

**MINUTES OF THE  
XXXVIII COSAC MEETING  
ESTORIL,  
15-16 OCTOBER 2007**

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**15 October 2007**

IN THE CHAIR: Vitalino Canas, Chairman of the Committee on European Affairs of the *Assembleia da República*

**1. Opening Session of the XXXVIII COSAC** - Speaker of the *Assembleia da República*, Jaime Gama

The speaker of the Portuguese Parliament underlined, in his opening speech<sup>1</sup>, the role of national Parliaments in bringing more legitimacy to the European project. Further cooperation both between national Parliaments and vis a vis the EU Institutions needed to be developed. The new Reform Treaty enhanced the role of national Parliaments - this change was long

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<sup>1</sup> The speech is published on the COSAC website:  
<http://www.cosac.eu/en/meetings/Lisbon2007/plenary/>

overdue, since there was no reference to national Parliaments in EU primary law before the Treaty of Amsterdam. The new Treaty could be seen as a first step towards deepening the parliamentary dimension of the European Union.

## **2. Adoption of the Agenda of the XXXVIII COSAC - Chairman of the Committee on European Affairs, Vitalino Canas**

Mr. Canas outlined the agenda of the meeting which was then adopted unanimously. He announced that the Minister of Foreign Affairs of the Kingdom of Morocco would be unable to attend the meeting. This might therefore leave more time for the exchange of views with the three Representatives of the European Parliament at the IGC on the morning of 16 October.

## **3. A Europe of rights and results - Guest speaker: José Manuel Durão Barroso, President of the European Commission**

José Manuel Durão Barroso, President of the European Commission, gave an overview of the latest developments regarding the EU Reform Treaty<sup>2</sup>. He stressed that he was very optimistic that a balanced Treaty would be agreed at the Lisbon EU Summit on 18-19 October 2007. This was thanks to the determination of the German and the Portuguese Presidencies to move the process forward. He pointed out that the Reform Treaty would lead to a Europe of democratic rights and concrete results and highlighted four areas of progress beyond the Nice Treaty. These were the issue of European citizenship, the legal enforcement of the Charter of Fundamental Rights, the enhancement of the role of the European Parliament, together with the improved role for national Parliaments in the EU legislative process. He pointed out that the Reform Treaty would respond to concrete concerns of European citizens, especially in the fields of justice and home affairs, energy security, climate change and external affairs.

On the Commission's initiative of direct transmission of COM documents to national parliaments he reported that since the mechanism was put in place in September 2006 the Commission had received 138 opinions on 27 proposals from 24 Parliaments. This he considered to be proof of real dialogue between the Commission and national parliaments. He pointed out that the current Commission had demonstrated a stronger commitment to communicating with national Parliaments than any other Commission had before: Mr. Barroso reported that he had already visited half of the national parliaments and the Commission had held around 300 meetings with national Parliaments to date. He underlined that the Commission could not replace the relationship between national Parliaments and their respective governments and that its legislative action had to be seen as complementary to legislative action at national level.

During the general debate delegations welcomed the Reform Treaty as an important step forward and underlined the responsibility of national Parliaments in the ratification process. Topics of discussion ranged from the new subsidiarity mechanism, the future distribution of seats in the European Parliament, the EU Security and Defence Policy, the problem of collection and retention of personal data and the future of the Lisbon Strategy to problems of migration, climate change, energy security and the impact of the Reform Treaty on further enlargements of the Union. In the course of the discussion it was also highlighted that the Protocol on Subsidiarity to the Reform Treaty does not clearly stipulate that the new eight

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<sup>2</sup> The speech is published on the COSAC website:  
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week period for the subsidiarity check by national Parliaments should only start when a legislative act is available in all EU languages.

Mr. Barroso addressed the entire range of issues brought up by delegations. He stressed the Reform Treaty's importance for an effective EU defence and external relations policy as it stipulated a clear distribution of competences in this field. He explained that the Commission would like to see the European defence identity strengthened and would support any action of national Parliaments and governments in this direction. On additional enlargement of the EU he argued that such expansion would not be possible without the Reform Treaty. On subsidiarity he made clear that the concept should be interpreted in a Europe-friendly way. He underlined that national Parliaments and the European Parliament could be seen as the winners in the Reform Treaty, a message that was however still to be communicated to the European people. Finally he expressed his hope for the adoption and speedy ratification of the Reform Treaty. He made clear that he hoped for further opportunities to exchange views with national Parliaments.

#### **4. The Portuguese Presidency of the Council of European Union - Guest speaker: José Sócrates, President of the Council of the European Union/Prime-Minister of Portugal**

The Portuguese Prime Minister José Sócrates outlined the priorities<sup>3</sup> of the Portuguese Presidency stressing the work on the Reform Treaty, the international relations of the European Union, the Lisbon Agenda and the fight against climate change. He underlined that national Parliaments and COSAC had a key role to play in strengthening the democratic legitimacy of the European Union and in building European public opinion. If agreed, the Reform Treaty would enhance the role of national Parliaments in the decision making process of the European Union.

The Portuguese Presidency hoped to conclude negotiations on the Reform Treaty during the forthcoming informal summit of heads of state and government in Lisbon. It would stick to the very clear and precise negotiating mandate agreed at the June 2007 Summit.

A political agreement on the Reform Treaty would strengthen the European Union's capacity to act in the international sphere and would enhance its position during the forthcoming summits with Russia, India and China as well as in other international issues such as Kosovo. The summit with Brazil under the Portuguese Presidency had already set a successful example and would help to foster a coherent European approach towards the emerging markets.

A new cycle of the Lisbon Strategy was to give a European answer to the challenge of globalization and the social situation in the European Union including migration. The renewed strategy was to bring about more competition, jobs, research and innovation and would also focus on the external dimension.

The Portuguese presidency was going to give a new impetus towards an integrated European migration policy aiming to regulate legal immigration as well as to fight illegal migration and human trafficking. Better cooperation with the countries of origin and a better integration of migrants already present in Europe was needed.

In the fight against climate change it was important to reconcile issues of energy security with protecting the environment. The European Union had to take a firm stance and follow a coordinated approach in the upcoming conference in Bali where a roadmap for the post-Kyoto

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<sup>3</sup> The speech will be published on the COSAC website:  
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process was to be adopted. A global agreement under the umbrella of the United Nations was needed.

The Middle East was in fact the "Near East" for Europe, since it was politically and historically very close. The peace process in the Near East was therefore also on the Portuguese agenda with a meeting of the "Quartet" due to take place in Lisbon.

The Portuguese Presidency had the mandate to host the first summit between the European Union and Africa in seven years. Its ambitious goal was to develop a common strategy between the European Union and Africa together with mechanisms to implement this strategy. The summit was to tackle all issues of common interest: human rights, migration, good governance, climate change and development. A success in Europe's relations with Africa would be in line with the slogan of the Portuguese presidency: to build a stronger Europe for a better world.

An exchange of views took place. Several parliamentarians pointed towards the decisive role of national Parliaments in the ratification process of the Reform Treaty and noted that their request for a more intensive participation in the negotiation process had not been properly met. The complexity of the Reform Treaty and the British and Polish opt outs from the Charter of Fundamental Rights were criticised. Foreign policy and enlargement issues ranging from relations with Russia and Africa, the European Neighbourhood Policy and accession expectations of Ukraine and Moldova to the situation in Burma and Darfur were raised. It was not to be seen as a sign of euroscepticism if national Parliaments placed high importance on the principle of subsidiarity; but rather as an attempt to bring European affairs closer to the citizen.

Prime Minister Sócrates replied that the Reform Treaty was the result of a complex compromise. Representatives of national Parliaments had not been invited to the negotiations in order to secure an effective and speedy process. An agreement at the forthcoming summit would send a signal of confidence to the people. If the Treaty was signed in December 2007, and the traditions followed, it would be called "Treaty of Lisbon".

## **5. Revision of the COSAC Rules of Procedure**

The revised Rules of Procedure were adopted in the version already agreed at the XXXVII COSAC in May 2007 in Berlin. The copy is attached to these minutes.

## **6. Presentation of the 8th Biannual Report**

The report is divided into the following chapters:

- Overview of the EU scrutiny systems of national Parliaments of EU 27
- National Parliaments' expectations from the IGC
- Parliamentary monitoring of the Lisbon Strategy
- The EU Mediterranean Dimension
- National Parliaments' monitoring of EU financial programmes: priority setting and allocation of funds

During the general debate a number of delegations especially welcomed chapter 1 of the report which provides an overview of the different EU scrutiny systems of national Parliaments. It was suggested that the COSAC Secretariat should come up with a model of best practice for parliamentary scrutiny. In this context it was also pointed out that the role of regional and devolved Parliaments should be sufficiently taken into account when analysing different models of EU parliamentary scrutiny. It was underlined that Parliaments should be

better involved in the scrutiny of the Lisbon Strategy in order to ensure an easier implementation of the Strategy's objectives at national level. In this context it was suggested that Parliaments should have regular meetings on the Lisbon Strategy with their executive.

On the 2008/2009 Budget Review the suggestion was made that parliaments should conduct a full and proper scrutiny and exchange the results. On the IGC great concern was expressed that national Parliaments' influence was rather restricted compared to their role in the European Convention.

## **7. COSAC Secretariat – Appointment and co-financing of the Permanent Member for the Period 2008-2010**

The Presidency informed delegates that, despite several reminders to national Parliaments, no candidate for the post of permanent member of the COSAC Secretariat had been put forward. The Troika therefore proposed to postpone the decision to the COSAC chairpersons' meeting under the Slovenian presidency on 18 February 2008. The incumbent permanent member, Sarita Kaukaoja, and the Finnish Parliament were thanked for their readiness to fill the role until then. The conclusions of the XXXVIII COSAC would be amended accordingly. National Parliaments were once again asked to nominate candidates from their respective administrations.

Concerning co-financing of the post, the Chair announced that 23 letters of intent had already been received. The required threshold (minimum of 14 national parliaments) to move ahead with the co-financing had thus been achieved.

## **8. Debate on Future Topics for COSAC (Article 7 of the Rules of Procedure)**

The Portuguese Presidency had, in accordance with the Rules of Procedure, invited delegations to indicate those subjects they considered COSAC should discuss in 2008. 13 parliamentary chambers sent proposals to COSAC secretariat. The most frequently suggested topics concerned the Budget of the Union (suggested by the delegations from the Hellenic Parliament, both Houses of the UK Parliament, the Polish Senate, German Bundestag, Dutch Senate, and Romanian delegation). More specifically, these delegations were interested in national parliamentary scrutiny of the Budget review 2008-2009, reform of the system of own resources and the fight against fraud and protection of the financial interests of the Union. Among other topics suggested were the implications of the Reform Treaty's provisions relevant to the national parliaments and subsidiarity (the Danish Folketinget and Czech Senate) and parliamentary assessment of the Commission's Legislative and Work Programme 2008. Additional topics were suggested during the debate, namely the fight against illegal immigration (the Hellenic Parliament and Cypriot Vouli Ton Antiprosopon), family policy (delegations from the Slovenian National Assembly and Latvian Saeima) and the energy policy of the EU (delegations from the Lithuanian Seimas and French Assemblée nationale).

**16 October 2007**

## **9. The EU Mediterranean Dimension - Guest Speaker: Luís Amado, Minister of State and Foreign Affairs of Portugal**

The guest speaker was Luís Amado, Minister of State and Foreign Affairs of Portugal. Mr. Amado opened his speech by stressing the importance of adopting the new Treaty, which would, inter alia, redefine the management of the relationship between the EU and third countries. Besides climate change, disarmament, immigration, international trade and conflict prevention, the EU faced challenges including developing enhanced cooperation with Africa,

Asia, Latin America, a proactive policy vis a vis the USA and the stabilisation of the EU's relationship with Russia. He also emphasised the importance of the consolidation of the Eastern and the Mediterranean border of EU. The dynamic of relations between the EU and the Mediterranean states had gained a new dimension after the terrorist attacks of 11 September 2001. The existing instruments that governed the relations between EU and Mediterranean states were built on different platforms. Therefore the Barcelona Process should be re-examined. Amado pointed out that economic objectives in Euro-Mediterranean relations have not been sufficiently achieved, while in the political dimension conflict management in the Middle East should be the major priority for the EU.

During the debate delegates welcomed the progress made in the Barcelona Process; furthermore they expressed a belief that this dialogue needed to be deepened. The importance of exchanging of cultural goods was highlighted and cooperation in various activities such as Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures and the candidature for the seat of Euro-Mediterranean University were emphasised. A number of delegations considered the issue of illegal migration to be particularly sensitive.

At the end Amado reiterated the importance of the existence of the Euro-Mediterranean partnership, which has to be consolidated. In this context, a new strategic framework, representing both sides of the Mediterranean basin, and which would effectively cope with radicalism and extremism, was needed. The tensions between Islamic and non-Islamic world needed to be settled; and universal values like the rule of law, democracy and peace had to be promoted.

#### **10. Exchange of views with the Representatives of the European Parliament at the IGC:** Elmar Brok, Enrique Barón Crespo and Andrew Duff

Mr. Enrique Barón Crespo underlined in his speech that the Reform Treaty granted legal personality to the EU, increased in the number of co-decision areas and the role of parliaments in defence policy and in the areas of justice, climate change, energy security and migration. Transparency was the main victim of the IGC process, which was regrettable. This had to be made up for by doing more to present the Treaty to the public. Two fundamental issues resulting from the Convention were present there: European citizenship and the Charter of Fundamental Rights. The Charter could not have been included by a declaration or protocol. It had to have constitutional value.

Mr. Elmar Brok expressed his view that national Parliaments gained a more important role in the Reform Treaty as the yellow card was transformed into the orange card. In addition, the period granted to national Parliaments to perform the subsidiarity check was extended from 6 to 8 weeks. This also gave national Parliaments a chance to control their governments more effectively. This, he suggested, may be a more important result in the long term.

Mr. Brok also described the problems which remained to be discussed. On the question of the safety of personal data gathered by Member States and which are provided to other states (Passenger Name Data) there was currently a grey area. There was a proposal, tabled by the Portuguese Presidency and which he hoped would be accepted, to solve the problem. There was also a Polish demand for an advocate general – under current proposals the number of advocate generals would be extended and Poland would be guaranteed one.

An important open question which remained was the distribution of seats in the EP: the minimum number for Member States would be 6 and the maximum 96. Between these two extremes seats were distributed according to the principle of "degressive proportionality" – in a bigger country one member had to represent more citizens, which put bigger countries at a disadvantage. The base of the calculation was not the same in all Member States. As time did

not allow for an answer to the question before the elections in 2009 there was a proposal to stick, for the present, with the proposal from the EP. Then, immediately following the election, there would be an examination and consequent adjustment to the election system.

Mr. Andrew Duff concentrated on the issues of the British opt-out on Schengen and justice and home affairs. According to Mr. Duff the very presence of the opt-out was deplorable. Nevertheless he was satisfied with the current version of the Treaty. He believed that the interests of both the UK and the other states were met. Britain should be encouraged to give up the opt-outs soon.

Polish negotiators had demanded that the Ioannina compromise be upgraded from secondary to primary law. The revised version of it foresaw the necessity for a Council decision. To upgrade it to the text of the Treaty would be against the mandate of the June European Council, contradictory to the logic of the decision making process, and also increase awareness of it and thus the risk that it would actually be used. The clause had a value of a gentleman's agreement. The clause actually favoured the most heavily populated countries – thus Germany rather than Poland.

In the discussion some delegates thanked the three Representatives for their efforts and for the invitation addressed to national Parliaments to participate in AFCO meetings. It was argued that national Parliaments should proceed quickly and efficiently to the ratification process to show to citizens that the EU was able to function effectively. The UK delegation asked for clarification on the issue of the opt-outs and on the question of whether the Treaty sought to impose an obligation on national Parliaments (the “shall” question).

Mr. Brok responded by saying that the ratification process also had a symbolic meaning as national Parliaments were the ones with the final word on European integration: it was through national Parliaments that each Member State would make its decision. The Treaty did not solve any problems, rather it provided the framework for democratic decisions which were, of course, to be made as a result of political discussion. Mr. Brok said that opt-outs could not be changed by any Council decision: an amendment to the Treaty would be needed. The opt-in clause gives the UK the possibility to think again.

Mr. Duff confirmed that the question of the seats in the EP would be discussed further; there would be a report, with Mr. Duff as rapporteur, on the review of the legislation related to the European Parliament elections. National Parliaments would be fully involved in the process. Concerning the opt-outs Mr Duff believed that the only reasonable option was to give those Member States in question the possibility to give up the usage of the protocol. “Shall” in the Treaty text was not meant as any instruction – the problem would probably be solved by removing the word “shall”. Mr Duff closed by saying that it would be very nice if the Parliaments of the UK, France and The Netherlands were the first to ratify the Treaty.

## **11. Adoption of the Contribution and Conclusions of the XXXVIII COSAC**

The Presidency proposed a draft Contribution addressed to the EU Institutions together with draft Conclusions of the Conference: both had been revised during the meeting of the Chairpersons the previous day. In the short debate there were couple of technical clarifications from the Swedish and UK delegations and one addendum by the Belgian delegation. Both the Contribution and the Conclusions were adopted unanimously and are attached to these minutes.

## **12. Any other business**

The heads of the Slovenian delegation, Anton Kokalj (Državni Zbor) and Vincenc Otoničar (Državni Svet Republike), confirmed the dates of the COSAC meetings to be organised in the first half of 2008:

- 18 February 2008: Meeting of COSAC Chairpersons in Ljubljana
- 7 - 8 May 2008: XXXVIII meeting of COSAC in Bled

The Chairman, Vitalino Canas, thanked delegations for contributing to a constructive COSAC plenary and closed the meeting.

**Conference of Community and European Affairs Committees  
of Parliaments of the European Union (COSAC)**

**Contribution adopted by the XXXVIII COSAC  
Estoril, 14-16 October 2007**

**1. The IGC and the Future of Europe**

1.1. COSAC welcomes the Presidency Conclusions of the European Council held in Brussels on the 21 and 22 of June, where an agreement was reached concerning the convening of an Intergovernmental Conference (IGC), under the terms of Article 48 of the TEU (Treaty on European Union).

1.2. COSAC supports the firm stance taken by the Presidency concerning the methodology and timetable for the IGC, so that it is capable of carrying out its work in accordance with the clear and precise mandate decided by the European Council. COSAC welcomes the fact that the IGC mandate envisages a further development of the role of national Parliaments in the European Union whilst safeguarding the substance of the 2004 IGC in this respect.

1.3. COSAC expresses its support for the Presidency's goal of completing the work of the IGC as quickly as possible. Therefore COSAC wishes that the Reform Treaty is approved during the Informal Meeting of Heads of State and Government on 18 and 19 October, so that the new institutional arrangements, once ratified, would be in place before the European Parliament elections due to be held in June 2009.

1.4. COSAC believes that the role of both the national Parliaments and the European Parliament in the EU decision-making process will be enhanced and strengthened as a result of the new subsidiarity procedures and additional provisions in the new Reform Treaty. These mechanisms must contribute to ensure that national Parliaments become more closely involved in the EU decision-making process and play a stronger role *vis-à-vis* their governments in EU Affairs.

1.5. COSAC would appreciate a clarification in Article 6 of Protocol No. 2 to the Treaty on European Union (Protocol on the Application of the Principles of Subsidiarity and Proportionality) to the effect that the timeframe of eight weeks for the subsidiarity check should begin only when a draft legislative act has been transmitted to national Parliaments in all the official languages of the Union.

1.6. Furthermore, COSAC acknowledges that the implementation of the new rights of national Parliaments in the context on the new Reform Treaty requires not only an enhanced dialogue between national Parliaments, but also a full cooperation from European institutions to ensure an exchange of information with national Parliaments in order to promote transparency, democracy and legitimacy of EU legislation. Therefore, the IGC process currently underway should be providing a good opportunity to strengthen the channels of communication with National Parliaments, so that they can be closely involved and have their views taken into account. COSAC wishes that National Parliaments be associated with Intergovernmental Conferences.

## **2. Cooperation with the European Commission**

2.1. In September 2006 the Commission started to transmit all new proposals and consultation papers directly to national Parliaments, inviting them to react so as to improve the process of policy formulation. COSAC notes that approximately a year after, the assessment of this mechanism is generally positive. This mechanism brought a new dimension to the cooperation of national Parliaments with the Commission and facilitates the monitoring of EU affairs by national Parliaments.

2.2. COSAC welcomes the commitment by the Commission to take into account the views submitted by national Parliaments. This mechanism must be preserved in parallel with the implementation of the provisions contained in the Reform Treaty with regard to national Parliaments. It has encouraged many national Parliaments to assume a more active role in the pre-legislative phase of the EU decision-making and thus has enhanced their possibilities to participate effectively at an early stage of the process.

2.3. COSAC highlights the importance of the dialogue being developed between the Commission and national Parliaments and wishes this to include concrete action to inform national Parliaments at an early stage about the Commission's policy projects. In this context, COSAC reiterates the wishes already expressed on the occasion of the XXXVII COSAC in Berlin that the positions of national Parliaments are taken into account by the Commission in the formulation of its Legislative and Work Programme for 2008.

2.4. Concerning the proposals transmitted by the Commission to National Parliaments, COSAC calls upon the Commission to upload to the IPEX the different comments it has received from National Parliaments. COSAC also encourages the Commission to provide National Parliaments with an assessment of how it has taken or plans to take these into account in further formulations of policy.

## **3. Parliamentary monitoring of the Lisbon Strategy**

3.1. COSAC notes that national Parliaments are already actively involved in the implementation of the Lisbon Strategy, namely in their roles as legislators. COSAC wishes however that further developments be made as far as some Parliaments' monitoring of the open method of coordination of the Lisbon Strategy is concerned.

3.2. COSAC encourages Parliaments to try to influence the earlier stages of the process as it would provide the link with the subsequent implementation phase, where Parliaments are involved. COSAC emphasises the importance of national Parliaments in the Lisbon Strategy, namely with regards to its national ownership and visibility.

3.3. COSAC stresses that an increase in the electronic interParliamentary exchange of information and best practice regarding the monitoring of the Lisbon Strategy would further contribute to the enhancement of the role that Parliaments can play in this domain. In this context, COSAC welcomes the fact that national Parliaments and the European Parliament continue their cooperation in the framework of the Joint Parliamentary Meetings that have been organised since 2005 in advance of the Spring European Council.

3.4. COSAC calls on all national Parliaments to analyse this issue, namely before the upcoming review of the Lisbon Strategy at the Spring European Council 2008, under the Slovenian Presidency, and stresses the importance of national Parliaments being informed about the ongoing preparations for the new three year implementation cycle from 2008-2011.

#### **4. The Mediterranean Dimension of the EU**

4.1. COSAC stresses the strategic importance of the Mediterranean region for the EU. The EU policies towards the Mediterranean partners shall contribute actively to the promotion of political stability, security and also to the development of an area of shared prosperity. COSAC encourages the fostering of social and cultural exchanges, so that a better understanding between peoples and the different religions is promoted.

4.2. COSAC encourages the Member States of the EU to make use of the policy instruments that exist, namely the Euro-Mediterranean Partnership and the European Neighbourhood Policy, in a more coherent and rationalised way, so that the extensive set of policy prescriptions of the Barcelona Association Agreements can be properly linked to the domestic policy programmes of the individual partner states. COSAC emphasises that the connection between the three areas of cooperation – peace, trade and civil society – needs to be highlighted. COSAC wishes that a strengthening of cultural and university cooperation be included in the Euro-Mediterranean agenda in order to develop a specific domain that is concerned with the dimension of cultural identities.

4.3. COSAC highlights the crucial importance of the Parliamentary Dimension of the Euro-Mediterranean Partnership, namely in assessing which might be the priorities in bilateral and multilateral dimensions. It also welcomes the contacts and exchanges that take place in the framework of friendship groups, visits and missions. COSAC emphasises that all these can contribute deeply to the visibility of the Partnership and can also engender a certain feeling of ownership by the all the actors involved in this process.

4.4. COSAC calls upon all the partners involved to cooperate closely to find a comprehensive and integrated policy in the field of migration that is capable of providing the necessary linkage between the expectations of both sides, and assessing in what way migration brings benefits to all parties involved. COSAC stresses the need to address the serious issue of irregular migration, whilst ensuring full respect for human rights; including the need to vigorously oppose human trafficking, which is causing loss of life and a great deal of suffering, and recognising that migration and development are closely interlinked. It is also most important to recognise the benefits of legal immigration, especially that of qualified entrants to the European labour market.

#### **5. Parliamentary monitoring of the EU financial programmes**

5.1. COSAC calls upon the European institutions involved in the inter-institutional agreements when defining the EU multi-annual framework (the so called 'financial perspectives') to inform national Parliaments about the priorities and strategic goals of that framework.

5.2. COSAC encourages national Parliaments to further develop their scrutiny in these specific areas, namely the multi-annual framework, the specific spending programmes and the annual budget. This three-fold structure of scrutiny might give a broader and deeper insight in the structure of EU financial programmes.

5.3. Within the scope of the 2008-2009 Budget Review, COSAC invites national Parliaments to express their views before the conclusion of that review, namely through an active involvement in the conference to be organised by the Commission after the consultation period launched by this institution ends. National Parliaments are also encouraged to exchange information on the results of their scrutiny and on whether they have directly forwarded their opinions to the Commission.

**Conclusions adopted by the XXXVIII COSAC**  
**Estoril, 14-16 October 2007**

**1. Subsidiarity and proportionality checks**

1.1. COSAC recalls the decision taken at the XXXVII COSAC meeting in Berlin to conduct at least two subsidiarity and proportionality checks per year. For this purpose, COSAC evokes the selection procedure established in Berlin that should be as follows:

a) After the presentation of the European Commission's Legislative and Working Programme 2008, due to take place in October 2007, the national Parliaments are invited to check the Programme making use of their own practices, and to inform, if possible in November 2007, the COSAC Presidency of the proposals they wish to subject to the subsidiarity and proportionality check. Additional proposals may be subsequently submitted.

b) The Presidential Troika should designate the two proposals most frequently mentioned as subject to the check and submit a corresponding suggestion to the national Parliaments. If there are no objections, the Presidential Troika shall state that the designated proposals have been selected. The Presidential Troika will then request the COSAC Secretariat to start the procedure.

c) National Parliaments are also encouraged to initiate and conduct any subsidiarity and proportionality checks they choose.

1.2. Recalling the decision taken at the COSAC Chairpersons Meeting, held in Lisbon on 11 and 12 of July, to conduct a subsidiarity and proportionality check on the proposal for a Council Framework Decision on Combating Terrorism, COSAC takes note that this proposal is expected to be published in the beginning of November. If this is confirmed, the subsidiarity and proportionality check will be conducted still in 2007. The COSAC Secretariat will be asked to prepare the necessary arrangements for this check which shall be conducted by the National Parliaments within a period of eight weeks after a draft legislative act being made available in all official languages of the EU. The results of this subsidiarity and proportionality check will be discussed under the Slovenian Presidency.

**2. Amendment of the COSAC Rules of Procedure**

2.1. COSAC welcomes the endeavours of the Portuguese Presidency, with the support of the Presidential Troika, to reach a consensus on the proposal amending the COSAC Rules of Procedure as to include the provisions about the COSAC Secretariat and its Permanent Member.

2.2. COSAC appreciates the constructive efforts made by all delegations, in close cooperation with the Presidential Troika, to reach this important agreement.

2.3 The amendment to the COSAC Rules of Procedure, as it was unanimously agreed during the XXXVIII COSAC in Estoril, is attached to these Conclusions. The COSAC Secretariat is asked to prepare its publication in the Official Journal of the European Union.

### **3. Appointment and co-Financing of the permanent member of the Secretariat**

3.1. COSAC congratulates Ms. Sarita Kaukaoja for her work as the permanent member of the COSAC Secretariat from 15 January 2006. COSAC thanks the *Eduskunta* of Finland for facilitating and funding the secondment of Ms. Sarita Kaukaoja to the post.

3.2. COSAC notes that the necessary requirements to appoint a permanent member of the COSAC Secretariat at the XXXVIII COSAC Meeting are not fulfilled. This decision should therefore be taken by the Chairpersons Meeting to be held under the Slovenian Presidency.

COSAC notes with gratitude that Ms. Sarita Kaukaoja, while retiring from the post of permanent member on 15 January 2008, has undertaken to ensure the discharge of the post's essential functions pending the appointment of her successor. COSAC invites Member State Parliaments to nominate qualified candidates as soon as possible and in any case within 2007, in order that the vacancy may be filled by the COSAC Chairpersons' meeting on 18 February 2008.

3.3. COSAC welcomes the 23 letters of intent of COSAC Parliaments or Parliamentary chambers<sup>4</sup> expressing their commitment to participate in the co-financing of the permanent member of the COSAC secretariat and the costs of running COSAC's office and website.

3.4. COSAC welcomes the fact that the threshold on a minimum of the national Parliaments of fourteen Member States has been achieved.

### **4. Future suggestions for debate**

4.1. Noting that Article 7 of the COSAC Rules of Procedure provide for discussion at COSAC of subjects which Delegations have indicated they might wish to see discussed at COSAC during the following year, COSAC held a debate on the basis of a document prepared by the Secretariat, which is available at the COSAC website at:

<http://www.cosac.eu/en/meetings/Lisbon2007/plenary/future.pdf/>

4.2 COSAC stresses that this document contains only a summary of topics that EU Affairs Committees would like to discuss in the near future in the framework of COSAC and it shall not be binding to the forthcoming presidencies in any way.

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<sup>4</sup> The letters received until 16 October concern the Austrian Parliament, the Belgian Senate and House of Representatives, the Bulgarian Parliament, the Czech Chamber and Senate, the Cyprus House of Representatives, the Danish Folketinget, the Dutch States-General, the Finnish Eduskunta, the French National Assembly and Senate, the German Bundestag et Bundesrat, the Hellenic Parliament, the Irish Oireachtas, the Lithuanian Seimas, the Luxembourg House of Representatives, the Maltese House of Representatives, the Polish Sejm and Senate, the Portuguese Assembleia da República, the Parliament of Romania, the Slovenian Parliament, the National Council of the Slovak Republic, the Swedish Riksdag, the Spanish Cortes Generales, the UK House of Lords and House of Commons.

## RULES OF PROCEDURE

of the Conference of Community and European Affairs Committees of Parliaments of the  
European Union

(2004/C 270/01)

[Proposal for amendments –version as of 13 September]

### 11. ROLE OF THE PRESIDENCY

11.1. The Community and European Affairs Committee of the Member State holding the Presidency of the Council of the European Union shall hold the Presidency of COSAC during that Presidency.

11.2. The secretariat of the host Parliament shall prepare the documents for the meetings. It shall be assisted by the COSAC Secretariat.

11.3. The Chairperson of the Community and European Affairs Committee of the host Parliament shall open the debate.

11.4. The Chairperson of the Community and European Affairs Committee of the host Parliament shall propose a timetable for the meeting and the length of speeches, which shall be four minutes, unless the meeting determines otherwise.

11.5. The Secretariat of the host Parliament shall draw up brief minutes of the meeting. The draft is provided by the COSAC Secretariat.

11.6. The Chairperson of the Community and European Affairs Committee of the host Parliament shall present the debate's conclusions, as drawn up by the Presidential Troika.

11.7. The secretariat of the Parliament holding the Presidency shall provide the secretariat for the activities of COSAC during its term. The secretariats of national Parliaments and of the European Parliament shall provide assistance.

### 11. bis The COSAC Secretariat

The COSAC Secretariat shall be composed of officials from the Parliaments of the Presidential Troika, and a permanent member who supports the Secretariat in its activities.

The officials from the Parliaments of the Presidential Troika shall be appointed by each of the relevant Parliaments for a non renewable period of eighteen months.

The permanent member shall be appointed by the COSAC Chairpersons on the proposal of the

Presidential Troika. He or she shall be an official of a national Parliament and shall remain in office for two years with the possibility of one renewal.

The COSAC Secretariat shall assist the Presidency and the secretariat of the host Parliament in all its tasks. The members of the COSAC Secretariat shall perform their duties under the political responsibility of the COSAC Presidency and the Presidential Troika or according to the decisions taken by COSAC meetings. The permanent member shall coordinate the activities of the COSAC Secretariat under the direction of the Parliament holding the Presidency.

The cost for seconding the permanent member of the Secretariat to Brussels and other necessary technical costs of the Secretariat are jointly borne by Parliaments wishing to contribute. The amount and the terms of payment for the co-financed expenditure are defined in an agreement among the participating Parliaments.