

Question 1

Children, Youth and Future Generations

In the **Mission Letter** given to the Commissioner-designate, the President of the European Commission defines four key areas that belong to this role. Youth and Intergenerational Fairness are distinguished, as the rights of the child and Intergenerational solidarity are distinguished in TEU Art 3.

The UN in its “Declaration of Future Generations” recognizes “**that children and youth are distinct groups from future generations**”.

Given the long expected lifespan of children and youth, **these groups have interests that overlap with the interests of Future Generations**, yet, the distinction between them is crucial, as **their democratic representation can only be implemented in three fundamentally different ways**.

Our duty towards future generations means that **we cannot unilaterally offload the burden of mitigating our challenges on Future Generations**. This principle also applies to citizens who are currently children or young people - they are also present generations. Duly considering future generations necessitates a longer-term perspective and calls for legal safeguards against risks that manifest on longer timescales (beyond the lifespan of current children). We need to ensure that our decisions make us good ancestors to those who will inherit the consequences of our choices.

*Will the Commissioner-designate develop the **Strategy on Intergenerational Fairness** with **structure and content that reflects the distinction between these three groups**, and will this strategy provide legal and procedural instruments to effectively tackle the unique challenges that belong to these groups?*

Question 2

Participatory Methods Representing Future Generations

Numerous scientific studies and important political documents, including the “**Declaration of Future Generations**” and the “**Our Common Agenda**” of the **United Nations** promote citizens’ participation as an important instrument for representing Future Generations in political processes, where long-term challenges are at stake.

The EU already has experience in participatory governance, for example via the **Conference on the Future of Europe or European Citizens’ Panels**.

The “Declaration of Future Generations” **clearly distinguishes Future Generations from current youth and children**, therefore it is necessary, that in its **upcoming legislation on Intergenerational Fairness**, the **EU applies the necessary instruments to distinctively represent Future Generations** in its legislative process.

*How does the Commissioner-designate envision a **participatory process for Future Generations** and would he **commit to implementing such a procedure in the first 100 days** of his office, to give the necessary foundations and perspective for the **Strategy on Intergenerational Fairness**?*



Question 3

Legal Status of Future Generations

Art. 3(3) of the Treaty on the European Union (TEU) defines solidarity between generations as one of the aims of the European Union. Similarly the **Charter of Fundamental Rights** highlights in its preamble that human rights may also apply to Future Generations.

Beyond these fundamental legal sources, multiple important court decisions, such as **Klimaseniorinnen v Switzerland** [ECHR] or **Neubauer v Germany** [German Constitutional Court] explicitly argue for our obligation to protect Future Generations.

Additionally, **14 member states commit in their constitutions to protecting Future Generations** either directly or indirectly, by committing to the principle of Sustainable Development, which implies responsibility for Future Generations. One such country is Malta, the home of the Commissioner-designate.

While protecting the interests of future generations is part of the European legal tradition, in the **existing body of EU law it is not yet clearly operationalized**, which hinders effective action to protect them.

*Will the Commissioner-designate initiate legislation, in the form of an **Interinstitutional declaration on the Human Rights of Future Generations** or in another form to make the high-level commitments in the treaties and existing court decisions an explicit part of EU law?*

Question 4

Impact Assessment for Future Generations

In the **Mission Letter** given to the Commissioner-designate, the President of the European Commission (among other tasks) mandates the Commissioner responsible for Intergenerational Fairness to (1) establish an **EU Youth Check**, (2) ensure **decisions today do not harm Future Generations**, (3) ensure that decisions are taken with Future Generations in mind and that **Strategic Foresight** is an important tool in implementing this.

Current impact assessments do not reflect sufficiently the **long-term ambitions of existing EU law** (e.g. European Climate Law, Nature Restoration Law, Sustainable Development Goals) and thus **leave the EU blind to the feasibility of the implementation** of some crucial already existing legal obligations.

The interests of Future Generations also require an **impact assessment procedure that applies strategic foresight at least covering the timespan of existing legal commitments**, but preferably until the end of this century.

*Will the Commissioner-designate establish as part of the **Better Regulation Guidelines**, an impact assessment procedure, that **uses strategic foresight** to ensure, that proposed legislations are (a) feasible, (b) sufficient, (c) resilient against anticipated future risks and (d) fulfil our duties towards **a fair burden-sharing between generations** in tackling long term challenges?*

