



Resolution of the European Youth Forum

Building a European Union for and with young people

*Adopted by the General Assembly
Malta, 14-16 November 2002*

The European Youth Forum recalls that it is the mandate of the European Convention to prepare a future Constitution of an enlarged European Union, and to reconnect the citizens, in particular the young, with the European Union and its institutions.

The 91 Member Organisations of the European Youth Forum, representing millions of young people throughout Europe, welcome the work undertaken so far by the European Convention and in particular the attention it has given to the involvement of civil society and young people.

The mandate of the Convention –to reconnect the European Union with its young citizens– now also needs to be reflected both in the proposal for a European Constitution and in the more detailed revised treaty provisions, replacing the current EC-Treaty.

Building on our contribution to the European Convention entitled “Bringing Europe closer to its young citizens”¹ and taking into account the appeal of the Youth Convention,² we call on the European Convention to strengthen the links between present and future young generations and the EU by providing for a consolidated and clear legal basis for action in favour of children and young people.

The Union's policies already today have a significant impact on the lives of many millions of young citizens. A consolidated and clearer treaty article would provide for more coherence and transparency and would ensure that the EU's policies in the field of youth and in other areas are based on the expectations and needs of the young generation.

One of the key objectives of a clarified treaty basis should be to enhance the possibilities for participation of today's and tomorrow's young generation in the construction of Europe in order to develop a sense of ownership of a more democratic European Union and to promote active citizenship among its young citizens. Furthermore the Union needs to ensure that all its actions are in full respect of Article 21 and Article 24 of the Charter on Fundamental Rights, which needs to become legally binding.

The European Union needs to reinforce its actions in favour of children and young people. This requires an article defining the competence of the EU in the field of youth policy as *complementary* to the competences of the Member States (and their local, and regional entities) which are and should remain primarily responsible for youth policy.

The European Youth Forum, representing millions of young people, puts forward a proposal for the future treaty article on youth (in annex to this resolution) and calls on the European Convention to include it in the draft treaty.

1 COMEM 0196-02e final. Adopted by the Council of Members, Brussels April 26-27 2002

2 The final declaration of the Youth Convention (CONV 205/2002) called on the European Convention to “include a stronger reference on youth in the federal constitution, so that youth issues are taken more seriously, while the main responsibility for youth policy should remain within members states' competencies“

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The contribution of non-governmental organisations (NGOs) to public life and to social responsibility and cohesion is part of the European model, and it is time to give it the appropriate recognition in the design of the European Union in order to make it more participatory and more democratic.

The recognition of NGOs and their role in European construction is a logical consequence of the freedom of association as recognised in the Charter of Fundamental Rights which should become legally binding.

The young people represented through the European Youth Forum call on the European Convention to recognise in its constitutional text the importance of building a European Civil Society as a basis for a citizens' Union. Building a European Civil Society requires a long-lasting commitment from the institutions and a recognition of the role of the voluntary associations of citizens on European level in the future Constitution and the revised treaties.

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The Members of the European Youth Forum are committing themselves to engage our generation, from the local level to the international, in a continuous debate on the Future of Europe, so that the European project – a project for democracy, human rights and mutual respect, for solidarity, well-being, and peace through co-operation across different nations and cultures – becomes tangible and accessible for those to whom it truly belongs: all the citizens of Europe.

ANNEX I

Article XXX [replacing the provisions under current Article 149.2, 5th indent]

1. The European Union* shall have the following competences, complementary to those of the Member States and in full respect of the principles of subsidiarity and proportionality:
 - (a) To take action, in accordance with the Co-decision procedure referred to in Article 251 [current EC Treaty], aiming to
 - increase mutual understanding between young people within the European Union and between young people in the European Union and third countries by enhancing the transnational mobility of young people and those contributing to youth work;
 - promote active citizenship and ensure that young people can fully participate in European decision-making and to provide for specific provisions that ensure a thorough participation of children and young people in decisions on and implementation of EU action;
 - Promote cultural initiatives of young people taking their diversity into account;
 - support research on children and young people;
 - provide young people and children with accessible information on EU actions and policies and supporting international non-governmental organisations as channels for youth information;
 - promote the EU-wide recognition of non-formal learning of children and young people.
 - (b) To co-ordinate member states' policies which aim to
 - increase social inclusion of young people and improve the health and living conditions of children and youth;
 - achieve full employment and ensure quality standards for employment for all young people and promote entrepreneurship of young people;
 - prevent children and young people from becoming victims of violence and abuse;
 - counter discrimination of specific groups of children and youth;
 - increase the participation of children and young people in public life and decision-making;
 - promote non-profit making voluntary activities of young people beneficial to society, including those which are transnational;
 - promote learning among young people and children, including non-formal learning;
 - promote intergenerational dialogue and justice;
 - take account of the effects of sectoral policies on children and youth.EU action under this provision may be pursued according to the Open Method of Coordination.
 - (c) The Council may adopt recommendations to Member States in accordance with the procedure referred to in Article 251 [current EC Treaty], aiming to
 - guarantee the fundamental, social, economic, cultural, civil, environmental and political rights of children and young people.
2. The Union may accede to international treaties related to children and young people according to Article 300 [current EC Treaty].

* The drafting of this article is based on the assumption that the European Convention proposes to give legal personality to the EU, which replaces the one of the European Community.

ANNEX II

Treaty provisions and “Acquis communautaire” in the field of youth

A legal basis for action in favour of young people was formally introduced into the primary law of the European Community under the Maastricht Treaty which introduced Article 149 (then Article 126) into the EC Treaty.

Article 149 generally aims to promote co-operation between Member States in the field of education and youth and to support and supplement the Member States in their actions in this field. The article also states that the Community and the Member States shall foster co-operation with third countries and other international organisations, in particular the Council of Europe which has long-standing experience and competence in the field of education and youth. Youth as such, although being mentioned in the headline of Chapter 3 ('Education, Vocational Training and Youth') of Title XI of the Treaty ('Social Policy, Education, Vocational Training and Youth'), is only explicitly referred to in indent 5 of the second paragraph: “[Community action shall be aimed at] encouraging the development of youth exchanges and of exchanges of socio-educational instructors.”

Tools available for EU action in the field are “incentive measures” such as the Community Action programmes (SOCRATES and YOUTH) and recommendations. In both cases the Council acts by qualified majority and within the Co-decision procedure.

The Community action programme YOUTH is based on this Treaty provision (Decision 1031/2000/EC, OJ L 117/1 of 18.5.2000), like its predecessors 'Youth for Europe' (Decision 818/95/EC, OJ L 87/1, 20.4.1995) and 'European Voluntary Service for young people' (Decision No 1686/98/EC, OJ L 214/1, 31.7.1998).

Soft law plays an important role in the cooperation and coordination of national youth policies. For example, the mobility of young people is promoted through a Recommendation adopted in 2001 (2001/613/EC, OJ L 215/30, 9.8.2001).³ The Council of youth ministers has adopted resolutions on various issues pertaining to youth policy, such as youth participation,⁴ social inclusion,⁵ the promotion of entrepreneurship and the initiative of young people⁶ as well as youth volunteering.⁷

In November 2001, the European Commission adopted a White Paper entitled “A new Impetus for European Youth” (COM 2001 681final) which led to the establishment of an Open Method of Coordination. Following the decision of the

3 Recommendation of the European Parliament and of the Council of 10 July 2001 on mobility within the Community for students, persons undergoing training, volunteers, teachers and trainers.

4 OJ C 42/1, 17.2.1999

5 OJ C 374/5, 28.12.2000

6 OJ C 196/2, 12.7.2001

7 OJ C 50/3, 23.2.2002

Council,⁸ the Open Method will be used to coordinate actions in the field of youth participation, youth information, volunteering and research on youth. At the same time the Council agreed that the inclusion of the youth dimension in other policies and programmes, both at national and at European level, needs to be improved and that “initiatives targeted at youth at both national and Community level, [need] to be considered in a coherent way.”⁹

The recurrent use of the so-called “mixed formula” by the Council (“the Council and the representatives of the Member States meeting within the Council”), clearly shows that the current legal basis is not sufficient for the action that the EU wishes to take in the field of youth policy.

⁸ Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council of 27 June 2002 regarding the framework of European cooperation in the youth field, OJ C 168/2, 13.7.2002

⁹ *ibid*