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# The Role of Artificial Intelligence in Strengthening Civic Participation in the European Union: Ensuring Administrative Transparency and Accessibility in Algorithmic E-Consultation

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**Abstract**: *In an era of digital governance, the advent of artificial intelligence (AI) offers new possibilities to meaningfully engage citizens in consultative policymaking processes and prompts fundamental questions about the future of democratic legitimacy in regulatory decision-making within the European Union (EU). The prospect of implementing AI-enabled consultation platforms (AECPs), digital participation platforms run by local administrative bodies that leverage AI to enhance civic participation in policymaking, is thereby worth examining. Drawing on EU instruments such as the AI Act (AIA), General Data Protection Regulation (GDPR), and Web Accessibility Directive (WAD), and case studies from EU Member States such as Spain and the Netherlands, this paper contends that while AECPs have the potential of enhancing democratic legitimacy by improving accessibility, and scaling participation in administrative consultation, they also carry risks of opacity, bias, arbitrariness, and exclusion. The analysis demonstrates that insofar as algorithm-based participatory tools are carefully integrated in compliance with EU-developed good administration and AI transparency standards, which provide safeguards for accessibility, monitoring, accountability, redress, non-discrimination, and data protection, they can help bridge the democratic gap between citizens and regulators and thus enhance the democratic legitimacy of the administrative process.*

**Keywords:** *administrative transparency; artificial intelligence; algorithm; citizen participation; democracy; digital platforms; regulatory legitimacy.*

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## Introduction

Within the EU, every citizen is guaranteed the right to participate in the democratic processes of the Community, which must be organised as openly and closely as possible to the citizen (Article 10(3) Treaty of the EU (TEU)). Similarly, collective engagement in civic activities, freedom of political expression and right to access information are protected under the EU Charter of Fundamental Rights (CFR) (Articles 11, 42) and the European Convention of Human Rights (ECHR) (Articles 10, 11) (Charter of Fundamental Rights of the European Union, 2012). However, policymaking across the Member States still lacks the trust of the people who have a legitimate interest in participating in the regulatory process. The relationship between citizens and the administration is essentially asymmetrical, so administrative law must guarantee the fundamental right of citizens to good administration, specifically the right to efficiency, transparency, access, participation, and procedural fairness (Article 41 CFR). Civic participation underpins the democratic accountability safeguard presupposed by administrative law, since administrative entities derive their legitimacy from the effectiveness of their regulatory outcomes for the people, their responsiveness to civic participation, and the inclusiveness and openness to consultation with the people (Scharpf, 1970). Since regulatory legitimacy essentially stems from the citizens' consent to be regulated and their trust in the regulation that is being imposed on them, the administration must ensure meaningful civic engagement to correct the innate democratic deficit associated with regulatory governance. There are several issues associated with organising effective consultation, amongst which language and accessibility barriers, risks of inequality and exclusion, lack of institutional feedback, over-reliance on expertise, and limited administrative capacities.

This article builds on the idea that AI-enabled consultation platforms (AECP) have the potential of enhancing the current landscape of public consultation by strengthening the accessibility and transparency of administrative services and creating new avenues for citizen participation. It begins with a clarification of AECPs, and of concepts such as algorithmic regulation, good administration and democratic legitimacy, to inform a critical assessment of the benefits and risks for deploying AI systems in participatory platform. Next, it examines the EU legal and regulatory framework relevant to AI systems, digital platforms and public administration standards. The paper also presents case studies from Spain and the Netherlands—two EU Member States with active e-participation ecosystems—to illustrate how AECPs can be implemented and governed. Finally, it links its empirical

findings back to broader EU norms and normative regulatory tools, and reflects on the one hand, on how AECPs, if properly governed, could advance democratic legitimacy in regulation, and on the other hand, on how they could threaten legitimacy if deployed without adequate safeguards.

## Algorithmic regulation and AI systems as regulatory instruments

AECPs are to be regarded as a specialised subset of digital participation tools used in governance, which take the form of web-based portals or applications hosted by public authorities to solicit input on policy or regulatory matters, for example, gathering citizens' comments and proposals on draft laws, and community projects, or votes on budget allocations. What distinguishes AECPs from traditional e-consultation tools is the integration of AI to augment the consultative process. In practice, this may include AI-driven features such as natural language processing (NLP) to analyse large volumes of public comments, machine learning algorithms to detect and group similar proposals, or automated moderation systems to identify hateful, duplicative, or fictive submissions. AI tools can also enhance participants' experience by providing real-time translation, text-to-speech assistance, or chatbots that guide citizens through complex policy questions, thus lowering barriers to entry and making consultation more accessible. In essence, AECPs leverage machine-based systems that process inputs, such as citizens' statements or preferences, to generate outputs, such as aggregated insights, trend analyses, or tailored information that can influence the outcomes of regulatory decision-making. The concept of AECPs aligns with the broader trends of e-participation, such as the traditional e-consultation portal of the European Commission, "Have Your Say". However, unlike a platform that largely relies on manual information processing, an AECP aspires to manage participation at scale in a more interactive and accessible manner. The AI system employed by the AECP is to be understood within the meaning given by the EU's AI Act (AIA), which defines AI systems as algorithm based systems which operate with varying levels of autonomy and generate predictions, content, recommendations, or decisions capable of influencing human environment, in order to achieve specific goals (Article 3 AIA). A promising view is that AI could be used as an instrument within the administrative decision-making process, not only to achieve regulatory efficiency, but to also actively enhance democratic principles. The need for democratic legitimacy within regulation stems from the authority endowed by law upon administrative entities to set standards, gather information, and modify behaviours of stakeholders (Hood *et al.*, 2001). Much alike political legitimacy, whose validity depends on the constituents' will to be bound by a

political regime and their ongoing evaluation of the performance of the regime vis-á-vis the extent of social welfare it guarantees, regulatory legitimacy derives from the value that regulation generates for citizens (Suchman, 1995). Administrative decisions must thereby be the result of an exercise of authority in good faith, promulgated in an epistemically accessible way subsequent to independent expert valuations and public consultation. Involving stakeholders in the regulatory decision-making process is essential to ensure adherence to the rule of law whether that implicates consultation, co-decision, deliberative democracy, public feedback or negotiation. Therefore, regulators must circumstantially choose the instruments most appropriate to engage citizens at scale to align policy priorities with citizens' needs, who often hold contextual knowledge that technocratic approaches may miss, ensure a non-arbitrary and proportionate allocation of costs, and of risks and benefits, and build institutional trust through feedback loops and increased public scrutiny.

Algorithmic regulation could arguably aid in collecting the data necessary for producing policies that maximise citizen welfare by making use of automated decision-making (ADM) as to continuously gather and analyse public inputs, and automatically adjust or inform interventions accordingly to achieve pre-specified regulatory goals (Yeung, 2018). Algorithms, and algorithm-based systems such as AI systems can function as design-based control tools that assist human regulators. This means that while final decisions, such as whether to adopt a proposed rule that garnered the support of a certain percentage of civil society, remains with the human regulator, algorithms may regulate the flow of information in the participatory process itself, for instance by prioritising and averaging certain contributions, or synthesising a popular opinion in a manner that influences policymakers. This outlook is consistent with the idea of "digital-era governance", which suggests that technology can help refocus administration on user-centric joined-up services to improve administrative capacity to process information and tailor decisions, potentially leading to more efficient and responsive public services (OECD, 2025a) and enhanced democratic practices within administration. Thus, a properly harnessed AECP established to permit citizens to voice their proposals and feedback about a given local or regional regulation could have a number of democratic benefits.

Firstly, an AECP could significantly scale up public input. Algorithm-based machine learning and NLP tools excel at processing large volumes of data, in this case citizens and CSOs' comments or proposals, and identifying patterns or summarising key insights. This would enable administrative bodies to realistically solicit feedback from tens of thousands of people and still distill the results in a meaningful way for policymaking purposes. For example, AI

text analysis can cluster similar ideas, detect common concerns, or highlight unique perspectives belonging to certain groups that might otherwise be lost in the noise. This analytical capability not only saves administrative time, as public bodies would be overwhelmed by the scale and complexity of citizen input otherwise (Roetzel, 2019), and shields the consultative process from human regulators' bounded rationality that may result in bias or dismissal of certain submissions (Arana-Catania *et al.*, 2021), but may as well improve the evidence base of regulations by capturing a wider array of inputs. Further, the scalability of the process can strengthen democratic legitimacy by ensuring policy consultations are not confined to elite stakeholder or organised interest groups, but are instead open to the broader public. Civic engagement would thereby be improved by an AECP insofar as the system employed reduces barriers to participation and empowers citizens with more intelligible and accountable participatory processes (OECD, 2025b). Secondly, the AECP would enhance deliberation among citizens by suggesting areas of consensus or flagging instances where opinions diverge, in order to promote more informed and reflective public debates where participants see summarised arguments for, and against a given regulation, potentially also increasing mutual understanding. The democratic legitimacy of regulatory decision-making would also be enhanced by the diversification of knowledge among experts and laypersons, which may lead to unbiased policymaking detached from purely expert valuations and tailored to societal needs, thereby bringing empowerment and information to citizens (Pečarič, 2016). Thirdly, an AECP promises greater convenience and accessibility through its design. It would allow citizens to contribute at any time from anywhere, lowering logistical barriers compared to in-person meetings or paper submissions. AI features can further improve accessibility by offering real-time translation between languages, text-to-speech, or speech-to-text conversion for those with visual or hearing impairments, and even simplified summaries of complex policy documents for laypersons. Fourthly, the AI system within the AECP can personalise and improve user experience on consultation platforms. Through recommender algorithms, an AECP may suggest relevant upcoming consultations or documents to a user based on his or her expected interests, assessed vis-à-vis for example, his or her age, neighbourhood, economic status, or social benefit interests. It can also provide immediate, tailored feedback, such as acknowledging a user's input and showing how it relates to others' contributions, which may increase citizen satisfaction. Finally, AI might help visualise the collected data from the public in intuitive ways, through generating charts, maps or interactive dashboards that show what different demographics and regions think about a regulation. Visual analytics can make the outcomes of civic input more tangible for both regulators and the

public, leading to enhanced transparency and access to redress. Upon making the synopsis of consultations easily accessible and intelligible, citizens who seek to challenge or obtain an explanation concerning an ADM or a decision taken by the administrative body based on the results of the consultation would be more likely to actually act on it.

Therefore, the democratic potential of AECPs lies in their ability to augment human capacities by providing broadly accessible, clear, intelligible and simplified information, and processing a large amount of inputs from all relevant stakeholders. If an AECP can rapidly summarise thousands of comments on a draft regulation and highlight the most common suggestions or the most polarising issues, it can enable regulators to respond more effectively to public concerns. It can also reassure citizens that their voices will be heard and not drowned out by volume, since the AI system employed can sift every submission, unlike a traditional scenario where overwhelmed regulators might only sample feedback. Moreover, by lowering participation costs and overcoming language and ability barriers, AECPs can draw in citizens who traditionally abstain from regulatory consultations, including youth comfortable with digital platforms or marginalised groups with limited mobility.

Nonetheless, AECPs also carry significant risks characteristic to those of algorithmic tools which necessitate stringent impact assessments prior to deployment. Firstly, a core democratic risk is the potential loss of transparency in how public input is handled. When algorithms mediate between citizens and regulators, there is a danger of creating a "black box" for both the participants and deployers if the algorithm's functioning is not openly explained. For instance, if an AECP's machine learning model classifies some citizen comments as irrelevant or low quality, and thereby filter them out before analysts can review the input, those participants may never know that their perspectives were quietly discarded. This undermines one of the tenets of good administration, namely transparency, which demands that consultation results, including reasons why certain input was not followed, be available and capable of being scrutinised. A related issue regards redress and accountability. If someone suspects their feedback was miscategorised or ignored due to an algorithmic error, his or her options for recourse become limited. Tradition consultation processes at least have a paper trail of submissions and responses, meaning that an ADM process would similarly require an audit trail, and explanation features by logging how each input was processed, in order to allow users to target their inquiries toward their own contributions, and provide an equivalent accountability mechanism. Secondly, AI systems learn from data and often reflect the biases present in that data or in their design, leading to concerns about algorithmic bias and

discrimination. If the training data for a NLP model employed by the AECP is not representative of the full populace, for example by over-representing certain languages or writing styles, the AECP may unduly favour or average those inputs that align with its learned patterns and downplay minority viewpoints (Williams *et al.*, 2020). Within public consultation, that means the algorithm used by the AECP might effectively drown out unique, underrepresented feedback in an effort to find a common denominator (European Center for Not-for-Profit Law, 2024). In addition, automated translation, while helpful, often works best for widely used languages and can perform poorly for minority languages or dialects, potentially misinterpreting or sidelining those contributions. Similarly, there is also the risk that an AECP could exhibit unintended political bias. For instance, if sentiment analysis is used to gauge support or opposition in comments, the choice of training data and sentiment lexicon might skew results where certain expressions of dissent are processed as negative sentiments and are to be filtered out. Thus, ensuring equality and non-discrimination on an AECP requires careful bias testing and diverse training data as provided by the AIA, as well as affirmative steps like weighting inputs from typically underrepresented demographics so they are heard on par with others. Thirdly, another risk involves privacy and surveillance concerns. To be effective, the AECP has to collect a range of personal data from the participants, not just names and contact information, but demographic details, location, political affiliation, and socio-economic status, which are sensitive data that is to be treated accordingly under the GDPR. Participants need confidence that providing input will not expose them to personal risk or unwanted profiling. If upon processing the contributions submitted on the AECP, the AI system categorises certain participants as opponents of a regulation, it may start to veer into territory akin to political profiling or even social scoring, which are forbidden under the AIA and GDPR. Indeed, civil society advocates have warned that without safeguards, AI-enabled participation tools could chill free expression, as people might self-censor if they feel they are being profiled by an algorithm or if they distrust how their data will be used (Yeung, 2018). Strict adherence to EU framework regulating AI systems and data privacy should, in both theory and principle, prevent an AECP's data from being misused, for example by being shared with law enforcement for unrelated purposes. Similarly, AI systems could be manipulated through data poisoning attacks or bots flooding the AECP with fake input, leading to misinformation or distorted outcomes, which requires effective filter mechanisms to preserve the integrity of the democratic process. A related issue brought about by the privacy risks associated with algorithmic regulatory tools is undue influence

and manipulation of participants by the AECP itself. Local governments would presumably lack the resources to conduct thorough impact assessments and due diligence on the socio-economic and ethical risks of an AI system made available to the public (Karathanasis, 2025). If the employed AI system acts not just as a passive conduit but as an active moderator, the AECP would essentially function as a de facto delegated decision-maker, which can easily undermine the democratic legitimacy of the administrative authorities that deployed the algorithm. For instance, if the AECP uses a moderation tool that nudges users by suggesting they rephrase their inputs or even by asking mere leading questions steering them towards rethinking their proposals, the AECP could become an active agent of agenda-setting instead of a facilitator of public input, thereby subtly manipulating the consultation income (Ministry of the Interior and Kingdom Relations, 2022). In such case, the erosion of citizen trust in the acting State's operations is further exacerbated (Valle-Cruz *et al.*, 2023), as participants would tend to fear that the system is rigged and their opinions carry little weight in the regulatory decision-making process. Fourthly, there is a challenge of redress and due process in algorithmically-mediated consultations. If a citizen feels their contribution was wrongly removed by automated moderation, or that the AI summary of the consultation's results provided by the AECP misrepresented their views, an effective remedy tool must be in place to explain the way the input was processed. Aligning an AECP with good administration practices entails designating an accessible way of obtaining recourse, such as a notification and subsequent human review mechanism for any automated act. This can allow a citizen whose submission was flagged to be made aware their input was removed and appeal to a human moderator. In light of the rights to be heard by regulators and have regulatory decisions explained, the AECP ought to confer on the participants access to intelligible and non-technical information about how their submissions were handled, so they can effectively challenge an eventual ADM. Finally, while the purpose of the AECP is to facilitate convenient access to involvement in regulatory decision-making, certain groups may remain sidelined due to lack of access to internet, affordability of technological devices and digital literacy, which may impede elders and economically disadvantaged people from accessing the very platform where they can seemingly make their voices heard to regulators, thus transforming a supposedly reachable regulatory tool into a tool of exclusion and underrepresentation of vulnerable communities.

Therefore, AECPs cary a duality—they have the potential to both greatly enhance and undermine the democratic legitimacy of regulatory decision-making. This paper will examine to what extent the theoretical

benefits provided by an AECP would be realised or pursued in practice under the EU legal and regulatory framework governing AI systems, data privacy and good administration, and how regulators ought to deal with the unpredictable risks and arbitrary prospects entailed by the use of algorithmic tools.

## EU legal and regulatory framework: enabling trustworthy AI in public decision-making

EU institutions have proactively responded to the opportunities and risks of AI so far, including its use by public authorities through legal instruments and non-binding initiatives which reflect how AI can be safely integrated into administrative decision-making across the Member States, among which the AIA, GDPR, and WAD, supplemented by the Framework Convention on AI and Human Rights, Democracy and the Rule of Law, and Better Regulation Guidelines.

### *The artificial intelligence act*

The AIA, enforced starting from August 1, 2024, is the EU's first horizontal regulatory instrument for AI systems. It adopts a risk-based regulatory model and imposes requirements and obligations on AI system providers and deployers, which includes public authorities (Recital 13, Articles 3(3) , 3(4)), depending on the risk level posed by the system in question. Notably, the AIA explicitly prohibits unacceptable AI systems which employ social scoring or biometric categorisation inferring political opinions by public authorities (Article 5(g))—that is, systems which evaluate or rank people based on their behaviour or characteristics in ways that can lead to unjust or harmful treatment (Recital 31), and classifies AI systems which perform profiling as high-risk (Article 6(3)).

High-risk AI systems—a category which includes many public-sector applications, such as algorithms used in law enforcement, welfare eligibility and education—are subject to stringent requirements aimed to ensure transparency, traceability and effective human oversight. For instance, providers must implement a quality management system, conduct risk assessments and mitigation, ensure datasets are free or errors and bias to the best extent possible and provide technical documentation about how the system works (Articles 8-17). Nonetheless, an AECP established to facilitate public participation in administrative decision-making may be deserving of special consideration according to the AIA (Recital 58). The use of such a platform by citizens is arguably tightly correlated to their access to and enjoyment of essential public services since its very purpose is granting

citizens the opportunity to meaningfully participate in society by proposing, reviewing and commenting on policies directly affecting them.

On the one hand, the AECP may be classified as a high-risk AI system, since despite not being designed for the purpose of profiling citizens, it would be capable of interfering with participants' rights to privacy, human dignity and non-discrimination, given that it collects data relating to their political position, social needs, and concerns with the acting State's regulatory practices. In the case of unlawful sharing of the data with third parties or public authorities, the interference with the participants' privacy may lead to arbitrary treatment and exclusion from future democratic processes. On the other hand, Recital 58 clarifies that innovative public administration approaches which would stand to benefit from a wider use of compliant and safe AI systems and do not entail a high risk to persons may not be classified as high-risk AI systems. The AECP fits within this consideration due to the democratic legitimacy it confers upon the administrative process, insofar as the citizens' inputs are guaranteed to remain confidential and not become a factor of exclusion (Recital 59). Recitals 61 and 62 further consolidate the idea that the classification of AI systems as high-risk would not extend to the AECP due to its role in organising and optimising political campaigns from an administrative and logistical standpoint, and its lack of relation to the administration of justice in individual cases. Thus, depending on the level of transparency and technical safeguards provided by the AECP, the system may be categorised as either limited-risk or high-risk under the AIA, nonetheless due to its purpose within public administration, such an AECP would likely not be subject to high-risk systems' stringent requirements (Articles 26(8), 49).

Furthermore, the AIA contains provisions relevant to participation and accountability, for example by mandating the establishment of AI regulatory sandboxes across Member States with the purpose of fostering innovation under supervision to take place with the involvement of relevant stakeholders (Recital 143). Similarly, the AIA pushes for AI system providers to facilitate the inclusive and open participation of vulnerable persons, and civil society in the design and development of AI systems (Recital 165). To boot, the AIA mandates Member States to designate national supervisory authorities for AI which could handle complaints or concerns about AI systems from any natural or legal person (Article 85), and guarantees affected persons a right to explanation of the role of the AI system in the event of an injurious decision-making procedure (Article 86). This corroborates the AIA's stance vis-à-vis the importance of broad stakeholder participation and its prospective treatment of the AECP as a necessary innovation for the Member States' administrative processes, insofar as it is sufficiently transparent,

explainable, and accessible, is subject to monitoring by public authorities, and provides venues for accountability and redress in conformity with good administration standards.

***The general data protection regulation***

The GDPR, in force since May 25, 2018, is a directly applicable regulation which established important constraints on ADM even before the AIA. Notably, the GDPR gives individuals the right not to be subject to a purely automated decision such as profiling (Article 4(4) GDPR) granted the decision may carry legal or similarly adverse implications, unless the ADM process was explicitly consented to by the individual, or the law authorising the ADM contains appropriate safeguards to prevent the adverse implications and ensure the individual's legitimate interests (Article 22). In the context of an AECP established by a public authority, the controller (Article 4(7)), with the purpose of facilitating civic participation in policymaking, the public authority, may be, for instance, a local public administrative body collecting citizens' proposals or feedbacks concerning a prospective or existing socio-economic regulation. The data collected subsequent to the citizens' presumed wilful and informed participation (Article 4(11)) in the operation of the AECP's encompasses and processes (Article 4(2)) the personal interests of the citizens, including their political and socio-economic positions, in order to inform the public body about the algorithm-enabled results of the consultation process. This constitutes an inquiry in the general interest under the GDPR (Recital 31), thereby relieving the administrative authority collecting the information of the status of recipient (Article 4(9)). Upon accessing the AECP, citizens, as data subjects, presumably consent through electronic means to have their input processed and used for the specific policymaking purpose (Recital 32), insofar as the AECP adheres to the relevant transparency requirements, and the processing it enables using the collected data has a legal basis, even if that basis is not specific to the AECP itself (Recital 45). Arguably, the establishment of the AECP represents a legitimate interest for the administrative body under Recital 47, as it serves an important role for public regulatory purposes. Additionally, since citizens participate in the AECP in the first place because they have a reasonable expectation that their propositions will maximise their welfare by steering the administrative body's regulatory decision-making toward their communicated interests, the public body's interest cannot be presumed to override the one of the citizens. Regardless, the GDPR subjects the ascertainment of the legitimate interests considered by the AECP to thorough assessment to ensure that the citizens can anticipate the full extent of the processing involved.

Recital 71 delineates some of the most important safeguards the GDPR has to offer to AECP participants, namely the right to be informed in a concise, comprehensive and clear manner about the public body controlling the AECP, and of the processing involved in the AECP, in accordance to the transparency requirements set forth in Recital 58 and Articles 13 to 17, to obtain an explanation of the ADM, to benefit from human intervention, and the right to bring an action against the decision within the bounds of Article 21. Moreover, the GDPR acts as a legal backdrop ensuring on the one hand, that even as governments automate, they cannot bypass privacy and transparency assessments and obligations, and on the other hand, that individuals have access to recourse in the event of unfavourable or injurious ADM.

***The web accessibility directive***

The WAD, which came into full effect in June 2021, is a directly applicable EU Directive which sets forth accessibility requirements for public sector online websites and apps, based on the assumption that citizens benefit from wider access to public sector information through websites and mobile applications (Recital 11). It particularly stresses the importance of making the design such websites accessible to the elderly and persons with disabilities (Recital 23).

An AECP established by a local or regional administrative authority of a Member State with the purpose of collecting citizens and CSOs' inputs concerning a given regulation would fall under the scope of the WAD—the administrative authority is a public body under EU law (Article 3(1), in conformity with Article 2(1)(4) Directive 2014/24/EU (EURLEX, 2014)), and the AECP is intended for use by CSOs, particularly those representing the interests of marginalised citizens (Recital 49). The AECP would have to abide by the WAD's four principles of accessibility, which are perceivability, operability, understandability, and robustness (Recital 37, Article 4), insofar as implementing these accessibility requirements would not place a disproportionate burden on the administrative body (Article 5, Recital 39). In this sense, the WAD would require for the information provided within the AECP to be comprehensible, understandable, and in-depth, to enable interpretation by assistive technologies, and for the interface to be easily operable by participants. User experience factors such as an intuitive interface and guidance prompts may avoid steering users who are not tech-savvy away from making use of the AECP, since a complex registration process may deter them. For instance, the citizens could register for the consultation by simply inputting their municipality-registered unique identifying number. Additional

information, such as past voting preferences, and relevant socio-economic concerns, should be made available to enhance the consultation's synopsis, nonetheless should be optional to fill in. Further, to accommodate citizens with disabilities and different linguistic and digital literacy backgrounds, the AECP can provide AI-enabled screen readers, captions, resizable text with automatic text simplification options, and automatic multi-language support. Recital 47 also urges Member States to promote web training programmes to improve the digital literacy of stakeholders.

The WAD also emphasises the principles of transparency, reason-giving and redress, which are highly relevant for adequately designing the AECP. The administrative body deploying the AECP would firstly need to provide and regularly update an accessibility statement (Recital 44, Article 7(1)) which must include an explanation concerning inaccessible content on the AECP, and information about a feedback mechanism potentially facilitated by an ombudsman (Recital 46, Article 9(1)), which participants can access to notify the administrative body about prospective AI errors or perceived violations of accessibility requirements that they may encounter. The communication bridge between the citizens and the regulators is strengthened by Recital 51 and Article 8, which call for a monitoring and reporting mechanism which tracks the AECP's compliance with the WAD's accessibility requirements, ensuring that citizens are given adequate reasons and information about the AI-assisted processing and ensuing ADM. In addition, the WAD establishes that citizens whose rights were infringed by the AECP due to the platform's noncompliance with the WAD or the notified administrative body's unsatisfactory response ought to be able to submit complaints to the relevant regional authority and receive an appropriate remedy (Recital 53, Article 7(1)(c)).

Moreover, the application of the WAD to consultative AECPs underscores that accessibility is not a peripheral design consideration, but a priority that anchors digital civic participation in democratic standards. Its provisions on transparency, monitoring, and redress weave accountability mechanisms directly into the prospective architecture of the AECP, thereby reinforcing citizens' trust in algorithmic regulatory tools. In practice, this means that compliance with the WAD is not only a matter of technical conformity but also of democratic legitimacy, since only when civic engagement is genuinely accessible, intelligible and contestable can an AECP fulfil its promise of broadening citizen input into regulatory decision-making (Directive, 2016).

### *The framework convention on AI, human rights, democracy and the rule of law*

The Council of Europe's Framework Convention on AI (2024), Human Rights, Democracy and the Rule of Law, to which the EU Member States are signatories, is an international treaty signed on September 5, 2024, which provides a directly relevant normative backdrop for any AECP established to enable public participation. The AECP has the potential of interfering with democratic practices due to its status as an AI system-enabled initiative which collects data to facilitate citizens' consultation in administrative decision-making. The Convention requires that the design and deployment of such an AECP's design guarantees data protection, inclusivity, non-discrimination, and the ability of citizens to freely form and express opinions based on sufficient information about the AECP's purpose, operation and associated risks (Articles 8, 14(2)(a), (b)). It stresses the need for adequate accountability and oversight measures to oversee the AECP's adherence to the Convention's obligations (Article 26), as well as for accessible remedies, including legal action (Article 14(1), (2)(c)), for citizens in the event of unlawful interferences with their rights to privacy and non-arbitrary treatment under domestic law. Importantly, like the WAD, it promotes digital literacy among all stakeholders to facilitate their understanding of the socio-economic implications carried by the deployment of the AECP (Articles 19, 20) (Council of Europe, 1950).

***The better regulation guidelines***

The EU's BR Guidelines provide both a justification and a benchmark for incorporating AECPs into the rule-making process across Member States. It is a pillar of the Regulatory Impact Assessment (RIA), the mandatory systematic methodology for appraising the economic, social and environmental impacts that public policies and regulations in OECD countries have on certain categories of stakeholders and a range of domains. As an administrative procedure, the RIA brings evidence into the decision-making process and enables policy learning by allowing stakeholders to be involved in rule-making in vivo, and observe the purposes, risks, benefits and costs entailed (Radaelli, 2022). The RIA extends farther than the average cost-benefit analysis, taking into account non-economic effects of regulation with the aim of developing regulatory policy in a multidisciplinary field intended first and foremost to inform decision-making, and thereby encourage rational regulation. Both the OECD and the EU are important actors in promoting good regulatory policy—the OECD evaluates national regulatory policies, and provides best practices to enhance regulatory policy across Member Stats, and the EU effectively responds to over-regulation and legitimacy concerns, promotes proportionate

regulatory intervention, and assesses regulatory quality in conformity with EU fundamental principles.

The EU's BR agenda is intended to encourage regulators to apply impact assessments, and use the EU principles of subsidiarity, proportionality (Article 5 TEU), and stakeholder engagement (Article 11(3) TEU) in policymaking (Yeung & Ranchordás, 2024). In this context, under the European Commission's BR Guidelines, impact assessments and policy proposals undergo extensive public consultation—an opportunity for citizens, non-profit organisations, small and medium-sized enterprise, and other stakeholders to voice opinions on EU initiatives (European Commission, 2021). The Commission places stakeholder participation at the heart of BR, and conducts open internet consultations on roadmaps and proposals via its "Have Your Say" portal, which is meant to make civic engagement accessible and ensure all feedback is openly published. Nevertheless, such consultations were not initially meant to foster broad citizen participation, but instead collect input through functional intermediaries who supposedly represent affected persons' legitimate interests regarding a given policy proposal. In this context, the natural persons most affected by a given proposal are not guaranteed to have their voices heard because of the consultation's process innate design, which permits domination by corporate representatives and neglects the accounts of CSOs (Alemanno, 2020). Thereby, the regulatory process and RIA remains subject to the influence of special interests groups and political inequality. A consultation portal established to help democratise regulatory decision-making must, in the first place, allow laypersons comprehend the given policy's terms and risks, which requires intelligible information available in all languages of the EU Member States. However, some consultations in the EU remain available only in a limited number of languages, and employ highly technical terminology, precluding authentically broad participation. These shortcomings are relevant for assessing the functionality of the AECP model proposed by this paper. An AECP with a similar function as the "Have Your Say" portal employed by a local or regional administrative body in a Member State would be encouraged by the BR framework under the digital-ready policymaking initiative (European Commission, 2023). On the one hand, the AECP would both reduce administrative burdens, and increase citizen's satisfaction by offering them proximity to the public authorities through automation. On the other hand, the AECP would fulfil the BR framework's goal of embracing digital innovation in policy. BR also stresses the importance of transparency for the legitimacy of the policymaking process (Tool #51).

The AI system upon which the AECP functions would efficiently identify and compile an electronic list of the relevant stakeholders for convenient reach, as required by the BR (Tool #53), which may for instance be all natural persons, CSOs, NGOs and enterprises registered with the local municipality. As well, the AECP could be used for targeted AI-driven outreach, for example, identifying demographic or regional groups underrepresented in early consultation responses, and then disseminating targeted notices via local networks to encourage participation from those groups. This would align with the BR commitment to wide participation, nevertheless would need careful handling to avoid perceptions of bias—the outreach criteria should thereby be neutral, and aimed at balance. In terms of who participates, the AECP could supply anonymised analytics on participant diversity, such as approximate geographic or demographic breakdowns based on the participants' provided information, which can be valuable for the local government in judging representativeness. If certain groups, such as elderly people, are found to be under-participating, complementary offline measures can be taken to involve them, or the AECP's design can be adjusted to be more user-friendly for them. In the end of the e-consultation, the platform can automatically process the citizens' input to obtain a thorough synopsis of their concerns, recommendations and feedback, which would be made public, readily accessible and supplemented by AI-assisted tailored explanations for each extracted result. The ADM would relieve the administrative body in charge of the AECP of a significant time burden (Engstrom *et al.*, 2020), and simultaneously prevent information overload bias (Rangone, 2022). Nonetheless, the AECP's algorithm should not compromise the expert-driven and evidence-based foundation of policymaking under BR (Tool #4)—the AECP ought not to treat large volumes of online feedback as a quasi-vote or to use AI to generate regulatory options directly from citizens and CSOs' submissions. Regulation should still be grounded in technical evidence and balanced against expertise, so AECPs should thus be seen as augmenting traditional evidence, not replacing it, just as AI-curated public opinion should inform but not dictate regulatory choices.

An additional intriguing possibility is that AECPs could also become part of the continuous regulatory evaluation cycle, because not only can they collect input, but they could also be used after a regulation's implementation to gather feedback for ex-post evaluation. AI can help by sifting through public complaints or social media to detect issues with implemented legislation, serving as a sort of sentinel for regulatory shortcomings. The BR encourages evaluation and fitness checks for existing laws (Tool #45), and citizen input is valuable there as well—an AECP which also processes

petitions or civic platforms to identify common calls for regulatory improvements would truly embed participatory governance at all stages. Therefore, the AECP could strengthen the principles promoted by the BR framework by expanding participation and improving processing of stakeholder input, but they must be integrated in a way that preserves consultation integrity, methodological rigour, and openness. The BR toolbox provides a flexible guide for AECP development and deployment—it promotes flexibility and transparency, setting forth a standard for the design of AECPs, including considerations such as addressing biases, informing participants, and institutional checks like public scrutiny of AI analyses.

Moreover, the environment in the EU is coalescing around certain expectations, namely that the use of AI in the public sector should be transparent (visibly documented and explainable), accountable (subject to oversight, redress and appeal), fair (non-discriminatory and non-invasive), and participatory (involving multi-stakeholder consultation and dissemination of information). The following section will analyse how AI and algorithmic systems have been integrated into public administration in several EU Member States, revealing both innovative practices aimed at enhancing civic engagement in the regulatory process, and cautionary reports where algorithmic regulatory tools clashed with EU standards (Ministry of the Interior and Kingdom Relations, 2023)

## Technology-enabled citizen participation initiatives in the EU

Governments of EU Member States are actively experimenting with AI and digital platforms to involve citizens in policymaking (OECD, 2025a). This paper particularly focuses on initiatives from Spain and the Netherlands (The Netherlands, 2013).

***Spain***

The civic participation landscape in Spain is characterised by dynamic local initiatives led by CSOs, and growing legal frameworks at the national level, amounting to a segmented ecosystem for tech-enabled consultation (Law no. 15/2022, 2022). Spain has shown a strong determination to foster collaboration between public administration and civil society ever since its Open Government Partnership and Open Government Forum national commitments from 2011, and 2018 respectively, which established communities of CSOs and regulators to share good practices for citizen participation. Relevantly, Spanish services are highly digitalised—Spain ranks fifteenth in the Digital Governmental Index (OECD, 2024), seventh in the Digital Economy and Society Index, third in the EU in terms of connectivity, and fifth in terms of digital public services or e-government (European Commission, 2022). It has a solid legal and technological basis upon which AECPs can be established to facilitate communication between the public sector and citizens. This section will analyse the existing and emerging Spanish legal framework, networks, and initiatives relevant to algorithm-assisted citizen participation processes.

Firstly, in 2015, Spanish legislation on administrative procedure was amended, setting forth specific rules applicable to formalised automated administrative action and algorithmic tools, including AI systems which support decision-making, employed by public officials (Article 40 LRJSP (Legal Regime of the Public Sector)). Article 41 LRJSP states that prior to the express implementation of the system, the administrative body must determine prospective appeal procedures to ensure effective recourse. The provision also calls for auditing the information system and its source code, to ensure the protection of personal data, and for the administrative body to incorporate its electronic signature within the ADM, to preserve accountability and facilitate prospective recourse actions (Casado, 2023).

Secondly, the Equal Treatment and Non-discrimination Act 15/2022 of July 12, 2022 also contains a relevant provision regarding algorithms and AI systems, albeit non-binding, that is Article 23, which encourages the public administrative body in charge of the AI system in question to ensure, insofar as it is technically possible, that the algorithm employed in the ADM effectively addresses bias, transparency and accountability risks based on its training data and the conducted impact assessments. It also pushes for the body to prioritise the interpretability of the ADM, respect for rights guaranteed under EU law, and a quality label for the algorithm employed. Thirdly, the Charter of Digital Rights approved on July 14, 2021 is a soft law

instrument pertinent to assessing the framework in which Spanish public public body-controlled AECPs would function. It calls for such AECPs to respect the principles of good administration and ethics of AI systems, particularly transparency, understandability and reason-giving, limits discretionary decision-making to human officials (Section XVIII.6), and requires a digital rights impact assessment (Section XVIII.7). The emerging Draft V Plan on Open Government also introduces solutions for coordination challenges in participation to facilitate the mission of the Open Government forum to share good practices on citizen consultation, participation platforms and innovation laboratories (OECD, 2025d). Finally, the Spanish Department of Digital Transformation moved to establish the autonomous Spanish Agency for the Supervision of AI (AESIA) in September 2023, ahead of the AIA's transposition, making it the first agency dedicated to AI supervision in the EU. The agency's mandate is to supervise AI systems for compliance with EU and national norms, thereby providing guidance and oversight on, inter alia, AI deployments by public sector authorities.

Spanish networks such as NovaGob, the Network of Local Entities for transparency and citizen participation of the FEMP (Spanish Federation of Municipalities and Provinces), and the Regional Federation of Neighbourhood Associations of Madrid play a significant part in disseminating citizen participation and open government initiatives. For instance, NovaGob is a collaborative platform serving as a hub where Spanish-speaking public sector professionals, including civil servants, and regulators share resources and information with the aim of modernising and innovating the public sector. The Network of Local Entities for transparency and citizen participation of the FEMP operates with the goal of connecting all levels of government to citizenship and make administrative consultation processes are transparent and participatory. It seeks to develop resources such as standardised guides and datasets to encourage local entities to publish public information (FEMP, 2021) and organise spaces of dialogue with CSOs and regulators. Similarly, the Regional Federation of Neighbourhood Associations ensures inclusivity of participation in Madrid. Further, HazLab, the Laboratory of Public Innovation under the National Institute of Public Administration, is a valuable public sector entity which organises training on pilot projects, playing an important role in building capacity for civic participation through knowledge-sharing and promoting the digitalisation of public sector activities. This landscape of networks has brought about initiatives such as Decidim and Consul, which emerged from regulatory experimentation with direct citizen input facilitated by algorithmic tools.

Relevantly, Decidim is an open-source participatory platform initiated by the City of Barcelona in 2016 which allows citizens to submit proposals and comments, sign-up for meetings, and offer feedback in the context of elections for members of a committee, budgeting policies, strategic planning processes, and collaborative writing of a regulation or norm. Decidim promotes transparency and equality in political participation, as reflected firsthand in its user interface, which is formatted in a way that maximises openness, and in its systemised compilation of the data it collects throughout consultations, which is published in an accessible format. It ensures that the identities of the participants remain personal, non-sharable to third parties, and non-transferable, nevertheless states that it is for the public body controlling the AECP to prevent impersonation. Further, Decidim provides a public register of administrative activities which includes administrators' activities on the platform, in order to avoid and deter discriminatory practices such as the removal of users. The platform also calls for the inclusion of a monitoring mechanism to evaluate the consultation's efficiency, and a redress mechanism for citizens. In terms of inclusivity, Decidim allows users to incorporate languages other than those provided by the system, export proposals and results of participatory processes. As an open-source tool, Decidim employs both an application programming interface, which permits third parties to develop services on the platform, automatically release data, and integrate Decidim with other platforms, and AI-enabled automatic evaluation surveys which determine the operability and democratic quality of the hosted consultation. Besides the automatic survey, Decidim has integrated other AI-assisted features, namely AI tools intended to help moderators detect and report spam content, suspicious users on the platform, and another separate automated queue. Thereby, Decidim AI scans user-generated content for violations and alerts human moderators, aiming to keep discussions constructive without heavy-handed censorship, demonstrating that AI can be incrementally introduced to augment human moderation in digital civic forums as long as the AI moderation module is subject to thorough public scrutiny (OECD, 2025b).

Additionally, Decide Madrid, an open-source online platform based on the Consul software, launched in 2015 by the Madrid City Council, serves a purpose similar to Decidim's, that is hosting public participation in regulatory decision-making for CSOs, and improving the administrative process through the obtained results (Ministry of Economy, Commerce, and Spain, 2022). Citizens can participate in the three critical moments of the administrative cycle, namely agenda-setting, policy analysis and preparation, and policy formulation (Royo *et al.*, 2020). They can submit their inputs

regarding the development of regulatory proposals, vote for new norms, engage in debates, crowd laws, and develop participatory budgets. A proposal which receives a majority support in the voting process on the platform will undergo revision by the City Council, which will either make an action plan available to the public if it approves the proposal, or draft an alternative proposal and explain why the initial one was discarded, in the case it rejects it. In 2021, the city of Madrid experimented with an AI-enabled virtual assistant, Clara, to help citizens aggregate and develop proposals by responding to their questions (OECD, 2025d).

A relevant case study which further emphasise the Spanish approach to digital transparency in algorithmic decision-making is the BOSCO case, which simultaneously warns of the risks of opacity and inadequate oversight in ADM. The BOSCO algorithm was an AI system in Spain's Ministry for Ecological Transition which automatically determined eligibility for the "Bono Social" electric utility subsidy for vulnerable consumers. When applicants, notably widows and pensioners, were wrongly denied discounts, the Civio Foundation, an NGO dedicated to monitoring public administration and ensuring accountability, filed a transparency request in 2018 to see BOSCO's criteria. The administrative silence led to Civio filing a complaint with the Council for Transparency and Good Governance, which gave Civio access to specific technical information, but not to the algorithm's code itself. The Council refused to grant access to the code on grounds of intellectual property and security, and court proceedings ensued. The first instance and the appeal before the National Court also refused to grant Civio access to the source code of BOSCO on the same grounds, nevertheless the Supreme Court's judgment, signed in September, 2025, ultimately upheld Civio's appeal, declaring that national security or intellectual property cannot override the right to access, which is inherent to the democratic order (Spanish Supreme Court, 2025). The ruling was made in reference to the right of access to documents under the Spanish Constitution, and Article 42 CFR, and the right to freedom of expression under Article 10 ECHR. The Supreme Court has acknowledged that administrative ADM requires transparency due to the risks to arbitrariness and discriminatory bias it carries for citizens' rights, nonetheless Spain does not currently have any independent supervisory authorities to ensure the proper functioning of such applications.

Therefore, Spain's ecosystem reveals a proactive embrace of digital participation and an emerging commitment to algorithmic accountability through an advanced legal framework combining hard law and soft law instruments to demand good administration practices within algorithmic regulation. On the one hand, the benefits observed include greater scale and

convenience in participation, as shown by Decidim and Decide, more diverse input, and innovation diffusion through open-source tools. In addition, the recognition of the Supreme Court of the right of access to information within the context of algorithmic regulation is a significant step forward for designing AECPs in a way that maximises transparency and public sector accountability. On the other hand, the risks and shortcomings include the digital divide between large cities and smaller towns which may lag behind or lack resources to implement and moderate AECPs, and citizen skepticism where contributions do not clearly influence outcomes. Further, the OECD observed that despite many participatory innovations, Spain lacked national coordination and stable funding, making e-participation efforts hard to sustain (OECD, 2025c), and recommended more support from the central government. Moreover, Spain shows that the implementation AECPs is feasible, insofar as it is grounded in a specific legal basis, and subject to impact assessments, transparency requirements, and monitoring, and provides adequate redress mechanisms (Law No. 40, 2015).

***The Netherlands***

The Netherlands has a long-standing culture of consensus-building and high levels of institutional trust, and Dutch governance emphasises consultation with stakeholders, translating into robust public sector digital practices (OECD, 2025a). Relevantly, the Netherlands ranks fourth in the EU in use of digital public services or e-government, and third on the Digital Economy and Society Index (European Commission, 2022), and 83% of the Dutch population considers that the digitalisation of public services has made their daily lives more convenient (European Comission, 2024).

Domestic Regulatory and Institutional framework:

Firstly, the General Administrative Law Act, Algemene wet bestuursrecht (AWB), despite being technology-neutral, provides, in the spirit of good administration principles, that administrative decisions must be prepared upon weighing relevant expert-based information and the civil society's interests (Article 3:2), justified (Article 3:46) and appealable (Article 7:2). This entails that if an algorithm merely assists the regulator in a decision, public authorities must still ensure meaningful human oversight and that affected parties can understand the basis of the decision, consistent with the AWB's requirements of due process and reason-giving.

Secondly, the Dutch Data Protection Authority (DPA) has committed to adapting to the emerging algorithm-based technologies. In December 2022, the Dutch Algorithm Register was launched, allowing citizens to access and monitor the acting State's compliance to algorithmic transparency under the

Algorithm Framework, a still-developing tool for governments that use algorithms, including AI, containing information about accountability for algorithmic tools, and prevention mechanisms against discrimination, based on the EU's AIA, and the Dutch AWB and Fundamental Rights and Algorithm Impact Assessment (FRAIA). The FRAIA was introduced in 2021 by the Dutch Ministry of Interior and Kingdom Relations (BZK) as a specialised instrument for public authorities meant to operationalise human rights by design. It is a structured assessment tool that helps public bodies map the potential impacts of an algorithm on fundamental rights and take measures to mitigate risks, based on the knowledge shared among developers, regulators and experts (Ministry of the Interior and Kingdom Relations, 2022). By prompting consideration on rights to privacy, non-discrimination, and due process, the FRAIA complements legal compliance checklists and the principle of good administration in the context of algorithmic systems. Furthermore, in preparation for the domestic transposition of the AIA, it put in place a separate Department for the Coordination of Algorithmic Oversight (DCA) in 2023, which shall act as a supervisory body to better protect fundamental rights during the development and deployment of algorithms by identifying risks to discrimination and issuing guidance on standards. The DPA has relevantly stated that the DCA will operate in parallel to the DPA's continued efforts of overseeing AI systems under the GDPR, thereby providing a dual safeguard. Additionally, the DPA publishes the Report AI & Algorithms Netherlands (RAN) to share insights on algorithmic risks and needed measures—for instance, the first RAN in 2023 called for additional action to control AI risks (DPA, 2023), and subsequent 2024 reports stressed that rising algorithm use demands a master plan to prepare society (DPA, 2024). Moreover, the DPA's Work Plan Oversight of AI and Algorithms precisely reflects these priorities, focusing on transparency, standardisation, auditing, governance, non-discrimination and AI hierarchy as key pillars for safe innovation (DPA, 2025).

Thirdly, the Open Government Act, Wet open Overheid (Woo), reinforces transparency obligations across public administrative bodies, requiring the proactive disclosure in public registers of governmental information, including all algorithms with citizen impact, such as those relating to laws, regulations, decrees, explanations of how to request information, public bodies' working methods, and the preparation, enforcement and evaluation of policies. Indeed, the Open Government Action 2023-2027 has made relevant commitments in the context of facilitating public participation, among which initiatives to increase awareness about the importance of implementing open standards under the "comply or explain" policy, to establish an implementation

assessment of the Open Government Act to evaluate progress in compliance, and to introduce AI-driven digital tools for citizen consultation and consensus-building (BZK, 2023). The latter commitment refers to the Pol.is tool, and guarantees its further development to ensure safety, privacy protection, and GDPR compliance so citizens' proposals are adequately incorporated into regulation. Pol.is is an open-source, AI-powered civic engagement platform for understanding citizen priorities and views on public policy matters by hosting large-scale deliberative processes and clustering public opinions. It has been used to build consensus on environmental matters in Austria, on a national referendum in Uruguay, and on developing governmental policy in New Zealand (OECD, 2025a). In the Netherlands, the BZK partnered with Tilburg University in 2023 to experiment with the use of Pol.is for a prospective implementation of the platform at the national level to involve citizens in digital-era issues (BZK, 2023). This would have the potential of significantly enhancing Dutch e-consultation by fostering a broader segment of the public in an interactive dialogue rather than a unidirectional submission and thereby fulfil the mission of the Open Government Action Plan.

Furthermore, Amsterdam has launched initiatives like OpenStad, an open-source participation platform, originally developed by the City of Amsterdam in 2016, also adopted by the Hague in 2019, which allows cities to host citizen idea challenges, and Stem van West, an online idea portal where resident of Amsterdam's West District can participate in budgeting. In addition, Amsterdam's Urban AI team convened a series of citizen dialogues in 2023, essentially forming a citizen panel, to identify core public values to embed in its Vision on AI. Through this deliberative process, the municipality gathered citizens' concerns about privacy, fairness and inclusion in prospective algorithmic regulatory processes. Similarly, when piloting an AI-assisted system intended to flag social welfare applications for further review, "Slimme Check", the city convened a citizen advisory panel of welfare recipients and advocates, whose input on design and implementation influenced the project momentarily before the project was discontinued. In 2024, the city's Computer Vision project on automated recognition in public space likewise established a citizen panel to work alongside engineers from start to finish, ensuring the system aligns with public expectations of ethics and privacy (Open Research Amsterdam, 2024).These instances demonstrate a commitment to participatory AI at the local level, where affected stakeholders are partners in policymaking rather than passive subjects, paving the way for a collaborative process of implementation of AECPs in the future.

A landmark Dutch case which underlines the importance of incorporating fundamental rights and transparency in ADM and AI

governance instruments such as an AECP is the System Risk Indication (SyRI) case. SyRI was an algorithmic risk-scoring system deployed by the Dutch Ministry of Social Affairs and Employment to combat welfare fraud by cross-referencing citizens' data. It used a risk model which generated risk profiles of cases suspected of presenting a high likelihood of fraud which could result in investigation by authorities, without the targeted individual's knowledge or access to the basis upon which the risk profile was created (Rachovitsa & Johann, 2022). A group of CSOs and two citizens sued the government, arguing that the public body's use of SyRI violated the right to privacy under Article 8 ECHR, Articles 7 and 8 CFR, and several other GDPR provisions. The Court found that SyRI's employment violated the principle of transparency enshrined in Article 8(2) CFR, and Articles 12 to 15 GDPR, since the citizens whose data was being processed by SyRI had no access to their data, let alone to information about how their data was being processed. Relevantly, since SyRI was employed to particularly detect fraudulent practices in vulnerable neighbourhoods, the Court also found that SyRI had an inadvertently discriminatory effect against individuals based on their socio-economic status, and that its deployer took no measures to minimise this effect. Finally, the Court concluded that SyRI violated the data protection principles of data minimisation and purpose limitation, as SyRI's enabling law permitted an extremely broad collection of personal data for vaguely defined objectives, so virtually any information held by social services or other agencies could be swept into SyRI's dragnet. Thereby, the Court emphasised that anti-fraud measures, no matter how important, must be specifically tailored and constrained, which the government failed to achieve, leading to SyRI's disbandment (District Court of the Hague, 2020).

In sum, in designing future AECPs, the SyRI experience serves as a cautionary tale—public trust is easily undermined if people suspect an algorithm is a secretive surveillance tool, whereas trust can also be bolstered by participatory development, transparency and accountability. Dutch public bodies have thereby pivoted toward greater openness, through the establishment of the DCA and Algorithm Register, acknowledging that the adoption of AI in administrative processes must be bounded by human rights considerations and human supervision.

## Discussions

The case studies in Spain and the Netherlands show both that AI can be harnessed to scale up civic participation, from clustering tens of thousands of comments to multi-lingually engaging citizens, and that strong legal and institutional safeguards are indispensable to maintain democratic legitimacy.

At EU level, the AIA would likely subject many public-sector AI uses to stringent requirements for risk management, transparency, and human oversight. One normative question remains: To what extent can AECPs enhance democratic legitimacy in regulatory decision-making? By giving more people a voice in the consultation process leading to regulation, AECPs strengthen input legitimacy, as citizens may feel that the acting State's decisions are more legitimate if they had a chance to give feedback on them, or even co-create them via the AECP. Likewise, if citizens see that the feedback they submitted reflected in the AECP's synopsis report, they might trust the resulting law more. Nevertheless, there is a delicate balance with output legitimacy, which relies on expertise and effectiveness, since opening technical or legal policy to mass input can lead to populist or uninformed outcomes, and the AECP's algorithm can reduce nuanced debate to simplistic summaries.

In practice, Spanish and Dutch initiatives have used AI in consultative contexts in facilitative roles, summarising, translating, simplifying or enhancing accessibility, rather than decision rules, which seems key to preserving expert-driven evidence and legitimacy. Another insight is the role of open source and civic ownership—The success of Decidim and the Algorithm Register show that openness fosters trust and collaborative improvement, which can be further encouraged at EU level (Spanish Federation of Municipalities and Provinces, 2022). Alike the approach adopted by the Network of Local Entities for transparency and citizen participation of the FEMP in Spain, EU bodies can encourage this by funding open-source AECP toolkits for regional or local governments of Member States to use, combined with standardised AI modules, implementing the OECD's recommendation for governments to foster a trustworthy digital ecosystem for AI and leverage digital commons (OECD, 2025b). Importantly, recent AI systems can be complex to interpret. Releasing the source code, like in the Spanish BOSCO case, and the Dutch Algorithm Register and RAN, can shed some insight to citizens where the AECP's system is rule-based or simple, but where the AECP operates based on a complex system, users must rely on interpretability methods and summary explanations to be informed enough to challenge the AECP's processing or ADM. Administrators must integrate understandable accounts of how inputs lead to outputs within their impact assessments, similarly to the RIA and Spanish FRAIA, for example by showing a few test comments and how the AI categorised them, or providing visualisations of the clusters of opinions, as encouraged by WAD. Visual tools can make transparency tangible, and so can involving citizens in algorithm design, as the city of Amsterdam did with its citizen panels.

Finally, in the current EU landscape, where Member States grapple with misinformation, polarisation, and declining trust in traditional institutions, AECPs can be double-edged. On the one hand, they can provide a structured, moderated space for discourse, potentially healthier than the wilds of social media insofar as algorithms are used to detect and mitigate misinformation or hateful content in a consultation with due care for free expression, AECPs may elevate the quality of debate. On the other hand, if not properly secured, AECPs can be targets for manipulation by automated bots flooding a consultation or by targeted disinformation campaigns steering public opinion reflected on the platform. This evidently calls for robust cybersecurity and verification checks, as well as an AI tool to detect bot-like behaviour, like Decidim AI.

Thus, an integrated approach that combines AECPs with media literacy and fact-checking is advisable, and in this sense, an intriguing development consists of experiments with deliberative AI assistants—tools that can provide participants with balanced background info or real-time fact-checks during a consultation. If done impartially, this can empower citizens to engage more deeply with complex regulatory topics, potentially improving epistemic quality of participation. Therefore, the role of AI in strengthening civic participation is decidedly promising but contingent. It promises more inclusive, efficient and insightful participation processes, nonetheless this can only be realised if accompanied by rigorous transparency, accessibility, and accountability measures, grounded first and foremost in the AIA, and GDPR. The e-consultation experiences in Spain and the Netherlands relevantly provide an insight into how this can unfold, namely through proactive experimentation, followed by legal and institutional course-corrections to ensure technology serves the people, and not the other way around.

## Conclusion

Ultimately, for AECPs to enhance civic engagement in regulatory decision-making, they must mandate transparency and explainability, accountability and redress mechanisms, and embed non-discrimination and inclusion by design. From the perspective of the GDPR's transparency requirements, the local and regional public bodies deploying the platform should be required to disclose how AI tools are used within the AECP, along with understandable explanations of how it collects and processes data and subsequently affects outcomes. Good administration standards also mandate for clear lines of accountability to be established, to attribute answerability for the algorithmic design, deployment and outputs to the administrative body, which shall also establish procedures for redress so that citizens can report

and remedy errors or biases, for instance appealing an ADM, or requesting human review. Similarly, integrating CFR and ECHR safeguards against discrimination into e-consultation entails subjecting the platform to rigorous checks against bias, which may involve using diverse and representative training data, testing algorithms for disparate impacts, and involving ethicists and ombudspersons in the design phase. In terms of accessibility, the WAD sets adequate standards for the AECP, instilling the prospect of the platform offering AI-enabled formats, translation, summary generation, and offline outreach for those not online. Following the lead of open-source platforms, one can argue that by investing in open, auditable civic tech, local governments across Member States would not only contribute to efforts to effectively transpose the AIA and broader transparency and security standards but also avoid lock-in and allow adaptation to local needs. In this sense, to truly strengthen civic participation, input gathered via AECPs must visibly influence outcomes. The traditional administrative duty to explain is critical here, as algorithmic tools are susceptible to accountability shortcomings, and entails for regulators to commit to offering information on how public input was processed and publish consultation results.

Therefore, the EU's normative framework provides a robust foundation to guide Member States toward implementing democracy-enhancing technologies in the public sector. This paper asserts that, if implemented in compliance with EU non-discrimination, transparency, accountability, and inclusion principles, AECPs can amplify citizens' voices and insights within regulatory governance, and strengthen the legitimacy and quality of administrative decisions.

**AI tools use statement |**No AI-assisted technologies were used in the writing, editing, or data analysis for this manuscript. All work is original and completed solely by the listed authors.

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