



OPEN LETTER

FROM THE GREEN 8

TO THE MEMBERS OF THE PRAESIDIUM

9 MAY 2003

Concerning: Key concerns about Constitution

Dear Member of the Praesidium of the European Convention,

In the final days of your work on a complete draft for a Constitution, the eight largest environmental organisations in Europe call upon you to prevent a negative outcome of this process, by being sensitive to requirements that reflect the wishes of millions of European citizens.

Throughout the process, we have been making both general and specific suggestions on improvements to the drafts presented to the Convention. Our bottom line has been that the Constitution should not move backwards on the provisions of existing Treaties, in particular the Amsterdam Treaty. We also have made proposals that would lift the Constitution beyond these Treaties, making it a beacon for the European Union in its journey into the future, and would confirm the EU's global leadership in protecting the environment and promoting sustainable development.

However, we are seriously concerned that the draft you are preparing will NOT meet our requirements. And, as you have seen from the outcome of the Informal Environmental Ministers Council meeting in Greece, 3-5 May, we are not alone. These Ministers are also seriously concerned about the possible rolling back of the environmental *acquis*, as expressed in the existing articles 2 and 6 of the present EC Treaty.

We welcome the tendency in the Constitution to strengthen the role of the European Parliament in all areas of policy making, which we see as a contribution to the democratisation of the European Union.

However, we have serious concerns in particular about the following key elements of the future Constitution:

- 1) Lack of an ambitious approach to environmental protection and a definition of sustainable development that fully recognizes its environmental dimension.

In the Article 3 defining the objectives of the Union, the definition of sustainable development, as a central objective of the Union, must reflect its 3 pillars: social, economic and environmental. The Union must aim for a high level of environmental protection AND the improvement of the quality of the environment (as already stated in Article 2 of the current EC Treaty). The language of article 3 needs to be substantially improved. See our proposals to the Convention in February (*all our proposals are in the Conventions' Forum, to be found under the names of our individual organisations*). and several contributions from Convention members.

2) The possible deterioration of the principles of environmental policy integration and policy coherence:

The new Constitution must include, among its fundamental principles outlined in article 8, the requirement for environmental policy integration, as laid down in article 6 of the existing EC Treaty. This is to oblige the EU to integrate environmental protection requirements in all its policies. Likewise, the principle of policy coherence between EU's internal and external policies, when these affect the economic, social AND environmental, sustainable development of developing countries, as laid down in article 178 of the existing EC Treaty, must also be placed among these fundamental principles. . To this extend, article 8 needs to be expanded with the amendments we have been putting forward in February as well Significant support for the environmental integration and policy coherence principles has been expressed by Convention members .

3) Vague and incomplete requirements for Participatory Democracy:

While the initial draft proposals on "the democratic life of the Union" present progress compared with the existing Treaties, they lack the concreteness needed to ensure that participatory democracy will become a matter of course in the policy making and daily practice of the EU Institutions. We insist on concrete language that makes public participation of citizens in decision-making work. Proposals for legislation, programmes and policy must be published in time and opportunities for early and appropriate consultation during all stages of decision making must be provided.

In addition, citizens and their organisations should have the right of access to the European Court of Justice to challenge decisions of the EU bodies. This is a requirement for the Union as it is signatory to the Aarhus Convention.

Finally, we insist that the public nature of law making in the EU includes the conciliation between the European Parliament and the Council.

See also our letter of April, 9th to Convention Members.

We support the call of other NGOs for a structured dialogue, but we strongly reject amendments that would give the Economic and Social Committee a key role in organising the dialogue between the Institutions and civil society. We insist that the Institutions take responsibility for such dialogue directly.

4) A review of outdated policy chapters is missing:

We understand that in Part 2 of the Constitution you intend to include the chapters on policies, leaving them untouched as far as content is concerned, with some exceptions.

As far as we know, the intention is to adapt them in a minimal way, in order to make them coherent with the institutional changes you are proposing.

We are very concerned that, by acting in this way, you would confer new legitimacy to outdated policy chapters that urgently need revision. Chapters such as on agriculture, transport, economic and social cohesion, common commercial policy, development co-operation, or the principles and objectives of the external action of the Union currently do NOT reflect the Union's objective of environmental policy integration, improving the quality of life, and sustainable development. Revising and updating the policy chapters constitutes a requirement in making the Union closer to its citizens.

We have made concrete proposals for bringing all relevant chapters in line with the present environmental *acquis*. See our letter of March 17th.

5) Legitimizing Euratom would be a pro-nuclear decision:

We understand you aim to include, by means of a protocol, institutional and financial arrangements to make it possible for Euratom to continue functioning. By doing this you would choose to continue the promotion of one, heavily disputed, form of energy production over all others. This would be unacceptable. Instead the Convention should advise the European Summit to phase out the Euratom Treaty.

Yours sincerely,

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Karla Schoeters – Director Climate Action Network Europe

Martin Rocholl – Director Friends of the Earth Europe

Manfred Pils – Secretary General Friend of the Earth Europe

Jorgo Iwasaki-Riss – Greenpeace European Unit

Tony Long – Director WWF European Policy Office

Beatrice Schell – Director European Federation for Transport and Environment

John Hontelez – Secretary General European Environmental Bureau