

‘Riding the Wave’ or ‘Carried Away by the Tide?’

**Information Overload in Consultations in
the European Union**

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Consultations in the EU

In the Commission's *Minimum Standards on Consultation* (COM (2002) 704), the Commission states that the principal aim of consultations are:

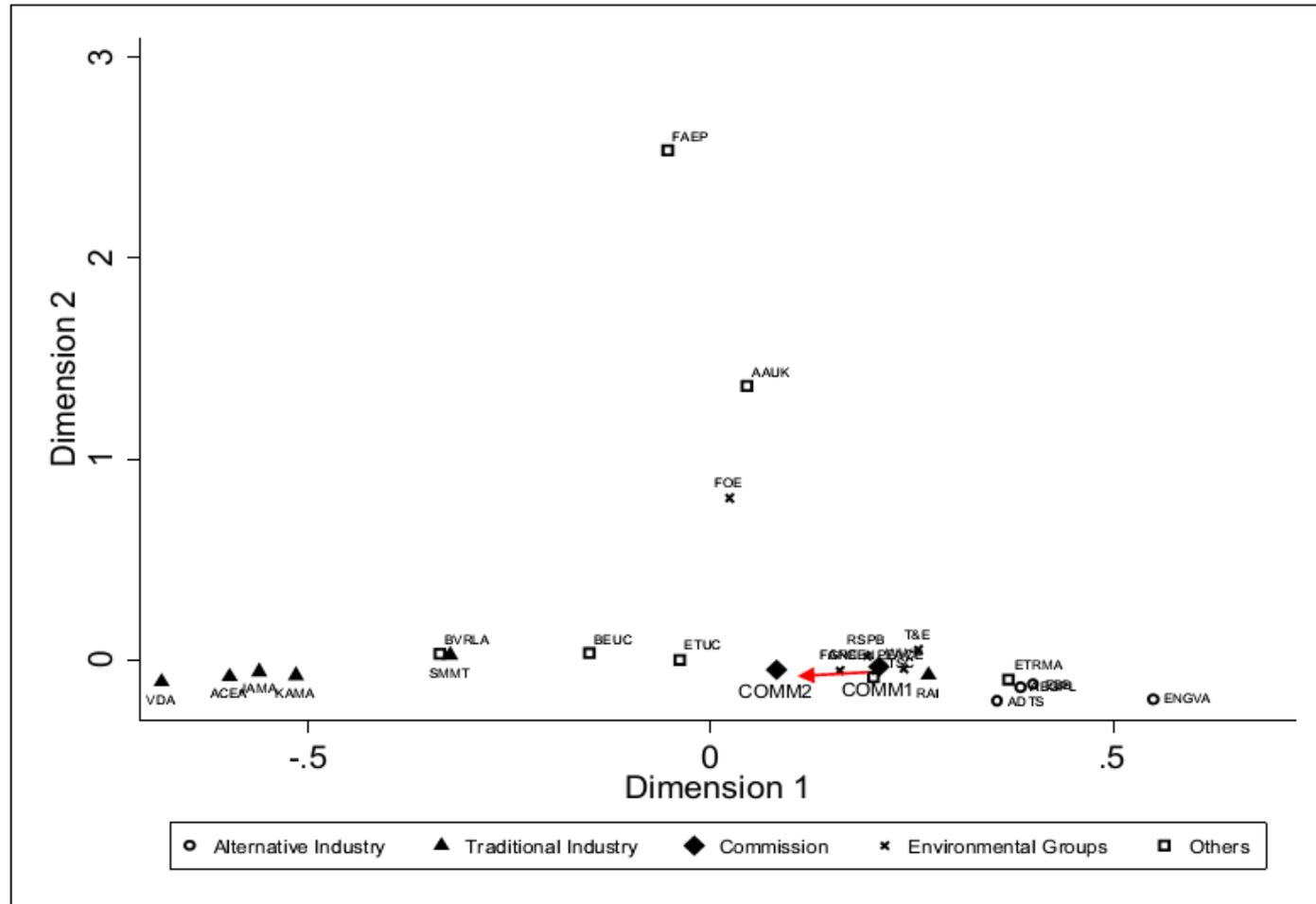
- To encourage more involvement of interested parties through a more transparent consultation process, which will enhance the Commission's accountability.
- To provide general principles and standards for consultation that help the Commission to rationalise its consultation procedures, and to carry them out in a meaningful and systematic way.
- To build a framework for consultation that is coherent, yet flexible enough to take account of the specific requirements of all the diverse interests, and of the need to design appropriate consultation strategies for each policy proposal.
- To promote mutual learning and exchange of good practices within the Commission.

A stated aim of the consultation process was the establishment of a mechanism by which European civil society organizations could participate in the policy-making process.

Our Project: Analyzing Consultations and Legislative Outcomes

- Our project's goal was to use computer-assisted text analysis to quantitatively measure the interest group influence on legislative outcomes in the European Union by analyzing consultations to the European Commission between 2008 and 2010
- The software we employed groups documents thematically and allows us to see clusters of groups employing similar language. Theoretically, this tool should be of use to those who simply wish to understand the general lines of debate on a given consultation.

Figure 1: A Two-Dimensional Issue-Space for the CO₂ Emissions Debate



Before the Results, the Data



- Our initial data collection saw the acquisition of 11,647 files; there were 3,643 documents representing 3,967 interest groups. Of these, we read 1,700 individual documents, or 42.85% of the total.
- Our software was generally found that debates generally took place along three to six broad dimensions
- If one theme emerged over and over again it was the sheer volume of information presented by interest groups. Some contributions were one page, others over 100 pages. Some consultations had ~20 responses, others well over 100.

Challenges Posed by Consultation

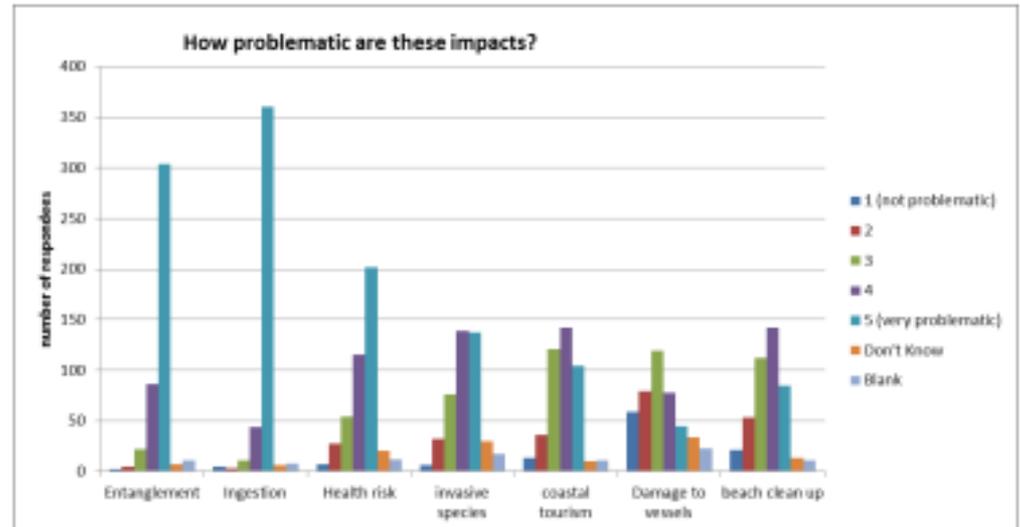
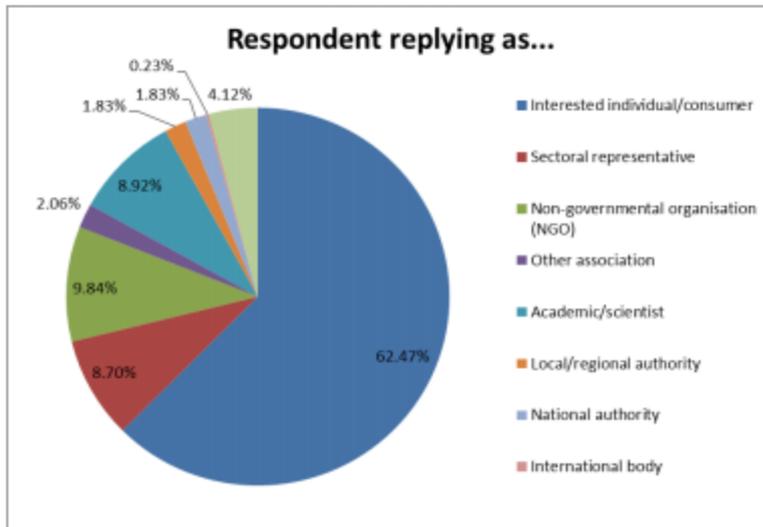
Responses: Aggregation

- “Aggregation” refers to the process by which the mass of submissions to a consultation are summarized and presented to policy-makers
- Aggregation of responses is most straightforward when the Commission provides social actors with questions that can be answered only from a discrete set of answers (box-ticking)
- Free response questions (and answers) are both the most common and most challenging submissions to consultations

Challenges Posed by Consultation

Responses: Integration (1)

- Across all of the legislation we analyzed from the consultation stage to the final legislation, at no point was it clear exactly how input from the consultation made its way into the final legislation.
- Summaries of consultations are not always available, but when they are they tend to summarize some of the consultation and provide some descriptive statistics on the national origin of respondents, their employment, etc.



Challenges Posed by Consultation Responses: Integration (2)

- Proposals often state that consultations were held, but fail to actually state what part(s) of the consultation made it into the legislation or if the consultation changed any part of the legislation.
- For structured response (box-ticking) questions, what is the criteria for consideration for inclusion in the Commission's debate, policy position, or policy formulation? If a plurality of respondents choose a given option, will that particular option be integrated into pending legislation? Will it be considered in Commission debates on that issue?
- For free response questions, is there a systematic technique the Commission is using to determine what interest groups are concerned about on a given issue? Even after this determination, what is the criteria by which the Commission determines which policy positions to consider? To integrate into existing legislation?

A Few Suggestions: Scope

- We believe that it should be made clear in consultations that social actors have the ability to change only certain aspects of the legislation and that consultations have the ability to affect outcomes in those areas.
- For example, if the Commission wishes to draft new legislation concerning carbon emissions and is interested in understanding the level of reduction that different sectors wish to see, the Commission should provide a questionnaire with a number of discrete answers (reduce by x percent, reduce by y percent, reduce by z percent) and ask respondents to tick the box that corresponds to their preference (or most closely to their preference).

A Few Suggestions: Format (1)



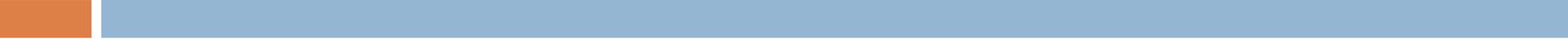
- If the Commission wishes to make use of free response questions, we recommend a two-stage consultation process.
- In the first stage, the Commission would provide respondents with a list of discrete options that it will put to a wider consultation. The list can be as long or short as the Commission wishes, but should be in a format that would allow for the ready aggregation of the number of respondents interested in certain points.
- In the second stage, after the quantitative responses to this consultation are gathered, the Commission would draft another round of questions with a number of discrete answers that would, yet again, be put to social actors and the general public for response.

A Few Suggestions: Format (2)



- If the Commission wishes to retain the current structure that makes more use of free response questions, we recommend a revision to the current procedure.
- Free response questions would be provided, but examples would be provided for respondents to facilitate their responses conforming to a format more readily understandable and quantifiable. If the Commission's goal is to gather expertise, the format should be adjusted to allow for the submission of technical information, such as academic papers, research reports, etc. (in all of the consultations we analyzed, such technical work often appeared alongside regular position papers)
- Still, aggregation using this format would present the same challenges we describe above.

A Few Suggestions: Integration



- We suggest that the Commission establish a set of general guidelines regarding how responses to consultations should be integrated into legislation.
- At an absolute minimum, the legislative proposal (or some other official document) should clearly indicate what changes were made (if any) as a result of the consultation and why. If a particular actor (or group of actors) was especially influential, we believe that fact should be made clear
- If 50% plus 1 of respondents need to be in favor of something for the Commission to consider it, that should be made clear. If 100% of respondents must request something and actors fell short, that should, likewise, be made clear.

A Few Suggestions: Data Management

- The *Your Voice in Europe* website is intended to serve as a one-stop-shop for all consultations held by the Commission.
- Consultation documents (both Commission documents and submissions) are not stored on the *Your Voice in Europe* site, but on the sites of the responsible DG's, leading to a tangle of file formats, storage techniques, and databases.
- Because responsible DG's are tasked with storing files, we found access to consultation documents varied significantly across DG's.
- We recommend the establishment of a uniform standard on how submissions will be made available to the public.
- We also recommend that submissions from consultations should be made available on one website rather than those of the separate DG's and access to them ensured for a standardized period of time. Thereafter, there should be one person/office responsible for making older submissions available to interested parties (preferably in an electronic format)