

**MINUTES OF THE
XXXII COSAC
THE HAGUE,
22-23 NOVEMBER 2004**

AGENDA:

- 1) Opening of proceedings and adoption of Agenda
- 2) Language regime of COSAC
- 3) Subsidiarity review, criteria for parliamentary review & organisation,
- 4) “Declaration to raise national awareness”
- 5) Lisbon process
- 6) Current state of affairs of Presidency
- 7) Information exchange on subsidiarity review
- 8) Experiment with subsidiarity review
- 9) Determining the COSAC-contribution

PROCEEDINGS OF THE SITTING

22 November 2004:

IN THE CHAIR: *Sharon Dijksma, chairperson of the Committee on European Affairs of the House of Representatives* and *Mr. René van der Linden, chairperson of the Committee on European Affairs of the Senate*, were alternating in the chair.

1. Opening of proceedings and adoption of Agenda:

The Speaker of the Senate, Mrs. Timmerman-Buck welcomed all participants in the Hall of Knights on behalf of the two Houses of the Dutch Parliament.

The chairperson, Mrs. Sharon Dijksma opened the proceedings of the XXXII COSAC. The agenda was adopted.

2. The language regime of COSAC.

The chairperson Mrs Dijksma presented briefly the three options for reforming the COSAC language regime that had been circulated by the Dutch presidency prior to the meeting.

The chairperson opened the floor for interventions. An exchange of views took place which revealed a split between delegations on how to proceed with the question.

Mrs Dijksma concluded that the discussion would continue at the meeting of the chairpersons at the end of the day with a view to achieving a compromise on the issue.

3. Subsidiarity review, criteria for parliamentary review & organisation

The chairperson Mr. Rene van der Linden gave the floor to the chairperson of the “Joint Committee on the Application of Subsidiarity”, Mr. J.J Van Dijk, to introduce the work currently taking place in the Dutch parliament with the view to organising itself with regard to the early warning mechanism.

Mr. van Dijk reported that the two chambers of the Dutch parliament would set up a special joint Committee to monitor the principles of subsidiary and proportionality composed of an equal number of participants of the two chambers.

Mr. van der Linden opened the floor for interventions on how national parliaments planned to organise their subsidiarity check. An exchange of information took place.

4. Declaration to raise national awareness

The chairperson Mr. Rene van der Linden presented the “declaration to raise national awareness”, which was supported by a large number of members of the European Convention in 2002. The declaration encourages national Parliaments to organise debates on the Annual Legislative and Work Programme of the European Commission in the same week as this debate will be scheduled in the European Parliament. Mr. van der Linden said that the purpose of organising such a “European week” was to involve civil society, social partners and citizens at the national level.

COSAC decided to submit a letter to the Conference of Speakers encouraging it to propose a date for such a week every year. It was agreed that the secretariat should draw up a report for the XXXIII COSAC to inform about any progress that had been made in the national Parliaments with regard to introducing this issue.

5. Lisbon Strategy

The chairperson, Mrs. Sharon Dijksma, gave the floor to the Minister for Economic affairs Mr. Laurens Jan Brinkhorst, who delivered a short address on the state of the art of the Lisbon Agenda and some other related issues.

Lack of growth in the EU Member States was identified by the Minister as a main problem, when it came to achieving the goals of the Lisbon Agenda. Mr. Brinkhorst said that no new objectives should be added. What was needed was political will in the Member States to get on with the implementation of the objectives of the Lisbon Agenda.

Mr. Brinkhorst indicated that bringing national Parliaments into the early stages of the EU-decision making procedure at the national level, would be an important step in ensuring proper implementation of European rules and fighting Euroscepticism.

An exchange of views took place on the Lisbon Agenda and related issues such as the services directive.

6. Current state of affairs of the Dutch Presidency

The chairperson, Mr. René van der Linden, gave the floor to Minister of European Affairs, Mr. Nicolaï. The minister gave a short account of the main achievements of the Netherlands presidency and furthermore addressed the question of how to explain Europe better to the citizens.

Mr. Nicolaï designated national governments and Parliaments as the key players when it came to explaining why the EU needs the Constitutional treaty.

7. Information exchange on subsidiarity review

The chairperson, Mrs Sharon Dijksma gave the floor to the chairman of the IPEX steering group, the Secretary General of the Swedish Parliament, Anders Forsberg.

Mr. Forsberg gave a short account of what the IPEX was and what the IPEX steering group would be recommending with regard to the future development of IPEX. The objective was to launch a new IPEX website before the summer 2005, which among other things would include a mechanism to facilitate the exchange of information within the early warning mechanism to monitor the EU-institution's compliance with the subsidiarity principle. Mr. Forsberg underlined that the IPEX was not just for exchange of information between European Affairs committees, but also for the many special sector committees that are getting involved in European affairs. Forsberg stressed the importance of involving COSAC in the future work with IPEX, and confirmed that the COSAC secretariat had already been attached as an associated member to the IPEX steering group.

The presentation of Mr. Forsberg was in general well received by the delegates. The incoming Luxembourg presidency was asked to put IPEX on the agenda of the XXXIII COSAC in Luxembourg with a view to having a report on IPEX from the meeting of the Conference of Speakers taking place on 6-7 May 2005.

8. Experiment with subsidiarity review

The chairperson, Mr. René van der Linden, gave the floor to the President of the *Delegation of the EU* of the French Senate, Mr Hubert Haenel, to present a proposal to carry through an experiment in monitoring the compliance of the subsidiarity principle on a specific dossier. Mr. Haenel proposed that national Parliaments should examine either the 3rd railway package or the Green Paper on the "Approximation, mutual recognition and enforcement of criminal sanctions in the European Union".

It was decided to review both proposals, but to commence with the 3rd railway package and subsequently examine the Green Paper. The incoming Luxembourg presidency was asked to cooperate with Mr. Haenel in drawing up a more precise proposal on how to carry through the experiment with a view to examining the practical experience of the pilot project at the XXXIII COSAC in Luxembourg on 17-18 May.

9. Conclusions of the XXXII COSAC

The Dutch presidency put forward draft conclusions for the meeting which had been discussed at the meeting of the COSAC chairpersons the previous day.

The conclusions were adopted unanimously as attached to these minutes.

There was at the meeting a comprehensive discussion on a possible reform of the COSAC language regime. No agreement could be found on any of the three options which the Presidency had presented, as delegations were split. The presidency suggested a wording that included the various positions of the delegations. A vote was taken on this compromise proposal. There was not a qualified majority supporting the compromise after which the Presidency decided to leave out any reference to the language regime.

A separate declaration on the recent development in relation to the presidential elections in Ukraine was agreed unanimously. The declaration is attached to these minutes.

10. Any Other business

The chairperson, Mr Rene van der Linden, informed COSAC that the Dutch presidency had received a letter from Ukraine asking COSAC to amend its rule of procedure to allow future participation of members of the *European Conference* as observers at COSAC meetings. The enquiry was passed on to the incoming Luxembourg presidency with a request to preparing a reply to the Ukraine Parliament.

ANNEX 1:

CONCLUSIONS OF THE XXXII COSAC 22-23 NOVEMBER 2004 IN THE HAGUE

CONCLUSIONS

The Hague
XXXII COSAC, Tuesday 23 November 2004

COSAC:

Constitution for Europe

1. welcomes the signing of the Treaty establishing a Constitution for Europe and its ratification by Lithuania, and calls on the parliaments of the other Member States and the citizens of Europe to endorse the Treaty, which is necessary for the adequate functioning of an EU of 25 or more members;

European Commission

2. welcomes the new European Commission and the important role the European Parliament played in its appointment, thereby strengthening European democracy as a whole;

Lisbon Strategy

3. urges all Member States to show effective political determination in the implementation of the Lisbon Strategy as discussed in the Kok report. COSAC urges EU governments to live up to

the Lisbon Strategy, by ensuring more flexibility and well-functioning labour markets while respecting social cohesion, more investment in education and research, more and better jobs, and further reductions in emissions of greenhouse gases, with full respect for the ability of Member States to maintain or enact stricter environmental legislation in order to live up to the principle of sustainable development, and highlights the need for active involvement by national parliaments;

Biannual report

4. welcomes the latest biannual report of the COSAC secretariat on *developments in European Union procedures and practices relevant to parliamentary scrutiny* and considers that the report has provided a useful source of information for national parliaments in carrying out their functions in relation to European matters;

Subsidiarity principle

5. welcomes the early warning mechanism provided for in the Protocol on subsidiarity and proportionality in the draft Constitutional Treaty. COSAC decided to carry out an experiment applying the subsidiarity test to a legislative proposal from the European Commission. The practical experience of this experiment will be examined during the meeting of the COSAC chairpersons preceding the XXXIIIrd COSAC in Luxembourg;

Information exchange

6. decides on the principle of cooperation with the steering group on Inter-Parliamentary EU Information Exchange (IPEX); notes that its report will be submitted to the Conference of Speakers in May 2005 and asks the Luxembourg Presidency to take this report into account at the XXXIIIrd COSAC meeting;

Debating Europe in member states

7. took note of the declaration on European awareness in national parliaments, and calls on the European Conference of Speakers to provide for its prompt implementation by putting forward a proposal, in consultation with the European Parliament, on the specific week in which all the national parliaments will hold a debate on the annual legislative and work programme of the European Commission.

ANNEX 2:

**DECLARATION ON UKRAINE ADOPTED BY THE XXXII COSAC 22-23
NOVEMBER 2004 IN THE HAGUE**

DECLARATION ON THE UKRAINIAN ELECTIONS

The Hague
XXXII COSAC, Tuesday 23 November 2004

COSAC:

8. stresses the importance of fundamental European values and the central place of free and democratic elections therein;
9. is concerned that, according to the International Election Observation Mission, the second round of the presidential elections in the Ukraine did not meet a considerable number of OSCE, Council of Europe and other European standards for democratic elections. COSAC supports the declaration of the EU-presidency of 22 November 2004;
10. believes that these deficiencies undermine the legitimacy of the electoral process;
11. encourages the Ukrainian parliament to launch a thorough investigation into the election process;
12. urges the Ukrainian authorities to ensure that the election results are processed democratically and transparently.