MINUTES OF THE MEETING OF THE XLI COSAC
Prague, 11-12 May 2009

AGENDA:

1. **Opening Session of the XLI COSAC.**
   Welcome speeches: Mr Miloslav VLČEK, Speaker of the *Poslanecká sněmovna* of the Czech Republic; Mr Přemysl SOBOTKA, President of the *Senát* of the Czech Republic.
2. **Czech Presidency of the Council of the EU**
   Guest Speaker: Mr Jan FISCHER, President of the European Council, Prime Minister of the Czech Republic.
3. **Current Economic and Financial Situation: Czech Presidency Perspective on its Recovery**
   Guest Speakers: Mr Eduard JANOTA, Minister of Finance of the Czech Republic;
   Mr Miroslav KALOUSEK, former Minister of Finance of the Czech Republic.
4. **European Commission's Annual Policy Strategy for 2010**
   Guest Speaker: Mr Vladimír ŠPIDLA, Commissioner for Employment, Social Affairs and Equal Opportunities.
5. **Role of the EU in Defending Democracy and Human Rights in the World**
   Guest Speaker: Mr Michael KOCÁB, Minister for Human Rights of the Czech Republic.
6. **Presentation of the 11th Bi-annual Report with Special Regard to the National Parliaments' Role in the Control of Europol and Evaluation of Eurojust**
   Introduction: Mr Luděk SEFZIG, Chairman of the Committee on EU Affairs of the *Senát* of the Czech Republic.
7. **Eastern Dimension of the European Neighbourhood Policy**
   Guest Speaker: Mr Jan KOHOUT, Minister of Foreign Affairs of the Czech Republic.
8. **Results of the Subsidiarity Check on the Proposal for a Directive on Standards of Quality and Safety of Human Organs Intended for Transplantation**
   Introduction: Mr Luděk SEFZIG, Chairman of the Committee on EU Affairs of the *Senát* of the Czech Republic.
9. **Adoption of the Contribution and Conclusions of the XLI COSAC.**

PROCEEDINGS:

1. Opening Session of the XLI COSAC

Welcome speeches were given by Mr Miloslav VLČEK, Speaker of the *Poslanecká sněmovna* of the Czech Republic, and Mr Přemysl SOBOTKA, President of the *Senát* of the Czech Republic.

Mr Miloslav VLČEK, Speaker of the *Poslanecká sněmovna,* welcomed the participants to Prague and noted the positive developments with regard to the EU parliamentary dimension during the Czech Presidency. He underlined the importance and mutual benefit of close cooperation and communication between national parliaments and the European Parliament, stressing that the exchange of information should be further improved. The XLI COSAC Meeting was also a good opportunity to share opinions on the current economic crisis, on which the EU has to stay united and to act with solidarity.

The Speaker of the *Senát,* Mr Přemysl SOBOTKA, drew the attention of the Conference to the important role of national parliaments in controlling the application of the principles of subsidiarity and proportionality, as a means to ensure that the EU's competences are

exercised within the limits defined by the Treaties. The Speaker informed the participants that on 6 May 2009 the Czech *Senát* had ratified the Treaty of Lisbon.

2. Czech Presidency of the Council of the EU
Guest Speaker: Mr Jan FISCHER, Prime Minister of the Czech Republic and President of the European Council.

In his introduction the Prime Minister, Mr Jan FISCHER, noted the crucial role of the EU parliaments in ensuring the democratic legitimacy of European integration and guarding the principle of subsidiarity.

Referring to the very recent change of the Government of the Czech Republic, Mr FISCHER underlined that it is the intention of the new administration to continue fulfilling, in a smooth and efficient manner, the tasks of the Council Presidency. He reaffirmed the three priorities of the Czech Presidency: Economy, Energy and Europe in the world, and reminded participants of the almost fifty legislative measures that had been adopted this far in the Presidency.

On the economic and financial crisis, the Prime Minister reaffirmed the urgent need to tackle its impact in a comprehensive and efficient manner. There was a need to put forward measures which are of immediate relevance for those citizens who are confronted with economic and social hardships as a consequence of the crisis. In this context, he made a specific reference to the discussions held at the Employment Summit on 7 May 2009 in Prague.

Referring to the crisis at the beginning of the Czech Presidency, Mr FISCHER underlined the urgent need for the EU and its Member States to work on long-term solutions to improve the EU's energy security. He also stressed that further measures to enhance energy efficiency in the EU are needed. The Presidency was contributing to the preparation of the EU's position at the upcoming United Nations Climate Change Conference in Copenhagen on 7-18 December 2009, a task that would be taken over by the forthcoming Swedish Presidency.

Furthermore, there was a need for the EU to assert its role as a global player in the economic and political spheres. He recalled the importance of the recent summit on Eastern Partnership in Prague, the relations with the Western Balkans and the official application of Albania for EU membership. Mr FISCHER emphasised the significance of entering into a dialogue with the new administration of the United States of America and President Barack Obama, especially as far as economic and security issues are concerned.

During the following debate the Czech Council Presidency was praised for its handling of a number of difficult challenges so far. Specific reference was made to the issue of energy security, the so-called gas and oil crisis, which affected the EU at the beginning of 2009. A number of speakers also referred to the current economic and financial crisis as well as its social consequences. Most underlined how well the Presidency had responded to these challenges. In this context, speakers underlined the importance of solidarity among EU Member States, of cohesive EU wide action, and warned against national protectionism. The establishment of the Eastern Partnership was also debated intensely. Several speakers valued it as an important foreign policy project which might also yield positive results as far as the EU's future energy security is concerned.

With a view to the ratification of the Treaty if Lisbon some speakers made critical remarks that the signature of the ratification bill by the President of the Czech Republic is still

pending. Others congratulated the Czech Parliament for the successful conclusion of the ratification procedure and stressed the importance of the entry into force of the Treaty of Lisbon as a precondition to deal with the challenges facing the EU and its Member States.

3. Current Economic and Financial Situation: Czech Presidency Perspective on its Recovery

Guest Speakers: Mr Eduard JANOTA, Minister of Finance of the Czech Republic and Mr Miroslav KALOUSEK, former Minister of Finance of the Czech Republic.

Ms Katerina JACQUES, Chairwoman of the Committee on European Affairs of the *Poslanecká snemovna* of the Czech Republic, introduced the debate.

The guest speaker, Mr Miroslav KALOUSEK, opened the debate by presenting the Czech Presidency of the Ecofin Council. In his opinion, the Ecofin ministers had taken all necessary steps to ameliorate the consequences of the current economic and financial downturn. The measures taken by the Council will make it possible to reduce the negative consequences for companies and households. The minister underlined that the European Union must remember that the most important role for ministers of finance was to focus on a sustainable economy in a long term. It was crucial for the future of Europe to continue discussions on sustainable growth, including, for instance, demographic problems. Mr KALOUSEK pointed to the importance of continued debate on a long term sustainable growth during the Council meetings. In his opinion, actions that the EU has to take should never be contrary to the tasks in the long run. Ecofin had succeeded in this respect.

On specific examples of the work in Ecofin, Mr KALOUSEK mentioned the political agreement on the Proposal for a Directive as regards banks affiliated to central institutions, certain own funds items, large exposures, supervisory arrangements, and crisis management as well as the work on the Recovery Plan for Europe. In this context, the minister underlined the successful negations with the European Commission and the European Parliament. He also mentioned the positive outcome of the G20 meeting in London in April 2009.

Mr KALOUSEK warned against three risks: protectionism, over regulation, and the danger of postponing the costs to coming generations. The economic situation demanded resources, but there was a large threat that it would be the future generations who would have to pay. The EU must be prudent in all its decisions.

The new Minister of Finance of the Czech Republic, Mr Eduard JANOTA, continued the introduction with his views on the effect of the economic crisis on the Czech Republic. The current crisis had had a different effect on his country, in comparison to most of the other Member States. This was because of the Czech banking crisis in 2001, following which the Czech Republic had adopted a new regulatory framework for its banking system. The minister also mentioning some remaining issues for the Ecofin Council during the Czech Presidency, in particular: the Report on the financial markets, and the discussions concerning tax havens.

A number of delegates underlined the importance of adequate social policy measures to improve the situation of those affected by the economic and financial downturn and expressed their concerns about rising protectionisms and tax havens, as obstacles to a functioning Internal Market. National parliaments should be constructive when it comes to the implementation of the decisions taken both on the EU and international levels.

In answering questions, Mr KALOUSEK pointed out that the economic crisis is global, and that Member States were affected in different ways. Therefore measures must be adjusted to different circumstances. The most important task in the current situation was to renew confidence in the financial markets. He also pointed out that the responsibility with regard to social policy lies at a national level. National governments were responsible for the national budgets and therefore for social policy. Mr KALOUSEK agreed on what had been said about protectionism, tax havens and the role of the EU as a global actor. He concluded by cautioning against establishing new funds or procedures.

4. European Commission's Annual Policy Strategy for 2010
Guest Speaker: Mr Vladimír ŠPIDLA, Commissioner for Employment, Social Affairs and Equal Opportunities.

Commissioner Vladimír ŠPIDLA emphasised that the cooperation between the European Commission and national parliaments, on bilateral and multilateral levels, was a crucial element of the interinstitutional dialogue with a view to building consensus in the framework of the European decision-making process He was pleased with the organisation by COSAC of a debate on the Annual Policy Strategy for 2010 (henceforth "APS 2010") and underlined the necessity of seeking a wide agreement on the APS 2010 which was all the more vital in the current institutional context where both the European Parliament and the European Commission were on the verge of a new term.

Mr ŠPIDLA highlighted the priorities of the Commission for 2010. He mentioned the follow-up of the Economic Recovery Plan and structural reforms under the Lisbon Growth and Jobs Strategy as the highest priority, and referred to actions aiming at enhancing the real economy, overhauling the regulation and supervision of the financial markets and tackling unemployment and maintaining social cohesion. He pointed out that after focusing its efforts in 2009 on contributing to the success of the Copenhagen Climate Change Conference the EU should work in 2010 on the implementation of the Climate and Energy package, adopted in December 2008. "Putting the citizen first" would be the third priority, under which the European Commission intended to develop policies related to the position and quality of life of individuals. It would focus on the area of Freedom, Security and Justice (implementation of the Stockholm Programme, improvement of judicial cooperation in criminal and civil matters, protection of fundamental rights, in particular as regards children) but would also develop actions in the field of public health (EU Health Strategy). In addition there were a number of dossiers that the EU would have to deal with as a World partner (the Doha Development Round, reformed international financial architecture, etc). The Commissioner finally made reference to the continuation of the policy of better regulation and transparency (reduction of the administrative burdens) and the start of a debate on the next EU multi-annual financial framework.

The discussion tackled a very broad range of issues: the social consequences of the current economic crisis, the improvement of the business environment for SMEs, the control of the EU long-term budget and the use of the European funds, and the fight against illegal immigration and the demand for minimum standards of criminal procedural rights in the EU. More specifically, a number of delegations criticised the weakness of the EC's proposals in the social area and emphasised the disappointing outcome of the recent Employment Summit in Prague. Mr Jan Jacob VAN DIJK (*Tweede Kamer*, Netherlands) asked if the document on Annual Policy Strategy would in the future become a Green Paper, allowing national parliaments to make contributions and consequently to play a more significant role in defining EU legislative priorities.

In his response, Commissioner ŠPIDLA first underlined the complexity of the issue of immigration. He referred to the current position of the EU that combined the control of legal immigration and the setting up of instruments in order to fight illegal immigration in the EU, as the European Border Management Agency FRONTEX which should be strengthened in 2010. Regarding the introduction of minimum standards of criminal procedural rights in the EU, the guest speaker indicated that this topic would be dealt with during the incoming Swedish Presidency. Then Mr ŠPIDLA focused on the economic and social crisis. He stated that, despite the budgetary difficulties arising in a growing number of Member States, the Stability Pact and its criteria remain valid in the long term. He emphasised the budgetary impact of the European policy on climate change and sustainable development and specified that the EU should be prepared to handle the social consequences of the transition towards a low-carbon economy. On the Employment Summit, he argued that it had to be considered as the first step of a process in which it was possible to go deeper. Moreover, he recalled the reform of the European Globalisation Adjustment Fund whose scope was enlarged in order to cover redundancies caused by global financial and economic crisis. Finally, answering to Mr VAN DIJK's question, he stated that, even if APS did not belong to the category of Green Papers, there was no major difference in terms of practice, considering that the involvement of national parliaments was useful and welcome in both cases.

5. Role of the EU in Defending Democracy and Human Rights in the World
Guest Speaker: Mr Michael KOCÁB, Minister for Human Rights of the Czech Republic.

Ms Kateřina JACQUES introduced this topic by conveying apologies of Mr Václav HAVEL, the former President of the Czech Republic, who was unable to attend this meeting because of his state of health. Mr HAVEL had recorded a video address.

Mr HAVEL recalled the universal character of human rights and urged emphasis on human rights and democracy in the conclusions of the meeting. Too often in final statements of international conferences, the topic of human rights was ignored and tended to become an accessory subject. The argument evoked to justify this approach was always the same: governments which do not pay sufficient respect to human rights should not be provoked because of the economic interests at stake. In the opinion of Mr HAVEL, the EU should promote these fundamental values from which it draws its essence and without which it would not exist.

Mr Michael KOCÁB stressed the need for swift and effective action in terms of human rights. During the recent negotiations which had led to the formation of a new Czech Government, it had been stressed that human rights must be protected in times of crisis and that the Ministry for Human Rights should continue its work in spite of the interim nature of the new Government.

The minister referred to the European Parliament's Resolution adopted on 7 May 2009 on the Annual Report on Human Rights in the World 2008 and the European Union's policy on the matter. He recalled that, according to this Resolution, "the fight for human rights is a long-term one" and that "the EU must maintain its leading role in the fight". There is an important "demand for Europe" in this area, to which an exemplary immigration policy and rigorous and binding controls on Member States' practices in the fight against terrorism will respond. The change of administration in the United States of America should enable a new orientation in the framework of the fight against terrorism. Mr KOCÁB welcomed the will expressed by the President of the United States of America, Mr Barack Obama, to find

solutions to conflicts through dialogue. The EU should be a community that promotes human rights and democracy in the world alongside the United States of America.

Mr KOCÁB highlighted the fact that the EU should never give up emphasising the universality of human rights. No economic interest prevailed over solidarity with those who suffer.

During the ensuing debate, several speakers expressed their respect for Mr HAVEL and echoed his speech, recalling the role that the EU had to play in the promotion of human rights and democracy in the world. In this regard, some parliamentarians stressed the need for the EU to ensure that countries with which it trades respect human rights and democratic standards. The important role of the Council of Europe in this area, as well as that which could be played by national parliaments, have also been underlined. A number of speakers expressed their concern that the fight against terrorism could undermine protection of privacy. It was also underlined that the current economic crisis was actually a moral crisis and that it should not impede efforts in promoting human rights and democracy. According to many speakers, the Treaty of Lisbon would provide additional tools for promotion and protection of democracy and human rights.

When commenting on the concerns expressed about the increase of extremism, anti-Semitism and xenophobia in Member States, Mr KOCÁB informed the delegations about policy measures in the Czech Republic to fight neo-Nazism. He cited the three pillars of the campaign of the Czech Government: (i) setting up of a permanent conference to study the phenomenon; (ii) an agreement of all political parties to act against the surge of extremism; and (iii) specific support measures of the state *vis-à-vis* the victims of extremism.

In response to the comments made by participants about the protection of children's rights and gender equality, the minister noted that the Czech Republic was not yet in step with some Member States. He mentioned the campaign to "Stop violence against children" which had been reluctantly accepted by the Czech population. As to the concerns on protection of private life, Mr KOCÁB cautioned that we should not give in to the panic created by the fear of terrorism and overdo legislation at Member State level.

6. Presentation of the 11th Bi-annual Report with Special Regard to the National Parliaments' Role in the Control of Europol and Evaluation of Eurojust

An introduction was given by Mr Luděk SEFZIG, Chairman of the Committee on EU Affairs of the *Senát* of the Czech Republic.

The 11th Bi-annual Report of COSAC consisted of four chapters (i) Parliamentary control of Europol and evaluation of Eurojust, (ii) The role of the EU parliaments in the protection and promotion of human rights in the world, (iii) Representatives of national parliaments to the EU, and (iv) Evaluation of COSAC Bi-annual Reports. The chairman, Mr Luděk SEFZIG, presented them and thanked the COSAC Secretariat for having prepared this document, which had served also as a basis for discussions at the meeting. Mr SEFZIG then went on to open the debate on parliamentary oversight of Europol and Eurojust. In his speech he drew on findings of the relevant Chapter of the 11th Bi-annual Report as well as discussions in the XL COSAC in Paris.

Mr SEFZIG underlined that all parliaments seemed to share the conviction that democratic oversight of Europol and Eurojust is of primary importance and are therefore happy to carry it out. The primary question which EU parliaments were facing was on the form of the

association of national parliaments and the European Parliament in order to scrutinise Europol and evaluate Eurojust. The preferred option seemed to be to use one of the existing interparliamentary meetings rather than creating a new kind of meeting. The exact purpose, remit, content and procedures of such interparliamentary oversight of Europol and Eurojust would still need to be decided. A logical tool to use would be the annual reports of both institutions. Parliaments would first carry out scrutiny of the activities of the two institutions "at home" and then share their findings in an interparliamentary meeting. The director of Europol and president of the College of Eurojust would be present and the findings of the meeting would be made public.

It had been stressed that even though parliaments are not yet prepared to take positions on the specific form of such interparliamentary meetings, the debate on its characteristics should continue so that parliaments would be ready to carry out the relevant provisions of the Treaty of Lisbon if it enters into force. The chairman also stressed that the European Commission should consult national parliaments before adopting a proposal in this context.

In the ensuing debate many speakers supported the principle that interparliamentary oversight of Europol and Eurojust should make use of existing forms of interparliamentary cooperation. The oversight must not hinder the work of the organisations and there should be no political interference in the operational activities of Eurojust and Europol. A number of delegates were of the opinion that COSAC was a good platform to continue discussions on the future form of the oversight and they called on parliaments to formulate further their views in order to continue discussions in the next COSAC meeting. Some speakers expressed themselves in favour of a strong role of COSAC, for example to coordinate the meetings where Europol and Eurojust issues would be discussed. Other delegates stressed that the organisation of interparliamentary oversight should be flexible and parliaments should be free to decide the composition of their delegations but at the same time they should strive to achieve certain continuity.

As a final point of the debate, Mr Hubert HAENEL (*Sénat*, France), on behalf of the former COSAC Presidency, reminded delegates that both the director of Europol and the president of Eurojust have pronounced themselves in favour of interparliamentary oversight of their institutions.

The chairman summarised the debate saying that at this point no form of meeting for interparliamentary oversight of Europol and Eurojust could be acknowledged as the best suited and that the debate could not be concluded. He invited delegations to continue discussions in their parliaments and the future Swedish Presidency to identify the best alternatives for such interparliamentary oversight.

7. Eastern Dimension of the European Neighbourhood Policy
Guest Speaker: Mr Jan KOHOUT, Minister of Foreign Affairs of the Czech Republic.

In opening this point the Chairman, Mr Ludek SEFZIG, welcomed the representatives of the Parliaments of the Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus and Georgia. They had been invited as special guests to this COSAC meeting, as this point of the agenda was of particular interest to those countries. The Parliaments of the Republic of Moldova and of Ukraine had also been invited, but had not responded.

Mr Jan KOHOUT started his presentation by underlining that the Eastern Partnership was one of the main priorities for the Czech Presidency. It had been formally established by the Summit held on 7 May 2009 in Prague. The Partnership would further enhance the relations

between the European Union and the six partner countries. So far, the Union had lacked a coherent policy towards those countries. The joint declaration of the Summit was an expression of an inclusive policy, and a platform for creating the necessary conditions for a closer relationship.

With the joint declaration, including the principles laid down therein, as a platform, the Partnership would develop on the basis of a broad consensus. This was supported by all states concerned, as well as the European Parliament. The text of the joint declaration as well balanced, ambitious and open to new initiatives. The EU had an interest in stability in the region on its eastern border, and its policy would be pro-active. The Eastern Partnership was a message of solidarity in developing the market economy and promoting democracy and human rights in the partner countries.

Four "thematic platforms" would hold their initial meetings in June 2009. Each platform would adopt a set of objectives, and a corresponding work programme. Reports will be given to annual meetings of Ministers of Foreign Affairs within the Eastern Partnership. Furthermore, Members of Parliament from the EU and the partner countries were invited to come up with ideas regarding an "EU-Neighbourhood East Parliamentary Assembly", as proposed by Mr Hans-Gert Pöttering, the President of the European Parliament.

Many participants took the floor in the debate that followed. Almost all of them welcomed the fact that the Eastern Partnership had now become a reality. It would enhance the security of the region and for the entire EU, helping to create peace and stability. The EU must be ready to improve its co-operation with neighbours wishing to move forward in developing democracy, human rights, rule of law and freedom for their citizens. In one intervention, however, concern was voiced that there might not be sufficient commitment among EU Member States for yet another initiative.

Representatives of the parliaments of the partner countries also warmly welcomed the Eastern Partnership. It would bring their bilateral relations with the EU to a new level, as well as facilitate multilateral co-operation in a number of fields, such as the energy sector, in transport, and in combating terrorism. But other aspects were important too: visa facilitation, association agreements, etc. These would be signals giving confidence that the efforts to "europeanise" would be worthwhile.

Among other areas, where the Eastern Partnership could be an important tool for promoting multilateral co-operation, free trade, increased mobility of persons, solution of minority issues, parliamentary contacts and contacts with NGO's were mentioned. A few participants felt that social development and human rights issues had not been given adequate attention in the Commission's communication on the Eastern Partnership.

In some interventions, it was pointed out that in a way, the Eastern Partnership concerned the whole Black Sea region. Turkey was, of course, a key partner in this region, and would be able – and ready, as representatives of the Turkish Parliament emphasised – to contribute considerably. The Partnership should be seen as a complement, and coordination was important to avoid overlapping with the already existing initiatives in the region.

It was stressed that the Eastern Partnership, as the "Eastern Dimension" of the European Neighbourhood Policy, should not be seen as a competitor to the "Southern Dimension". However, sufficient funding was necessary for the Eastern Partnership to bear fruit. Other participants, while agreeing that it should be properly funded, said that this had to be on the

basis of one-third of funds for the Eastern Partnership and two-third for the EURO-MED co-operation. It was underlined that both were needed. One participant suggested that while there might be a budgetary dilemma it should be possible to find the necessary means, provided there was a readiness to hold back on other expenditure.

Many emphasised that the Eastern Partnership should not be considered to be "against" Russia, or indeed "against" any other state. On the contrary, the initiative could be beneficial to Russia as well as to Turkey, who could, for their part, give positive contributions. Stability and economic development in the region, but also safeguarding the rule of law and human rights should be in the interest of all. It was essential to have good communications with both Russia and others on this initiative: the success of it might, one speaker pointed out, depend on how relations with Russia and Iran developed.

Ms Anna KINBERG BATRA (*Riksdagen,* Sweden) thanked the Czech Presidency for its active pursuit of the Eastern Partnership and expressed a determination to take the project forward during the upcoming Swedish Presidency.

In summing up the debate, Mr KOHOUT said he was glad that it showed that the Eastern Partnership had the support of parliaments. There was a need for the EU to define its relations to its eastern neighbours. The concerns that had been expressed by some could be answered, he felt. The Summit had given the Partnership a good start, and it would be possible for the Czech and the following Presidencies to develop it further. The partner countries should also put forward their ideas. For the future he considered that contacts concerning the Eastern Partnership should be pursued not only with the European Parliament, but with national parliaments as well.

8. Results of the Subsidiarity Check on the Proposal for a Directive on Standards of Quality and Safety of Human Organs Intended for Transplantation

Mr L. SEFZIG, Chairman of the Committee on EU Affairs of the Czech *Senát*, introduced this point of agenda by expressing satisfaction with the results of the COSAC-coordinated subsidiarity check on the Proposal for a Directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation (2008) 818 final). In total 27 parliaments or parliamentary chambers from 20 Member States had concluded the subsidiarity check and had sent their reports to the COSAC Secretariat answering the questionnaire within the eight-week deadline provided for by Protocol 2 to the Treaty of Lisbon. Additional 4 parliaments or parliamentary chambers from 4 Member States had started the subsidiarity check, but due to the parliamentary recess had had difficulties in completing it within the set deadline. The overwhelming majority of participating parliaments or parliamentary chambers, 25 out of 27, had found no breach of the principle of subsidiarity. One chamber had found a breach and one parliament had requested additional information from the European Commission to be able to take a final decision.

Mr SEFZIG also recalled the decisions of the COSAC Chairpersons' Meetings in Paris on 7 July 2008 and in Prague on 10 February 2009 to conduct two subsidiarity checks in 2009, namely, on (i) the Proposal for a Regulation of the European Parliament and of the Council on the applicable law, jurisdiction, recognition of decisions and administrative measures in the area of successions and wills (2008/JLS/122), and (ii) the Proposal for a Framework Decision on criminal rights in criminal proceedings (2009/JLS/047). The chairman noted that adoption of the first Proposal had been delayed and that there were indications that the

European Commission may decide not to adopt it during its current term. The incoming Swedish Presidency was asked to clarify the matter during the second half of 2009.

During the ensuing debate, speakers expressed concern about inadequate justification of the Proposal by the European Commission. This complicated thorough analysis of the Proposal with regard to its compliance with the principle of subsidiarity. One suggestion for improving the justification of the Commission's proposals would be a template indicating a set of questions that must be answered by the Commission before a proposal was adopted.

With regard to tight time constraints, a number of delegations indicated that the scrutiny of the Proposal during a parliamentary recess posed a considerable problem for a number of parliaments. Some Members recalled the request to suspend the eight-week subsidiarity check period during parliamentary recesses, especially, for August.

A number of delegations pointed out a need to further improve communication between national parliaments and between chambers of bicameral parliaments. IPEX was cited as a good communication tool, but it was stressed that it was too slow to be used effectively. Additional tools were needed. Some delegations pointed out that a common understanding of the concept of subsidiarity might be helpful. While another delegation pointed out that this concept is essentially a political one and cannot be objectively defined. A proposal was made to produce a template or procedural guidelines for national parliaments' comments to the Commission. This was seen as useful in dealing with the issue of time constraints, especially for bicameral parliaments.

A number of speakers welcomed the fact that an increased number of parliaments had chosen to evaluate the Proposal on grounds beyond those provided for under Protocol 2. Attention was drawn to the fact that a number of parliaments had used the informal framework of the Commission's political dialogue with national parliaments and voiced their opinion on the Proposal's compliance with the principle of proportionality, on its legal basis and its substantive provisions. The "Barroso initiative" was seen as a very useful tool in voicing national parliaments' views on European Commission's initiatives and in promoting their relations *vis-a vis* the Commission and their national governments.

A good partnership between COSAC and the European Commission was seen as a key for effective implementation of the relevant provisions of the Treaty of Lisbon. Therefore, some delegations called for reinforced bilateral contacts between COSAC and the Commission and suggested that a Member of the Commission should participate at the COSAC debates on the subsidiarity checks.

9. Adoption of the Contribution and Conclusions of the XLI COSAC

Before the XLI COSAC meeting the Czech Presidency put forward a draft Contribution and Conclusions of the Conference and called on national parliaments and the European Parliament to submit amendments to the draft. Before the start of the XLI COSAC meeting the Presidency had submitted a second draft of the Contribution and Conclusions. After a debate on additional proposals of national parliaments and the European Parliament to amend the second draft, the Conference adopted the Contribution and Conclusions of the XLI COSAC by consensus.

Both documents are attached to these minutes.