

**MINUTES OF THE MEETING OF THE COSAC PRESIDENTIAL TROIKA**  
**Madrid, 30 May 2010**

**PRESENT AT THE MEETING:**

CHAIR: Mr Miguel ARIAS CAÑETE (*Cortes Generales*, Spain)  
Ms Anna KINBERG BATRA (*Riksdag*, Sweden); Mr Miguel Ángel MARTÍNEZ MARTÍNEZ (European Parliament); Mr Edward McMILLAN-SCOTT (European Parliament)

**AGENDA:**

- 1. Adoption of the agenda for the Presidential Troika meeting**
- 2. Adoption of the draft agenda for the XLIII COSAC meeting**
- 3. Thirteenth Bi-annual Report**
- 4. Report on the results of the subsidiarity check on the Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession**
- 5. Draft Contribution and Conclusions of the XLIII COSAC**
- 6. Any other business**

**PROCEEDINGS:**

**1. Adoption of the agenda for the Presidential Troika Meeting**

The meeting was chaired by Mr Miguel ARIAS CAÑETE, Chairman of the Joint Committee for the European Union of the Spanish *Cortes Generales*, who welcomed the Members of the Presidential Troika and presented the draft agenda of the COSAC Presidential Troika meeting. The agenda was unanimously adopted as set out above.

**2. Adoption of the draft agenda for the XLIII COSAC**

Mr Miguel ARIAS CAÑETE outlined the draft agenda of the XLIII COSAC meeting as prepared by the Spanish Presidency.

Due to health problems the presentation on “The future of the European Union” by Mr Felipe GONZÁLEZ MÁRQUEZ was cancelled. This would enable the debate on “The future role of COSAC” to be continued in the afternoon, after the presentation by Mr Per Westerberg of the Conclusions of the EU Speakers’ Conference.

In relation to the agenda, Mr Miguel ARIAS CAÑETE informed the Troika about the request from Mr Maroš ŠEFČOVIČ, Vice-President of the European Commission in charge of the inter-institutional relations and administration, who was to address COSAC on Tuesday at 9h30, to be able to participate in the presentation on “The new model for relations between national Parliaments and the European Parliament after the entry into force of the Treaty of

Lisbon”. The Vice-President requested not only to attend this part of the meeting, but also to be able to take the floor in this debate. No objections were expressed. The precision was added that he would be welcome to react, but not be part of the panel.

### **3. Thirteenth Bi-annual Report**

The Chairman submitted to the attention of the Troika the Thirteenth Bi-annual Report drafted by the COSAC Secretariat.

Mr Miguel Ángel MARTÍNEZ MARTÍNEZ congratulated the COSAC Secretariat for the work done on this report, which he saw as a relevant document. He also pointed out the welcome fact that nearly all national Parliaments and the European Parliament had responded to the questionnaire. He considered the report to be a valuable and reliable source of information.

The Troika endorsed the Thirteenth Bi-annual Report.

### **4. Report on the results of the subsidiarity check on the Proposal for a Regulation of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments in matters of succession and the creation of a European Certificate of Succession**

The Chairman informed the Troika that this report had been drafted by the Permanent member of the COSAC Secretariat.

The Troika endorsed this report.

Mr Miguel ARIAS CAÑETE raised the point about the future of the COSAC-coordinated subsidiarity checks, as the opinions of national Parliaments on the continuation of the checks differ.

Ms Anna KINBERG BATRA recalled that this matter had already been highlighted during the Swedish Presidency when eight national Parliaments/Chambers had signed a letter calling for COSAC to continue the joint subsidiarity checks.

Mr Miguel Ángel MARTÍNEZ MARTÍNEZ acknowledged that COSAC had been a pioneer in this respect, but now Protocols 1 and 2 were in force and national Parliaments had individual responsibility with regard to the evaluation of compliance of EU draft legislative acts with the principle of subsidiarity. The Vice-President underlined, however, that if there would be an intention to frame this exercise within COSAC, the European Parliament would not oppose it.

### **5. Draft Contribution and Conclusions of the XLIII COSAC**

Mr Miguel ARIAS CAÑETE explained that the Presidency had received several amendments to the drafts of the Contribution and Conclusions and that some of them had been taken on

board. However other amendments, including some from the European Parliament had not been accepted by the Presidency.

Mr Miguel Ángel MARTÍNEZ MARTÍNEZ expressed his concern that the amendments tabled by the European Parliament had not been included in the last draft. He referred to radical sectors within the Council which may be influencing some national Parliaments and regretted this fact deeply. During the brief exchange of views which followed, Members of the Troika focused on the amendments to point 5 on the EU's institutional balance.

Mr Miguel ARIAS CAÑETE explained that the reason why the amendments from the European Parliament had not been taken into account was not because they were irrelevant, but because there was a concern that the inter-institutional agreement currently under negotiation could breach the EU institutional balance. It seemed that some national Parliaments were cautious about the possible extension of powers through inter-institutional agreements beyond those provided for by the Treaties.

Mr Edward McMILLAN-SCOTT explained that negotiations on the new inter-institutional agreement were not yet finalised, and these would not affect the institutional balance and would surely be in line with the Treaty.

Mr Miguel ARIAS CAÑETE suggested that the European Parliament table the amendments with an explanatory statement, which would be circulated to the COSAC Members before noon on 31 May. With a view to finding an agreement on the wordings for this point of the Contribution, it was decided to convene an informal meeting of the Spanish Presidency, the Finnish *Eduskunta* and the European Parliament.

Ms Anna KINBERG BATRA explained that the Foreign Affairs Committee of the Swedish *Riksdag* reminded her of the importance of the EU Eastern Neighbourhood Policy. Therefore she suggested adding a new point 6.4 to the Contribution to include the support for regional partnerships and more specifically the Eastern Neighborhood Policy.

Mr Miguel ARIAS CAÑETE suggested that all the amendments should be tabled in writing. This was agreed.

## **6. Any other business**

Ms Anna KINBERG BATRA thanked the Spanish Presidency for the fruitful cooperation. She informed that there would be general elections in Sweden on 19 September 2010, and that she would not be able to attend the next COSAC Chairpersons' meeting in Brussels.

Mr Edward McMILLAN-SCOTT thanked Mrs Anna KINBERG BATRA for her valuable contribution to the work of COSAC and stated that this had been a constructive period for COSAC.

Mr Miguel Ángel MARTÍNEZ MARTÍNEZ requested, on behalf of all political families, to have their meetings the following morning postponed from 8.00 to 8.30. This was agreed.