

Article I-3: The Union's objectives

I-3.3. The Union shall work for a Europe of sustainable development based on balanced economic growth, **a high level of protection and improvement of the quality of the environment, and** a social market economy aiming at full employment and social progress.”

Explanation

While giving the environment a welcome place in the new Constitution, the Praesidium has failed to include “protection and improvement of the quality of the environment” in the definition of sustainable development. As a result, the definition of sustainable development remains critically imbalanced.

This formulation has three main advantages:

- (1) the ecological dimension is put on equal footing with the economic and social components of sustainable development;*
- (2) it makes article 3.3 shorter and more readable;*
- (3) it eliminates the phrase ‘It shall aim at ...’ which weakens the existing Treaty language on sustainable development (article 2 of the EC Treaty) which used the verb ‘promote’.*

Furthermore, Article I-3.4 refers to sustainable development of the earth in the context of the Union’s external relations. For this reference to be meaningful, it needs to be clear that sustainable development includes the ecological pillar. The Praesidium responded to our calls to improve Article III-188.2(d) which defines the objectives of the external action of the Union, and includes sustainable development defined on the basis of its tri-pillar structure. In order to ensure internal consistency in the Constitution it is important to revise Article I-3._

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Article I-46: Participatory Democracy

I-46. The Commission shall carry out broad prior consultations with parties concerned **in an early, appropriate and adequate manner and provide the public with the opportunity to comment during each state of decision-making** in order to ensure that the Union's actions are coherent and transparent.

Explanation

We welcome the improvement made by the Praesidium in article I-46, introducing the reference to the notion of “broad prior consultations”. However, drawing from our experience, consultations make sense only if they respond to certain criteria.

NEW I-46.4. The citizens and their organisations shall have a right of access to the European Court of Justice to challenge the decisions of the European Commission or other EU Bodies which concern them directly.

Explanation

The Praesidium has not responded to our request to include in this article a guarantee of “access to justice”, which constitutes an essential element of participatory democracy.

Article III-266: The Court of Justice

We fully support the amendment presented by Mr. Andrew Duff and Lord MacLennan (contribution nr.335, CONV 758/03):

III-266.4 Any natural or legal person may, under the same conditions, institute proceedings against an act addressed to that person which is of direct and individual concern to him, and against a regulatory act which is of direct concern to him without entailing implementing measures **has, or is likely to have, a substantial adverse effect on its interests.**

Explanation

The proposal seeks to facilitate access to justice by amending Article III-266.4. We consider that the amendment provides clarity while being less restrictive than the proposal of Praesidium, which is also inaccessible to the layman.