

2 July 2008

Interim Update

on

COSAC subsidiarity checks



Prepared by the COSAC Secretariat

Interim update on COSAC subsidiarity checks

Based on the proposals from national parliaments, the COSAC Chairpersons in their meeting on 18 February 2008 in Ljubljana agreed to carry out subsidiarity checks on the following two legislative proposals:

- **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 (2008/JLS/122); and**
- **Proposal for a Directive implementing the principle of equal treatment outside employment (2008/EMPL/017)¹.**

This decision was confirmed in the Conclusions of the XXXIX COSAC that took place on 7-8 May 2008 in Brdo pri Kranju².

The Proposal for a Council Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation instead of June 2008 **was adopted on 2 July 2008** (during the French Presidency, rather than during the Slovenian Presidency as expected at the XXXIX COSAC meeting).

Following the adoption of the Proposal for a Council Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation, the COSAC Secretariat has prepared necessary arrangements for the subsidiarity check, which will be conducted by national parliaments within the eight weeks after the Proposal is made available in all official languages of the EU. The Commission has informed the COSAC Secretariat that all linguistic versions of this proposal will be made available in the second half of July 2008.

According to the information provided by the Commission, the original date for the adoption by the Commission of 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 has changed. This Proposal **will now be adopted in the 1st quarter of 2009** rather than in November 2008.

Since 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 will not be adopted until 2009, **the COSAC Chairpersons will have to decide whether to conduct a second subsidiarity check in 2008. If they decide to do so they will need to decide on which Proposal.**

Below is the table of the suggestions from national parliaments which was discussed at the COSAC Chairpersons meeting in Ljubljana, together with updated information on the estimated date of adoption of the Proposals.

¹ Upon adoption, the title of the Proposal was changed. It now reads as follows: Proposal for a Council Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation

² See Conclusions of the XXXIX COSAC, paragraph 1.3
<http://www.cosac.eu/en/meetings/Ljubljana2008/ordinarymeeting/>

Proposals from national parliaments for legislative proposals to be subject to the forthcoming subsidiarity check

(Updated estimation for adoption by the Commission, based on the College agendas until 23 September 2008)

No.	Estimated time of adoption	Legislative proposal	National parliament
1.	November 2008 1st quarter 2009	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 (2008/JLS/122)	BG, CZ Senate, EL, IE, NL, PL Senat, SK (12)
2.	November 2008 1st quarter 2009	Proposal for a Directive on the conditions of entry and residence of seasonal workers (2008/JLS/147)	AT, CZ Senate, DE Bundesrat, LU, NL Representatives, PT, SI Assembly, UK Commons (11)
3.	7 January 2008	Council decision on Future of Eurojust and the EJM (European Judicial Network in criminal matters) (2008/JLS/120)	CZ Senate, NL, PT, RO, SI Assembly, FI (10)
4.	November 2008 1st quarter 2009	Proposal for a Directive of the European Parliament and of the Council amending Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (2008/JLS/024)	LU, NL, RO, SI Assembly (7)
5.	23 September 2008	Proposal for a Directive amending Directive 92/85/EEC of 19 October 1992 on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breast-feeding (2008/EMPL/025)	BG, NL, PL Senat, FI (7)
6.	June 2008 2 July 2008	Proposal for a Council Directive implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation (2008/EMPL/017)	BG, CZ Senate, IE, SK (7)
7.	July 2008 17 September 2008	Proposal for a Regulation of the Council and the European Parliament amending Council Regulation 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country	DE Bundestag, LU, NL, RO (7)

		national (2008/JLS/022)	
8.	September 2008 25 June 2008	Regulation for a European Private Company Statute (2008/MARKT/036)	CZ Senate, DE Bundestag, IE, NL Senate, RO (7)
9.	4th quarter 2008	Review of the Energy Taxation Directive (2008/TAXUD/003)	CZ Senate, EL, NL Senate, RO, SI Assembly (7)
10.	November 2008	Proposal for a Directive of the European Parliament and of the Council amending Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status (2008/JLS/023)	LU, NL, RO (6)
11.	July 2008 17 September 2008	Proposal for a Directive of the European Parliament and of the Council amending Council Directive 2003/9/EC of 27 January 2003 laying down standards for the reception of asylum seekers (2008/JLS/021)	LU, NL, RO (6)
12.	non-legislative	Policy Plan on Asylum	LU, NL, RO (6)
13.	3rd quarter 2008 (?)	Review of existing legislation on VAT reduced rates (official title not yet defined)	LU, NL Representatives, SK (5)
14.	December 2008	Proposal for a Framework Directive on Consumer Contractual Rights (2008/SANCO/001)	NL, RO (4)
15.	October 2008	Legislative proposal for a European Maritime Space without barriers	EL, PT (4)
16.	non-legislative	Communication on Entry/exit system and other border management tools	NL, UK Lords (3)
17.	October 2008	Pharmaceuticals Package (all legislative proposals)	NL Representatives, RO (3)
18.	4th quarter 2008	Directive of the European Parliament and of the Council on standards of quality and safety for the donations, procurement, testing, preservation, transport and characterisation of human organs	NL Senate, UK Lords (2)
19.	non-legislative	White Paper on Adaptation to Climate Change	DE Bundesrat, NL Representatives (2)