

**MINUTES OF THE
COSAC CHAIRPERSONS MEETING
IN LUXEMBOURG,
9 FEBRUARY 2005**

AGENDA:

- 1) Opening of proceedings and adoption of Agenda
- 2) Exchange of views with Mr Nicolas Schmit, Minister Delegate of Foreign Affairs and Immigration, on the priorities of the Luxembourg presidency
- 3) Preparation of the bi-annual report (focus on the third chapter: National Parliaments and the area of freedom, security and justice)
- 4) Launching of the experiment on subsidiarity test (third railway package)
- 5) Discussion on the Ukrainian request
- 6) Meeting with Mrs Margot Wallström, Vice-President of the European Commission, Institutional Relations and Communication Strategy, on the strategic objectives of the European Commission 2005 -2009
- 7) Any Other business

PROCEEDINGS OF THE SITTING

In the chair: Mr Ben Fayot (*Chairperson of the Committee of Foreign and European Affairs, of Defence, Cooperation and Immigration*).

1. Opening of proceedings and adoption of Agenda:

The chairman, Mr Ben Fayot, welcomed the delegates and presented the draft agenda for the meeting. The agenda as shown above was adopted by the chairpersons.

Mr Fayot also gave a short account of the outcome of the meeting of the COSAC Troika, and presented the Troika's proposal for the agenda for the May COSAC. The draft agenda was approved by the chairpersons (see Annex 1). The Netherlands parliament was asked to prepare a note in cooperation with the COSAC secretariat on the agenda point concerning "Implementation of the EU-budget".

2. Exchange of views with Mr Nicolas Schmit, Minister Delegate of Foreign Affairs and Immigration, on the priorities of the Luxembourg presidency

The Minister Delegate of Foreign Affairs and Immigration, Mr Nicolas Schmit, gave a short presentation of the priorities of the Luxembourg presidency, which included the mid-term review of the Lisbon-process, the ambitions to conclude the financial perspectives for 2007-2013 by June

and in particular the aspirations of creating a common European policy on asylum and immigration.

An exchange of views between delegations took place.

3. Preparation of the 3rd bi-annual report of COSAC

The proposed structure for the 3rd biannual report of COSAC was agreed by the chairpersons. The secretariat was asked to circulate the questionnaire for the report as soon as possible and to indicate a deadline for replying to the questionnaire (see Annex 2).

4. Pilot project testing the subsidiarity check of the Constitutional treaty

The Chairpersons agreed that the pilot project examining the compliance with the subsidiarity principle of the “3rd railway package” should start on 1 March. As foreseen by the Constitutional Treaty the examination would last six weeks, which meant that the deadline for the completion of the subsidiarity check would be 12 April. National delegations agreed to draw up a short report upon completion of their examination summarising the obtained experience. The reports would be submitted to the COSAC secretariat, which would then draw up a synthesis summarising the replies from national delegations to be circulated prior to the debate at the XXXIII COSAC.

It was agreed that the secretariat should circulate a short “aide-mémoire” to provide guidance on what points the reports from the national delegations could cover. The aide-mémoire should be sent to the national delegations no later than 23 February.

5. Discussion on the Ukrainian request to become observers in COSAC

The Chairman informed the delegations that, in addition to the request from Ukraine, he had received a letter from the chairman of the EFTA Parliamentary Assembly asking COSAC to change its rules so as to allow parliamentarians of the EFTA countries to take part in COSAC meeting as observers.

An exchange of views took place on the Ukrainian request to invite members of the European Conference to participate in future COSAC meetings as observers, which would require an amendment to paragraph 4.2 of COSAC’s rules of procedure.

Delegations expressed great sympathy for recent developments in Ukraine. However, delegations were not prepared to make the requested rule change. Many delegations emphasised that COSAC was first and foremost an assembly whose core business was to exchange information and best practices on scrutiny of EU affairs and legislation. For the same reason, the request from EFTA could not be accepted.

In conclusion the Chairman encouraged delegations to develop bilateral contacts with Ukraine and make an intellectual effort to find formulas for improving dialogue with Ukraine. He suggested that Poland could submit a proposal in this regard with the possibility of having it put on the agenda for the COSAC meeting in May.

6. Presentation by Vice-President of the Commission Mrs Margot Wallström

Vice-President of the Commission Mrs Wallström presented her aims for the Commission's future relations with the national parliaments.

Mrs Wallström had set 10 short-term goals to be achieved in 2005. These included issuing an annual information report on the Commission's relations with national parliaments and a regular newsletter (to be distributed within the Commission administration and also to national parliaments and the European Parliament) highlighting current Commission activities regarding relations with the national parliaments. Furthermore, the Commission would play an active role to facilitate the electronic exchange of EU-related information between national parliaments, for example via IPEX and the work foreseen in the Hague guidelines adopted by the Speakers of the national Parliaments and the European Parliament in July 2004.

In the more long-term perspective relations with national parliaments should take their starting points under three headings: 1) Mutual service – a continuous and open dialogue, 2) concrete networking and 3) Connecting with people and their representatives.

Mrs Wallström concluded her presentation by giving a summary of the Barroso Commission's strategic objectives for 2005-2009 and the annual Work programme for 2005. Mrs Wallström here underlined that a common ownership of the Strategic Objectives was an important first step in a new partnership with member states and national parliaments.

The Chairman, Mr Fayot, informed Mrs Wallström about the pilot project on the 3rd railway package and asked the Commission to "play its part" in the simulation of the subsidiarity check by transmitting the relevant documents directly to national parliaments. Mrs Wallström stated that the Commission was interested in helping COSAC in carrying through the test as long as it did not anticipate the coming into force of the Constitutional Treaty. She therefore suggested having a dialogue about the details and what would be expected from the Commission.

7. Any Other Business:

No issues were raised under this point.

ANNEX 1: Draft agenda for the XXXIII COSAC on 17-18 May 2005:

- Item 1: Experiment on the subsidiarity test (third railway package + information on IPEX)
- Item 2: Lisbon strategy (exchange of views with Mr Jeannot Krecké, Minister of Economy and Foreign Trade)
- Item 3: Exchange of views on implementation of the EU-budget in the Member States.
- Item 4: Role of national parliaments in the area of freedom, security and justice. Speech by the Prime Minister, Mr Jean –Claude Juncker (to be confirmed).
- Item 5: Adoption of contribution of the XXXIII COSAC

ANNEX 2: Structure for the 3rd biannual report of COSAC:

Note to the COSAC chairpersons on the preparation of The 3rd biannual report of COSAC/9 FEBRUARY 2005

Biannual report on procedures and practises relevant to national parliamentary scrutiny

CH. 1: GENERAL SCRUTINY OF EU AFFAIRS IN NATIONAL PARLIAMENTS IN EU-25

This chapter aims at providing a short presentation of the general systems for scrutiny of European Affairs in the national Parliaments covering the headings below including any recent developments:

- Legal base of scrutiny systems?
- Committees involved in scrutiny of European Affairs in national Parliament?
- Functions and role of the European Affairs Committees in the scrutiny system
- Functions and role of the sector committees in the scrutiny system
- Information from government on EU-affairs

CH. 2 PROCEDURES FOR MONITORING THE PRINCIPLE OF SUBSIDIARITY

This chapter will focus on a more specific part of the scrutiny process in national Parliaments namely; the procedures for monitoring the principle of subsidiarity giving:

- a description of any existing procedures for monitoring the principle of subsidiarity in national Parliaments.
- a description of any future procedures for monitoring the principle of subsidiarity in national Parliaments within the early warning system - trying to follow the different steps from the transmission of the document until the end of the six-weeks period.

CH. 3 NATIONAL PARLIAMENTS AND THE AREA OF FREEDOM SECURITY AND JUSTICE

This chapter aims at describing the developments in the procedures of the Constitutional Treaty within the area of freedom, security and justice and any specific procedures in national Parliaments for scrutinising this area. The chapter will focus on:

- a description of the changes to 3rd pillar issues in the Constitutional treaty and the involvement of national Parliaments
- the role of European affairs Committee
- the role of relevant sector committees

CH. 4 THE ROLE OF MEP'S IN NATIONAL PARLIAMENTS

The final chapter will try to provide an overview of the current involvement of MEPs in the national parliamentary activities concerning European Affairs focusing on their possibilities to participate in:

- the European Affairs Committees
- the sector Committees
- plenary debates
- Special meetings on European issues

CH. 5 CONCLUSIONS