

**MINUTES OF THE
XXXIII COSAC
LUXEMBOURG,
17-18 MAY 2005**

AGENDA:

- 1) Opening of proceedings and adoption of Agenda
- 2) Experiment on subsidiarity review (third railway package)
- 3) Polish proposal to amend Article 4.2 of the Rules of Procedure
- 4) Lisbon Strategy
- 5) Discussion on closer cooperation among parliaments concerning scrutiny of the EU budget
- 6) Role of national parliaments in the area of freedom, security and justice
- 7) Speech by Mr Jean-Claude Juncker, Prime Minister of Luxembourg and President of the Council
- 8) Exchange of views with Mr Anders Forsberg, Chairman of the IPEX Steering Group and Secretary General of the Swedish Riksdag, on the progress on IPEX
- 9) Adoption of COSAC contribution

PROCEEDINGS OF THE SITTING

17 May 2005:

IN THE CHAIR: *Mr Ben Fayot, Chairman of the Committee for Foreign and European Affairs, for Defence, for Cooperation and for Immigration*

1. Opening of proceedings and adoption of Agenda:

The Chairman, Mr Ben Fayot, welcomed all participants and opened the proceedings of the XXXIII COSAC. The agenda was adopted.

2. The experiment on the subsidiarity early-warning mechanism.

The Chairman, Mr Fayot, gave a brief account of the findings of the national parliaments that had participated in the experiment on the subsidiarity early-warning mechanism based on the report from the COSAC secretariat.

He informed delegates that 31 of 37 national parliamentary chambers in the 25 EU Member States had participated in the examination of the third railway package which took place in the period from 1 March to 12 April 2005. He noted that 20 of the 31 participating parliamentary chambers

mentioned in their reports that the Commission's justifications regarding subsidiarity and proportionality were less than satisfactory for one or more of the legislative proposals in the third railway package. He added that many delegations also found it difficult to distinguish the proportionality principle from the subsidiarity principle.

The Chairman opened the floor for interventions. An exchange of views and information took place on progress in national parliaments towards establishing procedures to conduct the review subsidiarity provided for in the Constitutional Treaty. Delegations found that the pilot project had been very useful.

The Luxembourg Minister of Transports and President of the Council, Mr Lucien Lux, gave a short synopsis on the Council's deliberations on the subject.

It was agreed to conduct a new experiment on the subsidiarity early-warning mechanism. The incoming UK COSAC Presidency was invited to propose a subject and timetable for the experiment.

3. Polish proposal to amend Article 4.2 of the Rules of Procedure

The Polish delegation had tabled an amendment to Article 4.2 of COSAC's Rules of Procedure in order to allow representatives of a country to participate as observers in COSAC as soon as that country had submitted an application to the EU for membership.

A comprehensive discussion on the Polish proposal took place.

After debate, the Chairman stated that the quorum of 2/3 of the delegations required (by Article 14.4 of the Rules of Procedure) for a revision of the Rules of Procedure was met. But, having listened to all the interventions, he concluded that the Polish proposal had not obtained the unanimous support of the delegations present at the meeting required (by Article 14.3 of the Rules of Procedure) for adoption. The amendment was therefore rejected.

Some delegations raised the question whether representatives of the Ukrainian Parliament could instead be invited as "special guests" under Article 4.3 of the Rules of Procedure.

The Chairman stated that he was not in a position to interpret the notion of "special guests" in paragraph 4.3 of the Rules of Procedure in such a way that it could be understood to include invitations to representatives of national parliaments of 3rd countries.

It was therefore agreed that the XXXIV COSAC in London should address the question of how the notion of "special guests" in Article 4.3 should be interpreted.

4. Lisbon Strategy

Luxembourg Minister of Economy and Foreign Trade, Mr Jeannot Krecké, delivered a short address on the Lisbon Strategy. He stated that the goal of the Luxembourg Presidency was to prepare the economic and political guidelines, along with Mr Kok's report that would be approved with the National Action Plans.

As regards the process of the "integrated guidelines", the minister stated that "the Council approved the rapid implementation of national action plans to stimulate the Lisbon Process". He added that "the national action plans should be presented in autumn 2005 to allow the active collaboration of the national parliaments and the social partners."

An exchange of views took place.

5. Discussion on closer cooperation among parliaments concerning scrutiny of the EU budget

Mrs Broekers-Knol, a member of the Dutch COSAC delegation, introduced the subject. The Dutch member of the Court of Auditors, Mr Maarten B. Engwirda then gave a short presentation.

An exchange of views took place on the question of how to establish closer cooperation among national parliaments concerning control of EU expenditure.

A written contribution had been prepared by the Dutch delegation on how to improve the budgetary control system in the European Union. COSAC took note of the recommendations of this contribution.

6. Role of National Parliaments in the area of freedom, security and justice

The President of the Judicial Committee of the Chamber of Deputies, Mr Patrick Santer, delivered a short address on the role of national parliaments in the area of Freedom, Security and Justice provided for in the Constitutional Treaty. He proposed that national parliaments should agree on common guidelines for testing subsidiarity and proportionality.

A number of delegates pointed out that the Constitutional Treaty provided for a special role for national parliaments, together with the European Parliament, in evaluating the work of Europol and Eurojust. Some suggested that this possibility should be studied further by COSAC.

7. Speech by Mr Jean-Claude Juncker, Prime Minister of Luxembourg and President of the Council

The Prime Minister of Luxembourg, Mr Jean-Claude Juncker, gave a short speech and invited delegates to ask him questions. An exchange of views took place where, among other things, questions were posed regarding the ratification of the Constitutional Treaty, the Stability and Growth Pact and the EU's development policy.

As far as the ratification of the Constitutional Treaty was concerned, Mr Juncker stressed that there was no alternative to the current text.

In relation to the EU's role in the world, the Prime Minister called for a more visible policy of solidarity with Africa.

He furthermore stressed that he considered the "Barcelona process" as very important for the development of stability in the Euro-Mediterranean region. The EUROMED was the only forum where Palestinians and Israelis sat together and found it appropriate to celebrate the achievements of the Barcelona process in its 10th anniversary year.

8. Exchange of views with Mr Anders Forsberg, on the progress on IPEX

Mr Anders Forsberg, Chairman of the IPEX Steering Group and Secretary General of the Swedish Riksdag, gave a short account of the progress made in the Steering Group with regard to the development of the IPEX system. He said that in future the organisation of IPEX would be divided into an IPEX Board, on which COSAC would be represented as an "associate", and a central support. This system should be in place immediately after the Speakers Conference in Copenhagen in July 2006. He reported that it had been agreed that some kind of rotating system would be preferable when it came to the involvement of national parliaments in IPEX.

Mr Forsberg underlined that IPEX was a tool to facilitate the exchange of information between national parliaments, not a new policy-making body. He said that the database for the IPEX

website would be delivered by the European Parliament and that it should be up and running in late autumn 2005.

Mr Forsberg noted that there was a lack of information on IPEX. It had therefore been decided that the Danish Parliament should work out an information strategy to inform national parliaments about the project.

Mr Forsberg said that the IPEX network would be composed of correspondents in the national parliaments coming from the secretariats of the European affairs committees, sectoral committees or other relevant services.

9. Conclusions of the XXXII COSAC

The Luxembourg presidency put forward draft conclusions of the meeting, which had been agreed at the meeting of the COSAC Chairpersons the previous day. An exchange of views took place, and amendments to the draft were agreed to.

The conclusions as attached to these minutes were adopted unanimously.

10. Any other business

Lord Grenfell, representing the incoming UK COSAC Presidency, informed delegates that the dates of the COSAC meetings in London during the UK Presidency were 17-18 July for the Chairpersons meeting and 9-11 October for the XXXIV COSAC plenary.

The Chairman, Mr Ben Fayot, closed the meeting.

ANNEX

Contribution adopted by the XXXIII COSAC (Luxembourg, 17th and 18th May 2005)

COSAC

1. Welcomes the progress realized in the ratification of the Treaty establishing a Constitution for Europe and reiterates its appeal launched during the XXXII COSAC to parliaments of Member States which have not yet finalized the ratification procedure, as well as to citizens, to endorse the Treaty;

Also invites parliaments to spare no effort in informing citizens objectively on the content of the Constitution and what is at stake;

2. Notes that the pilot-project on the third railway package to test the subsidiarity early warning mechanism was followed by the majority of national parliaments and concludes that it was a useful experiment;

Considers that, despite the Treaty provisions on subsidiarity and proportionality already in force, such as the “Protocol on the application of the principles of subsidiarity and proportionality”

attached to the Treaty on European Union (TEU), the justifications regarding subsidiarity and proportionality put forward by the Commission in the four legislative proposals examined in the pilot-project were insufficient. COSAC calls on the Commission to produce more in-depth arguments in future;

Asks the Commission to provide justifications concerning subsidiarity and proportionality to support proposals that it submits to the European Parliament and the Council;

Considers that further work should be done to clarify the distinction between the principles of subsidiarity and proportionality;

Notes that national parliaments should agree in common cooperation to make the subsidiarity early warning mechanism to work efficiently;

Undertakes to carry out a second pilot-project on a Commission draft legislative act that is published in all the official languages of the EU-25, to facilitate a more efficient exchange of views between national parliaments within the subsidiarity early warning mechanism;

Invites the UK Presidency to propose a subject and timetable for the second pilot-project;

Agreed that in the context of the early warning mechanism provided for in the constitutional Treaty, the six week period available to national parliaments for subsidiarity control should start when the particular draft legislative act has been translated into every official language of the EU-25;

3. Notes the progress realised with the continuous support of the European Parliament by IPEX and looks forward to the launching of the IPEX website in autumn 2005, which will provide a platform for the exchange of information among the EU Parliaments in all the EU matters including the subsidiarity check;

Calls on national parliaments to decide to forward information and participate actively in the information exchange;

Welcomes the European Commission's intention to play an active role as a « facilitator » of the electronic EU information exchange among national parliaments using in particular the IPEX network;

4. Welcomes the European Commission's intention to strengthen cooperation with national parliaments as expressed by the President and Vice-President of the Commission in their letter to the Speakers (from 21 April 2005);

Expects that relations between national parliaments and the European Commission should bring tangible results and not be limited to mere speeches and declarations;

Particularly approves of Mrs Margot Wallström's intention to visit all national parliaments of the Member States, if possible in 2005;

An invitation to Mrs Wallström under Article 4.3 of the Rules of Procedure could be extended to her depending on the agenda.

5. Welcomes the report presented by the Dutch delegation about "Management and control of the EU-finance" and takes note of the recommendations in order to achieve confidence-building budget management, and improve the control systems, for better "communicating Europe" to our citizens and a closer cooperation between the parliaments concerning scrutiny and implementation of the general budget of the EU. COSAC shall return to this issue and will invite the President of the Court of Auditors for further discussion;

Urges a much closer interparliamentary cooperation within the EU in order to strengthen the democratic control of the EU expenditure;

6. Notes that most national parliaments use common procedures to control measures taken in the area of freedom, security and justice;

Advises national Parliaments to be alert that the European Commission does not take it upon itself to propose legislation that should be undertaken at the national level;

Calls upon the EU Parliaments to scrutinize the Action Plan for freedom, security and justice presented by the European Commission on 10 May 2005 following their internal procedures and work programme;

Calls on national parliaments to decide how to scrutinise Europol and Eurojust;

Calls on national parliaments for more cooperation in scrutinising Europol and Eurojust;

Calls upon the COSAC secretariat to present a timetable to scrutinise Europol and Eurojust in the national parliaments.

7. Welcomes the mid-term review of the Lisbon Strategy and acknowledges the necessity of refocusing priorities to growth and employment as well as social cohesion and environmental sustainability;

Also notes with satisfaction that the European Council recognizes the importance of an efficient use of energies as a factor of competitiveness and sustainable development;

Welcomes the new procedure established to ensure the follow up of the Lisbon Strategy, namely strategic reports of the European Commission, integrated guidelines adopted by the European Council – broad economic policy guidelines (BEPGs) and employment guidelines (EGs) - national reform programmes to be established by Member States and the "Community Lisbon programme" to be presented by the European Commission;

Welcomes the first joint parliamentary meeting in March 2005 between national parliaments and the European Parliament on the Lisbon Strategy. The meeting has stressed the importance of developing and strengthening the parliamentary dimension in the European Union.

8. Welcomes the conclusions of the Presidency of the Conference of Speakers of EU Parliaments in Budapest in May 2005 and proposes that the "annual legislative and work programme" of the European Commission should be discussed by national parliaments and the European Parliament;

Appeals to the European Commission to present all language versions of the work programme at the same time;

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;

9. Takes note of a letter of the Polish, Latvian, Lithuanian and Estonian delegations expressing concerns about the deteriorating political developments in Belarus and supporting the aspirations of the Belarusian nation to realize its democratic ideals;

Acknowledges that securing free access to reliable and objective information for the Belarussian society is of the utmost importance.

10. In the context of a proposal to invite Ukraine as a special guest, it was decided to discuss the interpretation of Article 4.3 of the Rules of Procedure at the COSAC meeting during UK Presidency;

11. Thanks the secretariat for the third biannual report on procedures and practices developed by national parliaments relevant to parliamentary scrutiny;

Considers that the report is an interesting source of information allowing a useful comparison of the different scrutiny systems;

12. Recalls that the XXX COSAC decided that two years after the secretariat became operational, COSAC should assess its functioning;

Consequently invites the UK-presidency to evaluate the functioning of the secretariat and to put the item on the agenda of the XXXIVth COSAC.

13. Welcomes the signing of the Treaty of accession with Bulgaria and Romania on the 25th April 2005 in Luxembourg and expresses its hope that the two countries continue their process of internal reforms;

Invites the national parliaments to support the ratification of this Treaty.