

To: All members of the Convention on the Future of Europe

From:

BirdLife International European Community Office, Climate Action Network Europe, European Environmental Bureau, Friends of the Earth Europe, Friends of Nature International, Greenpeace European Unit, WWF European Policy Office, European Federation for Transport and Environment

Brussels, March 20, 2003

Subject: Participatory Democracy provisions of the Constitutional Treaty

Dear Convention Member:

The undersigned 8 European environmental organisations warmly welcomed the inclusion of articles on participatory democracy in the Preliminary Draft Constitutional Treaty presented by the President and Praesidium of the Convention in October 2002.

Work is now proceeding on the drafting of these articles. We urge that the following provisions on participatory democracy be included. These provisions are based on the provisions on transparency in the existing Treaty and on the Aarhus Convention.

The Aarhus Convention on access to information, public participation in decision making and access to justice in environmental matters is the most important international legal agreement to date on participatory democracy. It has been signed by all 15 member states and the European Community as well as by each of the candidate member states, except Turkey. In the meantime, 11 of these states have ratified the Convention, which entered into force in 2001.

We propose the following text for article 34 of the draft Constitutional Treaty:

The Union shall act in accordance with the principle of participatory democracy whereby the right of access to information, public participation in decision making and access to justice shall be guaranteed to the public.

Access to information: Any person, without having to state an interest, shall have a right to access to documents held by the institutions and other bodies of the Union, subject only to defined limitations and conditions.

Consultation and Public participation: The public shall be informed of, consulted on and given the opportunity to participate in proposals for legislation, regulation, policy or programs in an early, appropriate and adequate manner. The public shall also be given the opportunity to comment on such initiatives during each stage of decision making.

Access to justice: European citizens and their organisations shall have a right of access to the European Court of Justice to challenge decisions of the European Commission or other EU bodies which concern them directly.

We propose the following text for article 36 of the draft Constitutional Treaty:

Open decision making: The Council shall meet in public when acting in its legislative capacity. The records of its proceedings and votes shall be published. This requirement also applies to the conciliation process with the European Parliament.

We recall the Laeken Declaration's mandate to the Convention to produce a Constitutional Treaty that brings the EU closer to its citizens and urge you to incorporate these principles of participatory democracy into the Constitutional Treaty.

Yours sincerely,

Clairie Papazoglou
Acting Head BirdLife International European Community Office

Karla Schoeters
Director Climate Action Network Europe

John Hontelez
Secretary General European Environmental Bureau

Martin Rocholl
Director Friends of the Earth Europe

Manfred Pils
Secretary General Friends of Nature International

Jorgo Iwasaki-Riss
Greenpeace European Unit

Tony Long
Director WWF European Policy Office

Beatrice Schell
Director European Federation for Transport and Environment