

BEGELEIDENDE NOTA

van: het secretariaat

aan: de Conventie

Betreft: Reactie van de Jongerenconventie op de ontwerp-grondwet

De secretaris-generaal van de Conventie heeft van de Jongerenconventie de reactie op de ontwerp-grondwet ontvangen, die is ingediend door de heer Giacomo Filibeck (voorzitter), mevrouw Ellen Trane Nørby (vice-voorzitter) en mevrouw Roberta Tedesco Triccas (vice-voorzitter).

Youth Convention reaction to the draft Constitution

(Submitted by Mr. Giacomo Filibeck, Ms. Ellen Trane Nørby,
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Brussels, 21 May 2003

“The Youth Convention has made our views clear: the young people represented here demand a European Union which offers a vision of a united and democratic future, one which offers accessible government to its citizens, and one which has the instruments and the legitimacy to meet their expectations. We have been bold in our demands: demands for an ambitious reform of the Union, which equips it to meet the challenges of today and the opportunities of tomorrow. A Europe united in its diversity is achievable. We ask no more of you than we have been willing and able to do for ourselves.”

from the Final Document of the European Youth Convention, July 2002

A. Introduction

Based on its mandate given by the European Council in Laeken, the European Convention (along with the European Parliament, the European Commission and many of the present and future Members States) has sought over the past months to actively involve young people in the further construction and reform of the European Union.

In addition to adopting a document full of concrete ideas and constructive proposals, the European Youth Convention of July 2002 has stimulated extensive debates among many young people on local, regional and national levels, in a variety of youth events on the future of Europe, including national youth conventions.

Drawing on the discussions we have previously participated in —be it within the Youth Convention, the Contact Group of youth NGOs, as well as regional and national conventions— and the results of these discussions, we, forty young people from all over Europe, have gathered for two days in order to assess the work of the European Convention and the proposals for the future European Constitution.

The deliberations of the Convention are promising to lead to a leap forward in the uniting of Europe. We highly value the work of the Praesidium and its efforts in this unique and historic process leading to establishing a Constitution for Europe. The work so far has proven that the choice to convene a Convention was a positive one and has established an effective model for reforming the EU.

In our discussion of the Praesidium proposal, it has become clear that not all our expectations that were formulated in the final declaration of the Youth Convention have been met. We therefore have elaborated the following comments and reactions:

B. Missions and Visions for the European Union

The final text of the European Youth Convention identified and stressed values and missions of Europe based on peace, openness, inclusiveness within and beyond its borders.

The heart of our vision is the promotion of the fundamental rights and an active citizenship especially for young people.

Title I Definition and objectives

Regarding Title I we strongly welcome the mention of a federal basis for the Union as well as the reference to a Constitution, as demanded by the Youth Convention.

The acknowledgement of the Union's legal personality was also a core demand of our final text.

In addition, the recognition of the importance of solidarity between generations is in line with our expectations.

In our view it is not only the will of the different peoples and the states of Europe to build a common future: It should be mentioned that it is also the will of the individual human beings who live in the European Union. We think also that not only national identity but also regional identities of the European citizens should be mentioned. (art.1)

The Union's values (art.2)

We deplore the fact that equality, peace, solidarity, social justice and dialogue do not appear as central values in this article. Indeed, we consider that it is not enough to put peace and solidarity as aims.

As we declared in the final document of the EYC 2002, "we want a Europe built on the fundamental values of peace, freedom, dialogue, equality, solidarity and respect for human rights. At the heart of our vision is a Europe responsible for and to its citizens."

The Union's objectives (art.3)

We welcome the fact that this draft article takes on board the request of the Youth Convention to integrate into the Union's objectives important issues like full employment, equality between women and men as well as social protection. However, we think that the notions of social inclusion, non-discrimination and stability are missing. These are essential areas in which the European Union should take strong responsibility and therefore include them in the Union's objectives.

We think that international co-operation must be a key objective, therefore the Union shall not only seek to advance its values in the wider world, but through international co-operation.

Title II Fundamental rights and citizenship of the Union

Fundamental rights (art.5/6)

We made it clear in the resolution of the EYC 2002 that the Charter of Fundamental Rights must be included as a central part of the European Constitution.

Its full text has to become the first chapter of a European Constitution. If the European Convention follows this proposal of the EYC, articles 5 and 6 of the constitutional draft can be deleted. As we mentioned in the final document the Charter is a crucial instrument in the construction of a citizens' Europe.

Citizenship of the Union (art.7)

Our conception of citizenship is very near the definition given in article 7. But in our opinion, we think that it is also very crucial for the Union to promote active citizenship and democratic participation with concrete actions.

In the final text of the Youth Convention, we stressed that active young people at the local, regional, national and European level can play an important role in stimulating debate, promoting active citizenship and an European identity. We therefore ask the Convention to support this notion by recognising the concept of active citizenship in the final constitution. By this we confirm the importance of the actions taken in the field of education, vocational training, social integration, employment, mobility, information and culture. We ask that the European Union enhance and optimize its co-ordination role in this field, while respecting the competences of the Member States.

In connection with this, we welcome the proposal to article 30, submitted by the Praesidium of the Convention, which establishes a framework for joint contribution from young Europeans to the humanitarian action of the Union, a European Voluntary Humanitarian Aid Corps and the idea to have an European civilian service.

Lastly, we urge the Convention to incorporate a Youth Article into part II of the new Constitution, acknowledging an unambiguous policy of youth. This article should define the competences between the EU and the Member States in full respect of the principles of subsidiarity and proportionality. This should include a greater consideration of young people in other policies of direct relevance to young people. The article should, in accordance with the co-decision procedure referred to in Article 251 (current EC Treaty), have the aim of increasing mutual understanding between young people, ensure a thorough participation of young people in decisions on and the implementation of EU action, support research on young people as well as provide accessible information on EU actions and policies in relation to youth.

C. Democracy and Participation

We as representatives of young people in Europe strongly believe in the principles of democracy and the rule of law. We welcome the Constitutional draft of the Convention Praesidium as a major step forward towards a more democratic Union. Nevertheless, the constitutional articles do not manage to clearly separate the tasks of the different institutions, as demanded by the European Youth Convention in July 2002. Further, they fail to put the citizens of the Union in the heart of the European Union. In order to arrive at a federal Constitution, including a renewed institutional structure of Europe in which the youth of Europe has a strong say, we ask for considerable improvement of the Praesidium's proposal.

I. Title IV - Institutions

a) Article 15 – The European Parliament

As the representative of the Union's citizens and as the only directly elected body of the EU, the European Parliament should play a key role in the institutional framework of the European Union. Together with the Council it has to be the legislature and the budgetary power of the European Union. To guarantee an understandable, single institutional framework there should be no exception made to the rule of codecision. In order to ensure checks and balances of European laws and legislation, the European Parliament should in principle have the right to initiate legislation. The European Parliament shall have the right to decide on its seat. We believe that it should be in Brussels.

b) Article 17 - Council

We welcome the proposal of the Convention Praesidium to introduce the co-decision procedure in more fields of policy. Following the result of the Youth Convention in 2002 we nevertheless stress that the Council should be transformed into the second chamber of the European parliamentary system, representing the interests of the Union Member States. Besides the EP it should be the second legislature of the Union. This will ensure that the demands of the citizens and of the states of Europe are respected equally. Decisions in especially sensitive areas should be taken by a double majority of states and people.

c) Article 16 and 16a - European Council and its chair

We agree with the Convention Praesidium's proposal to clarify the role of the European Council by giving it the status of an institution. Nevertheless, we strongly reject any attempt of the Convention Praesidium to strengthen the role of the European Council and of its chair. In order to prevent double structures between the European Commission and the European Parliament as well as the Commission, the European Council's role should be limited to giving political impetus into the political debate of the European Union. The European Council shall not have any legislative or executive power in the European Union. We therefore reject the procedure proposed in Art. 16a part 1. This is an undemocratic process which would do nothing to increase the legitimacy and transparency of the Union, and could undermine the role of other Union institutions.

While respecting a geographical balance, a single chair should be elected from within the members of the European Council. The role of the presidency is to prepare and chair the European Council meetings. The Constitution should ban the right of veto of individual members of the European Council.

d) Article 18 and 18a - European Commission and its president

The failure of the Constitution to transform the European Commission into a true executive of the Union will not ensure an effective implementation of Union competences, as demanded by the Youth Convention. We further reject the proposal of the Convention Praesidium concerning the election of the President of the Commission, as it is unclear and undemocratic. The President of the Commission must be the head of the European executive and s/he must be proposed and elected by the European Parliament. The sole role of the European Council should be to approve this decision. This way it would be guaranteed that the citizens will have a say on choosing the Union's legislative and the Union's executive through the European Parliament elections.

The Commission should choose a limited number of Commissioners based on areas of policy. Commissioners will be chosen on the basis of personal qualification and competence. The composition of the European Commission should be gender and geographically balanced.

To prevent major malfunctions of the Commission, there should be the right to remove the Commission and individual commissioners through a two-thirds majority of the European Parliament if there is a serious breach of their duties and obligations. The Commission President should further have the right to remove individual commissioners.

e) Article 35 - Ombudsman

The position of the European Ombudsman should be acknowledged as part of the institutional structure of the Union and should therefore be moved to Title IV.

f) Article X - Congress of the people

We do not see the need for yet another institution where the purpose of its powers remains unclear, and which can only further complicate the Union's structures. We therefore reject the proposed Article X on the Congress of the Peoples.

II. Democracy and transparency

a) Article 36 – Transparency of the Union's proceedings

Today's Union can only be connected with its citizens if a more transparent and democratic approach in its proceedings is adopted. Instead we demand that all meetings of the Union institutions be open, including working groups and similar bodies and that all meetings be broadcast on the Internet. Every citizen within the EU should have the right to information about all European institution meetings. All documents have to be publicly accessible. Exceptions to this rule will need an understandable justification. Agendas should be made available before each meeting, and minutes should be uploaded to the website immediately after a meeting. Further, there needs to be an obligation within all the Union's institutions, and an obligation for the civil servants to refer to the laws, documents and information requested by citizens or other European institutions.

b) Article 25 – Legislative acts

If we want to arrive at a democratic system, a reform of the institutions will not be enough. Besides institutions, it is especially the procedures of the Union which have to be simplified if we want to arrive at a more democratic Union. We appreciate the simplification of the legal acts as foreseen in the Praesidium's proposal. We oppose Article 25, point 2, as the Council and European Parliament should legislate jointly in all areas of Union legislation according to the co-decision procedure.

III. Participation of civic society, including young people

a) Article 34 – The principle of participatory democracy

Participation of the Union's citizens in European politics can only be guaranteed if citizens are involved in the political work of the EU. We welcome the will of the Convention to introduce open, transparent and regular dialogue. It will not be sufficient to open only some meetings to the public and to create new Internet forums and pages. We stress that there needs to be a structured dialogue of all institutions vis-à-vis civil society, which is open to organisations as well as individuals. A special effort should be made to engage with marginalised sections of society. We demand a permanent consultation between the Union and young citizens, especially on youth policy. A special focus should also be given to the involvement of local civil society in the European debate, as it stands in direct and close contact with all ordinary citizens.

Further, we criticise title IV "The democratic life of the Union", article 34, which does not include the role of the social partners and the principle of social dialogue.

There should also be a constitutional obligation for all institutions to consult civil society actors on a regular basis. This includes the obligation of the European Commission to consult civil society actors when it makes use of its right of initiative.

b) Part 2 of the Constitution

We demand that the second part of the constitution include more concrete measures of involving young people in European democracy. The final result of the European Youth Convention in July 2002 offers concrete measures of involving young people, which should be taken into consideration by the Convention.

IV. Title III - Competencies

We welcome the articles of title III of the Constitution, as they are equivalent to the demands of the European Youth Convention. Nevertheless, we strongly call for "youth" to be included as a separate field of policy in Article 15 as neither education nor vocational training are fields that only concern youth.

V. Ratification and amending the European Constitution

a) Article F - Revision of the European Constitution

We demand that minor constitutional amendments should be decided within the institutional structure of the European Union, requiring special majorities. This is the only guarantee to prevent future constitutional dead-locks based on individual vetoes of Member States, which is usually the case in Intergovernmental Conferences.

We reject the proposed continuation of the IGC process, and demand instead that an open and transparent method of constitutional amendment for major issues be adopted, which should involve representatives of national and European institutions and which is open to the participation of the citizens. The Convention method should be used as a model.

Stressing that we aim for a Union of citizens, not a Union of states, we ask for all major constitutional amendments to be adopted in a European wide referendum. Such a referendum has to take place at the same time in the entire Union and it has to be based on the same question. Such a referendum will be successful if the majority of the Union's citizens vote in favour of the proposed question.

b) Article G – Ratification of the Constitution

We stress that we want to create a democratic and efficient European Union. Therefore we strongly believe that it should not be possible for individual Member States or a small group of states to block the ratification of the European Constitution. The European Constitution should be ratified by all countries of the EU which want to be part of the future EU.

VI. Article 46 - Withdrawal from the Union

We are convinced that no Member State can be forced to be part of the Union against the majority will of its citizens. Therefore we appreciate the possibility of every Member State to leave the Union. Nevertheless, we want to emphasise that the withdrawal has to be a result of a negotiation process between the Union and the withdrawing Member State. The financial and political implications of a withdrawal from the Union have to be made clear to the Member State's population during the withdrawal negotiations.

VII. Part Two of the Constitution

Being fully aware that Part Two of the Constitution is equally important as all other articles, we demand that it be finalised within the Convention method. Many of the respective articles are not purely technical, but highly political. Therefore we demand that the Praesidium put all articles forward to the Convention before it goes to the IGC and therefore give the Convention members sufficient opportunities to improve the text until it is broadly acceptable for the Convention.

D. Europe in a Globalised World

In July 2002, the European Youth Convention Working Group on 'Europe in a Globalised World', identified some key demands that we as young people saw as necessary for the position of Europe as a global player in an increasingly multipolar World. These included: the development of the Common Foreign and Security Policy as an exclusive competence of the Union, the appointment of a single Commissioner for Foreign Affairs, the creation of a single European army, a commitment to global governance with the EU speaking with one voice in international organisation, a treaty requirement to invest 0.7% of Europe's GDP in Official Development Aid (ODA) and an EU commitment to combat terrorism.

In the past year, CFSP issues have come to the fore in the Convention. The Iraq Crisis has highlighted Europe's weakness with regard to foreign policy and military capacity. We believe this should lead to a renewed readiness by the Convention and member governments to build a workable EU foreign policy and defence.

Common Foreign and Security Policy

We broadly welcome the Convention's proposals to strengthen the CFSP contained in Title V of the draft Constitutional Treaty. Although we favoured foreign policy as an exclusive EU competence under the executive direction of the Commission last July, we accept that progress is best achieved by maintaining the CFSP as an **inter-governmental process** according to the process proposed by the Convention.

However, we disagree with the Convention's proposal to maintain unanimity in the decision-making process in the Council. We believe that **Qualified Majority Voting (QMV) should be applied** to all decisions on CFSP matters. Constructive Abstention is to be welcomed but will not prevent obstruction on the part of one or a small number of Member States. This will enable decisions to be made in many more areas, more rapidly and efficiently.

We strongly welcome the proposed **Article 14** requiring Member States to 'actively and unreservedly support the Union's Common Foreign and Security Policy'. This has to be strengthened to include measures that may be taken to ensure that this provision is respected.

EU Minister for Foreign Affairs

We strongly welcome the proposal to create an EU Foreign Minister who shall attend the European Council, chair the Foreign Affairs Council and also be a Vice-President of the Commission. The Treaty should provide for the **creation of a fully resourced department** to support the Minister.

As it is envisaged that the Minister will have to brief and consult the Parliament and will co-ordinate external action that currently form part of the first pillar, it makes sense to have his **appointment approved by the European Parliament**. This will add to his democratic legitimacy and credibility as a single voice for Europe in international fora.

Europe with a single voice in international organisations

We restate our view that the **European Union should be represented and be recognised as a single entity in the United Nations** and other international organisations where possible. The Convention's proposals contained in Article 14 of the title on External Action do not go far enough as they rely on the on-going co-operation and goodwill of the nation states represented in the UN. However, we do believe that it is an innovative and original proposal, which would represent a major step forward if the governments can be convinced to adopt it.

European Security and Defence Policy

The creation of a European Armaments and Strategic Research Agency (EASRA) is a welcome proposal as it will help to close the widening gap between the EU and the United States with regard to military capacity, technology and research.

We are disappointed at the failure to **establish a single European Army** in the Constitutional Treaty. However, we recognise that provision is made to facilitate a Common Defence established by an avant-garde of Member States. This could lead to the establishment of a single Army.

We support the recognition of Member States' obligations to NATO in the draft Constitutional Treaty. NATO is the key instrument in maintaining a strong transatlantic alliance between the EU and the United States.

In line with our position taken last July, we welcome the possibility for Member States to opt in and out of the EASRA and a Common Defence.

Solidarity/Terrorism Clause

We are **concerned about the text of the Solidarity Clause**. In particular, we believe that the term ‘political authorities’ should be clarified and an explanation given as to how the Member States will be held accountable. We are also concerned that the ‘prevention of terrorism’ could be abused as a pretext for far-reaching actions. Moreover, the solidarity clause should also apply to natural disasters and humanitarian catastrophes.

Development Co-operation and Humanitarian Aid

We are satisfied with the chapters on Development Co-operation and Humanitarian Aid. However, we would like to see the inclusion of a **binding treaty commitment to devote 0.7% of European GDP to Official Development Aid (ODA)**. We strongly welcome the creation of a European Voluntary Humanitarian Aid Corps (EVHAC). This will help to build a European identity in foreign policy both among citizens of the Union and outside the EU.

The European Union and its immediate environment

We strongly welcome Title IX of the draft Constitutional Treaty which proposes establishing a **special relationship with neighbouring states** involving reciprocal rights and joint activities. This is in line with proposals the Youth Convention made last July.

E. Conclusions

We greatly appreciate the opportunities we have had to contribute and participate in the work of the Convention. We hereby submit our comments on the draft Constitution presented so far by the Convention Praesidium, hoping that it will stimulate the final weeks of discussion and drafting of the Convention and then the work of the Intergovernmental Conference, in order to build a stronger and more democratic Europe.

We entrust the chair and vice-chairs of the Youth Convention, in their capacity as observer members to the Convention, to pass on our reaction and to present it to the Convention and call upon the Members of the Convention and its Praesidium to take our opinion into account and to integrate our proposals in the final draft of the Constitution. Based on the positive example set by the Convention, we are confident that the EU will continue to involve present and future generations of young people in the construction of Europe.