

Minutes of the Meeting of the Presidential Troika of COSAC
Assembleia da República, Lisbon - 9 July 2007

PRESENT AT THE MEETING

Mr. Vitalino Canas (Assembleia da República, Portugal), Mr. Anton Kokalj (Drzani Zbor, Slovenia), Mr. Vincenc OTONIČAR (Drzavni Svet Republike, Slovenia), Mr. Kurt Bodewig (Bundestag, Germany), Mr. Wolfgang Gibowski (Bundesrat, Germany), Mr. Edward McMillan-Scott and Mr. Enrique Barón Crespo (European Parliament).

AGENDA

1. Opening of proceedings and adoption of the agenda of the Troika meeting
2. Adoption of the agenda of the COSAC Chairpersons Meeting
3. Debate and adoption of the agenda of the XXXVIII COSAC (Estoril)
4. Adoption of the Outline of the 8th Biannual Report
5. Methodology concerning the future subsidiarity and proportionality checks
6. COSAC Secretariat
7. AOB

PROCEEDINGS OF THE SITTING

1. Opening of proceedings and adoption of the agenda of the Troika meeting

The meeting was chaired by the Chairman of the European Affairs Committee of the Assembleia da República, Mr. Vitalino Canas, who welcomed the delegations. He put a special emphasis on the fact that Slovenia took part in the Troika meeting for the first time. Mr. Canas introduced the agenda for the Troika meeting.

Mr. Bodewig asked for the floor to introduce a proposal concerning the participation of National Parliaments in the IGC. The Chair then proposed to add a new item to the agenda of the Troika meeting, immediately before agenda point 7. "Any other business."

This suggestion was accepted and the agenda was adopted as follows:

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2. Adoption of the agenda of the COSAC Chairpersons Meeting

Mr. Canas outlined the agenda of the Chairpersons' meeting in Lisbon.

Mr. Bodewig took the floor to suggest a discussion about the ratification process of the Reform Treaty. The Chair pointed out that this issue could be raised during the debate with the Minister of State and Foreign Affairs of Portugal about the Priorities of the Portuguese Presidency. Mr. Kokalj agreed and added that the agenda was very long already. The draft was unanimously adopted by the Troika.

3. Debate and adoption of the agenda of the XXXVIII COSAC (Estoril)

Mr. Canas presented the agenda for the XXXVIII COSAC on 14 to 16 October in Estoril. He pointed out that two changes had to be introduced concerning the debate about the EU Mediterranean Dimension. The Minister of Foreign Affairs of the Arab Republic of Egypt is unable to attend. An invitation was extended to the Foreign Affairs Minister of the Kingdom of Morocco, who had already confirmed. The Minister of State and Foreign Affairs of Portugal had also been invited for this debate.

Mr. Bodewig recalled the letter sent by the Chairman of the Committee on EU Affairs of the Slovak Republic about the timely availability of the Council meeting agendas to National Parliaments, and asked if a specific item about this subject was to be included in the agenda. Mr. Canas noted that it did not seem necessary to have a new item on the agenda, since this topic could be discussed in the debate with the Portuguese Prime Minister about the Future of Europe. The Chair suggested sending a letter to the Council Presidency raising this issue, and to inform the Chairpersons about this initiative.

Mr. McMillan-Scott suggested that forthcoming Presidencies consider organising the Troika meeting after the political group meetings in future COSAC meetings, so that wishes of the political groups could be discussed by the Troika. He added that the EPP-ED Group had already made this request in the past.

The draft agenda was unanimously adopted by Troika.

Mr. Canas informed Troika about a letter from the Parliament of Georgia asking to include an item on the agenda dedicated to visa policy agreements, to which those Parliaments involved should be invited. The Chairman recalled that special guests should only be invited if there was a topic of their special interest on the agenda. He considered that visa policy agreements were not a topic for COSAC to discuss, but that special guests could be invited to participate in the topic *Future of Europe*. Both Mr. Bodewig and Mr. Kokalj warned against setting a precedent, because several other countries could come up with their own proposals to be included in the agenda. The Troika therefore concluded not to invite any special guests to the Conference in Estoril, according to this criteria.

4. Adoption of the Outline of the 8th Biannual Report

Mr. Canas introduced the outline of the 8th biannual report to be prepared by the COSAC Secretariat. It was endorsed by the Troika. A questionnaire will be sent to all National Parliaments immediately after the Chairpersons Meeting with the purpose of providing the basis of Chapters 1, 2, 3 and 5.

The Portuguese Presidency also asked the COSAC secretariat to present a separate document with proposals made by the delegations (in accordance with Articles 7 and 7.1 of the Rules of Procedure) for topics that COSAC should deal with in 2008. Mr. Kokalj raised some doubts about the binding nature of these proposals. Mr. Canas specified that this document would only contain a summary of topics that EU Affairs Committees would like to discuss in the near future in the framework of COSAC. It would not be binding the forthcoming presidencies in any way. The same procedure had already been used by the UK presidency in 2005.

5. Methodology concerning the future subsidiarity and proportionality checks

Mr. Canas presented the letter from the Chairman of the Committee on EU Affairs of the Czech Senate, with concrete proposals for a subsidiarity check in 2007. The Chair recalled the methodology agreed at the XXXVII COSAC in Berlin stating that at least two subsidiarity and proportionality checks should be conducted every year in the framework of COSAC. Mr. Canas noted that the proposal made by the Czech Senate would be an exception to this methodology that would allow National Parliaments to conduct a check before the end of 2007. Out of the five proposals mentioned in the letter, the one most likely to be adopted in due time was the Council Framework Decision on Combating Terrorism to be published 25.9.2007. Mr. Canas declared the Presidency's support of this initiative and asked for the consent of Troika to announce it to the Chairpersons during the opening session of the meeting. The only remark was made by Mr. Bodewig who suggested that the time frame to conduct the subsidiarity and proportionality check should be 8 weeks, as foreseen in the IGC mandate.

The initiative was adopted by Troika. Provided the the consent of the Chairmen, the COSAC Secretariat would be asked to prepare the necessary arrangements for this check.

6. COSAC Secretariat

a) Mr. Canas informed the Troika that 17 letters of intent had been sent by the National Parliaments/Chambers that wish to participate in the co-financing of the permanent member of the COSAC Secretariat. The most recent letter was sent by the Speaker of the Assembleia da República. Mr. Bodewig and Mr. Gibowski announced that the Bundestag and the Bundesrat would also send their letters shortly.

b) Mr. Canas also stressed that the XXXVIII COSAC should appoint a new permanent member of the Secretariat for the period 2008-2010. National Parliaments would be asked to put forward suitable candidates for the post until then.

c) The Chair recalled the consensus reached in Berlin concerning the amendment of the COSAC Rules of Procedure on the basis of the proposal by the German Presidency. The XXXVIII COSAC in Estoril would put the Troika proposal to a vote in order to enshrine the role of the Secretariat in the Rules of Procedure according to the Berlin consensus. The Troika appreciated the initiative of the Italian Parliament to develop the proposal presented in Berlin even further, but considered that at this moment it was very difficult to reopen the debate, since this might endanger the compromise already established. The Chair would speak to the Italian colleagues in order to thank them for their cooperation and to ask them to understand the difficulties mentioned above.

d) Concerning the EP representative in the COSAC Secretariat, Mr. Canas referred to the rules defined in the Rome Mandate according to which "*the term of office for the officer from the European Parliament shall be eighteen months*". He pointed out that the decision of the European Parliament to re-nominate the current member of the Secretariat contradicted the spirit of the Rome negotiations and the practice followed until now. The majority of National Parliaments shared the understanding that the official representing the EP in the Secretariat shall be replaced every 18 months, so this person would not become become *de facto* permanent member, given that the EP already belongs to the Troika permanently. The EP had decided to interpret this differently and to re-appoint the same official for another period of 18 months stating that the rules needed clarification. Hence, the Presidency proposed to introduce a clarification in the amendment of the Rules of Procedure: "*The term of office for the official of the EP is non renewable*".

Mr. McMillan-Scott pointed that the rules were silent on the possibility of renewal. The EP would agree to the proposal made by the Presidency, but only if this did not affect the current nomination.

Mr. Canas considered this to be a matter of principle. The rule was very clear from a legal point of view. Mr. Bodewig said that a unilateral decision taken by the EP could not be accepted, because this might send the wrong signals, which could open the floor to discussions about the role of the European Parliament in the Secretariat and COSAC itself. Support has been given to the EP throughout every difficult moment; the EP should bear in mind that cooperation partners should respect the commitments they assume. Therefore, Mr. Bodewig encouraged the EP to withdraw its recent re-nomination.

Mr. Gibowski agreed, adding that the EP decided to move ahead with the nomination without consulting the Troika; this could not be accepted. Furthermore, a decision on this cannot be postponed.

Mr. McMillan-Scott insisted that the Rome mandate was silent about the possibility of renewal, and that the official was going to remain in office since the amendment of the Rules of Procedure would only be adopted in October. Mr. Canas stressed that the rule is clear for everyone but the EP. He then proposed a compromise solution: the official would remain in office until October when the new Rules of Procedure would be amended. After that, and no later than by the end of 2007, the EP would nominate a new representative for the following 18 months. Mr. Bodewig agreed.

Mr. McMillan-Scott underlined that the EP did not want to break the rules. He said that this proposal was acceptable in principle but that he would need further discussions in the following days with the Troika

members before assuming a final position. Mr. Canas urged the EP to clarify as soon as possible whether this proposal was acceptable.

7. Participation of National Parliaments as observers in the IGC

Recalling the Contribution of the XXXVII COSAC in Berlin and the IGC Mandate approved by the last European Council, Mr. Bodewig presented a proposal with the objective of asking the Council Presidency to invite the Chairmen of the Portuguese, German and Slovenian EU Affairs Committees as observers to the IGC, provided that there was a consensus among the Chairmen on this.

Mr. Canas considered this to be a good proposal and suggested that, if a consensus was reached, the Troika could take up contacts with the Council Presidency asking it to consider this proposal. As an alternative, the possibility of convening a Working Group under 2.6 of the COSAC Rules of Procedure that would follow the work of the IGC and report to the XXXVIII in Estoril could also be discussed.

Mr. McMillan-Scott declared that he would support the idea in general, but suggested that the wording of the wording of the proposal should avoid giving the impression that COSAC would assume an institutional role.

The Chair asked the German delegation to redraft the proposal accordingly so it could be distributed to all delegations in the following morning as a basis for a discussion.

8. Any Other Business

No other business.