

XXXIV COSAC LONDON OCTOBER 2005

REVIEW OF THE COSAC SECRETARIAT NOTE BY THE UK PRESIDENCY

Background

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 2003¹. The Rome COSAC decided that the secretariat would be operational from 15 January 2004, and should be reviewed two years after that date.

The secretariat comprises five officials:

- three from the Troika national parliaments for a period of 18 months each;
- one from the European Parliament for the same period; and
- one 'permanent member'.

The 'permanent member' is an official of a national parliament, appointed by the COSAC Chairpersons on a proposal from the Troika for a two-year term, renewable once. The COSAC Chairpersons in Rome in November 2003 appointed Mr Morten Knudsen from the Danish Parliament as the 'permanent member' of the secretariat.

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, 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 has fulfilled this mandate by examining the work of the secretariat in relation to the decision of the Rome COSAC (see section 1 below). The UK Presidency has also considered the need for the secretariat and the list of tasks given to it - see Section 2; and whether the 'permanent member' of the secretariat is needed - see Section 3.

Section 1: the work of the secretariat compared to the Rome Mandate

"The Secretariat shall act in close and permanent liaison with the national Parliaments' representatives in Brussels ..."

The offices of the secretariat are in the European Parliament in Brussels, on the same corridor as the offices of the national parliament representatives. Secretariat members are in daily contact with these representatives. The secretariat also maintains close links with the Directorate of the European Parliament responsible for relations with national parliaments, which is also housed on the same corridor.

¹ The Rome Mandate is circulated separately.

The Rome mandate gave the secretariat five main tasks:

1. *Assist the Presidency in the preparation, convocation and organisation of ... COSAC meetings ...*

Since the secretariat became operational, four Member States have held the Presidency of COSAC: Ireland, the Netherlands, Luxembourg and the UK. The secretariat has helped the Presidencies to prepare not only COSAC plenary meetings but also the meetings of COSAC Chairpersons and of working groups. The secretariat has provided advice and practical information, facilitated the exchange of best practice and helped to ensure consistency between Presidencies.

2. *Draft reports of every meeting held in the framework of the COSAC and ensure publicity of such meetings.*

The secretariat has drafted reports of COSAC meetings held since January 2004. These have been sent to the Presidencies, which have used them as the basis for the minutes. The minutes of COSAC meetings are available on the COSAC website.

3. *Compile a factual report on developments in EU procedures and practices relevant to parliamentary scrutiny every six months in order to provide the basis for debate in COSAC.*

The secretariat has compiled four biannual reports by collating information received in response to questionnaires sent by the secretariat to national parliaments and EU institution. The first three reports were welcomed by COSAC:

- The contribution from the XXXI COSAC in Dublin said: "COSAC welcomes the first Biannual Report on developments in European Union procedures and practices relevant to parliamentary scrutiny and considers that the report has provided a valuable basis for debate in COSAC. The report will also be a useful source of information for national parliaments in carrying out their functions in relation to European matters." Also, many delegates indicated during the debate on the report that they had found it helpful and informative.
- The contribution from the XXXII COSAC in The Hague said that COSAC "welcomes the latest biannual report of the COSAC secretariat on developments in European Union procedures and practices relevant to parliamentary scrutiny and considers that the report has provided a useful source of information for national parliaments in carrying out their functions in relation to European matters".
- The contribution from the XXXIII COSAC in Luxembourg said that COSAC "Thanks the secretariat for the third biannual report on procedures and practices developed by national parliaments relevant to parliamentary scrutiny; [and] Considers that the report is an interesting source of information allowing a useful comparison of the different scrutiny systems".

The 4th biannual report will be presented to the XXXIV COSAC in London in October and will provide the background for some of the discussions. The questionnaire and the structure of the report were approved by the UK Presidency.

4. *Keep the archives of official COSAC documents.*

When the secretariat was established there were no archives of official COSAC documents. The secretariat has now compiled a set of archives, containing information on all COSAC meetings since the first, in Paris in 1989. These documents are available for public consultation in the office of the permanent member of the

secretariat in the European Parliament. This is the first time that this documentation has been available in a single place. The secretariat intends to transfer as much of this information as possible on to the COSAC website so that it is easier for the public to consult.

5. Update the www.cosac.org website.

The secretariat has updated the website by providing information on all COSAC meetings since 1995. A search function and a calendar of EU meetings and events relevant for national parliaments have been added. The secretariat maintains up-to-date information on the website on:

- inter-parliamentary meetings organised by the European Parliament and the national parliament of the Member State holding the Presidency of the Council;
- the situation in the 25 Member States regarding ratification of the Constitutional Treaty;
- the scrutiny procedures of the European affairs committees of the national parliaments; and
- the procedures intended to be put in place in national parliaments for monitoring the subsidiarity principle under the planned early warning system. The secretariat also maintains on the website up-to-date contact information for the national parliaments of the Member States and applicant countries, the European Parliament, and the national parliament representatives in Brussels.

The website has become a central information point for those wishing to obtain information about COSAC. In March 2004, when the new website was launched, it received a daily average of 38 visits from individual computers; in September 2005 the average number of visitors per day was 554; and on four days the number of visitors has exceeded 1000. In addition, the secretariat answers many inquiries about COSAC from national parliaments, the European parliament, other institutions, academics, the press and the public.

"The members of the Secretariat shall perform their duties under the political responsibility and following the instructions of the COSAC Presidency and the Presidential Troika or from COSAC meetings."

In addition to the above five tasks, the secretariat has been asked to perform a number of other duties by the Presidency, the Presidential Troika or COSAC meetings. The Irish Presidency enlisted the help of the secretariat to produce a number of documents, including:

- a questionnaire on the involvement of regional legislative assemblies in COSAC for the Working Group on this subject under the Irish Presidency;
- a summary of the replies, which was presented to the XXXI COSAC in Dublin;
- a questionnaire on possible changes to the interpretation regime of COSAC; and
- a note on the replies, which was presented to the XXXI COSAC in Dublin.

The meeting of the Troika in the Hague asked the secretariat to produce a paper on the different legislative procedures used in the treaties of the European Union. The note was presented to the XXXII COSAC in the Hague.

The meeting of Chairpersons in Luxembourg asked the secretariat to produce a short *aide-mémoire* for national parliaments on the subsidiarity pilot project "to provide guidance on what points the reports from the national delegations could cover." The subsequent report from the secretariat on the pilot project formed the basis of a debate in the XXXIII COSAC in Luxembourg.

The meeting of Chairpersons in Luxembourg asked the delegation from the Parliament of the Netherlands to prepare a note in cooperation with the secretariat on the agenda item concerning "Implementation of the EU budget". The subsequent report formed the basis of a debate in the XXXIII COSAC in Luxembourg.

The Contribution from the XXXIII COSAC in Luxembourg "Asks the COSAC secretariat to report on the progress made in national parliaments with regard to the 'Declaration on national parliaments to raise national European awareness', so as to inform any debate on this matter in a future plenary." In line with a request from the UK Presidency, this progress report forms one of the chapters of the 4th biannual report.

Section 2: has the situation changed since the decision to establish the COSAC secretariat?

There have been two significant developments since the decision to establish the secretariat: more national parliaments now have a member of staff based in Brussels; and progress has been made on the IPEX database.

Although there are now more national parliament staff in Brussels, the UK Presidency does not consider that they could or should collectively form a secretariat for COSAC. First, those staff have duties for their own parliaments. Secondly, not every national parliament has staff based in Brussels, and Troika parliaments have in some cases had to nominate a member of staff to be part of the COSAC secretariat. In addition, the national parliament staff are too numerous to function collectively as a COSAC secretariat. The only question then is whether the Brussels staff of the Troika national parliaments, plus an EP member, could function effectively as a COSAC secretariat without a permanent member, and this is dealt with in the next section.

The purpose of IPEX (the Interparliamentary EU Information Exchange) is "to provide a platform for the electronic exchange of EU-related information between parliaments in the Union". It does not at present contain information of the sort provided by the COSAC website, though it could do so in the future. However, the question for this review is not which website should host such information, but how and by whom such information should be compiled. The development of the IPEX website therefore does not reduce the value of having a COSAC secretariat capable of compiling material relevant to national parliaments for placing on a website. Moreover, maintaining and updating a website is only one of the secretariat's tasks.

As regards the specific tasks given to the secretariat, all of these appear still to be relevant, and the Rome decision provides the flexibility to give the secretariat additional tasks (such as the compiling of additional questionnaires and reports) when necessary.

Section 3: is there a need for the permanent member of the secretariat?

Only the permanent member of the secretariat works full-time for COSAC without other responsibilities. The officials from the Troika parliaments all have other duties to perform for their national parliament. Likewise, the official from the European Parliament has other duties to perform for the EP's Directorate for Relations with National Parliaments. Therefore only the permanent member is able to give undivided attention to COSAC's requirements, and to ensure consistency and continuity.

To have a secretariat without a permanent member would be, in effect, to return to the situation before the secretariat was established.

The current permanent member estimates that the approximate percentage of his time spent on each task has been as follows:

- 25% biannual reports
- 20% other reports
- 20% planning of COSAC meetings and reports after such meetings
- 10% updating website
- 10% liaising with national parliament representatives and collecting information for reports and websites
- 5% COSAC archive
- 5% updating contacts and e-mail lists
- 5% miscellaneous

Conclusions

The UK Presidency believes that the information gathered in this paper provides sufficient evidence to enable COSAC to assess the functioning of the secretariat, as required by the Rome decision. In the Presidency's view this evidence 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, and therefore that the secretariat (with a permanent member) should continue. The Presidency invited the COSAC Chairpersons at their meeting in July to recommend to COSAC that the secretariat should continue to operate after the initial two-year period.

The COSAC Chairpersons accordingly recommend to COSAC that the secretariat should continue to operate. The Presidency invites COSAC to accept this recommendation and to decide that the secretariat should continue to operate.

The appointment of Morten Knudsen comes to an end at the end of 2005. The Presidency (as last time) invited national parliaments to propose candidates drawn from their own officers for the post of permanent member of the secretariat, and to submit such proposals in advance of the October meeting of COSAC.

One nomination was received, from Chairman Jari VILÉN of the Grand Committee of the Eduskunta, Parliament of Finland:

- Ms Sarita KAUKAOJA, the Eduskunta's permanent representative in Brussels since June 2000.

In accordance with the Rome Mandate, the UK Presidency of COSAC will invite the Presidential Troika to propose the candidacy of Ms Kaukaoja for decision at the XXXIV COSAC.

JIMMY HOOD MP, Chairman of the European Scrutiny Committee, House of Commons

LORD GRENFELL, Chairman of the European Union Committee, House of Lords

28 September 2005