

# **XXXth COSAC**

## **Conference of bodies specialised in Community and European Affairs**

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Minutes of Proceedings

Monday 6 October 2003

Morning session

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chaired by Senator GRECO,  
Chairperson of the European Affairs Committee of the Italian Senate

*The meeting started at 9:39 a.m.*

### **Welcome addresses by the Speakers of the Italian Parliament**

Sen. PERA, *President of the Senate of the Republic*, welcomed the delegations of EU parliaments and the parliaments of Rumania, Bulgaria, and Turkey, the Speaker of the Chamber of Deputies, Mr Casini, and the Minister of Foreign Affairs, Mr Frattini.

The meeting was to focus on the European Draft Constitutional Treaty, which was drafted also by the representatives of national parliaments in the Convention. He seized the opportunity to thank the representatives of the Italian Parliament to the Convention, Sen. Dini, Mr Follini, Sen. Basile and Mr Spini. He expressed his satisfaction for the possibility to start further discussions on the draft, as requested in the Document passed by the Conference of Speakers of National Parliaments in 2002, also with a view to the proceedings of the Intergovernmental Conference; it is therefore clear that should the IGC fail, the perspective of political integration would become more remote and the Union might be transformed into a free trade area, thereby giving way to the emergence of small directories on specific areas.

He noted that it is important that the most be made of the positive results already achieved and the evolution clauses of the Treaty, representing a compromise which should not be sacrificed on the altar of national interests, as it accounts for an architecture liable to federal or confederal developments, according to the concrete policies that member states will want to adopt on crucial issues of common living. In this respect, a more realistic approach would lead to work in order to find converging policies also on issues that recently saw serious divisions within Europe: these policies should lead to more stringent institutions. A united Europe is necessary to ensure wealth, security and peace within itself and for the stabilising role it may play in the Mediterranean basin and the crisis areas; but after 9/11, a united Europe is essential also to counter the new world challenges, first and foremost international terrorism, hosted and supported by dictators and failing States. Whatever her institutions, a Europe unable to speak firmly with one voice on issues relating to the defence of democracy would be a weak Europe.

In this framework, Transatlantic relations and the link between the emerging European defence policy and the Atlantic Alliance are essential: anti-americanism is a cultural phobia, which shows total lack of gratitude for a democratic country that helped Europe to restore freedom; furthermore, it is a political error, because Europe shares history, principles and objectives – first and foremost the fight against terrorism – with the United States.

The presence of the representatives of 28 national parliaments and the European Parliament in the Senate chamber, concluded Sen. Pera, testifies that the enlargement of Europe is actually a process of re-unification after a long era of totalitarianism: an easy process, considering that Europeans have proved to share a common system of principles and values, but also difficult, because the national interests of States may exceed their rightful boundaries and resist the European interest. Parliaments should solve these difficulties by ratifying the Constitutional Treaty, by guiding governments and public opinion, by ensuring legitimacy and democratic consensus for the new institutions. Parliaments should be key actors in spreading out the European spirit, also because their participation to the Union's legislative process has made significant progress towards a thorough application of the principle of subsidiarity: it will therefore be necessary to assess devices like the early warning system, the power to appeal against community rules before the Court of Justice, the specific role of COSAC and interparliamentary conferences on specific issues, like EFSP and ESDP. National parliaments should be given authority to discuss the Commission's legislative and working programme simultaneously. Finally, Sen. Pera has wished all delegations a successful meeting. (*Applause*)

Mr CASINI, *Speaker of the Chamber of Deputies*, joined the President of the Senate in welcoming delegations and underlined the importance of this meeting following the start of IGC. He attached great importance to the fact that national parliaments and the European Parliament jointly consider the work of the Convention, where the Union reform process witnessed for the first time a strengthened role of parliaments as key players with no little influence on its contents. As the Convention substantially re-wrote the existing treaties, rather than amending them, the term "Constitution" was introduced, which had so far been left out of IGC meetings. The importance of the results achieved by the Convention

emphasizes some of the objective limits of the draft Constitution, amongst which the persistence of unanimity in the Union's foreign policy decisions, but this should not affect the willingness that the IGC should approve the Constitution before the entrance of the ten candidate countries.

The draft Constitution positively strengthens the role of parliaments, by empowering the European Parliament and providing national parliaments with a stronger role through direct and independent procedures and channels of information. For this purpose, a specific protocol makes a distinction between decision-making in the action of national parliaments, which may be strengthened by improving the role of parliaments when it comes to guiding government action and monitoring the principle of subsidiarity, and information and public debates, which may be enhanced through direct links with European institutions, a systematic and coordinated cooperation between parliaments, both national and European. Cooperation between parliaments may promote the knowledge and understanding of the various stances and the search for common approaches in representative assemblies as well as in civil society. Therefore, a stronger "Parliamentary network" should be created, to ensure swift coordination between parliamentary assemblies and their staff, while it would be counterproductive to cloister cooperation within remote bureaucratic structures which may end up bashing the independence of each Assembly.

Inter-parliamentary co-operation is all the more essential today as Europe is opening up towards new integration, albeit through diverse approaches, like those that are being tested in the Balkan peninsula, which need to be firmly supported. The new context of the enlarged Union calls for a redefinition of Union policies towards new proximity areas; in this respect, East European and Southern Mediterranean countries will be ever more essential to increase stability, security and economic growth in the Union. After underlining how the re-unification of Europe calls parliaments to meet their common responsibility towards the shaping of a European public opinion aware of the common identity of the continent and the importance of the political project underlying it, the Speaker welcomed again all participants and wished the best success for the conference (*Applause*)

**The Draft European Constitutional Treaty from the Convention to the Intergovernmental Conference: methodological and substantive issues, with particular reference to the roles of the Parliaments of EU countries**

Sen. PERA, *President of the Senate of the Republic*, gave the floor to Sen. Greco, chairperson of the Senate European Affairs Committee, who took the chair.

The CHAIRPERSON, after welcoming all delegates also on behalf of Mr Stucchi, chairman of the Chamber European Union Policies Committee, declared the 30th COSAC open, a meeting that will offer a first opportunity for parliamentary delegations to assess the future of the European Union, after the conclusion of the Convention.

Parliamentarians, Sen. Greco observed, played a major role in the constituent process started by the European Union: the ample and qualified participation of representatives of the national parliaments in the debate during the Convention promoted the adoption of a really constituent method, the emergence of a spirit of openness to discussion, which would hopefully pervade also the proceedings of the IGC presently under way. The new and important role which the draft treaty vests into the European Parliament and the national parliaments accounts for a historical breakthrough, to which the COSAC may contribute by promoting effective cooperation and discussion.

He acknowledged approval of the agenda. (*Applause*)

Mr FRATTINI, *Minister of Foreign Affairs*, announced that the objective uniting the heads of State and Government participating in the opening of the IGC is the creation of a Europe of States and peoples that may act as a factor for peace and stability in the world and may also respond to the requirements of citizens, by bringing them closer to the institutions and involving them in the decision-making process. It was this kind of vision that led to the involvement of national parliaments, the supreme expression of the sovereignty of the people, which have strong political monitoring authority on bills and the possibility to assess the compliance of draft regulations with the principle of subsidiarity, after consultation with regional legislative assemblies; in order to furtherly strengthen controls,

judicial review is envisaged, in case of violation of the principle of subsidiarity. Following these considerations, the Italian Presidency believes it is important that the text developed by the Convention be kept as such, in order to show respect for the transparency and democratic spirit which inspired the Convention. For the first time in the history of European integration, the draft treaty is based on the contribution of national parliaments and the civil society, and the Inter-Governmental Conference should not waste this heritage. For this purpose, the Italian Presidency would see to it that the overall equilibrium of the draft would not be changed by reducing the constituent input of the Convention. Furthermore, in order to provide European voters a full-fledged Constitutional Treaty before the election of the European Parliament, the deadlines set at the Thessaloniki Council should be met. The Italian Presidency believes that it is necessary to reach an overall agreement within the IGC by December, in order to fine-tune the document in the months to come. To meet this challenge, the support of national parliaments will be indispensable. *(Applause)*

The CHAIRPERSON briefly suspended the sitting in order to allow Sen. Pera and Mr Casini, whom he thanked for their contribution, to leave the room in order to attend to other institutional engagements.

*The sitting, suspended at 10:16, was resumed at 10:18.*

The CHAIRPERSON resumed the proceedings and declared the discussion open.

Mr HAENEL (France), *Leader of the Senate European Union Delegation*, declared that the draft constitutional treaty developed by the Convention represents a balanced text, the outcome of mediation between different requirements, which was achieved through a new working method. It must be defended, in order to avoid that the IGC reviews the results obtained so far. The role of national parliaments should be enhanced also during the negotiations. He asked Mr Frattini whether he was willing to take part in the November meeting of the representatives of European parliaments on the outcome of the IGC, in order to report on the results of the negotiations and to hear the reactions of MPs. *(Applause)*

Mr TIMMERMANS (Netherlands), *member of the Tweede Kamer der Staten-Generaal*, said the Netherlands attach great importance to the draft Constitution prepared by the Convention, which laid down a number of key issues, the outcome of a high-level equilibrium between different requirements, and therefore it is important that the IGC refrains from the search for further compromise. He therefore requested assurances about the openness of IGC proceedings, as was the case with the Convention. He finally asked the Minister to express his view on the proposal, which he promoted, to start a discussion among national parliaments in order to appraise IGC proceedings.

Mr PETERLE (Slovenia), *chairperson of the Drzavni Zbor European Affairs Committee*, considered the treaty to be a positive outcome of an innovative working method which progressively strengthened the confidence in Europe. He expressed his wish that the IGC would be able to take stock of this new method while amending the parts where no consensus was reached, but without altering the general construction. Slovenia is in favour of the principle of equality of member States, particularly within the Commission. Regarding the preamble he believed that Christianity should be mentioned, as it corresponds to the dominant religious spirit of European citizens.

LORD GRENFELL (United Kingdom), *chairperson of the European Union Select Committee of the House of Lords*, believing that the draft passed by the Convention is already a success, which he hoped would be confirmed by the IGC, agreed with Minister Frattini on the need to complete the new treaty before the 2004 elections, although he believed it is essential to ensure a detailed analysis and a debate on the technical aspects of the draft as well as the openness of Convention proceedings, thus overcoming the traditional secrecy of diplomatic negotiations. It is therefore necessary that the Laeken principles on information, democratic decision-making and higher efficiency of the EU be complied with, also through the submission of written papers to the national parliaments and the development of instruments to ensure accountability. (*Applause*)

Mr NAPOLITANO (*European Parliament*), *chairperson of the Constitutional Affairs Committee*, illustrated the resolution adopted by the European Parliament in its 24 September plenary sitting, under Article 48 of the present Treaty, and expressed his satisfaction that the opinion on the draft treaty of the institution he represents and the policy

lines illustrated by Minister Frattini on behalf of the Italian Presidency converge. He expressed his satisfaction for the procedure of the Convention, which had already been used for the drafting of the Charter of Fundamental Rights of 2001. He believed that the procedure should also be used for future revisions of the treaty. He also expressed satisfaction that the role of national parliaments was strengthened, relating to the monitoring of subsidiarity compliance. Although the draft treaty has a number of limitations, e.g. in the coordination of economic policies or the constraint of unanimity for a number of subjects, the European Parliament did not introduce requests for amendments, thereby taking joint responsibility for the compromise solution achieved and agreeing that the overall equilibrium of the project should not be unravelled. A distinction should be made between revisions of the first and second parts, for which consensus is needed, and other revisions, for which a (qualified, if need be) majority vote should reasonably be foreseen; it is also desirable that the amendments the IGC may pass will not undermine the balance achieved, especially regarding the relevant issue of the openness of the Legislative and General Affairs Council sittings, in which the law-making function shall be vested. Finally, he formally called on the representatives of the national parliaments to send their delegations to the 21 October sitting of the Constitutional Affairs Committee of the European Parliament, during which Foreign Minister Frattini will be heard in his capacity as representative of the Italian Presidency. (*Applause*)

Mr AVGERINOS (Greece), *Vice Chairperson of the Vouli Ton Ellinon European Affairs Committee*, considered the draft treaty developed by the Convention a compromise which may strengthen the democracy and federal perspectives of Europe, although there are shortcomings and imperfections, which were however inevitable in view of the deep differences in the initial stances; the draft should therefore be adopted, in order to avoid the dire consequences of a failure. After all, the participation and constant information of national parliaments, their involvement as wardens of the compliance with the principle of subsidiarity and their association in case of future revision of the treaty were ensured. In the framework of the overall architecture of the draft, the Greek parliament proposed a number of small amendments, regarding the inclusion of tourism in the article relating to competences, flexibility clauses, decisions by qualified majority on the basis of the weight



of countries and their populations and voluntary withdrawal from the Union, issues on which he invited Minister Frattini to respond (*Applause*).

Ms AZEVEDO, (Portugal), *member of the Assembleia da República*, after underlining that the Protocol on National Parliaments was not very daring in spite of the active role Parliaments played in the Convention, asked how the Italian Government was planning to ensure a role for national parliaments also within the IGC. In view of the end-of-year deadline for the conclusion of the IGC and the need to approve the new treaty before the 2004 election, she asked more specifically what the Italian Presidency thinks about the failure to include widely-discussed issues in the Protocol on National Parliaments. (*Applause*).

Mr MITCHELL (Ireland), *Chairperson of the Joint Committee for European Affairs of the Houses of Oireachtas*. With a view to the possibility to conclude the IGC during Italy's Presidency and before the start of the Irish Presidency, he expressed the wish that the highest possible consent could be achieved, also in view of the forthcoming referendums in many member States. Uncompromising stances on specific issues should be avoided, in consideration of the very specific position of some countries. In the case of Ireland, for instance, the possibility might be kept for neutral countries to adhere later to the new defence commitment, and in this connexion he proposed that the article relating to collective defence could be included in the treaty as a Protocol. In relation to the institutional question, separation of powers should be ensured, and the blurring that might result from the President of the European Council being the same person as the President of the Commission should be avoided. Lastly, a greater role should be given to national parliaments, through the preventive dispatch of studies and documents, in order to avoid that important problems are discussed in non-institutional fora. (*Applause*)

Mr WISSMANN (Germany), *chairperson of the Bundestag European Union Committee*, expressed the hope that the draft Constitution drawn up by the Convention may ensure the development of the European spirit in the future, according to the principles of efficiency, transparency of decision-making processes, strengthening of the Union and of the role of

European parliaments. He believed that, in this respect, it is necessary to enforce a more effective control on the principle of subsidiarity, so that European law-making processes may become less bureaucratic and more strictly political. Also within today's COSAC meeting, an ambiguity is emerging between an appreciation for the draft Constitution and the submission of amendments that, if passed, will further increase the draft's traits as a compromise text, as was the case in Nice. He hoped that the draft will remain substantially unchanged, as it was drafted together with the representatives of the governments of all countries. In sharing the hope expressed by Mr Napolitano of a wider participation in the proceedings of the IGC, he wished that Europe could – especially in view of the forthcoming enlargement – find the deepest synergy among its partners, as was achieved by France, Germany and Poland in the Trilateral Commission.

Mr OLESKY, (Poland), *Chairman of the Sejm European Affairs Committee*, expressed his hope that the IGC to be held during the Italian Presidency could be successful, also in view of the debate during the Convention, which represented a positive experience for European democracy and made it possible to obtain the important result of a single draft treaty. Poland considers the draft a good text, which requires some minor changes: ensuring that member States have a commissioner with voting right and mentioning the Christian roots of Europe in the preamble. It is also important to promote knowledge of the treaty among European citizens and ensure the direct participation of States in the institutions of the Union, both through monitoring the principle of subsidiarity and through the strengthening of the COSAC, which may become an effective institution providing coordination. (*Applause*)

Mr TAKKULA, (Finland), *Vice Chairman of the Great Council of the Eduskunta*, expressed satisfaction for the opportunity the IGC, through the opening of real negotiations, might represent for a new development in the Union. The Finnish parliament agrees with most of the draft treaty, although there remain some problems relating to the institutional arrangement. The need to establish a better balance among member States requires that the composition of the Commission and the Council, the Presidency, the role of the new Foreign Minister, the voting system in the European Commission be amended. (*Applause*)

Mr EINEM, (*Austria*), *Vice Chairman of the Nationalrat Standing Sub-Committee on European Affairs*, said it would be difficult to understand how the governments could reach a compromise without the participation of national parliaments in the IGC, after a Convention was called in Laeken envisaging the participation of representatives of the European Parliaments. He was in favour of a solution stemming from compromise, but it is necessary that instruments be adopted ensuring the transparency of decisions and the information of national parliaments on the proceedings of the Conference. (*Applause*)

Mr FAYOT (*Luxembourg*), *member of the Chamber of Deputies*, affirmed that in his opinion the compromise reached by the Convention is the best presently possible and should not be amended, also in order to avoid the risk that the treaty is not approved. He therefore asked Mr Frattini to inform the COSAC on the outcome of the Conference, especially regarding the new Legislative Council, an important tool for the law-making process in the Union. Although the importance of the institutional elements should not be neglected, the essential nature of the Charter of Fundamental Rights should be underlined, and no changes should be accepted unless on the basis of a higher compromise. (*Applause*)

Mr BORREL FONTELLES (*Spain*), *chairperson of the Joint Committee on the European Union*, said the Conference is intergovernmental, but a constitutional conference should be informed by a different spirit, because it implies the emergence of a political society expressing values in which European citizens may identify themselves. This all the more requires a political leap towards the defence and the enlargement of a set of shared values: it is most unfortunate that the European public is only aware of disagreements between governments, which may even increase as we move away from the compromise text agreed by the Convention. He hoped that national parliaments may be involved before the conclusion of the IGC, through a special session of the COSAC, or a meeting of COSAC chairpersons. (*Applause*)

Mr FRATTINI, *Foreign Affairs Minister*, replied that the present constituent phase accounts for a challenge through which Europe should safeguard its identity. This challenge will have neither winners nor losers, and Europe may win only if it stays united, by safeguarding the

legacy of the Convention and strengthening the European ideal. A positive attitude of governments has emerged so far and the present debate will concentrate on the main elements of the project; the Italian Presidency is in favour of amendments which may be successful and enable further progress, but would oppose setbacks to the compromise reached in the Convention.

The Italian Presidency, the Minister said, attaches great importance to the role of national parliaments, is willing to inform the COSAC on the development of the negotiations and considers the collaboration of parliaments and the transparency of the debate and agreements – to be adopted according to the principle of responsibility – essential. For this purpose, all documents will be published on the Internet, immediately after the conclusion of each meeting. Although time requirements are stringent if everyone wants the constitution to be passed before the European elections, this should not affect the quality of the constitutional treaty. In the same way, the transparency of the law-making activity, including that of the Council, should be ensured through full and immediate publicity.

The Presidency believed that a mention of the Christian roots of Europe should be inserted in the preamble of the treaty, and it will promote a wide-ranging debate on this aspect, in the full respect of everybody's identity. On the complex and sensitive issue of the revision of the treaty, he said that mechanisms based on qualified majority rather than unanimity are to be preferred. On economic policies, the conference will examine the proposals made by Ecofin, with a view to a possible strengthening of coordination measures, although on this specific aspect it might be better to preserve the compromise already achieved (*general applause*)

The CHAIRPERSON thanked Minister Frattini, especially for his accepting the request made by many to update the COSAC on the progress of the conference.

*The sitting was adjourned at 11.38 a.m. and resumed at 12 noon.*

The CHAIRPERSON announced the resumption of proceedings.

Mr ANDRIUKAITIS (*Lithuania*), *chairperson of the Seimas Foreign Affairs Committee*, said the Lithuanian Parliament gives a substantially positive assessment of the results of the Convention. In particular, it is in favour of double majority voting, which takes into account both the member States and their population and supports the principle of the representation of all member States in the Commission; it would be up to the President to ensure a fair rotation of offices. The Lithuanian Parliament would like the power of the President of the Council to be clearly set out in the Constitution, in order to avoid conflict of jurisdiction with President of the Commission and the Minister for Foreign Affairs. It is advisable to look for a compromise solution between those who would not like to reopen the debate on the results achieved by the Convention and the countries that would like to introduce substantial amendments: it is important that the national parliaments and the European Parliament be kept constantly informed in a transparent and open way on the debate in the IGC (*Applause*)

Mr LARSEN-JENSEN, (Denmark), *chairperson of the European Affairs Committee of the Folketinget*, said the draft constitutional treaty represents a good result in terms of definition of common values and competences and the extension of majority decision procedures. However, there is a number of outstanding issues, especially Commission membership: the principle of equality of member States and their representation in the Commission with equal voting rights has a high symbolic value and is deeply felt by public opinion of small countries, which do not feel to be sufficiently protected by rotation mechanisms. He also maintained it is important to avoid any form of centralisation of the law-making process and define procedures involving national parliaments and ensuring the full respect of the subsidiarity principle. The COSAC, he stressed, should identify mechanisms aimed at mutually restructuring alert systems in the various parliaments and consequently defining – as far as possible - common procedures for the examination of Commission documents. Finally, he pointed out it would be useful to have a picture of the individual countries' stances concerning the final referendum on the Treaty. (*Applause*)

Mr CLEANTHOUS (Cyprus), *chairperson of the Vouli Ton Antiprosopon's European Affairs Committee*, pointed out that the draft constitutional treaty contains a number of

positive elements in view of the democratisation and legitimisation of the Union and the reduction of the democratic deficit. With regard to the role of national parliaments, he expressed a positive judgement on the time and the tools made available to consider Commission bills and the mechanisms ensuring supervision of the principles of subsidiarity and proportionality. However, he said, it is important to take some corrective measures, taking care that these do not undermine any balance reached: in particular, it would not be logical to accept the possibility for the Commission to retain a bill if the latter has been rejected by a considerable number of parliaments; it would be more advisable to envisage an obligation to withdraw a bill following a request by a quorum of national parliaments, even higher than that established in the Treaty. Furthermore, he noted, parliaments are not fully entitled to turn directly to the Court of Justice in cases of violation of the subsidiarity principle. He finally regretted the failure to recognise the role of national parliaments within the draft Constitution and the lack of an adequate mention of COSAC in the Protocol on National Parliaments. (*Applause*).

Mr ZANI (*Italy*), *vice chairperson of the European Union Policies Committee of the Chamber of Deputies*, noted that the comments addressed to the Constitutional Affairs Committee of the European Parliament underline the need to make the draft treaty more coherent. This objective, however, should be reached through discussion within the IGC, taking care to avoid a stalemate, which would make the Convention's work vain and have a negative impact on the EU construction process, especially on the effort to make it a strong institutional actor, a promoter of good governance at international level and a factor of stability in the difficult economic situation. He said it is important to act decisively within the IGC in order to provide Europe's public opinion with a set of certainties in view of the next elections. It is also essential, he noted, that the constitutional architecture, however important, should not have repercussions on EU policies: for this reason, some member States, including Italy, should adopt a more practical, consistent attitude and eliminate the delays characterising their legislation in the field of security and justice. (*Applause*).

Mr MAHOUX (*Belgium*), *chairperson of the Senate's Federal Advisory Committee on European Issues*, expressed satisfaction for the fact that the IGC took place shortly after the

conclusion of the Convention, thus avoiding the risk of spoiling the results achieved, which mark an important progress but require further improvements, with special regard to certain issues that were not sufficiently explored, such as the extension of qualified majority voting to fiscal/social questions. He agreed on the need to avoid debating amendments which would undermine the very basis of the draft treaty, but observed that there is no agreement as to the extent of such intangible basis. Unlike Mr Frattini, for example, he believes the preamble - and hence the compromise reached on cultural and spiritual elements in the Constitution - is part of that basis, and that it would consequently be wrong to risk failure by reopening the debate on it. As to the role of national parliaments, he underlined the need to focus on mechanisms enabling assemblies to monitor the application of the principle of subsidiarity. (*Applause*).

Mr KELAM (*Estonia*), *member of the Riigikogu European Affairs Committee*, maintained that the Convention produced a balanced result, which should be preserved at the IGC by confining amendments to specific items and taking timely action – without, however, sacrificing the quality of results to the need to stick to a pre-set schedule. It is important that public opinion and national parliaments be given transparent information to assess the progress made at the Conference. Concerning the Legislative Council, national parliaments should receive timely information about legislative initiatives, so that member States can have full access to the EU law-making process. He agreed on the proposal that all member States should be represented in the Commission, which would ensure equal participation in the EU's decision-making processes; he spoke in favour of unanimity for future Treaty amendments, and expressed satisfaction over the progressive use of qualified majority. Finally, he supported the requests for the mention of the Christian roots of European culture, which would make the constitutional text more balanced. (*Applause*).

Mr SEGELSTRÖM (*Sweden*), *chairperson of the Advisory Committee on EU Affairs of the Riksdag*, stressed the Swedish people recently voted in a referendum on the entry of Sweden in the European single currency system. Apart from the largely negative response, the massive participation of citizens in the referendum represents an incentive to keep working with responsibility so that all European citizens feel part of the Union. The Swedish

Parliament believes that the time schedule envisaged for the entry of new members in the EU could make it possible for such issues to take root within public opinion. The Government keeps close contacts with the Governments of other member States. In the light of such considerations, the innovations introduced in the Convention with respect to the role of national parliaments in the EU decision-making processes, aimed at providing European citizens with more effective participation tools, are certainly welcome. He said COSAC may play a leading role in this context by providing a link among parliaments. (*Applause*)

Mr BROK (*European Parliament*), *chairperson of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy*, noted that the development of a draft constitutional treaty by the Convention was made possible by the contribution of national parliaments working in close cooperation. It is essential, he said, that the balance reached be not questioned by the IGC. In this connection, he said he had great confidence in the Italian Presidency, but was worried about the first decision made by IGC, i.e. the blow dealt at the Legislative Council, which highlights the importance of transparency, which could not concern the mere publication of documents, but should translate into an effective parliamentary oversight over the stands taken by governments during negotiations, also to ensure compliance with the approach adopted by the Convention. With regard to the draft treaty, it will be necessary to clarify a few points, such as the rotation mechanism for the Presidency of the Council, voting within the Council, membership of the Commission, and defence policy. In his view, however, all these issues can be solved. (*Applause*).

Mr COSTA (*Portugal*), *member of the Assembleia da República*, confirmed the importance of the Convention *acquis*, but was uneasy about the decision to move all mentions to national parliaments from the text of the Treaty to the attached Protocol. He expressed his hope that they would be reintegrated into the constitutional text and that the role of national parliaments within law-making process would be strengthened, considering that on certain matters legislative power is transferred from parliaments to the community bodies. In proposing the transformation of COSAC into a permanent inter-parliamentary conference, he also suggested a revision of its functions, to be extended to all European issues, and hoped that it would be included in the constitutional text, not just in an additional Protocol.



With regard to the European President of the Council, his/her election should take place by consensus, not through qualified majority voting. As to the mention to Christian values in the preamble, he thought this could represent an element of division, not union, for peoples. (*Applause*).

Mr PHILIP (*France*), *vice chairperson of the EU delegation at the Assemblée Nationale*, noted the draft treaty produced by the Convention was more than satisfactory, and COSAC should underline in its contribution to the IGC the importance of the mediation achieved in that context so as to obtain a constitutional text as close as possible to the one drafted by the Convention. COSAC should also point out the need to adopt the treaty as soon as possible to avoid delays which may lead to unsatisfactory compromises. He expressed his concern over the uncertainty about the possibility of ending the proceedings by December, mentioned in the final declaration of the IGC opening session. (*Applause*).

Mr DUMANOGLU, *Turkey, member of the Türkiye Büyük Milet Meclisi*, expressed his appreciation for the draft constitutional treaty compiled by the Convention, which provided a turning point in the European integration process. The Turkish Parliament supports many of the solutions proposed, including those concerning the principle of subsidiarity, the reform of the architecture of institutions, and the introduction of a Foreign Minister. In particular, he welcomed the fact that hints at religious values were not included in the preamble. He noted a few items will have to be further examined at the IGC. It will be necessary to clarify the roles of the President of the Council and the President of the Commission, then extend majority vote to a larger number of areas, ensure that the composition of the Commission be based on the principle of equality of member States, and strengthen Atlantic ties in view of the security and defence policy. The Turkish Parliament, he added, takes the view that it is not necessary to introduce a separate article on religious freedom, as this issue has already been adequately covered in the part of the Treaty relating to the Charter of Fundamental Rights. He finally noted that participation in the European Armaments Agency should also be extended to non-EU allied countries. (*Applause*).

Mr ROTH (*Germany*), *member of the Bundestag*, stressed that the results achieved by the Convention were made possible also by the input of national parliaments, the main expression of democracy, whose role risks being diminished by the IGC. Therefore, he maintained, it is necessary to identify a method ensuring that European parliaments may exert oversight and that business be conducted according to the principle of transparency, a principle which should continue to inspire IGC proceedings. (*Applause*).

Mr SKYLLAKOS (*Greece*), *member of the Vouli Ton Ellinon*, voiced reservations about the actual representativeness of European peoples in the Convention, as shown by the role of national parliaments in the draft Constitution, which might be further weakened by the attribution of a single legal personality to the EU, the abolition of the right of veto, the principle of subsidiarity, the weighting of votes in favour of larger countries, and the envisaged differences between commissioners. However, he added, the most dangerous aspect concerns foreign policy, i.e. the progressive militarization of the EU; he stressed the institutionalisation of war, even for preventive purposes, in any area of the world and even within a member State, in order to defend democracy against the threat of terrorism, can put pressure on democratic rights and freedom. (*Applause*)

Mr MARTÍNEZ-CASAN. (*Spain*), *member of the Congreso de los Diputados*, said he shared Mr Brok's concern over the destiny of the Legislative Council, wished the Italian Presidency great success not just for the ordinary business but also for the conclusion of the IGC in view of the signature in Rome of the new Treaty for the European Constitution, and invited Minister Frattini to ensure parliamentary oversight and transparency for the decisions of this body. The draft Constitution drawn up by the Convention is a success; however, some imperfections – concerning the role of national parliaments or parliamentary oversight over common security and defence – may have to be redressed, with a realistic attitude and without prejudice to the results already achieved, in order to reach the broadest possible consensus. (*Applause*)

Mr LEINEN (*European Parliament*), *vice chairperson of the Constitutional Affairs Committee*, considering that COSAC itself represents a clear signal in view of the

strengthening of the role of national parliaments, which have always had to fight to safeguard their space in the European unification process, noted that the IGC cannot alter the balance achieved, if it is to achieve further democratic legitimisation of the Convention vis-à-vis the IGC itself. He also stressed that the 4<sup>th</sup> part of the draft Constitution should be improved and updated, taking into account the EU enlargement to 25 members – and its possible further enlargements – and the need to envisage flexible mechanisms for the revision of the Treaty. (*Applause*)

Mr KRASTIS (*Latvia*), *chairperson of the European Affairs Committee of the Saeima*, said he was proud of participating in the European integration process, which represents the natural evolution of the strong ties existing among the continent's citizens, and believed that the Convention and above all the working groups have reached a compromise that can be partly reviewed at the IGC. It is important, he said, that each member State be represented by a commissioner with equal rights, that the President of the EU Council have a clear administrative, not political, role, and that the contribution of national parliaments to the unification process be duly recognised. (*Applause*).

Mr FLOCH (*France*), *member of the Assemblée Nationale*, said the announcement of the adoption of a European Constitution raised expectations of greater freedom and justice among citizens, and the failure of the IGC or even a slight delay would consequently be hardly forgiven. Moreover, the text drafted by the Convention is broadly acceptable, although it may need some adjustments encouraging a more equitable representation of peoples and an efficient decision-making mechanism following the majority principle, as well as a further debate on the mention of Christianity in the preamble. In view of the balancing and oversight role of the COSAC, he agreed with his Spanish colleague, Mr Costa, on the need to transform this body into a permanent inter-parliamentary Conference. (*Applause*)

Mr DE CROO (*Belgium*), *chairperson of the House of Representatives and the European Affairs Committee*, considering that unlike governmental officers and the European Parliament itself national parliaments do not have other institutional fora where they can

express their opinions, invited COSAC members to express today a clear and constructive position, for instance at the meeting of the chairpersons of European Affairs Committees or through a proposal to transform COSAC into a different body. As regards the draft Constitution for Europe – an expression to be preferred to “European Constitution” – he did not think it appropriate to formalise the requests on democratic representation, to avoid that similar proposals were made by those in favour of the strengthening of governmental functions within the Union. He consequently proposed to include in the final contribution a sentence expressing the COSAC’s agreement on the draft treaty. (Applause)

Mr MITCHELL (*Ireland*), *chairperson of the joint Foreign Affairs Committee*, replied to his Swedish colleague by noting that the Amsterdam Treaty already envisaged an obligation to inform national parliaments, but that the question he raised concerned a change in culture, aimed at breaking the habit of making legislative decisions, even important ones, behind closed doors (Applause).

Mr ANTONIONE, *undersecretary of State for Foreign Affairs*, thanked all participants for their expert contributions and the useful suggestions offered to the EU Presidency and, referring to the reply to Mr Frattini, welcomed the invitation to maintain the Convention’s results and adopt the new European Constitution in May 2004 with a view to spreading the values of democracy, freedom and progress as far as possible. He agreed on the need to emphasize the role of national parliaments and the European Parliament – which are already represented in the context of the IGC – and shared Mr Napolitano’s wish for a direct involvement of their representatives, also in hearings, to ensure informative exchange of information and maximum transparency as to the decisions made in that context and on future occasions. (Applause)

The CHAIRPERSON declared the COSAC morning session closed.

*The meeting ended at 1.20 p.m.*

# **XXXth COSAC**

## **Conference of bodies specialised in Community and European Affairs**

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Minutes of Proceedings

Monday 6 October 2003

Afternoon session

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chaired by Senator GRECO,  
Chairperson of the European Affairs Committee of the Italian Senate

*The meeting started at 3:34 p.m.*

### **Proximity policies of the European Union with regard to the Mediterranean, the Balkans and Eastern Europe**

The CHAIRPERSON opened the afternoon session on EU proximity policies. He thanked Javier Solana for accepting the invitation to the COSAC (*general applause*). The forthcoming enlargement of the Union, he said, makes it necessary to adopt new and incisive proximity policies, focused on the expansion of EU relations with neighbouring countries and aimed at establishing a common space of security and prosperity. The Italian Presidency, the chairman says, attaches great importance to the instrument of proximity policies, in full awareness of the need to strengthen economic, cultural and security cooperation, also through the creation of trans-European infrastructure. The economic strength of an enlarged Europe should be based on a clear responsibility for the creation of a better and safer world.

Mr SOLANA, *Secretary-General of the Council, High Representative for the CFSP*, said the population of Europe at 25 is twice as big as that of the US and produces one fourth of the world's GDP. Consequently, it must play its role as a global strategic player; in this context, a document is being prepared concerning a stabilisation strategy at global level. The main aspects of the security strategy relate to relations with neighbouring countries, European aspirations in world governance, and the tools to meet the new challenges to security and stability in the 21st century. Concerning the first item, there are three main areas where the EU should build stronger ties: the Mediterranean, the Balkans and Eastern Europe. The European Community, he said, has always promoted good relations with Mediterranean countries, and in 1995 it launched a specific policy called the "Barcelona process"; that process, started after the Oslo agreements, i.e. during a positive phase in Israeli-Palestinian relations, was adversely influenced by the worsening of the situation in

the Middle East. The Union shall continue to work hard to revive the peace process, although the recent, negative developments do not leave too much room for hope. However, efforts are needed to reduce tension, and this is the sense of our continuous contacts with the parties concerned.

As far as relations with Balkan countries are concerned, the EU has established a new framework of agreements paving the way for their future accession to the EU. The Thessaloniki Summit promoted tighter cooperation: an agreement was signed with Croatia and further negotiations are under way (with Serbia and Montenegro, Macedonia and Albania). Efforts are also being made to start negotiations between Belgrade and Pristina, so as to consolidate stability in the area; to this end, an EU force will stay in Macedonia until December, when it will be replaced by a police corps. Police tasks will also be performed in Bosnia and Herzegovina. Relations with East European countries are very intense, but also differentiated according to their specific features. The EU has strong and steady ties with Russia and Ukraine, while relations with Moldova, although intense, are influenced by the very difficult situation in Trans-Dniester. Europe is pressing Moldova to solve its arms and drug smuggling problems. At this stage, relations with Belarus are almost non-existent, as the latter cannot be considered a democratic country. Finally, it will be interesting to observe the repercussions of the free trade agreement among the countries in the area, signed in Yalta last 18 and 19 September; to this end, a meeting with President Putin has been scheduled.

The European Union has made a clear choice in favour of global governance, based on effective and active multilateralism and sanctions in case of violations of international law, and intends to use all its resources – from humanitarian aid to military intervention for peacekeeping purposes, as was the case in the recent deployment to normalise the Republic of Congo – in order to rise to future challenges. (*General applause*)

Mr PODESTÀ, *Vice President of the European Parliament*, stressed that a stronger integration requires the construction of a common European identity, to enable the Union at 25 to take responsibility in the sectors of development, stability, peace, governance of global economic processes, and the fight against terrorism, organised crime and corruption. Moreover, he observed, it is necessary to support the process of *rapprochement* with

candidate countries – first of all Bulgaria and Romania but also Turkey, whose efforts should be adequately promoted. As regards the three areas indicated by Secretary-General Solana, he said, a request was made at European level that Moldova be included in the process of stabilisation and development envisaged for the Balkan area, in spite of its problems. The ongoing stabilisation process in the Balkans is very important, but the possible risks deriving from difficulties linked to unemployment and the consequent role of criminal groups should not be underestimated. The currently scarce trade relations in the Mediterranean should be improved by creating a network of infrastructure and cultural/institutional relations which would be a prerequisite for future development and peace. Finally, the Barcelona process – which stalled after the deterioration of the situation in the Middle East - should be put back on track. (*Applause*)

Mr DE CROO (*Belgium*), *President of the House of Representatives and Chairperson of the European Affairs Committee*, pointed out that a larger EU has more neighbours and consequently more challenges, but should also redefine transatlantic relations, since the distinction between old and new Europe provided by parts of the US Administration is mirrored by a different attitude, almost a different attachment to the Atlantic Alliance. On the other hand, it is important to improve the difficult relations with Islamic countries and carefully assess the effectiveness of existing tools: it is a striking fact that trade relations among these countries are generally lacking, while it is clear that the Middle East crisis is for many States an alibi to attract assistance and investments. (*Applause*)

Ms HAUTALA (*Finland*), *member of the Grand Committee of the Eduskunta*, maintained it is good for the Union to further explore the idea of proximity and deal with security issues from that point of view. This brings to the fore the issues of fair distribution of prosperity and cooperation tools. From this point of view, the constraints imposed by the EU's legal system to contracts with third countries make it desirable to adopt and develop cooperation tools based on the Nordic model, the effectiveness of which has already been proven. (*Applause*)



Ms YIANNAKOU-KOUTSIKOU (*Greece*), *Vice Chairperson of the European Affairs Committee of the Vouli Ton Ellinon*, underlined the need to accurately assess the effectiveness of EU development aid policies, considering they do not seem to have obtained the desired results either in creating better living conditions in underdeveloped countries or in establishing better forms of government. Regarding transatlantic ties, the old distinction between a Europe that provides development initiatives and a United States which provides international security should be questioned: the EU should make greater efforts in the security sector, at least in neighbouring areas, while the United States should be more active in the sector of development aid policies. (*Applause*)

Mr BROK, *Chairperson of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy of the European Parliament*, stressed the EU is about to take very important steps: next year it will welcome ten new members and will probably have its own Constitution. These elements are bound to strengthen the unitary context but do not hamper a pragmatic assessment of the situation, presenting other European States with options other than full membership. It is important, he maintained, to make an offer going beyond mere bilateral relations and create a wider economic space providing all the European States which cannot or do not intend to access the EU with a prospect for the future, also in terms of security. This prospect might be useful in tackling the situation in the Balkans, where not all States – from Croatia to Albania – can be placed on the same waiting list; the same applies to Turkey, if it should fail to meet the conditions for the opening of accession talks. (*Applause*)

Mr FASSLABEND (*Austria*), *Chairperson of the Standing Subcommittee on EU Affairs*, said the international situation shows that no country can solve security problems by itself; in this sense, the importance of a European security policy and the need to give it a constitutional basis are quite clear. We still have to assess if – or to what extent – keeping the unanimity rule is appropriate; we also have to define concrete objectives concerning foreign and defence policy, also in view of the priorities deriving from Europe's being the first global trade partner. (*Applause*).

Mr JERAJ (*Slovenia*), *member of the Državni zvet*, stressed that owing to its strategic position, Slovenia, a very active country in development assistance in the Balkans and a reliable link for European firms seeking trade in the area, is the natural bridge between the EU and Balkan countries. Slovenia wishes to contribute to stability and a rapid development in the Balkans and believes that this may turn into an opportunity for development in Europe as a whole. (*Applause*).

Mr VAN DER LINDEN (*Netherlands*), *Chairperson of the European Affairs Committee of the Eerste Kamer*, said that an enlarged Europe, founded on the principles of democracy, freedom and the respect for human rights, which should inspire our common defence and security policy, cannot rigidly guard its borders: instead, Europe should identify proximity policies not by creating a new structure but through bilateral agreements and above all by resorting to its existing instruments, particularly within the Council of Europe. (*Applause*)

Mr MANZELLA (*Italy*), *Deputy Chairperson of the Italian Senate European Affairs Committee*, pointed out that the creation of a global instrument for proximity policies is a need deeply felt in Italy. This instrument is tightly linked to the creation of a legal cooperation space and to a common defence and security policy. Furthermore, last year's events point to the need to give new impulse to a multilateral approach; Europe may play a leading role in the context of the peace process in support of the UN and through relations with new countries, such as China, India or Brazil, which are now entering the international scene. European policies may also take a strategic value if they pursue fair trade, in pursuit of the need of a large part of the planet to leave behind emergencies and hunger. (*Applause*)

Ms BOKOVA (*Bulgaria*), *member of the National Assembly*, expressed her appreciation for the efforts made by the Italian Presidency to boost cooperation with West Balkan countries on the path undertaken after the Thessaloniki Council. The prospect of EU accession will enable this historically underdeveloped and unstable region to start – perhaps not in a very homogeneous manner - a process aiming at stability and prosperity, in order to fulfil the relevant criteria. In this context, Bulgaria, which is completing negotiations for EU accession, is a firm partner of the EU.

Mr SYLLOURIS (*Cyprus*), *member of the Vouli ton Antiprosopon*, agreed on the need to start a cooperation process with neighbouring countries based on common European values; being the representatives of people, parliaments are bound to play a leading role in this context. The EU should also intensify relations with the Mediterranean area and the Middle East. In this connection, Cyprus – because of its particular geo-political position and its historical relations in the area – may give a valuable contribution to dialogue. (*Applause*)

Mr ALMEIDA (*Portugal*), *member of the Assembleia da República*, maintained that the expansion of European borders raises concerns – especially in connection with massive migration from Africa and the Middle East – for the security risks they may entail. Obviously, a solution to this problem cannot imply the use of force: on the contrary, ways should be found to increase aid to the countries of origin and help them become stabilised at a difficult juncture for the EU budget. (*Applause*).

Mr MITCHELL (*Ireland*), *Chairperson of the Joint Committee on European Affairs*, pointed out that because of its historical ties with the United States and Great Britain, Ireland is in a particular position with regard to Europe (for an Irishman, New York is closer than its neighbouring EU countries), also because it is a neutral country in security and defence. Ireland's is not a "pure" neutrality, on account of its historical ties with close neighbours; peace is not a value expressly written in the Irish Constitution, while it is part of Europe's draft constitution. Out of the 25 countries that will be part of Europe, four will be neutral or non-allied. In his opinion Ireland should join the European common security programme, but that is not the prevailing view in his Parliament. This matter should be taken out of the text of the treaty and be the object of a specific protocol on defence to be attached to the Constitution, into which non-NATO countries may enter at a later time. (*Applause*).

Mr KAROSAS (*Lithuania*), *member of the Saeimas*, pointed out that the EU's eastward enlargement causes difficulties at the borders, particularly with neighbouring countries like Moldova and Belarus. In this connection, cross-border cooperation projects should be

identified and reforms should be accelerated, also through *ad hoc* financial plans. The strengthening of cooperation ties with Russia is also essential. (*Applause*).

Ms GRABOWSKA (*Poland*), *Chairperson of the Committee on Foreign Affairs and European Integration of the Senate*, stressed that the creation of an area of stability is a primary interest for Europe; relations with neighbouring countries should therefore be intensified. In this connection, she welcomed article 56 of the draft treaty drawn up by the European Convention. With special regard to Eastern countries, she suggested that cross-border cooperation programmes should be improved, democratic values promoted, investments made to promote the cultural improvement of people, e.g. through student scholarships. Promoting the development of neighbouring countries is a duty for the Union, which is bound to produce positive results in a near future, and Poland is willing to play its part.

Mr BORRELL FONTELLES (*Spain*), *Chairperson of the Joint Committee on the EU*, asked Secretary General Solana which steps Europe should take to promote dialogue, in terms Europe's contribution to peace in the Middle East – which includes several parliamentary initiatives aimed at helping parties overcome their disputes. With regard to a European foreign minister, he asked what contribution he or she might have made, had the minister already been in office during the Iraq crisis, and which role he or she might have played in the tense post-war situation.

Ms AZEVEDO (*Portugal*), *member of the Assembleia da República*, said she shared the view of Secretary-General Solana as a cornerstone for a future enlarged Europe, and requested further examination of the differences concerning migration, governance and the fight against corruption and organized crime, especially in South-East Europe. (*Applause*).

Mr HAMILTON (*Sweden*), *member of the consultative committee on European Affairs*, asked for information concerning Council policies for solving conflicts arising in trade relations between EU and non-EU countries, such as Russia and the Ukraine. With regard to

the recent WTO summit, he asked for clarifications on a possible policy, independent of the US, concerning aid to Africa and South-East Asia. (*Applause*).

Mr DUMANOGLU (*Turkey*), *member of the Türkiye Büyük Milet Meclisi*, asked for clarifications concerning policies on anti-terrorism, weapons of mass destruction and cross-border crimes, considering the need for the EU to respect the original features of every region in the world while promoting a culture of peace not based on mere economic interests, in the belief that enlargement can provide greater opportunities for success. (*Applause*).

The CHAIRPERSON expressed his regret that the Rules of Procedure did not allow the Ukrainian deputy, Mr Tarasyuk, to take the floor as representative of an observer country; he extended his warm greetings to him and the other observers attending the Conference.

Mr SOLANA, *Secretary-General of the Council, High Representative for the CFSP*, after apologising in advance in case he would not answer all questions asked, underlined first of all the critical situation in Trans-Dniester and recalled that a police force was offered to Moldova. As to the need to boost trade in the Mediterranean, he said it is important to be aware of the difficulties in the relations between Morocco and Algeria concerning the Western Sahara issue, which have hampered developments in the economic and transport sectors, or of the position of Lybia with regard to the situation in the Middle East. He disagreed with Mr De Croo as to the alleged differences between old and new Europe, and noted that the gap between Europe and the United States in terms of military expenditure does not pose a competition problem, but rather a problem of definition of the EU as military power, including for peace-keeping operations. He then agreed on the need to review the mechanisms of the three main objectives of Euro-Mediterranean partnership, especially as regards the low rate of use of funds, but stressed it was important to give more organisational freedom to the recipients of such funds. In view of the eastward enlargement of Europe, he said, it will be necessary to seek links with the existing North, Baltic and Arctic Initiatives. He pointed out that Europe has largely contributed, through the funds of the Cotonou (old Lome) process, to economic support for Africa. Additional initiatives are

needed to solve the dramatic problem of AIDS and above all to bring good governance to the countries of that area. As to development vs security, considering the mandate started in 2000, the results achieved are more than satisfactory in terms of implementation of operations. The issue of security was examined by the Convention, and the IGC will hardly be able to modify the existing agreement. He shared the wish for greater cooperation with non-EU countries, including through the Council of Europe; with a view to the creation of a global tool for proximity policies – mentioned by Sen. Manzella – European citizens, regions and towns play an important role, comparable to the role played at a higher level by States through legal cooperation. He then stressed that Kofi Annan's latest speech at the UN General Assembly provides positive indications for the UN reform. He also agreed on the need to extend the stability pact to the countries of South-East Europe and on the suggestions made by Mr Syllouris. He believes that overcoming discrepancies regarding immigration and border control will take time and targeted investment, in view of the huge income gap between countries of origin and destination. Mr Mitchell's view on neutrality, as expressed, can hardly be shared, as relations based on confrontation between different areas of the world should no longer be considered the norm, and also because article 5 of the Treaty represents the central point of the ESDP, although the solidarity clause may be invoked in case of catastrophes and natural disasters. With regard to peace initiatives in the Middle East, Europe's contribution regards the institutional and above all the economic sectors. Priority should be given to the implementation of the Road Map in order to ensure a two-State solution; monitoring mechanisms should be provided over the medium term, while prospects for development and prosperity for both countries would be provided over the long term. He also agreed on the need to introduce safeguard clauses in the agreements concerning democratic stabilisation in the Balkans, as established at Thessaloniki. He did not share Mr Hamilton's pessimism with regard to WTO results, also because he did not believe Europe has a highly protectionist attitude towards African agricultural products; it is important, however, that the Doha round be resumed. He then invited Mr Dumanoglu to carefully consider the action plans on the fight against terrorism and weapons of mass destruction. (*General applause*).

The CHAIRPERSON thanked Mr Solana for his contribution and his informative clarifications, which reinforced the hope to fulfil the Thessaloniki goals, i.e. the construction of a more secure Europe in a better world.

He declared the afternoon session closed.

*The meeting ended at 5.40 p.m.*

# **XXXth COSAC**

## **Conference of bodies specialised in Community and European Affairs**

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Minutes of Proceedings

Tuesday 7 October 2003

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chaired by Mr STUCCHI,  
Chairperson of the Committee on European Union Policies of the Italian Chamber of  
Deputies



*The meeting started at 10:10 a.m..*

### **On the convocation of the Meeting of the Chairpersons of COSAC**

The CHAIRPERSON pointed out that yesterday, after the close of the morning session of the Conference, the chairpersons of the COSAC met and agreed to meet formally during the Italian presidency. The meeting should enable them to have an exchange of views with Foreign Minister Frattini, with a view to the conclusion of the Inter-Governmental Conference; it should also finalise decisions for the commencement of the COSAC troika Secretariat, provided a document on its establishment is agreed upon today. He proposed that COSAC chairpersons meet on 27 November. Following a short debate, to which Mrs DE CROO, NAPOLITANO, EINEM, MARTIN, LARSEN-JENSEN, BORRELL FONTELLES and HOOD contributed, he resolved to set the date for the meeting taking into account the suggestions received.

### **Debate and approval of the amended document implementing the guidelines approved by the COSAC in Athens on the COSAC troika Secretariat**

The CHAIRPERSON submitted to the conference the latest document drafted by the Chair, which incorporates many of the changes recommended on the original wording. He said that changes conflicting with the guidelines agreed in Athens, and indeed subverting the document's approach, could not be accepted. In particular, he reminded members that the guidelines expressly state that "the Secretariat will work under the responsibility of the presidency and the presidential troika". This meant that co-ordinating authority within the Secretariat should be vested into the troika officers, notably the officer of the Parliament holding the rotating presidency, who should ensure that the guidelines given by the presidency are complied with. In this way, a

balance would be reached which should not be altered, lest a whole year's work is lost. Without consensus, it would be impossible to approve a document.

In the spirit of the compromise reached in Athens, an agreement would surely be found, to be undoubtedly discussed again after the approval of the new Constitutional Treaty. After many meetings and debates on the issue of the Secretariat, time has come to concentrate the work of the COSAC on interparliamentary cooperation. In order to streamline proceedings, he set a speaking time of three minutes per speaker.

Ms OJALA, *Finland, member of the Eduskunta*, said she shared the draft tabled by the Italian Chair, although she believed the Secretariat should not perform merely technical functions. Although she appreciated the willingness of Belgium to provide other options to host the Secretariat, she believed it should be located within the European Parliament.

Mr TIMMERMANS, *the Netherlands, member of the Tweede Kamer*, considered the proposal of the Chair as a good compromise, which would make it possible to make a decision on the COSAC Secretariat. It reflects the guidelines agreed in Athens, therefore further changes should not be necessary. He expressed his preference for the European Parliament as the seat of the Secretariat.

Mr DE CROO, *Belgium, presiding officer of the House of Representatives and chairperson of the European Affairs Committee*, agreed to the proposed text and proposed that it should establish the seat in Brussels, leaving it to the troika to choose between the Belgian Parliament and the European Parliament.

Mr PODESTA', *vice president of the European Parliament*, agreed on Mr De Croo's proposal concerning the choice of the city for the headquarters, and deemed it

appropriate to re-open the discussion as the text represented a good compromise mirroring the spirit of the Athens agreement.

Mr ANDRIUKAITIS, *Lithuania, chairperson of the European Affairs Committee of the Saeimas*, noted the proposals submitted by Denmark and Belgium were to be preferred to the text proposed by the Chair. He also pointed out that the principle of solidarity was not respected, as the officers transferred to the COSAC Secretariat would be paid by their respective administrations.

Mr LARSEN-JENSEN, *Denmark, chairperson of the European Affairs Committee of the Folketinget*, said the draft did not represent a compromise, did not meet the minimum requirements, did not recognise the role of the coordinator, and envisaged a merely technical, low-level function for the fifth member of the Secretariat, a function that was inadequate with respect to the need to develop an influential role vis-à-vis national parliaments and governments. The proposal should therefore be further analysed.

Mr ROTH, *Germany, member of the Bundestag*, said those who question the fact that the text under examination represents a compromise forget about the numerous views opposing the establishment of a Secretariat. He pointed out the text was actually a compromise, an excellent one, and invited Mr Larsen-Jensen to accept the proposal. (*Applause*).

Mr GIRFATTI, *Italy, vice chairperson of the European Community Affairs Committee of the Senate of the Republic*, pointed out that the draft submitted by the Chair mirrored the guidelines adopted in Athens, envisaging the Presidency's and the troika's responsibility over the work of the Secretariat. The text also provides for continuity of the activity in the test phase, and extends the mandate of the fifth member of the Secretariat to two years; the mandate may be renewed in order to

strengthen the functions related to contacts with national parliaments or the drafting of a six-monthly report on parliamentary control procedures, as were already envisaged in the British and Danish proposals. Furthermore, in view of the willingness of the Italian Parliament to organise the meeting of COSAC chairpersons by November and of the European Parliament to provide logistic support, a rapid approval would make it possible to establish the Secretariat before the end of the year. He expressed his wish that this could be the case.

Mr HOOD, *United Kingdom, chairperson of the European Affairs Committee of the House of Commons*, stressed the limitations of the proposed text justify Mr Larsen-Jensen's perplexity and make it difficult to express agreement, particularly about the point where, rather provocatively, low-level functions are envisaged for the fifth member of the Secretariat. (*Applause*).

Mr LEINEN, *European Parliament, vice chairperson of the Constitutional Affairs Committee*, said he did not share the views expressed by the Danish colleague, Mr Larsen-Jensen, on the proposal made by the Italian Chair, which he saw as consistent with the debate held in Athens and laden with political rationale. It is normal, he continued, that responsibility for political guidance should rest on the Chair and the troika; furthermore, as requested by some, it was decided that coordination should be performed by the fifth member. With respect to the Brussels headquarters, he agreed with Mr Podestà's proposal to assess the practical advantages of the options offered and make a decision at the next meeting. Finally, he called for a further consideration of the resolutions unanimously adopted on the basis of the Cashman report at the European Parliament's plenary sitting held 14 days ago in Strasbourg, with respect to the creation of an Internet forum on common domestic affairs on freedom, security and justice. (*Applause*).

Mr VRETTOS, *Greece, chairperson of the European Affairs Committee of the Vouli Ton Ellinon*, said in his opinion that the guidelines set in Athens were not being interpreted in a positive way. He agreed with Mr Hood that the formulation of the functions of the “permanent” member was not acceptable, and proposed to suppress the paragraph specifying those functions and postpone the discussion on that matter until its practical aspects are re-examined. (*Applause*).

The CHAIRPERSON said one of the functions the Chair proposes to assign to the “permanent” member of the Secretariat is the task of drafting – according to the request by the UK – a six-monthly report on parliamentary oversight of the governments’ activity in the European context; therefore, he continued, it was not correct to speak of residual tasks or a wrong interpretation of the Athens guidelines.

Mr FASSLABEND, *Austria, chairperson of the standing subcommittee on EU Affairs of the Nationalrat* said it was important to make a decision at that time, and that the proposal advanced by the Italian Chair was acceptable and not liable to be improved; otherwise, the whole set of rules on the Secretariat would have to be questioned again. As to the identification of the seat, he said the choice between the European Parliament – the one he favoured, like many others - and the Belgian Parliament should not be based on ideological reasons, but rather on practical ones. (*Applause*).

Mr PHILIP, *France, vice chairperson of the EU delegation at the Assemblée Nationale*, to facilitate the difficult task of finding a solution, even a compromise solution, pointed out that the job of finding the new location for the Secretariat in Brussels should be left to those who will be responsible for running the COSAC. He regretted that the text proposed by the Italian Chair did not fully encompass the compromise reached in Athens on the fifth member of the Secretariat, but agreed, in a constructive spirit, on the proposal to leave this member's functions unspecified. It

should be clear, he continued, that political responsibility is vested upon the presidency and the troika, while everything else will be a matter of practical organisation. (*Applause*).

Ms SEGELSTRÖM, *Sweden, chairperson of the Advisory Committee on EU Affairs of the Riksdag*, said that along with Denmark, Great Britain and Greece, she did not agree on the compromise proposed and insisted on the need to define the functions of the fifth member of the Secretariat. As to the seat, she said the offer made by the Belgian Parliament should be taken into consideration.

Mr BAROVIČ, *Slovenia, vice chairperson of the Committee on European Affairs of the Državni Zbor*, without insisting on the political aspect of the question, but considering the need to ensure that the Secretariat is operational and effective, agreed on the Danish amendment suggesting that the Secretary should be appointed by the Chair, have coordinating functions and do more than just providing technical assistance.

Ms HAUTALA, *Finland, member of the Eduskunta*, expressed her regret for some of the opinions voiced about the Secretariat, and said she was in favour of the suppression of the paragraph defining the functions of the “permanent” member. Regardless of the outcome of the debate, she said she shared Vice Chairman Leinen’s suggestion to discuss the Cashman report on cooperation on freedom, justice and security.

Mr LARSEN-JENSEN, *Denmark, chairperson of the European Affairs of the Folketinget*, stressed that the fifth member of the Secretariat should have administrative coordinating functions, also in view of the fact that national parliaments can more easily influence their governments’ activity. He was therefore in favour of suppressing paragraph 3, which established limitations to his/her

functions, and proposed to underline that the above member, in addition to being eligible for re-election once, will take care of the administrative coordination of the Secretariat, under the political responsibility of the Chair and the troika. He expressed the wish that this proposal would reach consensus.

Mr DE CROO, *Belgium, presiding officer of the House of Representatives and chairperson the European Affairs Committee*, noted that the problem of a Secretariat has existed since the very establishment of the COSAC, and said the fact that some guiding principles have been established should be seen as positive; at present, differences seem to concern the role and the functions of the fifth member, but there is virtually full consensus that the Chair and the troika should provide political guidance. The issue will be re-examined at future meetings, in Italy in November and later in Ireland. In conclusion, he said, it would be better to avoid specific or lengthy references in the text, thus leaving it to the Chair to clarify, in its conclusions, that the fifth member would have administrative coordinating functions, under the political guidance of the Chair, assisted by the troika. (*Applause*).

Mr FAYOT, *Luxembourg, member of the Chambre des Députés*, said the attempt at sidestepping the guidelines laid out in Athens to question again the compromise reached on the Secretariat was surprising. Political responsibility should clearly be assigned to the Chair and the troika, also to avoid setting the stage for the creation of one more institution. As a whole, he agreed on the proposals advanced by the Italian Chair and Mr De Croo. He expressed his support for setting up the Secretariat headquarters within the European Parliament, and said greater attention should be paid to parliaments with little staff.

The CHAIRPERSON briefly suspended the proceedings, expressing the hope that the break would be useful with a view to finding a common solution.

*The meeting was suspended at 11:07 a.m. and resumed at 11:35 a.m..*

The CHAIRPERSON submitted a further mediation proposal to the delegations, hoping it would meet with full consensus. In particular, he proposed to suppress the second and third sentences of paragraph 3 and amend paragraph 6 to establish that the Secretariat headquarters be located in Brussels, in “premises to be identified by the troika”. Lastly, he proposed that the deadline for the presentation of candidatures for the position of permanent member of the Secretariat be 31 October 2003 and that the Secretariat should be fully operational by 15 January 2004. (*Applause*).

Mr LARSEN-JENSEN, *Denmark, chairperson of the European Affairs Committee of the Folketinget*, maintained the next meeting of COSAC chairpersons should set the requirements for the permanent members of the Secretariat; parliaments should subsequently advance candidatures based on the above requirements.

The CHAIRPERSON pointed out that par. 10 establishes that each candidature should be accompanied by the relevant CV and that CVs will be carefully examined by the troika.

As no observations were moved, the document on the establishment of the Secretariat of the Conference and the COSAC presidential troika was unanimously approved, as amended at par. 3 and 6 and according to the deadlines envisaged under par. 10 and 11. (*Applause*)

Discussion of the proposals concerning the role of regional legislative assemblies in COSAC. Examination of proposed amendments to COSAC rules of procedure

The CHAIRPERSON, after pointing out that three representatives of European regional legislative assemblies were present as observers, announced that several



amendments had been tabled. The Bundesrat delegation proposed that it should be left to the discretion of each national parliament to decide whether one of the six members composing the COSAC delegation should be a representative of regional parliaments or regional assemblies having legislative powers. President De Croo proposed that each national parliament should be represented by six parliamentarians (and no longer by six members of the European and Community Affairs Committee) leaving the actual composition of the delegation to the free decision of each parliament. The Italian delegation proposed to grant observer status to the representatives of regional legislative assemblies.

He also announced that the UK delegation presented an amendment to the Rules of Procedure to the effect that troika meeting agendas and reports should be transmitted promptly to all national parliaments and the European Parliament.

Lastly, since no objections were raised, a formal correction was approved to the Rules of Procedure in paragraph four of the introductory part in which reference is made to the "Copenhagen guidelines". Note 1, referring to the paragraph, should be replaced as follows: "Each national parliament shall decide the level of implementation of the Copenhagen guidelines, as published in the Official Journal of the European Communities C154 of 2 July 2003".

Mr PALMER, *Germany, Chairperson of the Bundesrat EU Affairs Committee*, after welcoming the decisive step forward achieved with the establishment of the Secretariat, recalled that, as far as the amendment proposed by the Bundesrat delegation was concerned, a large number of institutional structures are represented in the COSAC which cannot be related back to a single form of State. The institutions of some countries, for example, draw their democratic legitimacy also from forms of regional parliamentarianism, while in other political systems the regional powers have a purely consultative function; while in the latter case it is not necessary for the regional powers to be represented in COSAC, federal States must take steps to ensure that their delegations correspond more closely to their institutional structure. For this

reason it is proposed that each national parliament should determine the composition of its COSAC delegation in accordance with their domestic system of government. President De Croo's amendment is even broader in scope and is therefore equally acceptable.

Mr JANSSON, *Finland, member of the Eduskunta Grand Committee*, said the institutional situation regarding member countries of the Union varies widely: side by side with highly accentuated forms of centralization, there are as many as 74 Regions in 8 countries have legislative powers, as it is shown in the document transmitted by the Conference of European Regional Legislative Assemblies. In order to bridge the democratic deficit, mechanisms should be devised enabling regional assemblies to be involved in the initiatives through which national parliaments participate in the decision-making process of the Union. One of the means available to do this is participation in the COSAC. For these reasons, the Finnish delegation supports the German and Belgian proposals.

Mr NAPOLITANO, *Chairperson of the Constitutional Affairs Committee of the European Parliament* was in favour of accepting the principle, and deemed it inappropriate to use the generic term "parliamentarians" as is done in Mr De Croo's amendment since, in view of the different definitions the term has in the various systems of government. In some countries, like Italy, where the representatives of the regional legislative assemblies are called "regional councillors", this could lead to an exclusion of the members of regional legislative assemblies.

Mr DE CROO, *Belgium, Presiding officer of the Chamber of Representatives and Chairperson of the European Affairs Committee* noted that regional representatives are known as "councillors" also in Belgium: the aim of the proposal is to find a principle above and beyond any question of terminology, which will be decided by

each assembly. As an alternative, the wording “members of legislative assemblies” could be used.

Mr GUARDANS I CAMBO’, *Spain, deputy in the Joint Committee on the European Union* said all the proposals put forward could be improved upon, although it is necessary to allow the participation also of representatives of regional legislative assemblies in an information and discussion forum like COSAC, because the regional level may be no less important than central government; he pointed out, for instance, that the Catalan parliament represents more citizens than are represented by several national parliaments whose delegations are participating in today’s work. However, it must be borne in mind that the basis of democratic legitimacy varies in the various systems and that the internal political situation may change, so that it would seem wrong to make the presence within COSAC delegations of representatives of the regional legislative assemblies dependent on the vote of the national or federal assemblies, as in some cases this could nullify a principle that should instead be defended as an element of democracy. In view of these considerations, it would seem wiser to accept the proposal of the Italian delegation which gives the regional legislative assemblies the task of appointing representatives participating as observers in COSAC proceedings; they should be granted the right to address the meeting but not the right to vote.

Mr MITCHELL, *Ireland, Chairperson of the Joint Committee on European Affairs of the Houses of the Oireachtas*, supported to the right of regional assemblies to be represented in the COSAC, but objected amendments to section 4.1 of the Rules of Procedure, which define COSAC as an organization specialized in Community and European affairs.

Mr HOOD, *United Kingdom, Chairperson of the European Affairs Committee of the House of Commons* noted that, similar to House of Commons oversight of the

decisions of the Executive concerning European matters, COSAC, as a body gathering the representatives of bodies responsible for Community and European affairs in the respective parliaments, has the task of influencing the decisions made by the European institutions. In such a framework there are no obstacles to the participation of regional delegates and indeed any such opening up may be taken into consideration when drawing up meeting agendas. He pointed out that he had presented an amendment concerning troika meeting agendas.

Mr GAMA, *Portugal, Chairperson of the Committee on European Affairs and Foreign Security of the Assembleia da Republica* noted that the nature of COSAC, a body composed of the European Affairs Committees of the European Union Parliaments, is established in the Treaty of Amsterdam and cannot therefore be modified by means of amendments to the Rules of Procedures. It may be changed only by amending the Protocols regulating the role of the national parliaments and the enforcement of the principles of subsidiarity and proportionality annexed to the constitutional treaty. Moreover, provision is already made in these documents for constraints concerning the consultation of regional assemblies and therefore regional representative participating in the COSAC might be granted observer status in that forum.

Mr VRETTOS, *Greece, Chairperson of the European Affairs Committee of the Vouli Ton Ellinon*, said the proposed amendments to the Rules of Procedures for the purpose of , albeit indirectly, extending participation in COSAC to the representatives of the regional legislative assemblies are not acceptable as the question should ultimately be regulated by the Protocols attached to the Treaty project, in which a central role is assigned to the national parliaments, with respect to which COSAC has an ancillary function.

The CHAIRPERSON pointed out that an amendment in this connection had been proposed by the Italian delegation regarding the participation of representatives of the regional legislative assemblies as simple observers.

Mr LEINEN, *European Parliament, Deputy Chairperson of the Constitutional Affairs Committee*, stressed that as regional matters are constantly gaining importance in the European Union, which itself intervenes in regional affairs, there seems to be some justification underlying the problem of the participation of representatives of the regional assemblies in COSAC. It would therefore be advisable to set up a working group on the issue which could table proposals to be discussed during the Irish Presidency.

Mr BORRELL FONTELLES, *Spain, Chairperson of the Joint Committee on the European Union*, as a member elected from the ranks of the Cataluna socialist party, he supported the participation of representatives of Regions or autonomous communities. Explicit reference to such a role was to be preferred, he maintained, to an indirect reference subject to the decisions of the individual national parliaments, as proposed by Belgium. He nevertheless pointed out that the European Affairs Committee he chaired had expressed dissatisfaction with the participation of representatives of the regional parliaments in the COSAC, while welcoming their presence as observers.

The CHAIRMAN, accepting the suggestion of Mr Leinen, proposed that an *ad hoc* working group should be set up to assess proposals on this issue and the UK amendment. This working group could already be convened under the Irish Presidency. As no further remarks were made, it was thus decided. (*Applause*).

## **Adoption of the final contribution**

The CHAIRPERSON proposed an amendment to the draft contribution, whereby the Presidency of the Council would be required to report to the COSAC chairpersons on IGC work “by the end of 2003” instead of November 2003, as is currently envisaged.

Mr VRETTOS, *Greece, chairperson of the European Affairs Committee of the Vouli Ton Ellinon*, expressed his opposition to the proposal, as it did not envisage the request of a direct participation of COSAC in IGC work through the appointment of observers.

The CHAIRPERSON, in the absence of any further observations, declared the text was adopted, with the contrary vote of the Greek delegation.

He thanked participants for the extensive and fruitful debate and reminded them of the next meeting of COSAC chairpersons, to be held on a date to be shortly announced by the Italian Presidency.

*The meeting ended at 12.30 p.m..*