

THE FUTURE OF THE EUROPEAN UNION
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

INITIAL CONTRIBUTION TO
THE CONVENTION ON THE FUTURE OF EUROPE

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The Convention on the Future of Europe has the task of proposing solutions to the difficulties of European governance in an ever-larger Union. These solutions should build on - and not undermine - existing accomplishments, including in the environmental area.

The eight international environmental organisations represented in Brussels (The Green 'G8') with more than 20 million members and supporters in Europe welcome the opportunity to contribute to the Convention deliberations. The Green G8 call for the same openness for the Inter-Governmental Conference which will follow the Convention .

The Convention and IGC are an important opportunity to achieve much greater policy coherence in the internal and external affairs of the European Union. This policy coherence must be rooted in the commitments already enshrined in the Treaty for the protection of the environment and the promotion of sustainable development.

The Green G8 look forward to opportunities throughout the Convention process to contribute to the widest possible debate about the EU's role in ensuring a more environmentally, socially and economically equitable and just development model for European and global citizens. The sustainable development vision for the EU is the fundamental basis for coherent governance that needs to drive all EU policies in the future.

The following proposals from the Green G8 for the Convention are an initial contribution. The wider debate about the EU vision and the implementation of sustainable development commitments is something we expect that the Convention and its Presidium will now encourage with civil society, and which the Green G8 looks forward to contributing to.

1. Maintain objectives and principles essential for environment and sustainable development, in particular as laid down in articles 2, 6, 174 and 228 of the EC Treaty.

These articles firmly and clearly establish the objectives and principles of sustainable development, integration and environmental protection for the EU's policies and activities, as well as giving the Commission enforcement tools to ensure effective implementation.

The Community shall maintain as its task 'to promote throughout the Community a harmonious, balanced and sustainable development of economic activities [and] a high level of protection and improvement of the quality of the environment, the raising of the standard of living and quality of life, and economic and social cohesion and solidarity among Member States'. (article 2).

The requirement that 'environmental protection requirements must be integrated into the definition and implementation of the Community policies and activities, in particular with a view to promoting sustainable development' shall be maintained. (article 6).

Community policy on the environment shall continue 'to aim at a high level of protection ... based on the precautionary principle and the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay'. (article 174).

The Commission's power to insist on effective implementation of legislation the Member States have adopted, by means of asking the European Court of Justice to impose fines in case of persistent non-compliance shall be maintained. (article 228).

Any weakening of these articles would provoke environmental organisations, inside the EU as well as in Candidate Countries, to campaign against the results of the Convention and IGC.

2. Review EU's 45 year old, outdated, objectives on Agriculture Policy

Agriculture is to be front and centre of a future policy reform at the EU level. Art. 33 of the Treaty is still concentrated on increase of productivity, and therewith not at all compatible with nowadays-real priorities. We call for a major revision of Art. 33 of the Treaty, setting out the objectives of the Common Agriculture Policy (and also covering Common Fisheries Policy), to bring the agricultural sector into line with the requirements of sustainability, quality food production, health and environmental protection, appropriate and sensitive rural development.

3. Eliminate unanimity from environmental decisionmaking.

The Treaty requires unanimity in some areas of environmental policy. The veto power of a single member state has placed insurmountable obstacles in the path of progress on matters such as the CO₂/energy tax. It is time to eliminate the requirement for unanimity from the environment article (art. 175(2)) and make related adjustments to article 99 of the EC Treaty. All environmental decisionmaking should be taken on the basis of qualified majority voting in co-decision with the European Parliament.

4. Open the door to the European Court of Justice for environmental cases.

For too long, the Treaty has prevented European citizens and their organisations from challenging environmentally important decisions of the European Commission (or other EU bodies) before the European Court of Justice. This imbalance between the rights of citizens at home and at European level needs to be righted. There is no justification for preserving the Commission from accountability for its actions. The Aarhus Convention, signed by the European Community on the 25th June 1998, obliges upon the signatories to allow access to justice in environmental matters, also on the level of the EU. Furthermore, such access will lead to better protection of the environment as it means that the Institutions will more carefully implement its environmental obligations. Any 'constitutional' order proposed by the Convention should correct this defect in the current arrangements of the EU.

5. Include environmental rights in the Charter of Fundamental Rights.

If the Charter is imported into the Treaty, the environmental article must be amended to be phrased in terms of a right. The right to a clean and safe environment is recognised in the UNECE Aarhus Convention, and several national constitutions of current and future Member States. However, the Charter's environment article as it currently reads is an amalgam and restatement of words and phrases taken from several important Treaty articles. If the Charter becomes part of the Treaty, it would have value only if it expresses a right. In no event, should existing Treaty articles be replaced or modified by the Charter provisions on environment.

6. Include requirements for broad, open and timely public participation.

Active involvement of European citizens in EU policy making is a prerequisite for an EU that is successful in serving the different interests of the citizens. However, too many European citizens see the EU institutions and EU decisionmaking as distant, bureaucratic, complex and closed. To change this, the institutions and decisionmaking needs to become more transparent.

One way to help the EU become more transparent is to require the Commission (and the other bodies) to inform the public when it starts work on policy, legislation or other decisions and to invite citizens and their organisations to comment on the policy or legislative initiatives. A variety of forms of consultation are available including public hearings (in Brussels and the member states), meetings with citizens or representative organisations, electronic and traditional means for soliciting and receiving comments. A general provision could be included in the Treaty and worked out for the separate institutions and bodies in a

way similar to the approach, which was followed with article 255 on access to documents. Given the positive impact public participation will have on the quality and acceptability of Community policy, legislation and other decisions, the Union should commit itself in addition to the encouragement and facilitation of involvement of citizens organisations by dedicated support programmes.

7. Establish no *competenz catalogus*.

The principle of subsidiarity was originally located in the Treaty's environment article. The Maastricht Treaty moved the subsidiarity principle forward to the general provisions of the Treaty. In the environment area, there is long experience with a case-by-case evaluation of the application of the subsidiarity principle to each new initiative. The current provisions offer sufficient guidance and flexibility and need no revision. Establishing a fixed list of competences would freeze the division of responsibilities in a way, which could prevent the EU from responding effectively to new or changed circumstances. In the environmental area in particular this would be unfortunate given the transboundary nature of many environmental issues and the consistent support of Europe's citizens from EU action to protect the environment.

8. Extend transparency requirements to all EU bodies.

The EU has recently adopted access to documents rules for its three main lawmaking institutions (the Commission, Parliament and Council). These transparency requirements should be extended to all EU institutions and bodies.

9. End secrecy in the Council.

The time has surely come to require the Council of Ministers to meet in public whenever it debates or acts on legislative matters, resolutions or other decisions. The argument that dealmaking will shift to the back rooms or corridors may be correct but the same can be said about national parliaments. And national parliaments do meet in public. We prefer to know who said what and when and how the member states cast their votes to the current cloud of darkness over Council proceedings.

10. Give ECOSOC no additional role as representative of civil society

The Economic and Social Committee does not represent civil society and we oppose attributing such a role to it. Whether ECOSOC continues to have value for the social partners (employers and trade unions) is a matter for them to address. For our part, we prefer to devote our energies to attempting to inform and influence the decisionmaking institutions rather than to engage with a government-appointed, consensus-based advisory body.

11. Strengthen the existing institutions.

We support improving the transparency and democratic working of the existing institutions over extending the role of advisory bodies such as ECOSOC or the Committee of the Regions. We consider the establishment of a 'Senate' composed of members of national parliaments to be an undesirable undermining of the position of the European Parliament.

We support extending co-decision powers to the European Parliament, as well as a (limited) right of initiative for the Parliament.

12. Abolish the Euratom Treaty.

The Euratom Treaty in its present form should be abolished. Euratom's objective of promoting nuclear energy above other energy forms should be immediately replaced by the objective of protecting human health and the environment from the hazards of nuclear energy.

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