

# OPEN GOVERNMENT: EU COUNTRIES' EXPERIENCES AND STRATEGIES FOR INVOLVING CITIZENS IN DECISION-MAKING PROCESS

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**Abstract:** Applying the principles of open government and administrative transparency in the Member States of the European Union is of significant importance, as they are fundamental to ensuring democratic and inclusive decision-making process. Government transparency is essential for fighting corruption, strengthening the rule of law and promoting accountability and integrity in public administration.

**Keywords:** open government, public consultation/hearing, transparency, citizens.

## 1. Introduction

Public administrations in the Member States of the European Union are the essential pillars of their governments. Although many of these administrations have a long history, they have constantly adapted to modern requirements under the influence and close coordination of the European Union institutions. Based on a constant contact between Member States' civil servants and the European Commission, through the implementation of the *acquis communautaire* to equivalent standards across the Union, or by sharing of public administration principles and values, a certain convergence between national administrations has been achieved. This phenomenon is known as the 'European administrative area'.

The European Communities, which originally aimed to create a common economic market, later evolved into the creation of the European Union. The latter was motivated by the desire to build political and social links between Europeans, as well as by economic interests, (the Treaty of Rome).

The four fundamental freedoms stipulated in the European Union Treaties - the free movement of goods, services, people and capital - and the guarantee of the rights associated with them, must be managed in a way that guarantees their effective implementation.

The European Union is more than just a market for goods and services.

The management of these freedoms must be carried out in a balanced and efficient way so as to ensure both their effective implementation and respect for the fundamental values and rights of citizens. For example, the free movement of people should not only be seen as facilitating individual mobility, but also as an

opportunity to promote cultural diversity, strengthen social cohesion and encourage the exchange of ideas and experiences between European citizens.

Moreover, the European Union plays a key role in promoting transparent decision-making and open government, both within and beyond its borders. Implementing EU principles and values requires strengthening of a powerful legal and institutional framework that ensures respect for human rights, democracy and the rule of law, while facilitating access to justice and protecting against abuses [1].

The EU must therefore act as a guarantor of respecting the fundamental rights, promoting the democratic values and the rule of law both internally and in its external relations. Thus, the Union can fully play its role as a responsible global actor and contribute to building a fairer, safer and more democratic world for all its citizens and for the international community as a whole.

## 2. The Role of the European Court of Justice in the Legislative Process of Defining General Administrative Principles at EU Level

The role of the European Court is essential within the European Union and is well established in the process of developing legislation and common administrative principles. The European Union Treaties were designed to serve as a starting point to generate continuous development, thus, many aspects of the legislation, especially those covering sectoral policy areas, being discussed and clarified.

The European Court of Justice, through its decisions, has helped to define the general administrative principles underlying what we call the 'European administrative area'. National courts of

justice, in turn, are responsible for ensuring the implementation of the EU treaties and secondary legislation.

Further on, national courts of justice, are responsible for ensuring the implementation of the EU Treaties and secondary legislation developed by the European Commission. Where interpretation of EU law is required, national courts are obliged to refer unclear issues for deliberation [2].

This practice has contributed significantly to the role this institution plays in the development of the common administrative principles. The Court lays down the mandatory rules to be followed by national courts of justice, ensuring consistency and uniform application of EU law in the Member States.

The principle of administration by law' has its origins in the French concept of the principle of legality and the German concept of *Rechtsstaatlichkeit*, which are broadly similar to the British concept of the rule of law. It is outstanding that, although these three notions come from different contexts, nowadays they lead to the same kind of effect, helping to underpin and respect the rule of law within the European Union.

### **2.1. Level of Convergence of Administrative Systems within EU Member States**

The level of convergence of administrative systems in the EU Member States can be assessed by the application of general administrative principles in legal regulations and in the daily behavior of public authorities and civil servants.

In addition, these principles also serve as preconditions for a better integration and as indicators for measuring the institutional capacities of public administration in each state to implement the *acquis communautaire*. Most areas of governance are covered or influenced by the *acquis communautaire*, which is the entire body of EU law.

Public administration reform has established a set of standards for public administration, defined by law and reinforced by accountable practices and mechanisms. These standards contribute to promoting a higher level of efficiency, transparency and accountability in public administrations within EU Member States [3].

## **3. Open Government: Ensuring Transparency at EU**

Open government is an approach to public administration that promotes transparency, accountability, public participation and collaboration between government institutions and civil society. Within the European Union, open government is reflected in the adoption of policies and practices that facilitate citizens' access to relevant information, enable their involvement in decision-making processes and

promote transparency and accountability of public administration institutions, not only by providing clear and accessible information, but also by consulting citizens at important stages of decision-making, and involving civil society in monitoring and evaluating the government activity. Through open government, the EU aims to strengthen citizens' trust in the European institutions and ensure greater democratic legitimacy of the decision-making process.

From the perspective of the Organisation for Economic Co-operation and Development (OECD), these stages of public participation and consultation are tools designed to strengthen the transparency, efficiency and effectiveness of legal regulation, helping to improve the quality of rules and programmes and reducing the costs borne by governments and citizens.

In its "Background Document on Public Consultation", the OECD has identified five modes of public consultation, classified according to the group consulted: [4]

- informal consultation includes all forms of discretionary, ad hoc and non-standardised consultation that public authorities may use at any stage of the decision-making process. Its purpose is to gather views/opinions from stakeholders in a flexible, and quick way, covering at the same time a wide range of interests.

- communicating regulatory proposals to the public for feedback is a structured and systematised process, designed to encourage the public to get involved, being flexible in terms of timing, scope and form of responses.

- public notice/announcement and comments provide an opportunity for interested parties to take note of proposals in a formal way, thus finding information and impact assessments or even alternative solutions.

- public hearings involve holding an open meeting where all interested individuals can participate and express their point of views on the proposal or piece of legislation under discussion. This can be an integrated or additional part of other consultation procedures.

- consultative bodies may be involved at any stage of the decision-making process, the authorities granting them consultative powers. This modality involves a mandate or tasks defined within the consultation and may include members of civil society.

### **3.1. The Netherlands**

The Open Municipal Information (Open State) programme in the Netherlands [5] is an initiative to involve citizens in the decision-making processes of local public authorities, encouraging them to get involved in solving social problems by accessing data available in the public sector, thus facilitating an active and participatory democracy.

Features of the programme include access to detailed information on documents and decisions taken

in the municipal decision-making process. Citizens are also able to propose alternatives and offer solutions to specific problems in their community.

The Netherlands transposed EU Directive 81/37/2013 on the re-use of public sector information through a law adopted in 2015, which obliges public institutions to make all public sector information available and to respond to requests for re-use. This legislation has led to the publication of open data on municipal activities, including their income and expenditure.

By introducing the Open Municipal Information programme, the Dutch authorities aimed to create a consistent and transparent environment for the collection and publication of public data.

### 3.2. Lithuania

In Lithuania, the adoption of a regulatory framework for participation is a significant step towards an open government and a more active involvement of citizens in decision-making process.

At the same time, through this regulatory framework, Lithuania aims to establish legal safeguards to support public participation in decision-making. Thus, citizens have the possibility to influence the content of draft laws, express their views on social problems and even offer solutions to problems [6].

At the state level, there are two distinct levels of participation governed by this regulatory framework. First, consultation of citizens is required through the obligation to find their views on draft legislation. This is done in accordance with a set of minimum standards and guidelines established for consultation. Secondly, there is the active involvement of citizens, which requires setting up strategic advisory councils for each sector. These councils are designed to provide expertise and advice in the decision-making process, ensuring that citizens' perspectives are properly taken into account.

By adopting a regulatory framework for participation, Lithuania demonstrates its commitment to open and transparent governance. This framework provides citizens with a formal channel through which they can express their views and actively participate in shaping public policy. This promotes a culture of dialogue and collaboration between citizens and authorities, while building trust in the democratic process.

### 3.3. Belgium

In Belgium, the approach adopted by the authorities reflects an effort to create a favorable environment for involving citizens in the decision-making process. As in Lithuania, a regulatory framework has been developed to promote open government and public participation, consisting of a comprehensive set of both passive and active

governmental instruments applicable to all levels of public authorities [7]. The aim is thus to establish a unified and comprehensive system of open government throughout the Belgian community.

The authorities have also created a special body dedicated to handling appeals related to open government guarantees, ensuring that citizens have an appropriate channel to voice their concerns and worries when this principle is not properly applied.

To ensure citizen participation, the Belgian government has adopted legislation requiring consultation of citizens on all draft legislation by establishing a "consultation code" setting out minimum standards and procedures. Active involvement has also been established through the creation of strategic advisory councils for each sector.

The Ostbelgian model, initiated in the German-speaking Community of Belgium, combines a permanent deliberative body, called the "Citizens' Council", with representative deliberative processes. It allows citizens to initiate and decide on issues through ad hoc citizens' panels. Constituted for the first time in 2019, the council states the random selection of 24 citizens to represent the community for a year and a half. This approach ensures balanced and stable engagement, focusing on issues similar to those solved by elected politicians, preventing in the same time over-professionalization.

The regulatory framework for participation establishes essential legal safeguards for public involvement in decision-making and adopts a strategy for implementing minimum standards for participation. Thus it is facilitated the organisation of public consultations and there is insurance that public officials are well trained to conduct them effectively. These initiatives underline the Belgian authorities' commitment to transparent and inclusive government, reflecting European trends to promote citizen participation in decision-making.

### 3.4. Italy

The OpenCouncil of Europesione - Monithon online platform aims to encourage more active participation of citizens by giving them the possibility to monitor public spending and evaluate its efficiency in a balanced way. The aim of this platform is to support people's confidence in the management of public funds. [7]

OpenCouncil of Europesione - Monithon was created to respond to a major challenge: the slow implementation of cohesion policy and the lack of understanding of how investment projects respond to local needs. This platform operates through two distinct web components, deployed at national level: OpenCouncil of Europesione and Monithon.

The platform allows citizens to assess how resources are being used, whether they are being used

efficiently, and enables them to analyse the history of selected projects and write reports based on available data. Citizens are allowed to organise groups to monitor the spending of EU funds in their area of interest.

A crucial aspect of this mechanism is the availability of high quality, easy-to-interpret data and the use of existing tools to promote active involvement of citizens from an early age in the decision-making process. Moreover, the platform is also used in educational projects by students to interpret data entered on it.

#### 4. Conclusions

Our research has highlighted the breadth and diversity of open government and public participation efforts in EU Member States, providing a broad perspective on how these countries approach citizen involvement in decision-making processes.

Hence, we can say that open government and public participation are important priorities for many EU Member States, reflecting a global movement towards more transparent and accountable government. Examples from countries such as Italy, Lithuania or Belgium have demonstrated the commitment of public administration to promote dialogue between citizens and government institutions and to create effective mechanisms for collecting feedback and consulting the public in the decision-making process.

We have also pointed out that there is considerable diversity in the approaches and practices adopted by different EU Member States with regard to open government and public participation. Each country adapts its policies and instruments according to its national context, available resources and the specific needs of its citizens. This diversity reflects the complex nature of governance and the need to find flexible and adaptable solutions at local, regional and national level.

In addition, the research reveals the importance of a comprehensive and inclusive approach in promoting open governance and public participation. It is essential for citizens to be involved at all stages of the decision-making process, from policy development to implementation and subsequent evaluation.

All in all, we believe that the efforts made by EU countries in the field of open governance and public

participation in the Member States of the European Union and the diversity of practices and instruments used in this respect are more than evident. In order to strengthen democracy and better respond to the needs and expectations of citizens, it is crucial that governments continue to promote transparency, involvement and accountability in decision-making.

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