

MINUTES OF THE MEETING OF THE XLII COSAC Stockholm, 5-6 October 2009

AGENDA:

1. **Welcoming address** by Mr Per WESTERBERG, Speaker of the Swedish *Riksdag*
2. **Opening session** by Ms Anna KINBERG BATRA, Chair of the Committee on European Union Affairs of the Swedish *Riksdag*.
 - **Adoption of the agenda of the XLII COSAC**
 - **Presentation of the 12th Bi-annual Report**
 - **Subsidiarity checks**
 - **Proposals for subjects to be dealt with in 2010**
3. **State of play of the Swedish EU Presidency**
Guest Speaker: Mr Fredrik REINFELDT, Prime Minister of Sweden
4. **The climate challenge**
Guest Speaker: Mr Andreas CARLGREN, Swedish Minister for the Environment
5. **Chairpersons' meeting**
6. **Openness and transparency in the EU Institutions and in national parliaments when handling EU matters**
Guest Speakers: Ms Margot WALLSTRÖM, Vice President of the European Commission, and Mr Björn VON SYDOW, PhD, former Speaker of the Swedish *Riksdag*, Member of the Swedish *Riksdag*
7. **The Stockholm Programme**
Guest Speakers: Ms Beatrice ASK, Swedish Minister for Justice, and Mr Tobias BILLSTRÖM, Swedish Minister for Migration and Asylum Policy
8. **Adoption of the Contribution and Conclusions of the XLII COSAC.**

PROCEEDINGS:

1. **Welcoming address** by Mr Per WESTERBERG, Speaker of the Swedish *Riksdag*

Mr Per WESTERBERG, Speaker of the Swedish *Riksdag*, addressed the participants of the XLII COSAC and extended a particular welcome to the special guests: parliamentary delegations from Iceland and Norway. He congratulated the Irish delegation on the result of the Irish referendum on the Treaty of Lisbon on 2 October 2009. Mr WESTERBERG shared his views that as more in-depth European cooperation developed; national parliaments had to play a more central role as active constructive partners in the EU. National parliaments had the fundamental responsibility to put across the citizens' view and the Treaty of Lisbon should take this task even further by giving national parliaments a stronger formal role. The democratic legitimacy stemming from parliaments was, according to the Speaker of the *Riksdag*, a *sine qua non* of the European project.

2. **Opening session** by Ms Anna KINBERG BATRA, Chair of the Committee on European Union Affairs of the Swedish *Riksdag*

Ms Anna KINBERG BATRA, Chair of the Committee on European Union Affairs of the Swedish *Riksdag* introduced the opening session by welcoming the participants, in particular the new chairpersons, and by solemnly remembering Mr Svend AUKEN, Chair of the Committee on European Affairs of the Danish *Folketing*, who had recently passed away. She

recalled the 20th anniversary of COSAC and drew the attention of all participants to a document produced for this occasion by Mr Herman DE CROO and Mr Hubert HAENEL, the longest-serving current members of COSAC.

Mr Árni Thor SIGURDSSON, Chair of the Foreign Affairs Committee of the Icelandic *Alþingi*, briefed the XLII COSAC on the application of his country for the EU membership. He recognised that certain EU policies remain controversial for Iceland and that a thorough debate would follow the process of accession, but assured the participants that Iceland did not expect any shortcuts to accession and that the Icelandic *Alþingi* was ready for a full screening. In his view, Iceland could make a valuable contribution to the EU in know-how on renewable energy, sustainable fisheries, environmental policies, and management of Arctic conditions.

Mr Bernard DURKAN, Chair of the Joint Committee on European Affairs of the Irish *Houses of the Oireachtas*, reported on the positive conclusion of the Irish referendum on the Treaty of Lisbon on 2 October 2009. He reminded the XLII COSAC that more than 95% of the Members of the Irish Parliament were in favour of the Treaty and thanked the representatives of the EU Institutions for their support in the negotiation of the Irish guarantees and in the referendum campaign. He concluded by saying that a lesson from the Irish referendum was for parliamentarians always to be prepared to listen to the voters. He expressed his wish that from now on Members of Parliaments should get together more often, allowing for more intensive cooperation, *inter alia*, within the framework of COSAC.

Mr Luděk SEFZIG, Chair of the Committee on European Affairs of the Czech *Senát*, reported on the ratification of the Treaty of Lisbon in the Czech Republic. He recalled that both houses of the Czech Parliament had finalised their part of ratification while agreeing to change their Rules of Procedure, which would compensate for transfer of decision-making power to the EU level. He explained that a group of 17 Senators had lodged a petition on the Treaty of Lisbon with the Constitutional Court, which prevents the President from signing the Treaty and concluding its ratification process. Mr SEFZIG expressed his conviction that the Court would be able to give its verdict within a short time. He noted that even though Czech politicians are well aware of the fact that everybody is waiting for the conclusion of the ratification of the Treaty in the Czech Republic, it was to be expected that the EU would respect constitutional rules of each of its Member States as it had done so far.

Four other speakers took the floor on the issue of ratification of the Treaty of Lisbon expressing hope for a successful and fast conclusion of the process. Among them, Mr Edmund WITTBRODT, Chair of the Committee on European Union Affairs of the Polish *Senat*, informed the delegates that the Polish President would sign the Treaty following the positive result of the Irish referendum.

Adoption of the agenda of the XLII COSAC

The agenda of the meeting was adopted without changes.

Presentation of the 12th Bi-annual Report

The 12th Bi-annual Report was presented by Ms Anna KINBERG BATRA who noted that both topics dealt with in the report were to be discussed the following day and that the information gathered in the report was to serve as a good basis for this.

Subsidiarity checks

The debate on subsidiarity checks was held in two parts: (i.) on the recently completed check related to the *Proposal for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings* and (ii.) on the future subsidiarity checks.

In her introduction to the first part of the debate, the Chair pointed to the conclusions of the Report prepared by the COSAC Secretariat and to the fact that parliaments were dissatisfied as to the justification of subsidiarity. That result was to be communicated to the European Commission. She also presented a chart¹, which had been prepared at the request of the Presidential Troika, and which gave an overview of all parliaments who had completed their checks by the current date, as not all parliaments were able to do so within the 8-week deadline. The Chair announced that the COSAC Secretariat would prepare an addendum to the Report on the Results of the Subsidiarity Check which would include key information on the subsidiarity checks carried out within an additional 4 weeks, *i.e.* by 12 October 2009 (not including the 4 weeks of August).

In the ensuing debate certain delegations spoke against the Proposal and explained the results of their subsidiarity check, while other delegations spoke in favour of the Proposal, pointing out the need for a set of clear EU standards in the given matter.

The debate on future subsidiarity checks was opened by the Chair's announcement that according to the decision of the XXXIX COSAC, confirmed by the XL COSAC, XLI COSAC and most recently by the Presidential Troika, the next subsidiarity check would be conducted on the soon-to-be-published *Proposal for a regulation of the European Parliament and of the Council on the applicable law, jurisdiction, and recognition of decisions and administrative measures in the area of succession and wills*. This decision was confirmed by the XLII COSAC.

Ms KINBERG BATRA introduced the general discussion on continuation of the COSAC-coordinated subsidiarity checks by presenting the suggestion of the Swedish Presidency that given the uncertainty about final ratification of the Treaty of Lisbon it was advantageous not to conclude such a debate in Stockholm but to leave it open for the Spanish Presidency.

A number of speakers took the floor on this topic. All of them agreed that control of the subsidiarity principle was an important prerogative of national parliaments and therefore a relevant topic for COSAC. There was, however, no agreement on the question of how much attention COSAC should pay to this. Some speakers were of the opinion that priority should be given to more substantive questions and topics of current concerns of citizens, while others argued that COSAC should play a central role in coordinating subsidiarity control by national parliaments. Some speakers also pointed out that the debate should rather focus on other powers conferred upon parliaments by the Treaty of Lisbon and how parliaments are to organise themselves to carry these out effectively. It was also mentioned that the cooperation between national parliaments and the European Parliament in this context is of increased importance.

Mr Miguel ARIAS CAÑETE, Chair of the Committee on European Union Affairs of the Spanish *Congreso de los Diputados*, on behalf of the future Presidency, stated that once the Treaty of Lisbon entered into force, the challenges of a proper control of the principle of

¹ See annex to these minutes

subsidiarity, which national parliaments had experienced during the COSAC-coordinated checks, would become real and therefore a permanent task. The Spanish Presidency intends to open the debate on the role of COSAC under the terms of the Treaty of Lisbon and the cooperation between national parliaments and the European Parliament. There will be a questionnaire to prepare these debates. The discussions should commence at the COSAC Chairpersons' meeting on 5 February 2010 with the ambition for the XLIII COSAC to wind them up and open a new chapter in the history of COSAC.

Ms Anna KINBERG BATRA concluded the debate by reminding delegations of the results of the working group of the national parliaments' representatives to the EU on the implementation of Protocol 2 on the Application of the Principles of Subsidiarity and Proportionality as attached to the Treaty of Lisbon. The working group was created under the Slovenian Presidency. Its findings were presented at the XL COSAC Meeting in Paris in November 2008.

Proposals for subjects to be dealt with in 2010

According to article 7.1 of the COSAC Rules of Procedure, delegations could propose subjects to be dealt with in 2010. The following were put forward: the issue of coordinated control of subsidiarity including a selection of proposals of special interest according to the next Legislative and Work Programme of the European Commission; two proposals for additional COSAC-coordinated subsidiarity checks; follow-up of the debates held in COSAC under the French and Czech Presidencies on the parliamentary oversight of Europol and Eurojust; the reform of the EU budget and its financing mechanism; the implementation by national parliaments of their right provided for in the Treaty of Lisbon to bring an action before the Court of Justice of the European Union on grounds of infringement of the principle of subsidiarity by a legislative act. The Spanish and Belgian Presidencies were encouraged to take those proposals into account.

3. State of Play of the Swedish EU Presidency

In the presence of Her Royal Highness, Crown Princess Victoria of Sweden
Guest Speaker: Mr Fredrik REINFELDT, Prime Minister of Sweden

Mr REINFELDT started his speech with an overview of the state of play of the ratification of the Treaty of Lisbon. According to the Prime Minister, the convincing "Yes" by the Irish people at the 2 October 2009 referendum was very pleasing news. However, it was important to listen to criticism expressed during the referendum campaign. He pointed out that Poland and the Czech Republic had not yet finalised the ratification process of the Treaty of Lisbon. According to the Prime Minister, the next to ratify the Treaty would probably be Poland, the President of which had indicated that he would sign the ratification law soon.

However, in the Czech Republic, the situation had been complicated by a petition on the constitutionality of the Treaty lodged by seventeen Senators with the Constitutional Court of the Czech Republic. Mr REINFELDT said that according to his information it might take the Court up to 3 - 6 months to consider the petition and that the signature by the President of the Czech Republic could not be expected until the final decision of the Court had been pronounced. In this situation, it was not clear which Treaty, *i.e.* the Treaty of Lisbon or the Treaty of Nice, would be the basis for the forthcoming negotiations on the EU institutional set-up. Mr REINFELDT also reminded the audience that the Treaty of Lisbon would come

into force on the first day of the month following the deposit of the Instrument of Ratification by the last Member State to take this step. Under these circumstances, if the President of the Czech Republic had not signed the ratification law by December 2009 the Treaty would come into force only during the Spanish EU Presidency in the first half of 2010.

In addition, Mr REINFELDT presented his views on the state of affairs on climate change, on tackling the consequences of the global financial and economic crisis, on enlargement of the EU and other important issues to be dealt with during the Swedish Presidency.

On the subject of climate change, the Prime Minister stressed the importance of reaching an agreement in the United Nations Climate Change Summit in Copenhagen in December 2009. The new agreement aimed at combating global warming would replace the Kyoto Protocol of 1997. Mr REINFELDT warned of a possible legal vacuum in the case of failure to reach a new global agreement. Mr REINFELDT noted with satisfaction the changed position of the new USA administration which had already presented to the US Congress ambitious draft legislation on cutting US greenhouse gas emissions. However, it was not clear whether the legislation would be ready by the Copenhagen summit. Also, the Prime Minister noted the changes in the positions of Australia and Japan, who had also indicated the desire to cut their greenhouse gas emissions. The Swedish Prime Minister underscored the necessity of ensuring full participation of the USA and China in the new global agreement as well as reaching decisions on financial commitments of the individual parties to the agreement.

As to the financial and economic crisis, Mr REINFELDT underlined that the European Council was planning to debate rules on macro and micro supervision of the international financial system as well as stimulus for European economy, the high level of debts and consequences of an aging population. The Prime Minister also informed the Conference that the G-20 summit in Pittsburgh, USA, on 25 September 2009 launched a framework that laid out the policies and joint actions to generate strong, sustainable and balanced global growth. The participants of the Pittsburgh summit had, *inter alia*, committed themselves to raising capital standards and to implementing international compensation standards aimed at ending practices that led to excessive risk-taking. According to Mr REINFELDT, risk distribution whereby profit went into the pocket of those who had taken risks, was no longer acceptable.

On the issue of the enlargement of the EU, the Swedish Prime Minister noted the recent agreement between Slovenia and Croatia which enabled the continuation of membership negotiations with Croatia. The Conference was told that the negotiations were well underway and were expected to be completed by 2010. As to the membership application of Iceland, Mr REINFELDT expressed hopes that the negotiations could start during the Swedish Presidency, after all outstanding issues had been dealt with.

The Prime Minister also mentioned the importance of the Baltic Sea Strategy and the Stockholm Programme, which were scheduled for debates and adoption at the European Council Meetings in October and December 2009 respectively.

The Prime Minister's speech was followed by a debate. Members of Parliament praised the Swedish Presidency for its ambitious goals and effective approach towards numerous challenges both inside and outside the EU. The speakers raised such issues as: the need to swiftly ratify the Treaty of Lisbon, implementation of the new role of national parliaments in the EU, the need for proper consultation with national parliaments and the European Parliament in preparations for entry into force of the Treaty, negotiations for the candidates

to the new posts of President of the European Council and High Representative of the Union for Foreign Affairs and Security Policy, the special responsibility of the Presidency in leading the EU in global talks for combating climate change, dealing with the consequences of the global financial crisis, ensuring sustainable development, job creation, the Stockholm Programme, the need to move forward with the enlargement of the EU, and so on.

In response to the numerous questions by Members of Parliament, the Swedish Prime Minister underlined that the Treaty of Lisbon would provide not only a necessary EU institutional set-up, but also ensure a higher degree of democratic legitimacy and transparency to the EU, by enhancing the role of the European Parliament and by providing national parliaments with a direct and decisive role in the EU decision-making process. Mr REINFELDT was of the opinion that it was too early to discuss possible types of Presidency of the European Council or individual candidates for the posts of President of the European Council and High Representative. He underscored that the Swedish Presidency had put in place all necessary arrangements for the negotiations on the implementation of the Treaty of Lisbon. However, an independent, autonomous Court of a Member State had to be heard first. In the opinion of Mr REINFELDT, further clarity was needed before the EU could proceed, hopefully in December 2009.

Mr REINFELDT also agreed with the participants that at the Climate Change Summit in Copenhagen in December 2009 a strong will to resolve the issue was needed, including financial solutions, burden-sharing arrangements and solidarity with least developed countries. According to the Prime Minister, without financial solutions there would be no global agreement.

When commenting on the state of play of the ongoing EU enlargement negotiations, Mr REINFELDT underscored the importance of adhering to commitments by both parties and the need for the candidates to ensure their full compliance with the Copenhagen criteria.

4. The climate challenge

In the presence of Her Royal Highness, Crown Princess Victoria of Sweden
Guest Speaker: Mr Andreas CARLGREN, Swedish Minister for the Environment

Mr Andreas CARLGREN opened the floor by explaining his high expectations for the upcoming meeting regarding climate change in Copenhagen this December. He stated that the European Union, and the rest of the world, had achieved much more in fighting climate change than anyone could expect just three or four years ago. According to the Minister, the world's view on climate changed in late 2006 and early 2007, mainly due to the Review on Economics of Climate Change by Sir Nicholas Stern². The report highlighted the climate changes to a completely different extent than before. The time between the meeting in Bali in December 2007 and the forthcoming meeting in Copenhagen resulted in a global dialogue on climate change, involving all countries of the world, which was a major positive change.

The Minister stressed that environment was one of the most important priorities of the Swedish Presidency. He explained that the Presidency function led to Sweden negotiating, for example, with the USA and China in order to achieve ambitious, globally binding results

² The report can be found at the following address: http://www.hm-treasury.gov.uk/stern_review_report.htm

in Copenhagen. In Asia, negotiating conditions had improved: a new higher level of ambitions had been seen in Japan after elections, and some positive developments were evident in China and India. According to the Minister, the current attitude of the USA was totally different from before; the new approach of the USA administration was an important prerequisite, but considerable efforts were still needed.

The Minister explained that the industrialised countries had to, both individually and jointly, reduce carbon dioxide emissions. The negotiations had been difficult; all parties needed to increase their bids, including developed and emerging economies, but also developing countries. The developed countries had the responsibility to lead the work for two reasons, partly for historical reasons - these countries account for the vast majority of emissions - but also for economic reasons. Nevertheless, the Minister underlined that developing countries also had to take responsibility. According to the Minister, the EU goal - to reduce its greenhouse gas emissions by 30 percent if other developed countries make comparable reductions³ - could be seen as a lever to get other parts of the world to follow with lofty ambitions. In the Minister's opinion the EU had to agree on financing, to align the various actions and to dispose the necessary technology transfers. According to Mr CARLGREN, it was important to decide on cost-sharing, especially for developing countries. Next on the EU agenda was therefore an ECOFIN meeting on 20-21 October 2009, which aimed to reach an agreement on the funding issue, to be followed up and confirmed by the European Council on 29-30 October 2009.

Next, the Minister explained the form an agreement in Copenhagen would take. The most important thing was to achieve a comprehensive agreement. Mr CARLGREN said that he did not believe in partial agreements; only a full agreement would be acceptable as an outcome. This was important not only because of what had been agreed in Bali in 2007, but mainly because the climate issue was too important to be postponed and it had been waiting for too long. The Minister underlined that a successful outcome of the meeting in Copenhagen, where a two-degree target would be within reach⁴, was a flexible agreement that covered all countries and that would be flexible enough for future adjustments depending on scientific progress.

The Minister closed his speech by pointing out the importance of both industrialised and developing countries, to demonstrate that adaptation to climate change would give their countries the opportunity to develop and to increase their economic growth. He said it was important to demonstrate that such actions were in our common interest and that a green society was a community that would offer growth and benefit to the public.

³ The EU has agreed on the four objectives to be met by 2020 (climate targets usually shortened 20-20-20):

- Reduce greenhouse gas emissions by 20 percent, compared with 1990 levels.
- Reduce energy consumption by 20 percent.
- Raise the share of renewable energy to 20 percent of all energy consumption.
- Raise the share of bio fuels in transport to 10 percent.

The EU is committed to reaching a global climate agreement in Copenhagen in December 2009. If reached, the agreement will apply as of 2013. The EU would reduce its greenhouse gas emissions by 30 percent if other developed countries make comparable reductions.

⁴ The EU climate strategy seeks to limit temperature increase to 2°C above pre-industrial levels, responding to the global scientific recommendation.

The speech was followed by numerous questions from Members of Parliament, for instance about the status of the negotiations with China and the USA. The Minister replied that there were still some problems and that the USA was a key factor in the final negotiations. The Minister went on to explain that it was important to exert pressure on the USA, but that the EU had to be cautious in doing so. In the case of China, the EU had made tough demands bilaterally and the Presidency hoped to see efforts on the part of China as well.

A few Members pointed out that there were high expectations for a result in Copenhagen and stressed two elements as particularly important: the technology transfer and the allocation of resources. There was also a question about negotiations within the EU on climate change. The Minister replied that there was significant support within the EU on the issue; nevertheless some questions remained to be discussed, such as the technical and economic aspects. The Presidency expects decisions and consensus at the ECOFIN meeting in late October, and also at the European Council meeting a week later. The Minister underlined that the Presidency expected a full consensus and a clear mandate for the Copenhagen Conference.

A few Members asked about technical adjustments, *e.g.* Ms Erna SOLBERG, First Deputy Chairp of the Committee on Foreign Affairs of the Norwegian *Storting*, asked whether the EU's climate goal overshadowed the important discussion about technology adaptations. Others stated that today's technical knowledge limited solutions, pointing out that Member States had to intensify research on new technology. The Minister replied that he did not think that because of the special focus on the climate targets of the EU the technology debate would vanish from the agenda. He said that technology was important and necessary, but existing technology had to be used because it was important to act now. Nevertheless, more research and public investments in the area were required.

Some Members were concerned with developing countries, pointing out that poor countries which had contributed least to global emissions suffered most from the consequences of excessive emissions and that there had to be some understanding for their situation.

The Minister thought that the EU had the responsibility to create the right conditions for green investments so that the right action would be possible, also in private businesses. The transport sector was important in the case of aviation fuel tax, and this issue, as well as tax on shipping, would be included in the Copenhagen agreement. In the Minister's opinion, a carbon tax could be introduced, but the issue was currently politically unacceptable. Therefore, according to Mr CARLGREN the EU should use other solutions, including the soon-to-be-introduced global system of emission rights.

The Minister ended his speech by encouraging all national parliaments to mobilise their powers in standing behind the EU in order to reach this extremely important global agreement.

5. Chairpersons' meeting

Appointment of the Permanent Member of the COSAC Secretariat and the state of play of the co-financing issue

Based on the proposal from the Presidential Troika, Ms Loreta RAULINAITYTĖ, candidate put forward by the Lithuanian *Seimas*, was appointed as the Permanent Member for the COSAC Secretariat for the second term, *i.e.* until 31 December 2011. Gratitude was expressed to the *Seimas* for its commitment and appreciation to Ms RAULINAITYTĖ for her

work so far. The Chair informed COSAC that as of the day of the meeting a sufficient number of parliaments had committed themselves to the co-financing of the Permanent Member of the COSAC Secretariat and the costs of running the COSAC office and the website. Therefore financing was assured until 31 December 2011. The remaining national parliaments were invited to send their letters of intent to the Presidency by the end of 2009.

Debate on the Contribution and Conclusions of the XLII COSAC

Two weeks prior to the XLII COSAC meeting the Swedish Presidency had put forward a first draft of the Contribution and Conclusions giving delegations the opportunity to submit their amendments. Based on these, the second draft was prepared. This one was then completed taking into account the results of the Irish referendum on the Treaty of Lisbon on 2 October 2009 and the decision of the Chairpersons on the appointment of the Permanent Member of the COSAC Secretariat. The Chairpersons discussed and agreed on a number of amendments to the proposed text. (The final draft of the Contribution and Conclusions was made available to the plenary immediately before the second day of the XLII COSAC Meeting).

6. Openness and transparency in the EU Institutions and in national parliaments when handling EU matters

Guest Speakers: Ms Margot WALLSTRÖM, Vice President of the European Commission, and Mr Björn VON SYDOW, PhD, former Speaker of the Swedish *Riksdag*, Member of the Swedish *Riksdag*

Ms WALLSTRÖM took the floor to mention the recent Irish referendum, whose lesson may be summarised by the following catchphrase: “*listen better, explain better, go local*”. As a result of a working group created after the 2008 referendum and to improve knowledge of the Treaty of Lisbon, the European Commission published a brief “citizen’s summary” of the Treaty, which is now available in all EU languages.

On the issue of openness and transparency, Ms WALLSTRÖM considered both elements to be a citizen’s right, as important as the right to vote, and should include the right of public access to documents and the use of clear language. Thanks to its openness initiative launched in November 2005, the Commission started an ongoing dialogue with national parliaments which in her view brought Europe closer to its citizens. As a result of that initiative, Ms WALLSTRÖM mentioned the public online registry for lobbies created in June 2008. The Commission is currently reviewing the registry’s first year of operation, and plans to set up a joint registry with the European Parliament, while talks with the Council have begun on the registration of its lobbies.

Regarding public access to documents, Ms WALLSTRÖM informed COSAC that the focus lay with the current review of Regulation 1049/2001, which had worked well for the past 8 years, although there was room for modernising a good tool, which was being used mainly by lawyers and lobbyists, and not enough by citizens and journalists.

In its will to lead by example, the Commission was putting transparency into all of its policies and was working on the idea of a “citizen’s summary” in plain language to accompany all strategic and priority initiatives of the Commission.

Ms KINBERG BATRA thanked Ms WALLSTRÖM for her work in fostering cooperation between the Commission and national parliaments over the last 5 years and drew attention to point 1.2 of the Draft Contribution, in which COSAC recognised Ms WALLSTRÖM's work. This was greeted with applause from the COSAC plenary.

Dr VON SYDOW began his intervention by analysing the relationship between democracy and transparency. He stated that at EU level, the development in EU procedures and practices was moving towards more transparency, although this general drive towards openness was hindered by the speed with which some decisions were being taken.

Summing up a complex issue, Dr VON SYDOW stated that most people in the EU identified themselves with their country, not with the EU; that most Europeans were inclined to accept joint decision-making at the EU level, especially in a period of crisis; and that the low turnout at the elections to the European Parliament was partly due to a negative view of politics and politicians.

Furthermore, it was open to debate whether the European polity would ever turn into a truly parliamentary system with a right/left confrontation, or whether this move would have the support of the European citizens. On the one hand, the conflict strategy could improve voters' interest in EU affairs, although, on the other hand, the conflict could spill over to the EU as a principle, and increase competition between Member States and the EU as a supranational body. In this context of absence of a truly parliamentary system, the accessibility to documents was of great importance, as it increased the openness and transparency relating to EU questions, which was a move towards a more responsible decision-making system.

In the ensuing debate, speakers insisted on the need for humility and effectiveness from the EU Institutions, on the need for more understandable language, on transparency of the comitology procedure and on increasing the involvement of the European Parliament and national parliaments in strengthening the legitimacy of the decision-making processes.

Ms WALLSTRÖM recognised the need to improve communication plans for comitology. After describing the turnout of voters at the European Parliament elections as disappointing, Ms WALLSTRÖM argued that it would be more attractive if Member States were to facilitate the voting process. In a further move towards transparency, the Commissioner mentioned that the new Treaty allowed for some of the Council's meetings to be open to the public.

Dr VON SYDOW insisted on the fact that Europeans accepted the EU only as an instance of last resort, when there was a perception that Member States on their own were powerless to tackle certain situations.

In the ensuing debate, the following issues were singled out: the focus on openness and transparency in policies, rather than on procedures; the stress on Council meetings as a political forum, whose decisions must be made public but where debates must be held behind closed doors; the "*trialogue*" process, where national parliaments have no say; the registry of lobbies at the Commission and the European Parliament; the role of national broadcasters and of education to improve information on EU issues; the early warning mechanism as a way for citizens to make themselves heard at the EU level; and the holding of debates on EU issues at national level by national parliaments.

In her final intervention, Ms WALLSTROM reviewed the improvement of information and communication between the Commission and national parliaments and underlined the need to invest in a European public space, where debate could be facilitated in all aspects and by all means available. Dr VON SYDOW referred to his argument that the EU was very unlikely to transform itself into a parliamentary system, and therefore needed transparency and openness to develop into a form of polity acceptable to EU citizens.

7. The Stockholm Programme

Guest Speakers: Ms Beatrice ASK, Swedish Minister for Justice, and Mr Tobias BILLSTRÖM, Swedish Minister for Migration and Asylum Policy

In her introductory statement, Ms Beatrice ASK said that the elaboration of the Stockholm Programme was one of the most important tasks for the Swedish Presidency. With the Commission's Communication as the point of departure, an informal Council meeting had been held in July, followed by bilateral meetings as well as discussions with the European Parliament. Ms ASK said that her impression was that there was a large degree of consensus on the main issues. She said the Programme would be "ambitious, long-term and balanced". The citizen's perspective would be kept in focus: The measures included in the Programme should be those that citizens consider important and bring "added value".

The Swedish Minister for Migration, Mr Tobias BILLSTRÖM, said that the European "Pact on Asylum and Migration", adopted by the European Council in October 2008, had given political backing to intensifying work in this field. The Commission had carried out a broad consultation as a basis for that part of its Communication. Mr BILLSTRÖM said that, provided it was well handled, migration could be beneficial to all parties - the countries of origin and destination as well as the individual migrants themselves. Under usual circumstances, the EU would need labour immigration, and therefore the EU should stand ready when the economy turns upward again. Another key element was joint policy and efforts to meet illegal immigration, *inter alia*, with a more efficient policy of returning immigrants. However, measures to combat illegal immigration must not lead to diminished access to asylum procedures.

In the debate it was pointed out that the Treaty of Lisbon would bring better rules for decision-making in the area of freedom, security and justice, and thereby better possibilities for implementation of the elements included in the Stockholm Programme. The national parliaments should be closely involved in this.

Many underlined what the minister had said: that there must be a balance between measures to increase security and, on the other hand, safeguarding the fundamental rights of citizens. Some felt that developments during the last few years had concentrated on the security aspect, and that therefore it would now be important to "catch up" by looking at better guarantees for private life.

It was also clear that many saw a need for additional rules on the EU level. For instance, it was mentioned that there was much cooperation between the police forces of different Member States, but not necessarily sufficient rules on which type of information should be exchanged, who should be entitled to share the information, etc. Another example was family law, where the increased mobility tended to increase the number of cases where the legal

situation was not entirely clear (at least not to those concerned). A third field where harmonised legislation might be necessary was related to new technologies, in particular electronic communications and "cyber crime". It was said that some of the points where new EU legislation was needed had been mentioned in the preceding Tampere and Hague Programmes, which were not yet fully implemented.

It was pointed out, also, that there was a genuine public interest in the issues concerning the area of freedom, security and justice. An open discussion was important, as well as thorough scrutiny of any proposed measures in this field. It should be clearly demonstrated that EU regulation was needed before any legislation was adopted.

A number of speakers, in particular from Mediterranean Member States, brought up the issue of inflow of "illegal" immigrants arriving from overseas. It was said that FRONTEX needed to be strengthened, and that some of the most severely affected Member States had difficulties finding, on their own, sufficient resources to cope with the situation. A common migration policy based on solidarity between Member States was therefore a priority at present. Many spoke out in favour of establishing, on the EU level, a set of minimum rights for asylum seekers. With reference to the historical experience of some of the Member States, it was pointed out that the difficult situation should not make the EU deviate from offering asylum to those who were in fact in need of it.

It was mentioned that the possibility of resettlement of refugees should be considered. In this context the need for more common practices of granting asylum was underlined. It was also said that of course migration flows needed to be handled, but that resources would also be needed for integration of (legal) immigrants. Although this was mentioned in the Communication of the Commission, some more thought might be given to this, as it was also related to increased mobility within the EU. The Stockholm Programme should include measures that would facilitate such mobility.

8. Adoption of the Contribution and Conclusions of the XLII COSAC

After a debate on additional proposals for amendments from national parliaments and the European Parliament the Conference adopted the Contribution and Conclusions of the XLII COSAC by consensus.

**Information on the participation in the subsidiarity check on
the Proposal for a Council Framework Decision
on the right to interpretation and to translation in criminal proceedings
(COM(2009) 338 final)**

The following 21 parliaments/chambers from 17 Member States completed the subsidiarity check **by the 8 week-deadline**, i.e. 14 September 2009:

1. the Austrian *Bundesrat*;
2. the Bulgarian *Narodno Sabranie*;
3. the *Vouli Ton Antiprosopon* of Cyprus;
4. the Danish *Folketing*;
5. the Dutch *Tweede Kamer*;
6. the Dutch *Eerste Kamer*;
7. the Irish *Houses of the Oireachtas*;
8. the Italian *Senato della Repubblica*;
9. the French *Sénat*;
10. the German *Bundestag*;
11. the Latvian *Saeima*;
12. the Maltese *Kamra-tad-Deputati*;
13. the Polish *Sejm*;
14. the Polish *Senat*;
15. the Portuguese *Assembleia da República*;
16. the Slovakian *Národná Rada*;
17. the Slovenian *Državni zbor*;
18. the Slovenian *Državni svet*;
19. the Swedish *Riksdag*;
20. the UK *House of Commons*;
21. the UK *House of Lords*.

The following 10 parliaments/chambers from 10 Member States **did not complete** the subsidiarity check **within the set deadline, but completed it by 1 October 2009**:

1. the Austrian *Nationalrat*;
2. the Estonian *Riigikogu*;
3. the Finish *Eduskunta*;
4. the French *Assemblée nationale*;
5. the German *Bundesrat*;
6. the Hungarian *Országgyűlés*;
7. the Lithuanian *Seimas*;
8. the Luxembourg *Chambre des Députés*;
9. the *Parlamentul României*;
10. the Spanish *Cortes Generales*

Some parliaments decided to carry out the subsidiarity check but **had not completed it yet**, e.g. the Czech *Poslanecká sněmovna* and the *Senát*.