

MINUTES OF THE MEETING OF THE PRESIDENTIAL TROIKA OF COSAC
Prague, 11 May 2009

PRESENT AT THE MEETING:

IN THE CHAIR: Ms Kateřina JACQUES (*Poslanecká sněmovna*, Czech Republic) and Mr Luděk SEFZIG (*Senát*, Czech Republic);

Mr Hubert HAENEL (*Sénat*, France); Mr Michel HERBILLON (*Assemblée nationale*, France); Ms Anna KINBERG BATRA (*Riksdag*, Sweden); Mr Edward McMILLAN-SCOTT (European Parliament).

AGENDA:

1. Opening of the proceedings and adoption of the agenda of the Troika Meeting
2. Adoption of the agenda of the XLI COSAC Meeting
3. 11th Bi-annual Report
4. Report on the results of the subsidiarity check and the next subsidiarity check
5. Contribution and Conclusions of the XLI COSAC Meeting
6. AOB

PROCEEDINGS:

1. Opening of the proceedings and adoption of the agenda of the Troika Meeting

The meeting was chaired by Mr Luděk SEFZIG and Ms Kateřina JACQUES who welcomed the delegations.

The agenda of the meeting of the Presidential Troika of COSAC was presented by Mr SEFZIG and unanimously adopted as above.

2. Adoption of the agenda of the XLI COSAC Meeting

Mr SEFZIG outlined the draft agenda of the meeting of the XLI COSAC. He also drew attention to the political situation in the Czech Republic, especially the appointment of the new Government only a few days before the beginning of the XLI COSAC Meeting. This was the reason for some last minute adjustments to the programme.

The draft agenda was approved by consensus.

3. 11th Bi-annual Report

Mr SEFZIG introduced the 11th Bi-annual Report and thanked the COSAC Secretariat for drafting an excellent report. Mr SEFZIG also informed the Troika that the Presidency had

tried to reflect the conclusions of the 11th Bi-annual Report in the draft Contribution and Conclusions of the XLI COSAC.

The Troika endorsed the 11th Bi-annual Report of COSAC.

4. Report on the results of the subsidiarity check and the next subsidiarity check

Mr SEFZIG presented the Report on the results of the subsidiarity check on the proposal for a directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation that was drafted by the COSAC Secretariat and published before the XLI COSAC Meeting.

Mr SEFZIG noted that the subsidiarity check had been conducted by 27 parliaments and parliamentary chambers from 20 Member States within the period of eight weeks provided for by Protocol 2 to the Treaty of Lisbon. 25 out of 27 had found that the Proposal was not in breach of the principle of subsidiarity. One chamber had found a breach.

Mr SEFZIG reminded the Troika of the decisions of the COSAC Chairpersons' Meetings in Paris on 7 July 2008 and in Prague on 10 February 2009 to conduct subsidiarity checks (i) on the Proposal for a Regulation of the European Parliament and of the Council on the applicable law, jurisdiction, recognition of decisions and administrative measures in the area of successions and wills, and (ii) on the Proposal for a Framework Decision on procedural rights in criminal proceedings. The date of the adoption of the first Proposal had been repeatedly postponed by the European Commission; the second Proposal is to be adopted in July 2009.

The Troika decided to keep both Proposals as subjects of future subsidiarity checks. The checks will begin when the Proposals are adopted by the Commission.

5. Contribution and Conclusions of the XLI COSAC

Mr SEFZIG introduced the draft Contribution and Conclusions of the XLI COSAC. The first draft had been sent to national parliaments and to the European Parliament in advance of the XLI COSAC Meeting. Mr Sefzig expressed his thanks for all the amendments and comments which had been submitted and which the Presidency had taken into consideration while preparing the second draft of the Contribution and Conclusions of the XLI COSAC.

Mr Edward McMILLAN-SCOTT thanked the Presidency for reflecting the proposals of the European Parliament in the draft Contribution and Conclusions of the XLI COSAC and underlined the importance of protection and promotion of human rights and democracy in the world.

Referring to the parliamentary oversight of Europol and evaluation of Eurojust, Mr McMILLAN-SCOTT asked that the Contribution and Conclusions reflect the need to keep the debate open until the Treaty of Lisbon enters into force. He also recalled the recent resolution of the European Parliament on relations between the European Parliament and national parliaments under the Treaty of Lisbon which should be taken into consideration when discussing this topic.

Mr SEFZIG expressed the hope that the debate on the parliamentary oversight of Europol and evaluation of Eurojust at the XLI COSAC Meeting would be constructive and fruitful.

Ms Anna KINBERG BATRA expressed her support for using the existing structures and mechanisms for parliamentary oversight of Europol and evaluation of Eurojust instead of creating new ones.

The Troika approved the draft Contribution and Conclusions of the XLI COSAC by consensus.

6. AOB

Mr SEFZIG informed the Troika of two letters that had been received by the Presidency.

The first letter was from the Chairman of the Committee on EU Affairs of the Polish *Sejm*, Mr Andrzej GRZYB, with the Conclusions of the meeting of representatives of the Committees on European Affairs of the Estonian, Lithuanian, Latvian and Polish Parliaments attached.

The second letter was from the Chairman of the Committee on EU Affairs of the Polish *Senat*, Mr Edmund WITTBRODT, with the Conclusions of the meeting of the Committees on European Affairs of the Czech, Hungarian, Polish and Slovak Parliaments attached.

The Troika took note of the two letters.