

EU Future Generations

Initiative



Why do we campaign for Future Generations?



There is an urgent need for the EU to use its powers to protect long-term interests. The sciences are clear about the grave risks that the stability and prosperity of humanity face – and Europe is no exception. Scientists unequivocally confirmed the start of a new geological epoch, the Anthropocene, where humanity has become the dominant force of change on the planet. We are witnessing a triple planetary crisis caused by the interlinked problems of climate change, biodiversity loss, and pollution. Beyond these trends, pervasive digital transformation, an aging society, and declining democracy all impose existential risks in the long term. The EU should take efficient legal action against such risks if it aims to sustain its core values in the long run – the prosperity of the Member States and the stability of democracy and the rule of law.



Protecting the interests of posterity with binding legal safeguards is, therefore, an idea whose time has come, also as a matter of EU law. The challenges humanity faces in this century are essentially intergenerational. Our failure to take timely and ambitious protective measures will likely deprive our descendants of a liveable planet and a stable society. There is a rapidly closing window of opportunity in which present stakeholders are able to change course to avoid cataclysmic harm to posterity.



Tackling such intergenerational conflicts is, however, among the Achilles heels of democratic decision-making. Although long-term interests are fundamentally at stake today, youth and Future Generations have no representation in the EU's democratic decision-making model. As a result, long-term interests are structurally discriminated against, as short-term preferences repeatedly override future needs and interests in numerous EU policies.

What do we ask for?

3 Steps for Protecting Future Generations

1.

Develop an interinstitutional declaration on the rights of Future Generations.

2.

Nominate a Future Generations Commissioner with a broad, horizontal portfolio and acting as first vice-president.

3.

Set up a Future Generations' Impact Assessment within the Better Regulation Guidelines.

Who are Future Generations?

Future Generations are children and young people today, those who will be born, as well as the adults they become. Future Generations will inherit the Earth from present generations, they will suffer or enjoy the fruits of the decisions taken by the present generations.

There are multiple institutional models around the world for the representation of Future Generations. This proposal describes the necessary first steps for such an institutional development in the European Union.



Short-term thinking dominates policymaking

The fate of Future Generations is increasingly uncertain. There is strong scientific agreement on the planetary crisis that we face and that is threatening Future Generations' prospects for well-being. While governance measures seem to tackle today's challenges, often they push our planet further beyond "planetary boundaries" with a growing probability of achieving a point of no return. In other areas like international peace, and digital transformation similar challenges appear.

At the same time, a significant portion of European Citizens reject steps that were already taken with the future in mind: the EU has to find its way to deliver a just transition to keep politically possible what is necessary in answering the challenge of the Anthropocene. While the EU has made significant steps towards its green transition, considerable political opposition emerged among citizens who perceive these changes as threats. Today, this is the most visible form of intergenerational conflict. We need political and practical solutions that keep the transition in line with science-based goals but also acceptable, even desirable for present generations. The same is true in other areas: demographic challenges change rural and urban setups with decreasing services and opportunities that allow current and Future Generations to find a space in the job market.

If leaders of the European Union want to build a resilient Europe that is a global leader in peace, sustainability and democracy they must act to reconcile the interests of present and Future Generations. This mission goes beyond the technical and legal details of the green transition and points towards rethinking the entire European Project, where the historical questions of our time shape the EU as they did in the past.

There are strong legal foundations for Future Generations' representation in EU law (see below). Protection of human rights, the principle of sustainable development, the precautionary principle and multiple further legal principles demand the EU to act with a long-term perspective.

The gaps between science, strategy and implementation

While the principles of sustainable development and justice are constantly present in political rhetoric, in practice, the EU often fails to deliver sufficiently on both sides. This happens because a perceived conflict between the interests of present and Future Generations cannot be resolved easily, and the dilemma of sharing the financial burden around adaptation and mitigation costs is highly political. This challenge occurs on multiple levels:

1. Adopted strategies to achieve ambitious goals often fall short of the feasibility requirements understood by scientific consensus;
2. After adopting a strategic document, the implementing legislation is usually scaled back considerably, and often contains compromises that are against the strategic vision;
3. Implementation of these policies at the member-state level is often diluted. It happens therefore repeatedly that outcomes in the end do not reflect the ambitions of the strategies.



Shaping the public discourse

Political debates in the EU often are framed as some form of crisis management. Many frame our times as a poly-crisis and indeed, the EU proved to be an effective player in addressing these issues. The financial crisis, migration, COVID-19, and the invasion of Ukraine are all cases, where the EU took responsibility and offered solutions, even if these were not perfect.

At the same time, public discourse increasingly focuses on present crises and short-term fixes. Both in legislation and in narratives, the long-term perspective is taken less into account.



Building resilience for future challenges

In our age, it is reasonable to expect a future where multiple crises will test our preparedness repeatedly. Climate Change is one of the main drivers of this process, but technological progress, an ageing society, declining democracy or the changing balance of geopolitical structures also hint at major challenges. It is our responsibility to Future Generations to be prepared for expected challenges, build resilience and change our governance structure to become better prepared for a flexible response.

The Need for EU Action

The European Union (EU) currently lacks explicit treaty provisions that would specifically oblige the Union to protect the interests of Future Generations. However, the primary legislation of EU law contains several references to Future Generations, indicating a moral, albeit non-binding, commitment. At present, the EU's legislative framework tends to prioritize short-term goals, overshadowing the long-term interests of Future Generations. At the same time, the body of EU law in force, despite its current limitations, contains several legal bases, which provide substantial scope for a more robust protection of long-term interests.

The Urgency for Protecting Future Generations

The onset of the Anthropocene epoch underscores the urgency of addressing climate change, biodiversity loss, pollution, and digital transformation. These challenges pose existential risks, necessitating decisive EU legal action to uphold its core values, including member states' prosperity, democracy, and the rule of law.

Theoretical Basis for Legal Safeguards

The principle of intergenerational equity, emerging in the 1972 Stockholm Declaration and increasingly referenced in decisions of domestic and international courts, forms the conceptual basis for protecting Future Generations. EU political leaders have already endorsed this principle, with President Von der Leyen advocating for mainstreaming intergenerational solidarity across EU actions.

Existing Legal Building Blocks In Primary EU Legislation



The Treaties and Objectives

The Treaties of the EU, including the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), implicitly support the protection of Future Generations. The Treaties' objectives, such as solidarity between generations and sustainable development, protection of human rights and the rights of the child can all be interpreted to include long-term interests.

Solidarity and Non-Discrimination

Article 3(3) TEU introduces the concept of solidarity between generations, complemented by the prohibition of discrimination based on age. While the Court of Justice of the European Union (CJEU) has primarily applied these principles in employment and public health contexts, their scope can be extended to address disparities between the living conditions of different generations.

Sustainable Development

The TEU, TFEU and the Charter enshrine sustainable development, mandating EU policies to balance economic competitiveness with environmental protection. This principle inherently includes intergenerational equity, providing a legal basis for protecting Future Generations.

Human Rights Obligations

Human rights, as fundamental goals of the EU, may include protections applicable to Future Generations. Notably, the European Convention on Human Rights (ECHR) and the EU Charter of Fundamental Rights (Charter) do not limit human rights enjoyment to current generations. The adverse impacts of climate change on human rights bolster the argument for EU measures to protect Future Generations.

The rights of the child

Under TEU, the Union has the fundamental aim also to protect the rights of the child. The rights and interests of children and Future Generations are distinct legal categories, however, there are important synergies and overlaps between the needs and interests of children and generations yet to come. The rights of the child are also recognized by the Charter.

The Charter of Fundamental Rights

The Charter explicitly recognizes responsibilities towards Future Generations. While it does not create new obligations for the EU, it provides a legal foundation for advocating for Future Generations' well-being under several rights guaranteed therein.

Established General Principles of EU Law

General principles, such as the precautionary principle and the prohibition of age-based discrimination, provide a normative basis for protecting Future Generations. The precautionary principle allows for taking proactive measures against future risks, while non-discrimination principles can address age-based disparities.

Emerging General Principles

Intergenerational equity and the right to a healthy environment are suggested to be emerging as potential new general principles in EU law. These principles could stem from common constitutional traditions of Member States and international legal developments that increasingly stipulate legal protection for Future Generations and a standalone right to a healthy environment.



International Law

The EU's obligations under international treaties, such as the UNFCCC, the Paris Agreement, the Convention on Biological Diversity, and the Aarhus Convention reinforce the need to consider Future Generations in climate and environmental policies. The evolving landscape of customary international law could also shape the EU's responsibilities towards Future Generations.

Future-Proofing EU Law

While current EU law does not mandate the protection of Future Generations for EU institutions, it provides sufficient legal grounds to do so. Future-proofing EU law requires a new decision-making system where long-term interests are safeguarded through a future-oriented reinterpretation of existing norms and principles of EU law. Establishing a dedicated EU institution to advocate for long-term interests and mainstreaming due regard for Future Generations in the functioning of existing institutional arrangements could ensure that future considerations are prioritized in the legislative process. A wide range of EU law provisions could be mobilised for enforcing obligations towards Future Generations including leveraging EU policies, the flexibility clause, having recourse to science-based legislative processes, the Charter, and the precautionary principle.





3 Steps for Protecting Future Generations

1 Interinstitutional declaration on the rights of Future Generations

While the EU's primary law already recognizes our moral obligation towards Future Generations, the scope and content of the legal obligations owed to Future Generations are not fully developed. An inter-institutional Declaration signed by the three European institutions - the European Parliament, the Council of the EU and the European Commission - specifically identifying the rights of Future Generations can fill this gap. This declaration should establish a robust framework that guarantees the protection and advancement of the rights of Future Generations, while also including commitments of the three institutions to incorporate protections for Future Generations into legal frameworks and policies.

In order to initiate and foster the discussion on the declaration at the Institutional level, we call on the Members of the European Parliament to form an intergroup working on the rights of Future Generations. This will not only serve as a laboratory for the Declaration, but it will also help to address the growing political tension of intergenerational conflicts in the EU by contributing to finding political, legal and procedural solutions to deliver a truly just transition towards a sustainable future.

2 Future Generations Commissioner

We call for the establishment of an Executive Vice President of the European Commission, who is responsible for Future Generations (FGC).

FGC has a horizontal mandate, it can contribute to any legislative process if concern for Future Generations can be demonstrated. The work is carried out using specific processes that enable FGC to implement its mission of promoting a coherent long-term perspective. FGC coordinates institutional relations within EU institutions and with a broad range of stakeholders. It is responsible for the Foresight work of the European Commission as it is a key competence to show how Future Generations are impacted by decisions.

Convene stakeholders for constructive dialogue

FGC has the right to call for working groups where researchers, NGOs, and other civil society expert organizations (including faith-based organizations) are offered an interface to discuss legislative work with the public servants of the EC and possibly with representatives of other institutions in an inter-institutional format. These working groups can focus on ongoing legislative work or strategic, long-term priorities without immediate policy consequences - but with the clear intention of developing a vision for future legislation.

FGC has the right to organise citizen consultations with various formats and methodologies (citizen juries, forms of digital democracy, citizen committees etc.). FGO needs sufficient funds to organize these processes with sufficient visibility and scale to have a meaningful impact and substantive contribution.

These consultative fora aim to keep the ambition at high levels, expect the social costs that may occur, prepare adequate responses to them and coordinate with member states wherever necessary, especially where the EU does not have the competence to act directly (most importantly: social policy).

Right to ask questions

FGC has the right to address questions to political leaders, high-ranking civil servants, institutions and agencies of the EU. It also has similar rights to ask questions to government officials, politicians and institutions of the member states. Receivers of these questions should be legally compelled to answer the questions substantively.

In a similar vein, FGC has the right to request information from these officials and institutions. If they have access to the requested information, they are compelled to provide it in a machine-readable form and constantly updated fashion.

FGC has the right to make these answers and data publicly available. The questions and data requests, combined with the collaboration of expert and citizen stakeholders enable FGC to provide scientifically sound, constantly updated foresight reports on key issues. The presented scenarios are linked to existing legislation or potential policy choices informing the decision-makers or citizens about the expected long-term outcome of the legislative work. These foresight reports are constantly updated and accompany the legislative work throughout political cycles in a small number of key issues.

The analytical and foresight work of FGC is a key contribution to the work of the Regulatory Scrutiny Board when it examines the impact of any legislation on Future Generations.

3 Better Legislation with Future Generations in Mind

We call for the review and amendment of Better Regulation Guidelines to include intergenerational justice as a key principle for any law-making. The principle of solidarity towards Future Generations should mean that the burden of either the mitigation of any threat or the adaptation to any unavoidable pressures is not to be offloaded unilaterally to generations yet to come. Transformational policies have to serve the long-term interests of the European Citizens including Future Generations and should avoid creating harmful path-dependencies for them.

Similarly, this change should also be reflected in the assessment conducted by the Regulatory Scrutiny Board (RSB) of the European Commission. As these opinions represent a systematic checkpoint for pieces of legislation with significant economic, social or environmental impacts, RSB should pay special attention to long-term and horizontal consequences, building on the analysis put forward by the Future Generations Commissioner.





#FitforFutureGenerations

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