

1. Selecting "citizens": Whose Assembly?

In the best of all worlds, these citizens panels are supposed to offer us a kind of 'picture of Europe" - was this achieved?

To a great extent, yes. The participants of the ECPs were chosen through a random selection process carried out by Kantar Public, a private data and consulting company. following the so-called "two-stage selection process". Potential participants were contacted through the random generation of telephone numbers, both mobile and landline, to randomly generate an initial pool of participants. The sortition of citizens was then based on a quota system that aimed to ensure a gender-balanced panel in which young people aged 16 to 25 represented a third of the panel. The sortition was further based on socio-demographic criteria including education level and occupation, to generate a sociologically representative sample of the EU's population. Finally, participants were selected through degressive proportionality with respect to the population of their respective member state.

To be sure, the process of sortition and stratification is highly resource-intensive. Imposing top-down criteria and hiring for-profit companies to undertake the stratification is bound to create skewed incentives.

While this process was designed along sound principles, its actual randomness can be questioned. The top-down and opaque nature of the process with respect to both the stratification criteria and the method of the selection allow to raise some important questions.

First, while according to the organisers, the sample was completely renewed for each panel this was not always the case, as citizens chosen for some panels had taken part for instance in CoFoE panel. Informal interviews revealed instances of citizens being offered the opportunity to participate in multiple panels. Any such recycling of participants would be in direct conflict with the principle of rotation of public posts and limited mandates, which is one of the foundations of democratic sortition (Owen & Smith, 2018). It also risks forming an elite of participating citizens, who accumulate experience and wisdom and may be more able to influence subsequent deliberations or panels.

Moreover, while the pool of participants reflected an intended bias towards young people, several other biases were also to be found within the selected group which impacted the deliberation outcomes.

According to informal interviews, a significant number of participants "took over" their place on the panels from friends or family members who were initially contacted by sortition organisations, because they had more familiarity with the topic, greater interest in EU affairs or simply more interest in participating. Clearly, incidences pose the risk of further reinforcing the selection bias and undermining the delicate two-stage sortition process.

More generally, even without such swapping, as with other such assembly, since citizens are not obliged to agree to be part of the initial pool, a self-selection bias is bound to emerge with respect to attitudes towards the EU, and the second stage stratification cannot correct entirely for this (through criteria that might not pick up this underlying bias of the pool). And indeed, we observed that participants were either positive or indifferent towards the EU with no or very few examples of

Eurosceptic attitudes, as far as we could ascertain from the tenor of discussions in which the role of the EU and the legitimacy of its intervention was not problematized *a priori* by the citizens. Both the self-selection bias and the overwhelming preponderance of pro-EU voices was also pointed out as one of the main concerns in CoFoE's original generation of European Citizens' Panels (Bailly, 2023).

What is to be done? It is of utmost importance, especially in the early stages of institutional consolidation, to be vigilant and utterly transparent in the design of the sortition process, which forms the legitimacy backbone of the entire deliberative process. If profit maximisation, cost-efficiency, and attitudinal selection bias are allowed to influence the sortition process, this can cause great harm to the integrity of the democratic exercise.

For "deliberative transformation" to take place at the collective level, place swapping should not be allowed, as panels require a plurality of initial views. The recruitment should include stratification of participants according to EU or political attitude and subject related opinions. Inclusion of underrepresented groups should be paramount, to ensure the voices of vulnerable groups are heard, in cooperation with NGOs working with such groups. Additionally, further criteria to include members of marginalized communities could be implemented in the recruitment process.

The question of who this assembly represents and with what legitimacy does not stop however with the sortition procedures. We must also consider what story is being told and internalised by the randomly chosen citizens themselves, and thus what they come to believe about their role and their "representativeness".

In the learning mobility panel, an EU official explained that the citizens present should not claim to represent the 450 million EU citizens, which is the task of the EP, but that they were instead a "snapshot." Many citizens were puzzled as to what this might mean. Indeed, a number of citizens asked questions both at the beginning and more tellingly at the end of the food waste panel along the lines of "*why are we doing this*". Interestingly the question elicited grand and idealist responses, e.g. "*to make the world a better place*", which felt slightly patronizing after asking them to think about the topic for 2 months. This was not tenor of the question not the kind of answer they were looking for. We heard these questions and intervention as asking, "*what difference can any of what we suggest make*", in other words; what is our legitimacy in issuing recommendations since we are told we only represent ourselves. In a highly rational way, citizens seem to ask where the greatest potential for democratic improvement are, what are the marginal cost for marginal benefit of intervention - the bang for the buck in short. This issue will be taken up in the sections below.

2. Selecting "topics": "Why should we care?"

What are the citizens supposed to discuss? In a democratic frame they would have chosen their own topic(s). To be fair, the topics chosen (Food Waste, Virtual Worlds, and Learning Mobility) all came up during the deliberations at CoFoE the year before. However, it is hard to find a topic that was not discussed at CoFoE - the question was which one to pick. As a result, we can safely say that the topic selection was the outcome of a top-down and non-consultative process. The choice of topics was exclusively under the purview of the Commission and, within the Commission, of a relatively small group of people. Indeed, these topics, especially the third one, were not made public until a few weeks before the panels took place.

To be fair, it is remarkable how quickly the Commission organised the new generation of ECPs. The first panel (food waste) started only six months after the end of the CoFoE demonstrating the Commission's intention not to lose the "deliberative momentum". The lack of public consultation and public participation in the selection of the topics was not only a small price to pay - it was also probably the condition for buy-in on the part of Commission services.

The issue of topic selection goes back to the CoFoE. According to the European Commission, 13 out of their 29 key initiatives for 2023 "*directly follow up or indirectly contribute to a proposal of the Conference of the Future of Europe*"[3]. One of the initiatives that followed up from CoFoE was "A comprehensive approach to mental health". In fact, in the 2022 State of the Union speech, Ursula von der Leyen referred to it: "*The Citizens' Panels that were central to the Conference will now become a regular feature of our democratic life. And in the Letter of Intent that I have sent today to President Metsola and Prime Minister Fiala, I have outlined a number of proposals for the year ahead that stem from the Conference conclusions. They include for example a new initiative on mental health.*"[4] However, despite having been announced as a possible topic for the new generation ECPs, "mental health" was finally not chosen. In the end, only one of the three topics chosen (Food Waste) was linked to one of the key initiatives that, according to the Commission, arose from CoFoE (i.e. "*Revision of waste framework to reduce waste, including food waste, and the environmental impact of waste management*").

So, why was "mental health" not chosen as a topic for a panel? Mental health is perhaps a more sensitive issue and one that makes it more difficult to build a clear consensus on the role to be played by the European Union or, more specifically, by the European Commission. The topics appear to have been selected on the basis of what policy dossiers were at the 'right' policy stage, rather than on grounds of public interest and existing debates. In fact, an EPC discussion paper[5] states that a proposal is considered "key" if it is a "*a flagship proposal that is essential for one of the central priorities anchored in the Commission's political guidelines*". This would even apply to the "Food Waste" panel, the only one that was clearly aligned with a key initiative that, according to the Commission, emerged from the issues raised during the CoFoE. As the said discussion paper states, "*the proposal for a directive on food waste reduction is one of the Commission's flagship initiatives of 2023 in the context of its Farm to Fork Strategy*[6]". To be sure, there might be an argument for putting topics such as 'food waste' on the political agenda, even if not prominently there already, and to use the citizen-led process to pass through legislative changes that might have been harder to obtain otherwise.

Nevertheless, given this lack of *a priori* demand for dealing with such topics, experts and facilitators spent much of their onboarding energies seeking to convince their citizen interlocutors that they should indeed care. This was particularly true on the metaverse panel. "*There is a huge potential for technology in democratic processes,*" one expert sought to convince the citizens, "*but more stakeholders need to be in the process of building the metaverse, not only governments, also scholars, politicians, NGOs, etc.*" As a result, a great deal of discussion focussed on the ways the metaverse could foster social inclusion, incorporate more sensorial experiences for all and avoid social isolation. A similar dynamic arose during "learning mobility", in which great efforts were placed by experts to harness the interests of participants who fell outside the groups traditionally targeted for learning mobility. Also, here the result was a series of recommendations aimed at increasing the participation of these exact groups in learning mobility. In food waste, a much focus was placed on the participants' own relationship to food waste. It was evident in many of the recommendations that these focused on the individual and targeted towards changing consumer behaviour, thus reflecting the focus of the participants' relationship to food waste.

Interestingly, a cross-cutting issue across all three panels was that of inclusion, accessibility and diversity be it regarding food management, mobility, or the virtual world. At the same time, the panels themselves were an exercise in bolstering such inclusiveness a testimony to the EU's

3 https://state-of-the-union.ec.europa.eu/system/files/2022-09/SOTEU_2022_Letter_of_Intent_EN_0.pdf
4 https://state-of-the-union.ec.europa.eu/system/files/2023-06/SOTEU_2022_Address_EN.pdf
5 https://www.epc.eu/content/PDF/2022/NewGen_DP_v4_final.pdf
6 European Commission (2020), A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM/2020/381 final, Brussels

ambition to include citizens in its own decision making, in a kind of mirror-image story between the existence of the panels themselves, and the topics they dealt with. Thus, the stress on the possibility of transnational participatory methods in the metaverse, the co-creation of laws, and e-governance, and the call to ensure that the old lessons learned about digital platforms are taken into consideration when building the metaverse.

3. Selecting "experts": "Already all the answers"?

When it comes to experts, we need to ask whose knowledge is conveyed and under which format to enrich deliberation, as well as how do we better connect spheres of knowledge, citizens, academics and policy? What should be the role of the Commission, its so-called "Knowledge Committee", and facilitators in the process? How much control should they have? When are experts steering too much or too little?

Whatever the topic, much of the quality of the ECPs hinged on the selection and mandate of the experts. Reflecting again the top-down nature of these panels, they were chosen by the European Commission and the organising consortium, thus maintaining full control over the flow of information to the participants without transparency as to the selection criteria. As such, the views and input of the experts were aligned with that of the Commission, again highlighting the tension between Commission control and citizens' democratic deliberation. Unsurprisingly, at the other end of the process, the recommendation outcomes of the panels were also coherent with the workflows and framings of the Commission on the three topics.

The most common concern raised by participants was the lack of time to ask questions to the experts during the plenary sessions with many remaining unanswered. Although the so-called "Knowledge Committee", formed to answer questions from working groups meeting between plenary sessions, helped to remedy this problem, even in some special cases by inviting experts to the respective groups. But the time experts were allowed to remain in a single working group was strictly limited to avoid skewing the deliberations of citizens.

During the working groups, participants collected questions for the "Knowledge Committee", which then sent a virtually written response through the facilitators – as had been the case during CoFoE. The problem with this modus operandi has been amply highlighted. The large number of questions collected in all the working groups resulted in an increased waiting time for an answer and made it impossible for all questions to be answered. This, in turn, was paralysing for the proper development of the deliberation in the working groups, as often a timely answer would have prevented the conversation from stagnating or would have been necessary to deal with a dilemma that had arisen. In addition, asking questions while waiting for an entity that they neither saw personally nor was present at the deliberation evoked a kind of "Big Brother" feeling towards the "Knowledge Committee". Thus, the top-down character of the panels was reflected the mode of access to knowledge and in the relationship with the experts themselves: in very few cases was this access achieved through a dialogical relationship, instead of a vertical one.

Clearly, opportunity should have been included earlier in the process to allow for face-to-face exchange of questions and answers with the experts. But this is not without its own challenges.

Throughout the panels, striking the right balance between utilising the expertise of the "Knowledge Committee" and unwantedly influencing the deliberations of citizens remained a challenge. On several occasions, the presence of an expert within the working group, especially in the concluding stages, provoked radical change in the working groups' recommendations. The reasons for this varied. Some seem to us perfectly legitimate such as factual errors stemming from citizens' lack of knowledge on the topic that was corrected by the expert or instances when the expert pointed out material impossibilities in the recommendation drafted by the groups.

Other such instances seem more problematic such as when the expert's opinion simply deviated from that of a majority of the group. On a few occasions, citizens expressed feelings of disillusionment, questioning the rationale behind the deliberative process if the experts "already had all the answers". In one instance this led to a written apology and clarification by one expert whose intervention had, due in part to interpretation issues, been misunderstood by the group.

Moreover, doubts arose with respect to the origin and affiliation of the experts. In some instances, private enterprise played an important role in the process, reflected in the fact that some of the experts had economic interests in the industry. On the first day of the virtual worlds, there was an exhibition where citizens had the opportunity to experience the latest developments in the field, and a specialised company was commissioned to build a metaverse through which the participants would meet in the online session. Although many citizens said that this experience was entertaining and helped them better understand the importance and possible effects of using these tools, several citizens argued that it seemed that the companies were merely showcasing their products. On food waste, the representation of experts and practitioners from the public and private sector (covering the food supply chain, research community and NGOs) was intended to present different perspectives on the topic of food waste. However, there was no critical debate, by which practitioners and lobbyists from the supply chain were able to raise their interests. This further contributed to an increased attention on consumer behaviour throughout the panels.

The fact that the "Knowledge Committee" that informed the process was set up by the same institution to be held accountable for following up on the outcome ensured that little was said which diverged from European Commission's initial point of view.

What is to be done? To avoid such a sentiment, the selection of experts should reflect greater diversity. One of two routes should be chosen, namely the neutral or the agonistic road.

The first, *neutrality* path, is close to that chosen in the ECPs. But then the briefings should even further emphasise the importance of not exercising unwanted influence on the deliberative process. Moreover, citizens further stressed the difficulty in understanding jargon or technical terms used by the experts with which they were unfamiliar. However, as the sessions progressed and as reflected in the recommendations, citizens adopted the terms themselves and adapted their language to that used in the Commission material and draft proposals.

For example, there was a debate among participants to replace the word "punishment" or "corrective measures" in one of the recommendations, emulating the technocratic language of the European institutions and trying to use a vocabulary that would be acceptable to both the Commission and the relevant stakeholders. This highlights the risk of co-optation into the topic framings of the Commission, reinforcing existing positions. In this scenario, care must be taken in the selection of experts and invitees to avoid introducing undue biases, promoting specific points of view.

On the second, *agonistic* path, expert could be chosen from parties, movements, unions, CSOs with explicit agendas, political leanings, or social goals. This ought to be made clear to the participants and care should be taken to ensure that opposing viewpoints are confronted, contrasted, and debated. In other words, this would mean bringing politics back in, highlighting the policy areas with more divisive or confrontational positions. Here, care must be taken to accommodate more diverse understandings of the topic not to produce an echo chamber legitimised by citizens' participation as well as distinguish between factual and normative knowledge.

For example, a public debate was held between two experts with clashing positions on the impact of new technologies on privacy and how to regulate them in the last session of the Virtual Worlds panel. Participants seemed highly engaged as it contributed to their understanding of the normative and ethical challenges of intervention (or not) through public policy. As a minimum, social cleavages can be made explicit by knowledge brokers with a bird's eye view, be it the Commission, the "Knowledge

Committee", or academics. As epitomised, perhaps most vividly by the Irish assemblies on abortion and gay marriage, let opposite sides make their case and let the citizens weigh in. There is a risk that less deliberative panels are used as surveys to obtain the specific position of "the citizens", understood as a collective political actor lacking competing positions.

Either way, we need to disaggregate between various kinds of inputs: technical knowledge and expertise, personal experience or testimonies, policy experience and environment knowledge as well as analytical or scholarly interpretative knowledge, including different positions, reasons for blockage, and finally various understandings of the citizens' own role. All these kinds of knowledge are in play, and we can ask who chooses the format in which they are shared.

It is also important to ask about the timing of knowledge transfer - how much knowledge is passed on too soon or too late. Moreover, if – to be a citizen in the full sense of the word is to be self-reflective, they should not have all the answers at the beginning. One facilitator regretted that the last session of learning mobility was not utilised to fill the gap. Another applauded the fact that the ECPs relied less than CoFoE on academic knowledge and more on learning from experience from people in the room. But in either case, we need to ask under what conditions, citizen engagement can best serve as "*pouvoir irritant*" - bringing in original idea such as one we heard in the mobility panel to send whole families on such programmes.

4. Selecting the goals: "Why should we agree"?

While care was taken to instruct facilitators and facilitation assistants in methods to encourage diverse and dissenting viewpoints, several elements hindered the development of a fertile deliberative environment.

First, as a participant aptly summed up the effects of the methodology applied: "*We find commonalities, not differences*". But the traditional goal of such exercises to reach common positions through consensus-building rather than identifying dissent, in a relatively short period of time was all the more constraining in a transnational setting with widely divergent cultures. It seemed that all the work was oriented towards arriving at concrete results in the form of values, action points, or recommendations, depending on the session. This reduced the possibilities and incentives for discussions and debates around concrete issues identified by the participants themselves.

Secondly, the dynamics between the facilitator and the participants in the twelve-person working groups did not always encourage discussion among participants. In some groups, the facilitator retained complete control over the proceedings. Thus, what was supposed to be a horizontal exchange of ideas turned into a simple outcome-oriented vertical discussion: there was no debate among the participants but only a conversation between them and the facilitator. Strict time constraints for deliberation exercises often exacerbated this dynamic, leaving certain discussions rushing to conclusions. It must be noted that this highly depended on the working style of the facilitator and the methodology applied. In other groups, the facilitator gave more freedom to the participants and only intervened when the deliberation among the participants became stagnant. Establishing clear guidelines and methods for facilitators can contribute to a similar deliberative experience in the various working groups.

Thirdly, spontaneous intervention or unplanned discussions were impeded at several stages of the process. Despite allowing for multilingual deliberation, the simultaneous interpretation/translation discouraged spontaneous discussion and dynamic exchanges and slowed down the debate. The online session further hindered the flow of the debate preventing spontaneous interventions. The staccato style of deliberation furthered the consensus bias as citizens were often hesitant to impulsively react out of fear of disrupting the flow. Especially in the online session, this meant that

dissenting views often were not expressed until the final in-person session, providing less time for further discussion. This was exacerbated by a digital divide, which meant that the elderly, less technologically apt, or citizens in poorly connected areas were often side-lined in the online session. As one citizen from the food waste panel remarked: "*I am too old for all this online technology*".

These concerns all stem from the consensus-building approach that often steered towards finding actionable outcomes that fell in line with the dominant views of the working group, themselves also in line with the existing framings of the Commission. This problem did not escape the attention of many of the citizens who felt that what needed to be the outcome of every session was laid out too neatly at the beginning – as if there was a plan somewhere for what was to happen. "*Why not leave things completely open to what we come up with?*", they asked.

At a minimum, all participants need to allow themselves to be surprised and change gears. When an imaginative citizen asked "*How do we know we are not avatars in a wider simulation? How do we know that we are not inside ChatGPT?*", there was no space in the discussion plan to accommodate the debate he was yearning for.

III. Achievements: Five angles

Given our critical assessments of the methods followed, we turn to what we can consider as the main achievements of the ECPs based on both the final recommendations or output, and more broadly what we can consider panel outcomes. We do so through five angles, namely substantive, policy, sociological, political, and international.

1. Substantive angle: Complexity, causality, and deliberative biases

Any observer in this process cannot but be impressed at how citizens raised many fascinating points during these three panels that were not always foreseen by the organisers, on technical, regulatory, environmental, ethical, political, and humanistic issues. Even if, understandably they could not all be reflected in the final report and recommendation, there is no denying the substantive achievements of these ECPs, each of which was able to distil important conclusions after only 3 weekends of debate. In food waste, for instance, the citizens recommended *the establishment of local and national citizen engagement for a to follow, monitor and offer advice on national strategies to implement EU directives on reducing food waste from the perspective of citizens (rec 6), the establishment of a reporting system to set specific standards across the whole value chain including producers, manufacturers, retailers, supermarkets, restaurants, and hotels (rec 12).* In virtual worlds, *citizens recommended setting up an international police institution, with specialised and trained agents for the virtual world (rec 8), or "developing awareness-raising actions on environmental footprint and ensure that virtual worlds' equipment is part of the circular economy." (Rec 12) or legislation obliging industrial actors to produce recyclable/repairable equipment and limit obsolescence related to the virtual world (id), while regulating the right to anonymity (rec 19).* Finally, in learning mobility, the citizens recommended the *expansion of existing learning mobility programs for people of all ages and socioeconomic layers (rec 3), investment in digital technologies, such as AI, to support learning mobility (rec 7)*, *offers of cheaper access to green transport to all participants in learning mobility (rec 13)*, and *the allocation of targeted funds to ensure non-discrimination in learning mobility (rec 18)*.

While none of these are new ideas, their collection in one package offered a coherent and impressive vision, in general, the recommendations combine broad and specific proposals. Many reflect important gains to understanding the issues at stake. However, none of the proposals can be considered as exceedingly disruptive or in any degree of contradiction with the Commission's general line. Rather, the recommendations seem to follow a coherent pattern aligning with the communication and information provided by the Commission and the experts. Moreover, all recommendations seem to strengthen EU competences, either by increasing its regulatory power or by calling for new bodies

or agencies. In the final recommendations and across the deliberations, the role of the EU was rarely questioned.

Seeking to reduce complexity for the sake of policy conclusion has its costs. To be sure, as one participant remarked, when listening to experts, everything seems to "have a positive and a negative side" (virtual worlds), but citizens did not seem to be asked to weigh in the equation. Instead, emphasis would tend to be put on technical fixes, what some refer to a kind of "solutionism" amplified by various kind of biases introduced in the process, which facilitators and Commission members were often aware of but not able to remedy. Even when explicit attention is paid to different ideas about framing, key frames tend to get lost in the noise.

Perhaps the least surprising bias has to do with the overall emphasis on the good of mobility across borders. This is true of course, by definition, when discussing *learning mobility:* the goal of enhancing such mobility was never questioned, despite the disruptive effects on the environment and on local populations that such mobility may have. As reflected in the final recommendations, the initial premise of enhancing learning mobility was incorporated into every recommendation, as was the centrality of the role of the EU. However, during the Virtual Worlds panel, the question of the evolution of the contribution of the technologies to transnational participatory democracy was indeed discussed (e.g. "*we ought to use technology and virtual worlds to connect across borders rather than simple distractions*"). Not only in terms of inclusivity (e.g. people with disabilities, scenarios such as the COVID pandemic with restrictions to meet, etc.), but also financially and environmentally (as it would avoid unnecessary travel by allowing to connect virtually). Recommendation 19 reflects the complexity of many of the issues discussed in the Virtual Worlds panel regarding the balance between identity/responsibility and anonymity/privacy in the online world (i.e. "*There should be a regulation at the EU-level on when you need to show your identity and when you can be anonymous in the digital world. When we talk about entertainment, leisure, or research, it should be possible to be anonymous. However, when it is crucial to know the identity of someone, it should be mandatory to authenticate yourself with a digital identification*"). The citizens were good in asking the perennial question: under what conditions. While in some instances, they thought, it would be necessary to guarantee personal identity online to ensure accountability, in other instances, for example for democratic processes, anonymity would be beneficial for citizens who want to raise their voice without consequences (e.g. in non-democratic governments).

A related bias has to do with the goal of standardisation. Citizens were often advised to focus on how the EU could standardize – food waste management systems, learning methods, exchanges in terms of industrial metaverse and between metaverses. Witness the less trodden topic, virtual worlds, where we read upfront (rec 1): "*Using Member States' existing labour market legislation as a point of departure, we recommend assessing, and where necessary, adjust and harmonise legislation for the European virtual worlds*". Or, "*With the goal of equality and inclusion for all Europeans, we recommend the provision of virtual worlds training and upskilling, that is European-funded and harmonised across the European Union*"(rec 2) -this in spite of very different labour market contexts across states; Or "*EU institution, or body, to issue and verify certificates for virtual worlds and individuals, on the basis of EU values, and that should regularly audit the certified virtual worlds and users*" (rec 6). In all these cases a standardised approach is the default rather than last resort.

Another bias is the tendency for experts to underplay tensions and dilemmas linked with policy options (e.g. "*the trade-off between regulation and innovation is a false dilemma*" as one said). The prominent role of private companies either in managing food waste or in the metaverse did not seem to hinder the deliverance of public goods. The need to enforcing monopoly-related laws for the digital companies was not discussed at length. Even when a tension was raised, for instance the impact of virtual worlds on climate and resources (e.g. minerals needed to make devices, greenhouse gasses emitted in the process, water needed along the process, etc) it seems to be underplayed or solvable

through "technological abundance."

Other tensions don't seem to feature in the debate. Hence when the issue of "food security" was mentioned in the *food waste* panel, there was no discussion on how it could be used as a pretext to resist change put forth in adjacent domains such as the sustainable use of pesticides or the law on nature restoration, even though arguably, a healthy environment improves food quality and availability.

Another example has to do with the fact that food is a deeply gendered issue. This dimension, however, did not seem to feature in the discussions. "The consumer" was largely considered as a monolithic category. This reflects how tensions and complexity of the categories, such as consumers, was severely underplayed. In Learning Mobility, the organizers introduced a "role play game" to reflect the diversity of people who could potentially be targeted for learning mobility. Here gender was in the recommendation to establish "*measures and activities to promote non-discrimination in learning mobility*" (rec 18).

A broader issue which cuts across many of the policies and challenges faced by the EU has to do with the emphasis chosen between individual or collective responsibility, in other words, the structural determinants of an issue. In *food waste* for instance, the early discussions focussed on the waste occurring at the point of human consumption rather than the beginning and end of the cycle where production and recycling systems and the role or incentives for companies is paramount. Indeed, the recommendations were skewed towards human behaviour rather than structural change, specifically recycling or the chain downstream not upstream, with an entire topic bloc (Topic Bloc III) dedicated to consumer behaviour.

To be sure, as one facilitator told us, citizens themselves always tend to shift discussions towards individual behavior as this is the area in which they feel most comfortable. Moreover, they tend to be solution-oriented and pragmatic. They are also much more open to dialogue and changing their mind. This is understandable on psychological and sociological grounds – it is harder for these atomised citizens to think politically and systemically.

But the framing of the debate matters too. While citizens were told that 50% of food waste comes from households, they were led to believe that this needed to be addressed above all through behavioural change, even if the bulk of the challenge has to do with recycling infrastructures – as one of experts explained: the full recycling chain for animal feed, compost, biofuel etc. There was little discussion on what could be done as this was above all a realm of national competence. Civil society actors that might have provided radically different ideas were apparently absent from the process whereas those that were invited as experts focused on 'individual responsibility' of consumers (for instance, one of the 'civil society' actors that participated as experts suggested during the first day of the panel that consumers should go to stores with 'shopping lists' to avoid buying more things than they need).

As a result, while there is no doubt that individual behaviour matters here, framing food waste in these terms, as seemed to be favoured by the Commission during the first session, prevailed, and thus a more structural understanding of the issue, focussing on public services and corporate responsibility, was side-lined. As reflected in the recommendations: "*We recommend a change in consumer habits by informing consumers of the value of seasonal food*" (rec 7), "*To provide consumers keys to be aware and independent on their impact on food waste and to understand how to process, preserve and reuse a product before and after the date has passed"* (rec 22).

In the same vein, there was more discussion on 'raising awareness' on food waste (a worthy goal), rather than on setting targets, which is what the Commission is actually legislating on. In this sense, for instance a recent statement by a coalition of NGOs was not introduced, nor were these NGOs invited to give their opinion.

What was the Commission to do? As one Commission member admitted, 'we are trying to push the citizens in a direction we are familiar with,' and 'the European Commission is meant to promote the European interest and is itself consensus-oriented'. Thus, it refrains from 'making explicit the problems and impasses it is confronted with in its dealings with the Council and the member states'. Moreover, Commission officials argue, 'even if citizens should have access to different viewpoints, what they do with it is another story'. It is not clear to us that disagreement ought to be the mark of a good process. As one Commission official sums up: 'We should not push on them the conflicts we are stuck with but do not experience within our own institution.' Here we clearly see the tension between a technocratic approach to deliberation reflecting the goal of adopting policy measures and a more explicitly democratic approach to reflect the underlying ideological tensions in European politics. After all, political compromises 'in the real world' are not the result of deliberation, but collective trade-offs and bargaining.

Is there a trade-off between agonistics and citizens' experience? One facilitator from Missions Publiques gave us the example of the French climate change convention where a farmer felt that the other participants were not ready to listen to him. In this vein, he told us, 'Our goal is for the participants to feel safe enough in the process to express different viewpoints, and that these will be considered. Indeed, they did not come to disagree and fight among themselves.' Another facilitator from IFOK argued that to depoliticise an issue can be a huge strength – highlighting the fact that we seek solutions to a commonly shared goal.

We note however that many participants regretted the lack of space for spontaneity and contestation. Even while facilitators emphasised that all viewpoints were legitimate, time constraints combined with methodology meant to deliberation that did not leave space to explore contestation.

Moreover, the transnational character of these panels requires more in-depth analysis. Structural cleavages, generational, social, or cultural, that matters in national contexts can be magnified. And transnational cleavages need to be added - East vs West on the desirability of free movement, north vs south on relations to foods. At the same time, citizens also seem to fear the prejudices and tendency for ascription of other participants, and for that matter their own. Much of this being dealt with through joking and banter.

2. Policy angle: "What difference will we make?"

In a post-panel survey, citizens were asked if they believed the recommendations of the panels will have an impact. Arguably, such an impact is key to the legitimacy process as a whole if it is to foster genuine engagement from the participants. Realists clearly won the day over idealists: 50% of citizens believed their recommendations will have somewhat of an impact, whereas only 18% believe they will have a definite impact. In many conversations, citizens expressed doubts as to whether the Commission would take their proposals into account or whether they themselves were qualified to give recommendations on issues on which they were not experts.

While this result is not surprising, it does highlight the lack of clear and transparent pathways between the deliberation process and actual policy making in the EU institutional context, notwithstanding the Commission's intention in picking the topics and timing of the first two panels to embed them in the legislative programme of the year. We are still in a phase of institutional learning where panels need to find their space within the EU architecture, and the organisers' first order preoccupation was simply to obtain buy-in from the various DGs and policy makers. But citizens are not abreast of these intricacies. Indeed, the panels occurred in parallel with the demands of citizens involved in the CoFoE process for accountability in the follow-up to their recommendation (at the time of writing, their petition has been tabled in the European parliament). Similarly, with the new generation ECPs, they wanted to know how the recommendations would be utilised in the decision-making processes of the Commission and the EU institutions overall. Clear communication regarding the process from

initial deliberation to policy outcomes and strong follow-ups are needed for citizens to visualise whether the recommendations have a meaningful political impact.

At present, it is up to the co-legislator to use the recommendations of the panels in the way they see fit. Following CoFoE, the Director General for DG Communication, Pia Ahrenkilde-Hansen, stated to the Danish media Altinget that whether the recommendations become policy will depend on how much of it already is happening in the institutional process of the Commission. This is emblematic of the experience at the ECPs in which both the top-down design of the deliberative process, selection of experts, as well as the impact of deliberation outcomes seems to depend on the "fit" of the process within the institutions' own expectations.

Even when recommendations seemingly have an impact, it is still fair to ask, 'what difference did the panel make?' Following the Food Waste Panel, the recommendations adopted by citizens are set to "support'' the work of the Commission on food waste, including in the upcoming legislative proposal to set legally binding EU reduction targets. Here the recommendations of the citizens are set to be published alongside the proposal of the Commission. The extent to which the recommendations will directly impact the Commission's legislative proposal is not clear. It is also not clear how recommendations made by citizens that venture beyond the frame of reduction targets will be considered.

The Learning Mobility and Virtual Worlds panels followed a similar path, in which the legislative proposal and communications from the Commission were already in the works before the conclusion of the deliberative process. For Learning Mobility, the recommendations will be included in the recommendation of the Commission presented to the Council in October 2023. The recommendations are additionally circulated in the Commission's internal working document together with inputs from public consultations and external studies, which will shape common learning and work as a reference document for learning mobility in the EU.

Informal interviews revealed that such congruence was felt among citizens who at times experienced pressure to form recommendations with concrete and targeted results that fit within the scope of the existing work of the respective co-legislators. Due to the lack of transparency on the concrete impact of the deliberation outcomes, citizens were often trying to identify "what the Commission wants". This was underscored by the consensus-building approach in which most input and expertise was complementary and in line with existing proposals within the Commission, leaving little space for dissent.

3. Sociological angle: one citizen at a time?

Arguably, a key achievement of these panels lies not in the deliberation or their outcome, but in the effects of participation on citizens. [7] In general, citizens were excited to participate in the panels, especially when they had often thought that the first phone call which they received was a joke or a scam. They had found it hard to believe that they were going to spend a few days in Brussels, with all expenses paid to participate in a deliberative exercise with citizens from all the countries of the European Union, and so the unexpectedness of the whole experience was a true bonus. For many of them, this was their first time visiting Brussels or the European institutions.

The sociological impact was felt both vertically and horizontally. A number of citizens made a point in thanking the European Commission, outside and inside the plenary, for making them "*feel like European citizens*" or simply "*important.*" But perhaps more importantly, participation in the panels was the first opportunity for many to meet people from other EU countries. Perhaps unsurprisingly,

7 During the EUI-STG Democracy Forum meeting on 16 March 2023, Constantin Schäfer of IFOK (part of the organising consortium) presented a series of internal surveys of participating citizens. According to these surveys, the vast majority of citizens were happy with the functioning of the panels and stated that their opinion of the European Union had improved after participating in the panel.

language barriers meant that they tended to connect first with others from their own country, but it did not take long for dynamics of mutual support to emerge across mother tongues as citizens talked to each other outside the panel in variants of English, foreign languages learned at school and spontaneous translation, soon sharing their phone numbers, sightseeing and even partying together (these connections were reflected later in WhatsApp groups and other social media). Thus, by participating in these panels, many citizens build their first friendships with people from other European countries. At first glance this may seem a simple anecdote, however, the building of trans-European friendships constitutes a central element of European identity (Díez Medrano, 2010).

More concretely, the transnational dimension played a crucial role in this learning process, much as a democratic version of what academics know as comparative case study analysis. As a facilitator from Missions Publiques observed, there were many moments in the working group discussions when citizens realised that their own reality could be fruitfully compared to that of others across Europe. For example, Southern and Eastern Europeans were truly amazed when they heard about the effectiveness of food waste management in, for example, Finland, where practices prevail that they would have considered science fiction a moment earlier. Whether such concrete recounting served as a useful horizon of progress or highlighted the importance of context and habitus in creating conditions for change, they did enhance the potential for mutual learning or shaming. As an example, a group of Spanish participants in the Virtual Worlds panel came up with a project to further implement the metaverse, with the intention of presenting it to the European authorities.

Indeed, one of the most crucial achievements of the process has been to show that in the right circumstances and with intelligent facilitation, such panels can counteract the kind of dynamics we find in the body politics at large, whereby once citizens fall under the spell of "affective polarization" their belonging to a given "tribe" renders their opinion extremely fixed whatever evidence may be presented to the contrary. In contrast, according to an IFOK facilitator, 70% of panellists stated that their opinion had changed during the process. One observer noted that a participant confessed that his own vision of himself had changed, that he was not so uncool, shy, and unconnected after all, all while discovering that the pressure to express something most of them didn't know anything about to people they did not know anything about, made such expression easier. The potential here is not only for epistemic democracy but for empowerment of transnational citizenship.

As experienced facilitators and social scientists alike have noted, however, such attitudinal and psychological change due to a panel experience does not necessarily last as the effect of deliberative empowerment disappears over time. The question that arises is whether, since the novelty is even greater at the transnational level than at the national or local level, such an effect might be longer lasting in the panels at stake here.

We may also want to ask further; under what conditions the sociological effects may be greatest. As one facilitator from Missions Publiques noted, "*most citizens preferred the working groups where they felt safer, but the plenary is where their collective identity is formed. Our primary job is not to make the citizen happy at all times, but deliberate on political issues*."

4. Political angle: Who knows about us?

It has already been widely noted that these panels seem to have operated in a political vacuum with almost no echo in the wider European public sphere, as was already the case with the CoFoE. Beyond the small community of people following the citizen panels, there was little public attention to it nor debate about it. Thus, the citizen panel did not contribute to expanding the EU debate on food waste, learning mobility or virtual words, except indirectly as they might inform policy. In this sense, the greatest innovation of the CoFoE, namely the meetings in plenary and working groups between parliamentarians and citizen ambassadors, was missed. There at least politicians may have learned from their connection with randomly selected citizens, while civil society group found some opportunity for engagement. Whereas in CoFoE the role of civil society was limited, in this new generation of ECPs it is completely absent. Moreover, as with CoFoE, European civil society does not have any say in the choice of topics, in the design of the panels, or in their development, which of course is in conformity with the policy-making logic followed.

Moreover, the topics chosen for these panels (food waste, virtual worlds, and mobilities for learning) were not particularly salient issues nor did they give rise to clear dividing lines, opposing positions and debate. It is not surprising therefore that with few exceptions, media coverage of the panels has been scarce. Except in academic circles, the existence, development, and conclusions of the panels have gone unnoticed.

The link between this so-called mini-public and the maxi-public, that is society as a whole, was even discouraged in the randomly selected citizens' imaginaries. When they asked who they represented (e.g. their country, their region, their political party, etc), the Commission advised the facilitators to answer that "*they are not representing anyone, they are only representing themselves*" in case there was any doubts. And yet, part of the claim of deliberative assemblies is that they do in fact represent the people as a whole, through the very process of equal chance at random selection even if each individual citizen does not represent a constituency per se. It is by convincing the public that this assembly "represents" them in a different way that the public becomes more interested.

As critics have noted, while we have witnessed a 'citizen turn' in EU policy making (i.e. the EU's recent experiments in incorporating citizen participation) this has happened without importing the politics that ought to come alongside (see Oleart, 2023). This new generation of European Citizens' Panels is consistent with the pre-existing logic of depoliticization and disintermediation in the EU. In this sense, the European Commission is trying to some extent bypassing civil society actors and connect directly with the "average" or unmediated citizens. From an agonist perspective, the panels neutralise political conflict rather than providing a space to absorb and channel it effectively (Oleart, 2023).

However, as mentioned above, this neutralisation does not only occur away from the public sphere but through the logic of consensus that is prevalent in the panel methodology itself. In this sense, it is not clear to us that this logic is one of democracy per se. Thus, contrary to Oleart, we refrain from calling this logic 'democracy without politics' but rather qualify is as 'technocratic democratisation.' That is incremental democratisation in the sense of giving a voice to some people some of the time according to technocratic reason.

5. International angle: "Can we hear from non-Europeans?"

It is impossible at this stage to say much about the international angle of these panels, simply because they were mostly framed as euro-centric. In neither Food Waste nor Learning Mobility was the global dimension discussed. Nevertheless, comparisons with experiences in rest of the world were mentioned either as initiated by the experts/Commission or coming from the participants themselves. Thus, at the beginning of the Virtual Worlds ECP, a young participant suggested for the panel to bring in experts from around the world.

Moreover, the relationship between Europe and the rest of the world did come up relatively frequently, even if this was not the initial focus, highlighting the importance for participants of scaling policy dialogues beyond Europe. For instance, in *Virtual Worlds,* recommendation 19 referred to earlier concerning digital identity called for the EU to "*work at the international and diplomatic level to share awareness with other regional organisations*" on the issue of anonymity.

Discussions were held on the reach of a declaration on digital rights in Europe that would send a strong political signal, address resource and literacy inequalities, and protect the citizens' rights in the digital world – Europe ought to be considered "as our common house" where principles to be defended include 1) Technology should serve and empower everyone living in Europe, 2) Supporting solidarity and inclusion, 3) Freedom of choice, 4) Participation in the digital public space (open and multilingual space), 5) Safety and security (protection against cybercrime; protection and empowerment of children; Protection of the rights of consumers, data protection rules), 6) Sustainability of virtual worlds (protection of the environment). This is clearly illustrated by Recommendation 23 of the Virtual Worlds panel ("EU as a strong player/pioneer in the virtual worlds"): "*We recommend the EU Member States to be united to become a strong common player/pioneer in controlling, overseeing, and regulating virtual worlds, in order to maintain our democratic values and disseminate them to other countries*".

What this means for the rest of the world was not discussed in great depth. But one can find in these discussions the same fundamental tension between universalism and post-colonial sensitivity that is at the core of EU foreign policy whereby Europe can be "*a lighthouse on the global stage*." But such principles and rules should not be imposed in other countries. The best we can do is "*try to influence others through our example*", said one citizen.

Conclusion

The new generation ECPs of Spring 2023 can be seen as the early stages of a technocratic democratic experiment at the European level. They stood as a learning process for both the citizens and organisers even as lessons were transferred from one panel to the next, as well as an exercise in institutional learning on how to carve a space for citizens' deliberative democracy within the decision-making processes in the Commission.

As a contribution to this learning process, we have sought to highlight the promise and pitfalls of "technocratic democratisation" and pointed to possible types of improvements. The core problems we find in the method pursued, from design, to sortition of citizens, the selection of experts, the manifestation of a consensus bias, the lack of transparency with respect to the follow up on the final recommendations on the further legislation and decision making, and finally the absent public sphere dimension, all lead to a single source: the exclusively top-down character of the exercise in question. While it is quite normal for the Commission to steer a process that is meant to inform its own work, such a process cannot qualify as democratic *per se.* It is still at heart a technocratic process, reflecting the ever-present tension between the aspirations of a genuinely transformative exercise of deliberative democracy and the hesitation of the Commission to relinquish top-down control.

The selection bias of citizens with indifferent or pro-EU attitudes, the confirmation bias of experts, and the consensus bias within the deliberative discussions, despite efforts of facilitators to encourage dissent, has led to outcomes that largely fall within the pre-existing frame of the Commission's draft proposals on all three topics. Combined with the top-down choice of topics that fall in line with the internal workflows of the Commission rather than the public debate, this casts a shadow of democratic box-checking over what has the potential to be a truly revolutionary turn for deliberative democracy in the EU.

As a result, the story that we have tried to recount here is one of "Janus-faced democratisation", by which we mean as a process that offers two possible prospects. On one hand, and in the future, new panels will offer incremental procedural improvements to enhance the experience of the citizens who take part while remaining under a broadly technocratic logic, detached from the European public sphere. On the other hand, these panels can be seen as small steps in a process of progressive reform in the EU that can be read as part of a broader agenda of democratisation, even a possible route to more radical democratisation at the EU level than in the member states, whether this is intended by the institutions.

If the EU was to engage on this second path, not only should the Commission draw lessons from its stand-alone new-generation panels, but it would need to return to the spirit of CoFoE and organise these panels in cooperation with the other two EU institutions, to make the promise of impact all the more credible. Moreover, to qualify as truly "democratic" these panels need to slowly take on the flavour of "citizens assemblies" with the kind of bottom co-governance and the degree of public visibility that would qualify it as such. More specifically, this would the following: the choice of topics for public debate must follow a consultative or deliberative process to capture issues salient in the public debate; the sortition process should be improved to guarantee the inclusion of underrepresented groups with further criteria to include members of marginalised communities and diverging attitudinal positions; the selection of experts should also reflect more diversity to ensure the representation of a wider range of positions; the road from deliberation to recommendation and implementation should be made more transparent to citizens from the outset. Statements that the Commission "takes into consideration" their input or that the recommendations will "support their further work" are not enough. For this reason, follow-ups are of key importance. Finally, greater space should be carved for public sphere perspectives and the participation of civil society. Greater efforts should be made to pick topics and include civil society actors in ways that fosters engagement with the wider EU public.

There is much at stake in the Commission but also the EP and the European Council daring to take this second road. For we are just at the beginning of a transnational deliberative moment. If power holders in the EU were to dare relinquish some of their top-down control to allow meaningful and impactful citizens' participation in European affairs beyond periodic elections, European Citizen Power would become a most credible promise.

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