

NOTE FROM THE FINNISH PRESIDENCY

ON CO-FINANCING OF THE PERMANENT MEMBER OF THE COSAC SECRETARIAT AND ON REVIEWING THE RULES OF PROCEDURE

Background

For almost as long as COSAC has existed there has been an ongoing debate about the need and eventual form of a COSAC secretariat. During the Danish presidency (fall 2002) a working group was set up in order to reform the work of COSAC. One of its tasks was to compare existing formulas of organising a secretariat for different interparliamentary organisations¹. Among the recommendations a formula for co-financing salary and ancillary costs of the secretariat was introduced.

Following discussion under the Danish, Greek and Italian Presidencies in 2002-03 concerning a Danish proposal for a COSAC secretariat, the COSAC secretariat was established at the XXX COSAC in Rome in October 2003 for a trial period of two years. Recalling the Rome guidelines on the secretariat² it was decided that the secretariat will consist of maximum five members of whom four will be detached respectively by the Troika members and the EP, during the period of 18 months. The fifth member of the secretariat will be 'permanent' and will be appointed upon presentation by the Troika, selected by the Chairpersons of the national delegations. The permanent member, for practical reasons, has to be seconded by one of the national Parliaments.

In most cases the members of the secretariat have been national parliament representatives or civil servants of the European parliament who have taken up the COSAC duties in addition to their function in Brussels. Therefore the "permanent member" is actually the only one working full time for COSAC.

Remuneration and other expenses of the members of the secretariat are borne by their respective parliaments. The European Parliament has provided offices and facilities (e.g. computers, printers, paper and telephones) in its building in Brussels free of charge. The Danish Parliament provided software for the COSAC website in March 2004.

The contribution adopted by the XXXIII COSAC in Luxembourg in May 2005 invited the incoming UK Presidency "to evaluate the functioning of the secretariat". The UK Presidency fulfilled this mandate by examining the work of the secretariat in relation to the decision of the Rome COSAC. The UK Presidency also considered the need for the secretariat and the list of tasks given to it³.

Based on the work done by the UK Presidency, the Conclusions of the XXXIV COSAC state the following on the COSAC secretariat:

5.1 Further to the review of the functioning of the Secretariat conducted by the UK Presidency in accordance with the decision of the XXX COSAC (the Rome Mandate), and the recommendation of the COSAC Chairpersons, and noting that the evidence gathered by the Presidency demonstrates that the work of the Secretariat has contributed to the effectiveness of COSAC, especially through the compiling of reports which have informed COSAC debates, COSAC has agreed that the Secretariat, with a permanent member, should continue to operate.

¹ The note on the establishment of the secretariat can be found on the COSAC website http://www.cosac.eu/en/meetings/27/wg_december/wg_dec4/

and the annex to the document: http://www.cosac.eu/en/meetings/27/wg_december/wg_dec5/

² <http://www.cosac.eu/en/meetings/30/cosac/doc/>

³ The UK presidency note "review of the secretariat":

<http://www.cosac.eu/en/meetings/London2005/oedinary/meetingdocuments/secretariat/>

5.2 COSAC records its appreciation of the work of Morten Knudsen. COSAC thanks the Folketing of Denmark for facilitating and funding the secondment of Morten Knudsen to the post.

5.3 COSAC welcomes the decision of the chairpersons to appoint Ms Sarita Kaukaoja, the Eduskunta's permanent representative in Brussels since June 2000, to the post of permanent member of the COSAC secretariat for a period of two years from 15 January 2006.

5.4 COSAC thanks the Eduskunta of Finland for facilitating and funding the secondment of Ms Sarita Kaukaoja to the post.

5.5 COSAC notes the case made for the co-financing of the permanent post and has decided that the question of the financing of the post needs to be further examined. Modification of COSAC's Rules of Procedure regarding the secretariat should also be discussed within the period of two years from 15 January 2006.

CO-FINANCING OF THE PERMANENT MEMBER OF THE SECRETARIAT

So far, the permanent members of the COSAC Secretariat have been provided through the voluntary contributions of first the Danish and then the Finnish Parliaments, which assumed all related costs⁴. The Secretariat is by now a permanent part of the COSAC structure. The permanent member provides the necessary continuity and institutional memory to the Secretariat, which otherwise consists of rotating staff from the Troika member parliaments. In recognition of this, COSAC should assure the continuity of the post of permanent member of the Secretariat.

All willing parliaments should have an equal chance to put forward candidates. A method of sharing the salary and ancillary costs of the permanent member of the COSAC Secretariat seems to be necessary to achieve such equality.

National parliaments not wishing to participate in the financing of the permanent part of the COSAC Secretariat should have the possibility to opt out. These national Parliaments will naturally still participate on fully equal terms in the work of COSAC, and still benefit from the services provided by the COSAC Secretariat.

The salary costs of the permanent member should be divided by the number of parliaments willing to participate. For the foreseeable future, the permanent member will continue to be a member of the staff of a national parliament, also when seconded to COSAC⁵. It follows that each permanent member of the secretariat will be remunerated according to the rules of his/her national parliament.

Most likely, the differences in salary levels between member states will be a challenge, when identifying a formula for joint financing. It is suggested that the concrete salary to be paid a particular permanent member of the secretariat is not addressed at all at COSAC level. This is for the employing parliament to decide.

The Finnish Presidency proposes

- that co-financing comes in to effect when choosing the next permanent member for the period of 2008 - 2010.
- that COSAC agrees on a lump sum to be covered by contributions from willing member states and credited to the "home parliament" of the permanent staff member. This lump sum would cover all actual office costs and contribute towards the salary and ancillary costs for the staff member.

⁴ Since 2004, the average annual cost of maintaining a permanent member of the COSAC Secretariat has been about 160.000 €/year.

⁵ COSAC does not have the legal personality needed to act as an employer in Brussels. Also, questions of applicable law, tax regime, social insurance etc. would cause undue difficulty in recruiting staff.

- The annual lump sum is fixed at [80.000 – 100.000 € per year] for the years 2008 – 2010.
- This arrangement will be formalised as an agreement among the national parliaments taking part, and mentioned in the conclusions of the Helsinki COSAC.

MODIFICATION OF COSAC'S RULES OF PROCEDURE REGARDING THE SECRETARIAT

The XXXIV COSAC decided that "modification of COSAC's Rules of Procedure regarding the secretariat should also be discussed within the period of two years from 15 January 2006. The Finnish Presidency does not make any proposal at this stage, but invites the opinions of the troika, bearing in mind the following considerations:

- The Secretariat's prominent role in implementing the work of COSAC indicates that the Secretariat should be mentioned in the Rules of Procedure.
- The case could also be made that the Rules of Procedure need to be examined in other respects, as well. The role of the Secretariat could also be examined in the context of a wider examination of the RoP.
- Any future amendment of the European Union's treaty system will necessitate a review of COSAC's Rules of Procedure.
- Short of amending the RoP, the same result could also be achieved when appointing the current permanent member of the Secretariat by renewing and, if necessary, amending the COSAC conclusions adopted when creating the Secretariat, and appointing the first two permanent members of the Secretariat.