Social Movements, the European Crisis, and EU political opportunities[1]

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Abstract

Social movements in the wake of the financial crisis have shifted from the counter-summits and world social forums of the global justice movement to the camps of the anti-austerity mobilizations, and from a clear focus on building 'another Europe' to more domestically embedded issues. Among other reasons, this turn away from the EU can be linked to contracting political opportunities for social justice movements at the European level. This article addresses the closure of opportunities at the EU level for the work of social movement groups campaigning on specific EU policies. We reflect on the complexity of the EU's political opportunity structure prior to the financial crisis, before examining changes to the EU's architecture effected through responses to the crises and outlining arguments on how EU level opportunities around socio-economic issues in particular have shrunk as a result. We then show how the perception of other political opportunities at the EU level is affected by the austerity response by drawing on campaigns that sought to exploit new opportunities included in the Lisbon Treaty and designed to increase citizens' input. Opportunities introduced by changes made in the Lisbon Treaty are perceived through the prism of contracted opportunities flowing from power shifts caused by the response to the financial crisis.

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Introduction

The global financial crisis that began in 2008 and hit parts of the European Union (EU) with full force in 2010 led to the implementation of an austerity agenda of wide-ranging cuts. Protests against the political systems that were seen as having caused the crisis and against the authors of an unnecessary austerity agenda spread throughout the EU. In many cases, protests adopted an innovative format such as the 'Indignados' and Occupy movements. Activists occupied public spaces throughout the member states of the EU, setting up long-lasting camps, where they engaged in the kind of democracy they wished to see implemented on a wider scale: they practiced direct democracy, and worked in horizontal organizational forms that sought to avoid hierarchy. The camps were thus highly prefigurative manifestations, stressing their rootedness in everyday life. In this, they provide a clear contrast with the previous large protest wave of the global justice movement (GJM), whose global focus was expressed through frequent transnational protests as well as the aims and discussions held at social forums, where it was argued that 'another Europe is possible'. In addition, the broad GJM network included groups that engaged with the EU in particular on its own terms, such as European level trade union organisations (della Porta and Parks 2015). While attempts to scale anti-austerity protests up to the European level are clear, we thus argue that their rhythms and forms were strongly embedded in specific domestic timings and characteristics of the global financial crisis (della Porta 2015; della Porta 2016).

This general shift from the counter-summits and world social forums of the GJM to the camps of the anti-austerity mobilizations in the EU has been linked to a declining interest by domestic mass movements, as well as EU social movement organisations (those that engage in more targeted, EU-level campaigns on specific European policies and legislation) in addressing EU institutions (Pianta and Gerbaudo 2015). Elsewhere, we have argued that this turn away from the EU may also be read as a strategic choice in light of closing opportunities at the European level (della Porta and Parks 2015). In this reading, hunkering down at national and local levels does not signal some kind of failure to address the EU, but rather a strategic decision taken on the basis of evidence that signals the EU and its institutions is unlikely to respond to protests against austerity. Having analysed this with reference to mass movements (ibid.), here we discuss whether the political opportunity structure of the EU has changed in a long-term sense since the beginning of the crisis. In doing so, we seek also to assess the interaction between, on the one hand, social movements and contestation following the onset of the global economic crisis and subsequent 'age of austerity', and on the other hand, the formal channels of influence that exist within the European Union. As such, we address the question of whether the EU has opened up or closed down possibilities for new alternatives to emerge, especially within the formal sphere of EU decision-making.

In studies of social movements, political opportunity approaches explain social movements' actions as rational courses followed in the light of perceived options, possibilities, and barriers present in political contexts. Different, generally rather stable and institutionalised, aspects of a political context are understood to contribute to how far a decision-making space is 'open' or 'closed' to movements. Classifying some of these aspects allows scholars to make some sense of social movements' actions and outcomes. Studies by US authors such as Charles Tilly, Sidney Tarrow and Doug McAdam refined the approach, focusing on dynamic political opportunities linked to less institutionalised aspects of the political landscape such as shifts within ruling elites, wars, or electoral instability to explain collective action (Tarrow, 1998). With the proliferation of variables considered, the approach has been further specified to distinguish between 'fixed' and 'dynamic' opportunities (Koopmans 1999), and to define the exact aims of different studies – to explain mobilisation or influence (on this and for a more detailed account of the evolution of the approach see e.g. Meyer 2004). The approach has been criticized, however, not least for reducing movements' rational decisions to the sphere of political goals alone, and, in reference to movements in times of crisis, for a focus on opportunities rather than threats as triggers of collective mobilization (della Porta 2015).

While recognizing that many strategic and other reasons may account for social movements' downward shift towards the national level, our discussion here will focus on the stable (fixed) political opportunities of the EU as one important piece in that puzzle. In particular, we are interested in beginning a discussion around evidence of long-term change for the work of social movement groups campaigning on specific EU policies. To open this debate, we first briefly present the EU's political opportunity structure, stressing the complexity of opportunities according to power balances in different types of EU decision-making processes, and refer to a range of social movement organisation campaigns on social and environmental issues to illustrate.[2] We then examine some changes in these opportunities in more depth, and present reflections on the closing down of EU-level political opportunities during the Great Recession, especially around socio-economic issues.[3] Third, we discuss two changes related to the Lisbon treaty (consent for the European Parliament over the signature of international trade agreements and the European Citizens' Initiative) intended to increase citizen influence around EU decision making but with limited results, drawing on campaigns around the Anti-counterfeiting Trade Agreement and the European Citizens' Initiative (ECI) on the right to water and sanitation to illustrate.[4] This leads to reflections on the perception of opportunities, which we argue are shaped at the EU level by the actions of EU institutions in the aftermath of the crisis. The opportunities introduced by changes made in the Lisbon Treaty are perceived through the prism of contracted opportunities flowing from power shifts caused by the response to the financial crisis.

Before the crisis: Campaigning and EU political opportunities

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[2] Drawing on Parks (2015).

[3] Drawing on della Porta (2015).

[4] Drawing on Parks (2015).

Scholarly work on political opportunities and obstacles tied specifically to the EU is relatively limited. Among the first to write on the subject, Marks and McAdam (1999) suggest that movement groups are likely to engage in less contentious forms of engagement in the EU, becoming more institutionalised in response to the fact that the Commission is open to dialogue with 'stakeholders' (see *ibid* and Imig and Tarrow 2001). Other work on EU political opportunities reaches similar conclusions, describing an information-hungry Commission (see for example Balme and Chabanet 2002, p. 24). As the institution that drafts legislation, the Commission is an important target for those seeking to influence the EU, the expectation of this literature is that lobbying strategies will be also be chosen by social movement organisations in this scenario, leading to some degree of institutionalisation. Yet this conclusion overlooks the fact that the Commission is far from unitary (Parks 2015). The cultures and interests of different departments are often played off against one another in internal power struggles, and policy coordination between departments is low (Peterson 1997). Which department holds power over an issue as well as that department's relationships with various groups tempers the open character of the Commission (Ruzza 2005). A campaign on the REACH chemicals regulation adopted in 2006 illustrates these points. DG Environment was the department originally responsible for the legislation, and the influence of environmental and public health groups on a White Paper was strong. Later, responsibility was transferred to DG Enterprise. Industry groups were then able to provide expert information and influence draft legislation, with environmental and public health groups often shut out from debate (Parks 2015). The opportunities for dialogue offered by the Commission thus vary according to the relations between campaigning groups and responsible departments, and strategic choices will likewise vary.

Movement groups campaigning in the EU do not focus solely on the Commission for this very reason. The European Parliament (EP) is another point where social movement organisations attempt to influence EU decisions, and the power of this institution has increased over time. As a plural, elected assembly, the EP is a potential target for unconventional, grassroots-oriented strategies as its members are reasoned to be more likely to respond to citizens' demands (Parks 2015). The chances for challengers to be heard are however influenced by some characteristics of this body, in particular ideological, geographical and inter-institutional cleavages (Crespy 2013, pp. 395-6). Ideology refers to the party affiliations of members, meaning that natural constituencies may exist that partner them and some social movement organisations. In terms of opportunities, however, no single party has ever formed an absolute majority in the EP, and campaigning groups may seek positions that convince all political persuasions. This is clear in the case of European level trade union organisations and the socialist group in the EP. In the campaign on the Directive on Services in the Internal Market, trade union groups were careful to concentrate their work in the EP on members from other political groupings to secure a compromise deal, for example (Parks 2015). Geographical cleavages also exist in the Parliament. Where an issue attracts a great deal of attention in one or a number of member states, and public opinion takes a clear direction, members from those countries may follow an electoral logic and vote in order to gain citizens' support (Burstein 1999). Geography may also be relevant where a particular policy will affect some member states more than others. Thus the support of an Austrian MEP played a role in a campaign by environmental, regional and farmers' groups around genetically modified organisms and coexistence, since Austria was particularly concerned by the prospect of the cultivation of genetically modified crops on its territory (Parks 2015). The inter-institutional cleavage concerns the role of the EP in the institutional triangle with the Commission and Council, and the EP's steady rise in power to co-legislator. In line with a logic whereby institutions seek to reinforce and expand their power, the EP may be receptive to campaigns that allow it to assert a stronger position vis-à-vis other EU institutions. The example of the Ports Directive is instructive here: after a first Directive fell as no compromise could be struck, a second Directive suffered the same fate, partly because the EP felt its position had not been given sufficient attention in a fresh draft (Leiren and Parks 2015).

Least open to actions by EU-level groups is the Council (including the European Council). Although some contact with presidencies may be possible, groups who wish to influence this institution move campaigns to the national level, bringing national opportunity structures into play. Nevertheless, Council meetings can form a target for protests at the EU level: the mass protests of the GJM, which included groups focusing on EU legislation in its ranks, often targeted European Council meetings. European trade unions also hold annual marches at the body's annual spring 'social summit'. This underlines the importance of groups' ability to mobilize national or grassroots members either for national campaigns directed at members of the Council, or for transnational protests directed straight to the EU level.

In sum, while limited, EU political opportunities existed (and were perceived by) social movements before the financial crisis. It was not by chance that the European Social Forum focused its campaigns on this level in its hope to build "another Europe" (della Porta 2007; della Porta 2009). EU opportunities have been shown to vary according to the balance of power within and between institutions, which also varies at different points in the decision-making process: movement groups are aware of this and choose strategies accordingly (Parks 2015). We now turn to examine how power in the EU has shifted in the wake of the financial crisis.

In the crisis: Bailouts, the Fiscal Compact and the EU's political opportunity structure

The EU political opportunity structure presented above provides a point of comparison to consider a range of changes that have occurred since the financial crisis. In this section we focus on changes directly linked to the crisis, which we believe have not only changed the EU political opportunity structure, but have altered the perception of EU political opportunities in the context of a sizeable drop in public trust (della Porta and Parks 2015; della Porta 2007).

In the wake of the financial crisis, power at the EU level has moved to the most unaccountable and opaque of the EU institutions, with opportunities closing down particularly (but not only) for groups active on issues of social justice. Various mechanisms lie behind this shift.

First and foremost, the crisis was addressed within the frame of a crisis of public debt produced by unsustainable investments in the welfare state (Gallino 2013), by imposing policy choices through electorally unaccountable institutions: the European Central Bank (ECB), the International Monetary Fund (IMF) and the European Commission. These institutions are argued to have limited democratic accountability (Greer 2013), leaving national democracy and sovereignty similarly weakened. These limitations on electoral accountability have increased especially (though not only) for countries that signed Memoranda of Understanding or Agreement. In what Fritz Scharpf (2011: see also Scharpf 2013) defines as a 'pre-emption of democracy', these documents contain not only strict limits, but also detailed conditionalities (Ferrera 2016), within which governments must act for many years hence, leaving 'anything resembling democracy […] effectively suspended for many years as national governments of whatever political color, forced to behave responsibly as defined by international markets and organizations, will have to impose strict austerity on their societies, at the price of becoming increasingly unresponsive to their citizens' (Streeck 2011, 184). While national governments formally maintain the competence to impose extremely unpopular measures, their sovereignty is clipped by the lending institutions, including those of the EU.

Alternative (counter-cyclical or heterodox) policy choices have also been excluded, as deflationary policies have been embedded in the very architecture of the EU. As Fritz Scharpf (2011) notes, while Keynesian economic policies assigned leading functions to fiscal policies in pursuit of the goal of full employment, monetarist-oriented EU policies contributed to create the crisis and its very differentiated effects in Europe. In fact, 'the political crash programs, through which unlikely candidate countries had achieved an impressive convergence on the Maastricht criteria, had generally not addressed the underlying structural and institutional differences that had originally caused economic divergences. Once access was achieved, these differences would reassert themselves' (Scharpf 2011, 173). The management of the crisis remained embedded within the neoliberal approach that, according to several analyses, characterizes the EU (van Apeldoorn, Drahokoupil, and Horn 2009).

Specifically, increasing controls have been imposed by the Six-Pack, the Fiscal Compact, and Two-Pack. In 1997, the *Stability and Growth Pact* (SGP) strengthened policy coordination, entitling EU institutions to impose corrective mechanisms where member states deviated from the prescriptions set by the Maastricht Treaty. As the ineffectiveness of the SGP was attributed to its weak enforcement capacity, new and more stringent instruments were developed during the crisis with the aim of imposing budget reductions through a detailed list of cuts to social services and public employment as well as deregulation of the labour market. In December 2011, the *Six-Pack* further broadened the scope of surveillance, specifying objectives and potential sanctions for all member state economies, particularly those within the Eurozone. Surveillance and enforcement capacities were increased by allowing the Commission to issue warnings via Alert Mechanism Reports, thus constraining a range of political decisions through the threat of sanctions. Country-specific medium-term objectives were set towards budget balancing. Passed in 2012, the *Fiscal Compact* is even more binding for Eurozone countries, introducing rules that aim at curtailing public debt if the limit of 60 per cent of GDP is exceeded; a limit of 0.5 per cent of GDP on structural deficits; and a requirement that member states report on their national debt to the Commission and the Council along with the commitment to discuss any major policy reforms prior to their enactment (de la Porte and Heins 2015). Finally, the *Two-Pack*, which came into force in May 2013, 'specifies objectives in budgetary policy, together with high enforcement and surveillance mechanisms. Its novelty is to have introduced a common budgetary timeline and rules for all euro area countries. The Two-Pack has a significant impact on "sovereign" budgets – the basis for policymaking – as it requires Member States to send their budget proposals for approval by the Commission and the Eurogroup, before they are submitted to national parliaments' (de la Porte and Heins 2015, 18).

A final point pertinent to arguing a change in the EU's political opportunity structure concerns the power of a single member state. Specifically, Germany's veto power has been stigmatized as producing EU policies in line with its national interests. ECB prescriptions were said to promote a 'Brussels-Frankfurt consensus' based upon austerity and the promotion of the price mechanism. As its economy developed through exports to BRICS countries as well as Europe, Germany 'has a strong interest in keeping intact a macroeconomic regime in which monetary and fiscal policies remain credibly conservative and is especially wary of fiscal lassitude, which would lead to real exchange-rate appreciation and would thus impair export competitiveness.' (Armingeon and Baccaro 2012, 272). Germany's capacity to protect this model was made particularly credible by the embeddedness of so-called Ordoliberalism – a neoliberal doctrine calling for state intervention within constitutionally settled limits (Woodruff 2014).

All these changes have been stigmatized as challenging the very principles of legitimacy the EU relies upon. In fact, 'through the supervision and control of macroeconomic imbalances, Europe's praxis disregards the principle of enumerated powers and competences and cannot respect the democratic legitimacy of national institutions, in particular the budgetary powers of the parliaments' (Joerges 2015, 87). So, 'the institutional and decision making framework emerging from the crisis has created a number of gaps in this accountability structure. The coordinative method tends to render obsolete traditional mechanisms of judicial review and parliamentary control without substituting new models in their place' (Dawson 2015, 43).

In addition to these changes, which may be said to have greatly altered its political opportunity structure, these moves constrain democratic dialectics between government and opposition parties at domestic levels through either Memoranda of Understanding (as in Ireland, Greece and Portugal) or other forms of pressure (as in Italy and Spain) (Armingeon and Baccaro 2012). Significantly, parties in opposition as well as those in government were often compelled to sign these agreements. In parallel, EU policies have significantly weakened trade unions, either manoeuvring them into corporatist deals with few benefits or excluding them from policy-making altogether (Sacchi 2015). In terms of social policies, 'the nature of EU intervention into domestic welfare states has changed, with an enhanced focus on fiscal consolidation, increased surveillance and enforcement of EU measures. Overall, this represents a radical alteration of EU integration, whereby the European Union is involved in domestic affairs to an unprecedented degree, particularly with regard to national budgets, of which welfare state spending is an important component' (Heins and de la Porte 2015, 1). In this view, the EU's actions in the wake of the financial crisis have challenged the European social model, closed opportunities at the supranational level, and altered opportunities and even the landscape of social movement organisations at national levels.

In terms of EU political opportunities, power can be seen to have shifted towards parts of the European Commission and the ECB. The ECB, as an independent bank following a logic of intervention oriented by so-called econocrats formed within orthodox economy (Ferrera 2016), is certainly closed to influence from social movement organisations in comparison to other major EU institutions. As for the European Commission, with the financial crisis, it is precisely those areas of the Commission that are more closed to social movement organisations concerned with questions of social justice that have acquired increased importance. As Cabral argues, 'elite bureaucrats' in both the ECB and the Commission's DG for Economic and Financial Affairs (DG ECFIN) have 'defined the competences and accountabilities of institutions that would later become their employers, and which some of them would come to lead' (2013, 31). These actors have shaped the main responses to the financial crisis, framing it as related to the unsustainability of the welfare state and denying that the fiscal deficit was largely produced by huge state interventions to bail out banks (at all levels and in most countries) that had accumulated enormous losses thanks to the deregulation of financial markets. Even if blatantly unsuccessful, the 'econocrats'' analysis remained dominant (Ferrera 2016) since no alternative voice was admitted to these networks of power in the EU.

Importantly in terms of political opportunity, this self-referentiality and increased power of economically-oriented actors such as DG ECFIN, the Council for Economic and Financial Affairs, and the ECB, all of which are oriented by a monetarist paradigm calling for labour market deregulation and cuts in pensions and health care (de la Porte and Heins 2015), correspondingly curbs the power of more open EU institutions, notably the EP, and highlights the EU's democratic deficit. This is noteworthy since the EP in particular has played a central role in previous social movement campaigns able to exert influence over EU policy (Parks 2015). In line with the variable political opportunity model, this power shift to closed sections of the EU's architecture would lead us to expect increased use of protest tactics at the EU and national levels. Further details in the picture hone this expectation. Change in the political opportunity structure linked to the perception of Germany's role in shaping reactions to the crisis suggests that movements may reduce actions targeting the EU. If a particular member state is seen as driving decisions, social movement organisations are unlikely to consider EU level campaigns a promising strategic choice. Finally, the EU has been seen to increase its interventions in national level opportunities, again altering perceptions of the utility of mounting EU level campaigns.

These expectations are reflected in the general patterns of protest against austerity. While Europe has not been invisible in anti-austerity protest (Kaldor and Selchow 2016), the protesters that filled the Puerta del Sol and Syntagma squares were much more critical of neoliberal Europe than their predecessors. When visible in anti-austerity protest, Europe was seen as a main problem and the very identification of a European identity as problematic. In the words of a young activist, 'I care about the global level, the community level, the regional level, … but Europe, does it still make sense among all these levels? And even more, isn't it in some way a quasi-racist concept? Why should we care about Europe and not the Mediterranean region?' (ibid., 16).

The camps which proliferated during the protests represented attempts at the prefiguration of alternative polities: not only were they open air spaces, they also represented places of encounter for citizens. By keeping the main site of protest in the open, the movements put a special emphasis on inclusivity, aiming to involve all. The camps were a re-claiming of public spaces by citizens: they were to reconstruct a public sphere in which problems could be discussed and solutions sought. Unlike the very temporary global convergence spaces of the social forums, the *acampadas* present themselves rather as 'occupation and subversion of prominent urban public spaces' (Halvorsen 2012, 431). In the camps, direct unmediated democracy was often called for. Assemblies were described by activists as 'primarily a massive, transparent exercise in direct democracy' (Nez 2012, 80). Thousands of propositions were put forward and in part approved by consensus: on politics, economy, ecology, education. Following the model begun in Puerta del Sol, general assemblies in Madrid and beyond worked as spaces intended to be 'transparent, horizontal, where all persons can participate in an equal way' (Nez 2012, 84). In the US, like Spain or Greece, camps 'quickly developed a few core institutions' to inform and welcome all (Graeber 2012, 240).

The more or less permanent occupations of squares in Europe were thus seen as creating a new agora in publicly owned spaces (see also Gerbaudo 2012). Assemblies aimed at mobilizing the common people, not activists but communities of persons, with personalized hand-made placards and individualized messages. Collective thought would emerge through inclusivity and respect for the opinions of all, and a consensual, horizontal decision making process developed based on the continuous formation of small groups, which then reconvened in the larger assembly. According to David Graeber, 'The process towards creative thinking is really the essence of the thing' (2012, 23). Reacting to their dispossession of democratic rights by formal Memorandums of Understanding but also informal pressure, activists of the anti-austerity movement also claimed their right to hold their governments accountable for what was seen as an expropriation by unaccountable organisations including the EU, as well as more powerful member states (first and foremost Germany). National flags were carried in the occupied squares, with appeals for national sovereignty louder than calls for another Europe (della Porta 2015). While these appeals did not imply the exclusivist form of nationalism promoted by the populist Right—expressions of solidarity with the citizens of other countries suffering similarly under austerity were common—references to the EU were limited and, when present, critical (Pianta and Gerbaudo 2016).

The most prominent anti-austerity campaigns thus took the generally expected direction. In the few cases where anti-austerity campaigners did turn to the EU, the expectations are also borne out. First and foremost, the ECB acquired centrality as a target for protest campaigns. With annual demonstrations in Frankfurt, Blockupy took on some of the action repertoire and organization of the EU counter-summits of the previous decade, but developed a more radical discourse and more disruptive forms of action (on Blockupy, see also Scholl and Freyberg-Inan, this issue). While mobilizing tens of thousands in transnational protests, however, Blockupy did not see a similarly broad coalition to that which characterized European Forums and counter-summits at the beginning of the millennium. In particular, major trade unions, often co-opted into partnership with government responses to the financial crisis (Kaindl 2013), did not join the protests, which also characterized the EU as an agent of neoliberalism. As the call for the second Blockupy in May 2012 stated,

> Together with the people in Southern Europe we say: “Don’t owe, don‘t pay!” and resist the rehabilitation of capitalism on the backs of employees as well as unemployed, retirees, migrants and the youth. We reject any cooperation with the German crisis politics, which not only has catastrophic consequences for people in Southern Europe, but also here, where the social division is continued permanently. […] We carry our protest, our civil disobedience and resistance to the residence of the profiteers of the European crisis regime to Frankfurt am Main.[5]

EU level campaigns also followed innovative protest forms, as expected when targeting a closed institution. Although some protest against the ECB developed at domestic levels, together with the stigmatization of its monetarist position (the Italian Draghi Ribelli is one example), protest against austerity often stuck to national targets such as parliaments (della Porta 2015). EU social policies (or the lack thereof) were also targeted by anti-austerity demonstrations such as the first European Strike promoted in 2013 by trade unions against the austerity imposed by EU institutions. This brief look at the overall patterns of anti-austerity campaigns corroborates the argument on the perception of contracted political opportunities in the EU, as well as arguments on ‘a new ‘pragmatically prefigurative’ form of agency and subjectivity’ (Bailey et al, this issue).

The Lisbon Treaty: still some Political Opportunity in the EU?

In the midst of the financial crisis, mechanisms included in the Treaty of Lisbon intended to increase citizens’ voices in EU decision-making processes also matured and were acted on by movement organisations. Campaigns using these mechanisms provide initial insights regarding how the contraction of opportunities on issues linked directly to the financial crisis have affected the perception of opportunities for campaigning in general within the EU.

The first of these mechanisms for citizens to express a voice concerns the signature of international trade agreements. The Lisbon Treaty gives the EP the power of consent over the signature of international trade agreements. While the EP did have to be *consulted* on international trade agreements prior to this, the Lisbon Treaty stipulates that such agreements may only be concluded “after obtaining the consent of the European Parliament” (Treaty of Lisbon, Art. 218). A campaign by European digital rights groups on the Anti-Counterfeiting Trade Agreement (ACTA) provides an interesting example for discussing changing perceptions of the EU’s political opportunity structure with regard to this mechanism.

Negotiations on ACTA began in 2007, though details remained obscure until Wikileaks published US government documents about the agreement in May 2008. The lack of clear information on the possible content of the trade agreement had already fuelled the concerns of a range of groups, and in Europe digital rights groups in particular began to work to campaign against it. The focus of the campaign run by European level groups was the EP due to its clear role in trade agreements. Their actions contributed, for example, to an EP resolution passed in March 2010 demanding transparency from the Commission on the negotiations. However, little progress on the actual rejection of ACTA had been made by early 2012.

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[5] Call for Action Blockupy Frankfurt! Available at https://blockupy.org/en/call-for-action/ [accessed 21 June 2016].

This changed in January 2012 when protests swept across the continent. The first protests began in Poland on 21 January 2012, while ACTA was signed by the EU and 22 member states on 26 January 2012. Just before these protests were those surrounding the Stop Online Piracy Act (SOPA) and the Protect Intellectual Property Act (PIPA) in the United States – 'blackouts' of Wikipedia, Google and many other prominent websites had taken place on 18 January 2012, contributing to the shelving of the two acts. ACTA was described by many social movement groups as the 'European version of SOPA and PIPA'. A flurry of activity by European politicians followed the protests: the day the agreement was signed the EP's rapporteur, French MEP Kader Arif, resigned, citing the undemocratic nature of ACTA. On 31 January 2012 the Slovenian ambassador stated that she had "signed ACTA out of civic carelessness".[6] On 3 February Poland halted ratification due to "insufficient consultations" prior to signing, while Bulgaria, the Czech Republic, Latvia, Lithuania, Slovakia and Slovenia signaled that they had halted ratification procedures. On 17 February, the Polish prime minister announced that ACTA would not be ratified at all, while Germany stated that it would await the outcome of the EP vote before acting. Each of the EP committees charged with providing opinions then passed reports recommending the rejection of ACTA, including the leading international trade committee, and on 4 July 2012 the EP rejected the signature of the Agreement in plenary.

The ACTA case shows a disconnection between two strands of a campaign. Protests were for the most part directed at national governments, while a European level campaign aimed to exploit a new power in the EP. The European level campaign pre-dated the protests and was well established when protests began, yet the organisers of the European campaign were unaware that protests had been planned in early 2012 (Parks 2015). The significance of this case for our argument is twofold. First, although established work against ACTA was underway at the EU level, grassroots groups chose to omit the EU as a targeted actor in their protests. The fact that the EU was not addressed during grassroots protests indicates that the groups involved did not consider the EU likely to respond to their demands. In other words, they saw little political opportunity at the EU level. As to the reasons for the protesters drawing these conclusions, we can only speculate. However, large amounts of information from digital rights groups were available online about ACTA and framed the agreement in terms of issues related to social justice, including threats to generic medicines and the fight against climate change as well as democracy and freedom of speech (Parks 2015). Protesters clearly shared the analysis of the latter two in particular, with many wearing tape across their mouths as well as Guy Fawkes masks (Parks 2015). If protesters thus associated ACTA with social justice issues, they also rejected the EU as a target of their protest despite the existence of a clear mechanism for the EP to reject the agreement.

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[6] 'A New Question of Internet Freedom'. The New York Times, 05/02/2012. Available at http://www.nytimes.com/2012/02/06/technology/06iht-acta06.html?pagewanted=all&_r=0 – last accessed 28/08/2013.

We suggest that one reason for this choice is that protesting groups perceived the EU as unreceptive to demands opposed to a neoliberal trade model and in favour of social justice given its actions on the financial crisis detailed above. This is credible if we consider that the previous GJM protest wave involving grassroots protest groups addressed Europe regularly.

A second mechanism aiming to increase citizen involvement in the Treaty of Lisbon is the European Citizens' Initiative (ECI). When an ECI petition is signed by at least 1 million EU citizens, and passes minimum thresholds in at least 7 member states, the matter is discussed at EU level. The subject matter of ECIs must relate to areas where the EU has the power to legislate, and importantly there is no guarantee of legislation but an obligation to consider: after a successful petition is received, an EP hearing is held, along with meetings between the organizers of the ECI and the Commission. The Commission then publishes a communication detailing any action it will take.

The ECI represents a new but highly regulated opportunity to bring citizens' opinions to the EU level. The rules and procedures for registering an ECI require the kind of expertise usually found in groups used to operating in close contact with the EU institutions: their subject matter must be in line with EU competence and Treaties, implying expert knowledge. However, the rules on ECIs also actively require or encourage cross-national involvement from national or local level groups. For example, the citizens' committee that must support the ECI must be composed of at least 7 EU citizens living in different member states, and national quotas must be met in successful ECIs. Most importantly, gathering signatures in line within strict and varying national rules implies meaningful national involvement. Finally, the substantial costs incurred in launching and running an ECI mean that larger networks are more likely to have the necessary funding. Launching an ECI is thus heavy in demands for expertise and funding, making it a relatively inaccessible choice for many smaller or grassroots groups without EU experience, but is equally unlikely to succeed without the involvement of such groups in gathering signatures. More networked organisations are therefore in a better position to exploit the ECI opportunity.

One of only three successful ECIs to date illustrates this point. An ECI on the right to water and sanitation (with the official title 'Water and sanitation are a human right! Water is a public good, not a commodity!') was registered and launched by the European Public Services Union. This organisation reflects the qualities mentioned above: it has a strong presence, expertise and resources in Brussels, but can also rely on developed networks of national and local trade union chapters for the collection of signatures. During their campaign, the EPSU also drew on the support of other national and local movement groups formed in long-term collaborations with water movement groups, particularly in those member states hardest hit by the effects of the financial crisis. Despite the heavy demands to be met in the ECI process, this example indicates some potential for bringing together EU, national and local groups to attempt to influence the EU's direction.

The ECI is thus a clear new opportunity in the EU's structure. Nevertheless, the limited impact of the few successful ECIs to date must also be viewed through the lens of the discussion on the EU's response to the financial crisis. Returning to the example of the ECI on the right to water and sanitation, although this campaign was successful in terms of passing the thresholds required for formal consideration, there was disappointment at the Commission's response, which did not include the legislation sought. A similar fate has befallen all other successful ECIs to date. Work suggesting that that the ECI mechanism is in danger of becoming an empty gesture (e.g. Bouza Garcia 2012) thus gains some credence. The proportion of ECIs rejected for issues of legal admissibility has increased, while numbers of ECI registrations have decreased and EU social movement organizations have pointed to low awareness of the mechanism (Anglmayer 2015). Campaigns arguing for simpler rules and stronger obligations for the Commission to act on successful ECIs are ongoing, but the perception of this mechanism as an opportunity for influencing EU decisions appears to have been affected. In the case of the ECI on the right to water and sanitation, the Commission's decision not to legislate was seen as linked to a neoliberal agenda. ECI campaigners saw the EU as targeting public water provision as part of the wider austerity agenda of liberalization. One prominent example during the ECI campaign was Thessaloniki in Greece, where steps were taken to privatize water provision as part of the strategy to comply with the memorandum of understanding on Greece's financial bailout by the EU despite local resistance including an informal referendum and transnational solidarity from the ECI campaign (Parks 2015). The link between a wider austerity agenda and the decision not to legislate on public water provision thus points once more to the idea that the EU's response to the financial crisis intervenes in the perception of political opportunities among groups active on issues of social justice.

Changing structures of opportunities: some conclusions

In this article we presented a discussion of the EU's political opportunity structure before and after the start of the financial crisis. After a brief discussion of political opportunity in the EU prior to the crisis, we explored some factors we argue altered the same in subsequent years. We discussed the contraction of political opportunities stemming from the EU's response to the financial crisis, notably through the Six-Pack, the Fiscal Compact, and the Two-Pack. We then turned to discuss two changes to the EU's structure that apparently opened new opportunities for movement influence as a result of the entry into force of the Lisbon Treaty, namely the EP's power of consent over the signature of international trade agreements, and the European Citizens' Initiative. These discussions pointed to the idea that, while the Lisbon Treaty contained elements providing openings at the EU level for social movement campaigns, the worth of these opportunities is perceived as low by movement groups. Contractions in political opportunities linked to the financial crisis may function as a filter, leading movement groups to conclude that the EU is unlikely to respond to campaigns proposing changes out of line with a neoliberal programme. We provided some illustration for this idea with two cases. First, the campaign against ACTA, where protest groups directed their protests at national targets rather than work with an existing European level campaign. This supports the idea that there is 'growing polarisation' between EU-oriented social movement organizations and those based in member states in the wake of the financial crisis (Ruzza 2015: 24). Second, the ECI campaign united movement groups at the European, national and local levels, but campaigners linked the EU's decision not to legislate on public water services to liberalization within a wider austerity agenda. The lack of impact of this and other ECIs means this mechanism risks losing any status as a meaningful opportunity.

We thus suggest that changes to the EU's political opportunity structure intended to decrease the democratic deficit are interacting in complex ways with the closure of opportunities linked to the financial crisis. Given the forms and frames of the widespread anti-austerity protest wave in the EU in recent years, along with the ACTA and ECI campaigns, it is reasonable to suppose that social movement groups have a clearer perception of contracting opportunities at the EU level than of any openings. Admittedly, these suggestions are based on limited research, and are intended to develop hypotheses rather than test them. An interesting avenue to explore the questions raised by the cases presented here is the campaign around the Transatlantic Trade and Investment Partnership (TTIP) between the US and the EU. This campaign has united a popular petition that has attracted over 3 million signatures with various protest events involving both European level movement organisations and national level groups. The petition had originally been registered as an ECI, but was rejected by the Commission as falling outside the scope of the ECI Regulation. The groups that launched it continued to gather signatures, organize various protest events, and took their case to the European Court of Justice, providing some evidence for a view of the ECI as a tool for protest rather than direct influence. This campaign may be a harbinger of new grassroots protest with a European focal point, or may be isolated: research on campaigns over time is necessary to reach conclusions on the perception of EU political opportunities in the wake of the financial crisis.

With reference to the original proposition of this article, namely that the political opportunity structure of the EU has changed, we argue that the evidence is already conclusive. As a result of the conditions attached to bailout agreements as well as the Two-Pack, Six-Pack and the Fiscal Compact, power at the EU level has shifted to unaccountable agencies (the ECB) and less open areas of the European Commission (DG ECFIN) and curtailed the ability of member state governments to take decisions and respond to the financial crisis outside the scope of the austerity agenda. These changes alone have contracted political opportunities at the EU level. At the same time, the Lisbon Treaty has introduced new opportunities such as European Parliament consent for trade agreements and the European Citizens' Initiative, which also prove lasting change to the EU's political opportunity structure, albeit not of a kind that appears to have opened up opportunities for those challenging neoliberalism.

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