

XXXIV COSAC LONDON OCTOBER 2005

NOTE BY THE UK PRESIDENCY

NOTE ON SPECIAL GUESTS TO COSAC (INTERPRETATION OF ARTICLE 4 OF THE RULES OF PROCEDURE)

Introduction

The UK Presidency has prepared this paper to facilitate the debate on the interpretation of Article 4 of the Rules of Procedure. The debate arises following discussion at the Luxembourg COSAC on the request from the Polish delegation, with the support of other delegations, for the parliament of Ukraine to be afforded a status at COSAC. A version of this paper was discussed by the COSAC Chairpersons in July.

Article 4 of COSAC's Rules of Procedure (*Composition*) reads as follows:

4.1. Ordinary and extraordinary meetings

Each national Parliament shall be represented by a maximum of six members of its Community and European Affairs Committee(s). The European Parliament shall be represented by six Members. Each Parliament shall determine the composition of its own delegation.

4.2. Observers from the Parliaments of applicant countries

Three observers from the parliaments of each applicant country shall be invited to ordinary and extraordinary meetings.

4.3. Other observers, specialists and special guests

The Presidency shall invite observers from the General Secretariat of the Council of the European Union and the European Commission, and it may invite observers from the embassies of the Member States of the European Union, and, after consulting the Presidential Troika, specialists and special guests.

Article 4.3 was agreed in 1999 and came into force on 1 January 2000. The development of the rules of procedure appears to show that it is observer, rather than special guest, status which has been used to facilitate the attendance of applicant states at COSAC.

Who has been invited to COSAC meetings under Article 4.3?

The following categories of individuals have regularly been invited to attend COSAC meetings since 2000:

- Heads of State or Government,
- Speakers of the host parliament,
- Ministers from the host member state (often providing COSAC with information from their position as Presidency of the Council), and
- Commissioners.

Since 2000 the following categories of people have occasionally been invited to attend COSAC meetings:

- Members of Parliament from countries outside the EU that are not official applicant countries¹, and
- members of other parliamentary bodies².

Do other parliamentary bodies have a rule that is comparable to Article 4.3?

There are many different rules on observers/special guests from other organisations and in the view of the UK Presidency no general conclusion can be drawn from these.

Request from the Presidents of the Regional Partnership Parliaments regarding participation in COSAC by the parliaments of Southeast Europe

The Presidents of the national parliaments of the Republic of Austria, the Czech Republic, the Republic of Hungary, the Republic of Poland, the Slovak Republic, and the Republic of Slovenia met in Bled, Slovenia on 10-11 June 2005 for the 4th time as the Presidents of the Parliaments of the Regional Partnership. Together with the Guest Presidents from the national parliaments of the Republic of Albania, Bosnia and Herzegovina, the Republic of Croatia, the Former Yugoslav Republic of Macedonia, and the State Community of Serbia and Montenegro, they issued a Joint Statement. Paragraph 11 of this statement says:

"The Presidents of the Parliaments of the Regional Partnership call upon COSAC to invite the parliaments of the countries of Southeast Europe as "Special Guests" whenever subjects of their interest are debated within COSAC."

The Chairpersons considered this request during the debate in July.

¹ Members of the Parliaments of Croatia, FYR Macedonia and the Ukraine attended the XXXI COSAC in Dublin; a Member of the Parliament of the Ukraine attended the XXX COSAC in Rome

² 3 representatives of CALRE attended the XXX COSAC in Rome; the President of the Assembly of WEU attended the XXIX COSAC in Athens

Request from the President of COSAP regarding participation in COSAC by the parliaments of Southeast Europe

COSAP - the Conference of the Parliamentary Committees for European Integration/Affairs of the Countries participating in the Stabilization and Association Process of South East Europe (namely, Albania, Bosnia and Herzegovina, Croatia, FYR Macedonia, and Serbia and Montenegro) - met for the first time on 16-18 June 2005 in Sarajevo, Bosnia and Herzegovina.

Paragraph 2 of the final conference conclusions reads:

"The presiding country of the Conference will, on behalf of the Conference, address a letter to COSAC, informing it of its constitutive meeting and asking COSAC to consider giving the Conference an observer, in accordance with its rules."

Consequently, the Chairperson of the Joint Committee for European Integration of the Parliamentary Assembly of Bosnia and Herzegovina wrote to Ben Fayot, Chairman of the Committee for Foreign and European Affairs, for Defence, for Cooperation, and for Immigration, of the Parliament of Luxembourg on 28 June 2005, asking for the Conference to be assigned "a special status" in COSAC.

The Chairpersons considered this request during the debate in July.

The discussion at the Chairpersons meeting

The Chairpersons considered the following options:

- Whether COSAC should be invited to formalise Rule 4.3 with a more specific definition of special guests
- Whether COSAC should be invited to amend Rule 4.3 in accordance with the proposal from the Presidents of the Regional partnerships parliaments to include the words "and COSAC shall invite the parliaments of the countries of Southeast Europe as "Special Guests" whenever subjects of their interest are debated within COSAC"
- Whether COSAP should be afforded permanent Special Guest status

Recommendation from the Chairpersons meeting

The Chairpersons held an informative debate on this issue. The Minutes record:

"Lord Grenfell concluded that there was agreement among the chairpersons that under COSAC's current Rules of Procedure COSAC presidencies could, after consulting the Presidential Troika, issue invitations to the national parliament of Ukraine, COSAP, CALRE or other outside institutions to participate in COSAC meetings as special guests if there was an item on the agenda of definite clear interest to them. It would be important to consider invitations on a case-by-case basis. Lord Grenfell further concluded that there was agreement among the chairpersons that COSAC should avoid a permanent list of special guests, which

would be inflexible. It was therefore important for Presidential Troikas to give particular attention in the future to the issue of special guests.

The chairpersons agreed to recommend to COSAC that Article 4 of COSAC's Rules of Procedure should not be amended, because it already gave presidencies the necessary flexibility regarding special guests."

COSAC is invited to agree to this recommendation from the Chairpersons in the Conclusions of the XXXIV COSAC.

In addition, at the Chairpersons meeting in July a number of discrepancies emerged between the different language versions of Article 4.2 of COSAC's Rules of Procedure. Furthermore the current wording is unclear and does not reflect the current practice of COSAC. The UK Presidency accordingly invites COSAC, following the Chairpersons discussion, to correct the wording of the Rules of Procedure so that Article 4.2 is standardised across the different language versions to read as follows:

"Observers from the parliaments of candidate and accession countries.

Three observers from the parliaments of each candidate and accession country shall be invited to ordinary and extraordinary meetings."

COSAC is invited to agree to this recommendation from the Chairpersons in the Conclusions of the XXXIV COSAC. The secretariat will then ensure that the Official Journal is corrected.

JIMMY HOOD MP, Chairman European Scrutiny Committee House of Commons

LORD GRENFELL, Chairman European Union Committee House of Lords

29 September 2005