

**MINUTES OF THE XXXVI COSAC
HELSINKI
20-21 NOVEMBER 2006**

Agenda

1. Opening of the proceedings and adoption of the agenda
2. Subsidiarity and Proportionality Check, Biannual Report, Co-financing of the COSAC Secretariat
3. State of Play of the Finnish EU Presidency
4. The Mid-term Review of the Hague Programme
5. Northern Dimension and Russia
6. Adoption of Contribution and Conclusions

Proceedings of the Sitting

IN THE CHAIR: Mr. Jari VILÉN, Chairman of the Grand Committee of the Eduskunta.

Monday, 20 November:

1. Opening of the proceedings and adoption of the agenda

Mr. Vilén welcomed all participants and opened the meeting. A special welcome was extended to the delegation from the Ukrainian and Norwegian parliaments, that took part in a COSAC meeting as Special Guests.

2. Subsidiarity and Proportionality Check; Biannual Report; Co-financing of the COSAC Secretariat

a) Subsidiarity and Proportionality Check

Mr. Vilén gave a short overview on the results of the subsidiarity and proportionality check on the Commission Proposal on applicable law and jurisdiction in divorce matters¹, initiated by COSAC in July 2006. In total 27 parliamentary chambers from 20 member states took part in the check. Most of them did not find a breach of the principles of subsidiarity or proportionality; however about one third of the participants found that the Commission has given an insufficient justification for its proposal. It became clear that the understanding of the principles of subsidiarity and proportionality is somewhat different among parliaments.

During the debate it was stressed that COSAC is regarded as the right forum for the implementation of the subsidiarity and proportionality checks. Parliaments consider the checks useful and support their continuation. There should be an evaluation of the current practice of the checks in order to improve the exchange of best practices in the future. In this context it was underlined that parliaments should develop a common understanding of the principles of subsidiarity and proportionality as well as enhance their cooperation. IPEX could be a helpful tool for information exchange, but parliaments usually provide their contributions in their national language only.

Furthermore, it was suggested that the Annual Policy Strategy of the Commission could serve as a base document for the selection of topics for future subsidiarity checks. COSAC is generally attributed an

¹ Proposal for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters, COM(2006) 399 final of 17 July 2006.

important coordinating role with regard to the checks. Some parliaments suggested that the COSAC Secretariat could help to submit parliaments' statements to the EU institutions in a more organised way.

The Chair concluded that the current subsidiarity and proportionality check on the Commission Proposal for the full accomplishment of the Internal Market for Postal Services² will offer an excellent opportunity for a general evaluation of the checks under the German Presidency.

b) Biannual Report

The conference took note of the sixth Biannual Report of the COSAC Secretariat and acknowledged the Secretariat's work.

c) Co-financing of the COSAC Secretariat

The Chair summarised the results of the working group on co-financing of the permanent member of the COSAC Secretariat: All parliaments are of the opinion that the COSAC Secretariat is helpful. Most parliaments agree that a sustainable way of financing of the permanent member should be introduced as the current solution prevents many good candidates from applying for the post. The solution would be a coalition of volunteers to contribute to the financing. Mr. Vilén suggested that the Secretariat should be stipulated in the Rules of Procedure; a formal decision on this could be taken under the Portuguese presidency.

In the following debate the majority of parliaments expressed their support for the idea of co-financing the permanent member of the Secretariat. Only the Italian and the Hungarian delegation argued against the co-financing mechanism as they consider a mere rotating system of secretariat members more suitable than having a permanent member. According to the Italian delegation the structures of the Secretariat should be fixed in the Rules of Procedure. The German and the Portuguese delegation as representatives of the two incoming presidencies supported the idea of co-financing as well as of stipulating the COSAC Secretariat in the Rules of Procedure.

The Chair concluded that everybody agreed on the fact that the Secretariat has improved the work of COSAC. He pointed out that 15 parliaments have expressed their will to contribute to the co-financing mechanism so far.

3. State of play of the Finnish EU Presidency: Prime Minister of Finland Mr. Matti Vanhanen

In his introductory remarks, Prime Minister Vanhanen summarised what had been accomplished so far during the Finnish Presidency and outlined some of the work still to come.

The outcome of the Lahti Summit in terms of innovation was very good. Europe needs to focus on Intellectual Property Rights, Standardisation and Technology Platforms. The European Institute of Technology should go ahead. Earlier, results were achieved with the 7th Framework Program on Research. Energy has also been a major issue. Its importance is universally acknowledged and the Lahti Summit was a milestone in developing the EU's external energy policy.

In terms of unforeseen events, the crisis in Lebanon was the presidency's first great trial. The EU performed well. A firm common position was agreed on and subsequently the EU played a decisive role in launching and sustaining a robust UN mission in Lebanon.

² Directive of the European parliament and of the Council amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services, COM(2006) 594 final of 19 October 2006.

One of the main external priorities for the Finnish Presidency is Russia. The achievement at the Lahti summit was the unequivocal recognition by all EU member countries that a strong common approach to Russia is needed. Mr. Vanhanen said he would like the EU-Russia Summit to demonstrate a shared desire to put the relation on a new footing. In concrete terms, that means a decision to start negotiating a new comprehensive agreement tailored to the strategic partnership with Russia.

The Finnish Presidency is a firm believer in enlargement. The process has been a great success and Mr. Vanhanen said he would look forward to welcoming Bulgaria and Romania as new members from the beginning of 2007. The Presidency's aim is to consolidate a common understanding on the future of the enlargement process. Starting accession negotiations with Turkey in October 2005 was a great achievement. Turkey has made commitments regarding the customs union which it has to honour. The presidency aims to negotiate a solution that would benefit all parties and avert a crisis in Turkey's accession negotiations. The Presidency has no intention of raising the Turkey issue at the December European Council. Decisions will be made before that.

The chairman, Mr Vilén, thanked the Prime Minister and opened the floor. Delegates voiced their thoughts on the points raised by the Prime Minister, especially on future enlargements and the union's integration capacity. Several comments emphasised that no new criteria should be put to the applicant countries over which they have no control. Reorganising the internal rules of the EU should not jeopardise the enlargement process. Some said a Treaty reform is a precondition for any new enlargement. Prime Minister Vanhanen referred to decisions in June Council and said that the union should be honest with Croatia and Turkey; "if they are ready, we should accept them as members." The question of Turkey also raised some comments. The Prime Minister underlined that a broader approach must be tackled with Turkey and that instead of looking back, one should look forward. Future decisions on how to resolve the current situation will be based on Commission proposals.

4. Justice and Home Affairs the Mid-term Review of the Hague Programme

The topic was introduced by a statement of Commissioner Frattini focussing on the passerelle clause, the enlargement of the Schengen area, various issues in the fight against terrorism and organized crime, questions of illegal and legal migration and the subsidiarity and proportionality check on a proposed directive on matrimonial matters recently concluded by national parliaments. It was followed by a debate between the Commissioner and the COSAC delegations.

Commissioner Frattini stressed the importance of establishing a European area of freedom, security and justice, a policy field in which - according to recent polls - 60 % of the EU citizens expect the EU to achieve concrete and tangible results. He recalled the Commission's initiative to make use of the so-called passerelle clause in Article 42 TEU which would make the decision making procedures of the EU in the third pillar more efficient, bring additional Justice and Home Affairs matters under the jurisdiction of the European Court of Justice and increase the role of the European Parliament. The abolition of the unanimity requirement would also strengthen the European Union's capacities in combating terrorism and organized crime. He reported that this initiative had not met with sufficient support by the Member States at the informal Justice and Home Affairs Council in Tampere Mr. Frattini declared himself strongly in favour of the Constitutional Treaty but nevertheless suggested that the debate should be re-opened if the constitutional debate could not be re-launched within the coming months.

The debate revealed that some delegations felt that the EU needed more efficient and faster decision making in the area of Justice and Home affairs, while others denounced the initiative as "cherry picking" from the Constitutional Treaty or voiced concern about legal uncertainty if the passerelle would be activated. It was also suggested to use the flexibility clause introduced by the Amsterdam Treaty in order to achieve progress in the field of Justice and Home Affairs with a limited number of Member States.

In an effort to minimise delays in the enlargement of the Schengen area towards the new Member States, Commissioner Frattini announced talks with the incoming Portuguese presidency in order to prepare the

next steps. Faced with a series of critical remarks by a number of delegations from the new Member States and the UK House of Lords, he explained that the current delay of about six months for the implementation of SIS II was caused by merely technical reasons. If the necessary decisions could be taken during the Portuguese presidency, accession to the Schengen area could be possible by the end of 2007 for all Member States fulfilling the criteria. Although he hoped for a simultaneous accession of all new Member States, the Commission would assess every Member States according to its own merits.

For November 2007, Commissioner Frattini announced a new initiative based on Article 20 TEC, to ensure that every citizen of the Union be entitled to protection by the diplomatic or consular authorities of any Member State in third countries. The establishment of common consular offices in a number of pilot countries should also be considered.

Concerning cooperation with national parliaments, Commissioner Frattini reported that the Commission received feedback from national parliaments of 13 Member States on the proposed regulation on jurisdiction and applicable law in matrimonial matters. He underlined the importance of such statements, appreciated the expectations of national parliaments in this respect and declared himself ready take opinions of national parliaments duly into account.

Tuesday, 21 November

5. Northern Dimension and Russia

The Speaker of the Finnish Eduskunta, Mr. Paavo Lipponen, placed the EU-Russia relations high on the Finnish presidency agenda. The forthcoming EU-Russia summit on 24 November therefore was a real opportunity for both sides for strengthening a beneficial economic interdependence. Energy issues in particular served the interests of both parties. Mr. Lipponen emphasised the need to work with Russia in a spirit of partnership and equality. In case of conflicts with Russia, the EU Member States had to show solidarity, but the negotiation of the new Partnership and Cooperation agreement (PCA) should not be taken hostage.

Mr. Lipponen underlined that all Member States shared the same aims towards Russia, i.e. democracy, a market economy and the rule of law. He gave an overview of the evolution and progress of the Northern Dimension, which had become part of the EU's policy towards Russia and gave some examples for common projects implemented within the framework of the Northern Dimension.

Mr. Andrej Klimov, the Chairman of EU Affairs Sub-Committee of the International Affairs Committee of the Russian Duma, reminded of the beginning of the Northern Dimension project ten years ago. The mechanism functions well. Mr. Klimov hoped that the forthcoming EU-Russia summit would allow steps forward regarding partnership and cooperation. Russia is prepared to open a new stage in this cooperation on the basis of a framework document from the 1st of January 2007, which could be signed in the very near future. Mr. Klimov praised the successful activities pursued and real progress achieved within the Northern Dimension. He reminded of the four "roadmaps" signed in 2005 whose implementation already had produced tangible results. Furthermore, Russia and the EU started to cooperate in solving international problems in many parts of the world including the fight against terrorism.

Mr. Klimov suggested prolonging the current Partnership and Cooperation Agreement. He was aware that not all of the Member States had an interest in a short term achievement of the new PCA, but that for common historical and geographical reasons Russia and the EU were bound for cooperation.

Mr. Klimov acknowledged the relevance of the energy dialogue and questions of flight transits, but the questions were going beyond energy transport infrastructure, the perspectives of the growing Russian market or airspace for overflights from Europe to Asia. He stressed that an attentive analysis showed that virtually all spheres of common activities of Russia and the EU had good perspectives for a strategic cooperation that would be as beneficial for Russia as for the EU. Nevertheless, a majority of deputies of

the Russian Duma would reject any notion of political blackmail in the dialogue between Russia and the EU.

Mr. Klimov advocated the advance of the EU-Russia relations to a new qualitative level, part of which should be a new PCA. Common challenges and threats like nuclear proliferation, terrorism, environmental protection and illegal migration could be tackled much better by joining efforts. With a view to the easier Russian-Asian relations Mr. Klimov said that Russia could not wait endlessly for good signals from Brussels. He underlined that in his opinion the only reasonable solution was to speed up movement towards a strategic partnership within the European continent and that the values of this partnership should be genuinely common.

With a view to the Schengen system which made travelling of Russians to Europe difficult, Mr. Klimov declined the perceived danger of a flood of unemployed Russians or infiltration of organised crime into the EU. Those who really wished to enter the EU territory could already do so, whereas potential visitors and tourists were the ones hit by bureaucratic obstacles.

In the following debate the questions and comments focused on energy issues, where a number of delegates expressed their expectation for solidarity from EU Member States. EU needs to speak to Russia with one voice, the freedom of press needs to be guaranteed, the conditions for activities of the civil society created and more attention paid to environmental protection including climate change. Questions regarding Russia's relations with former members of the Soviet Union and frozen conflicts were raised. Speaker Lipponen and Mr. Klimov addressed the questions put forward by the delegates. In his final remarks Mr. Klimov stressed the necessity of continuous talks with each other as did Speaker Lipponen. He said Europe was a very strong magnet - and that its gravities were the common European values.

5. Contribution to the EU institutions and Conclusions of the XXXVI COSAC

The Finnish Presidency put forward a draft contribution to the EU Institutions as well as draft conclusions of the conference, which had been revised during the meeting of the COSAC Chairpersons the previous day. The contribution and the conclusions were adopted unanimously as attached to these minutes.

6. Any other business

The head of the German delegation, Mr Kurt Bodewig, Vice-Chairman of the Committee on the EU Affairs representing the incoming COSAC Presidency, confirmed the dates of the COSAC meetings to be organised in the first half of 2007:

- 12 February 2007: Meeting of COSAC Chairpersons in Berlin.
- 14 -15 May 2007: XXXVII meeting of COSAC in Berlin.

The Chairman, Mr Vilén, thanked delegations for contributing to a constructive COSAC and closed the meeting.

NB. All the keynote speeches are published on the COSAC website:

<http://www.cosac.eu/en/meetings/helsinki2006/ordinary/>

Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC)

Contribution adopted by the XXXVI COSAC Helsinki, 20-21 November 2006

1. Cooperation with the European Commission and the Council

1.1. COSAC appreciates the early implementation of the commitment by the European Commission to transmit directly all new legislative proposals and consultation papers to national parliaments. This information is important, since it enables national parliaments to strengthen parliamentary scrutiny and to improve the process of policy formulation.

1.2. COSAC also appreciates the European Commission's call for comments on legislative proposals and consultation papers from national parliaments and its commitment to take into account the views expressed, in particular with reference to the principles of subsidiarity and proportionality. The future influence of national parliaments in EU decision-making will depend on their willingness and their ability to assume their responsibilities in scrutinising the European Commission's proposals.

1.3. To ensure that national parliaments can react in a timely manner, the European Commission is asked to provide more detailed information on its proposals, in order to allow national parliaments better to programme their analyses. This information, together with supporting impact assessments, will allow national parliaments to discuss the substantive policy direction of the European Commission, as envisaged in President Barroso's initiative and endorsed by the European Council.

1.4. COSAC also welcomes the publication of the communication on the European Commission's Legislative and Work Programme for 2007 in all official languages.

1.5. COSAC calls on the Council to respect the six-week period between a new legislative proposal being available in all official languages and its introduction on the Council's agenda.

1.6. COSAC encourages the Council to continue the process of opening its meetings to the public whenever it considers and votes on draft legislation, in order to reduce the gap between citizens and the Union and to make possible more effective scrutiny of Council decisions by national parliaments. COSAC calls on the forthcoming Presidencies and the European Commission also to work actively towards improving public access to documents, since the right of access to documents should be a main principle of the work of the EU's institutions. In this regard, COSAC also emphasises the importance of the Commission's European Transparency Initiative.

2. Future of the European Union

2.1. COSAC calls on the Finnish and German Presidencies to ensure a passage from reflection to action in order to achieve a constitutional settlement. The Joint Parliamentary Meeting on 4-5 December 2006 will once again provide an excellent arena for parliamentarians from national parliaments and the European Parliament to continue discussion on the future of the European Union and to share ideas with the Council and the European Commission. COSAC calls on the

German Presidency to ask for the views of national parliaments and the European Parliament and take them into account when preparing the Berlin Declaration for the 50th anniversary of the Treaty of Rome.

2.2. COSAC welcomes the initiative to be promoted by the Italian Parliament on 22 and 23 March 2007 in celebration of the 50th anniversary of the Rome Treaties. The initiative will enable representatives of national parliaments and the European Parliament both to underline the significance of such an important date for the lives of the peoples that they represent, and to contribute to joint reflection on the best possible ways to push European integration forward.

2.3. In addition to these institutional questions, COSAC considers it essential to revive the Lisbon Process for Growth and Employment. The Annual Policy Strategy should contain concrete measures related to this goal.

2.4. COSAC supports the accession by the EU to the European Convention for Human Rights. All EU Member States have ratified the European Convention for Human Rights and support the Charter of Fundamental Rights, as proclaimed at Nice in 2000.

3. The Area of Freedom, Security and Justice

3.1. COSAC calls on the Council to reinforce its efforts to solve the problem of illegal immigration and at the same time to work towards a coherent strategy on legal immigration. Immigration policy is a vital question for the future of the European Union and it should be based on a more comprehensive policy that is coordinated with development and trade policies. Finding a common solution is essential to all Member States and to the EU as a whole. Such a solution is particularly important, especially in respect of immigration from the African continent, and it will provide a concrete follow-up to the conference held in Rabat in July 2006 which brought together representatives from countries of origin, transit countries and destination countries.

3.2. COSAC emphasises the importance of the enhancement of the area of freedom, security and justice. Citizens expect the Union to be efficient in guaranteeing their security. However, there must be a balance between security and fundamental rights, particularly in the field of data protection. Guaranteeing the free movement of citizens, their security and their access to justice requires more efficient implementation from the Member States. Stronger political commitment, and trust in each other's judicial systems is needed to fulfil the expectations of our citizens.

3.3. COSAC recalls that the Schengen *acquis* is a part of the European *acquis* which is open to all Member States that are willing to join and fulfil the criteria. While acknowledging with regret the now inevitable delay in its completion, COSAC stresses the importance of developing SIS II according to a new and strict schedule.

3.4. As the timely abolition of the EU's internal border controls is of utmost importance to its citizens, COSAC calls for every effort to be made to enable the expansion of the Schengen area according to the original schedule confirmed by the European Council in June 2006. COSAC therefore welcomes the thorough consideration by the European Commission and the Council of the European Union of the initiative enabling the timely expansion of the Schengen area on the basis of the current SIS I+.

3.5. COSAC notes the efforts made by the Presidency and the European Commission to improve decision making in justice and home affairs, especially in third pillar matters. This question is important to the effectiveness of the EU in safeguarding the security of citizens.

4. Enlargement

4.1. COSAC welcomes the accession of Bulgaria and Romania to the Union from 1st January 2007 and encourages fellow parliamentarians in both countries to work efficiently to complete their final preparations for accession. COSAC calls on the European Council to debate openly all aspects of further enlargement, including the Union's integration capacity and the positive experiences accumulated thus far. The benefits of the enlargement process should be adequately explained to the public.

5. EU and Russia

5.1. COSAC supports a comprehensive dialogue with Russia for a new PCA (Partnership and Cooperation Agreement). The EU and Russia have shared interests, and close cooperation should continue. This cooperation should not only concentrate on economic issues but also environmental, energy, health and welfare issues. COSAC stresses that future negotiations on the PCA should also include questions of democracy, the rule of law, human rights and fundamental freedoms, also making full use of existing instruments of the Council of Europe. The importance of these values has been emphasized by recent unacceptable events, notably the murder of Anna Politkovskaya.

5.2. COSAC considers that the PCA should be based on an equal partnership between the EU and its Member States on the one hand and Russia on the other which is founded on common values and mutual interests. Solidarity between European Union and its Member States is a fundamental principle which should also be applied in the EU's common trade policy, particularly in trade disputes with other countries, such as the current Polish dispute with Russia.

**Conference of Community and European Affairs Committees of
Parliaments of the European Union (COSAC)**

**Conclusions of the XXXVI COSAC
Helsinki, 20–21 November 2006**

1. At the XXXIV COSAC it was decided to encourage national parliaments to conduct a simultaneous subsidiarity and proportionality check on two forthcoming EU legislative proposals. The two proposals chosen were the Commission Proposal for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters and the Commission Proposal for a directive of the European Parliament and of the Council amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services.
2. 27 parliamentary chambers from 20 Member States conducted a subsidiarity and proportionality check on the Commission proposal on applicable law and jurisdiction on matrimonial matters. A clear majority of parliamentary chambers did not find any breach of the subsidiarity or proportionality principles; however, several chambers remarked that the European Commission had provided insufficient justification for its proposal. National parliaments are currently considering the proposal for completion of the internal market in postal services; this exercise is to be finished within six weeks from the date of publication of all language versions.
3. The aim of these two checks is to strengthen the scrutiny role of national parliaments, as recognised in the Protocol on the Role of National Parliaments attached to the Treaty of Amsterdam, to allow them to test and to improve their procedures for reaching decisions on subsidiarity and proportionality, to enable an assessment of the justifications presented by the Commission, and to demonstrate to the Commission the role of national parliaments in relation to subsidiarity.
4. COSAC welcomes the decisions of the European Council and of the Conference of EU Speakers to encourage national parliaments to reinforce cooperation in the monitoring of subsidiarity issues within the framework of COSAC. National parliaments consider that an exchange of information and of best practices with regard to the monitoring of the principles of subsidiarity and proportionality in the framework of COSAC ("the subsidiarity and proportionality check") is useful.
5. After the completion of the second subsidiarity and proportionality check, COSAC undertakes to evaluate best practice in relation to these exercises, and to evaluate how national parliaments can improve their cooperation in this regard.
6. COSAC notes that an overwhelming majority of national parliaments have welcomed the Commission initiative to transmit its legislative proposals and other documents directly to them. The impact of this initiative will depend on the one hand on how each national parliament chooses to handle this new procedure, and on the other hand on the manner in which the Commission chooses to respond to the observations which national parliaments address to it. National parliaments undertake to communicate the statements which they have addressed to the Commission to each other as soon as possible. COSAC will draw up an initial evaluation of the dialogue between the Commission and national parliaments in due course, on the basis of the

observations sent to the Commission on draft legislation and consultation documents transmitted directly with effect from 1 September 2006.

7. COSAC recognizes the importance of parliamentary cooperation in the area of freedom, security and justice, especially with regard to decisions taken in the third pillar. COSAC calls on the incoming Presidencies to examine how national parliaments can improve cooperation in this area.

8. COSAC notes that IPEX could enhance parliamentary cooperation in the scrutiny of the area of freedom, security and justice. COSAC requests that the IPEX Board take the steps necessary to provide a platform for an exchange of information between national parliaments on third pillar matters.

9. COSAC welcomes the proposal to debate the Commission's Annual Policy Strategy at the spring COSAC meetings. Unlike the Commission's Legislative and Work Programme, the Annual Policy Strategy of the Commission is open for discussion and amendment, thus offering parliaments an opportunity to exercise their influence.

10. COSAC notes that the Secretariat contributes to the effectiveness of COSAC. COSAC further notes that a majority of national parliaments have expressed a will to contribute to the expenses of the national parliament which will second an official to the post of permanent member from January 2008, on a voluntary basis if necessary. COSAC hopes that each delegation will share the willingness expressed by a majority of national parliaments, in order that the status of the Secretariat can be established in the Rules of Procedure during 2007. COSAC invites the parliaments of each member state to identify and put forward suitable candidates for the post of permanent member of the Secretariat, with a view to taking up the post in January 2008.