

MINUTES OF THE MEETING OF  
THE PRESIDENTIAL TROIKA OF COSAC  
11 February, 2007

**PRESENT AT THE MEETING**

Mr Matthias Wissmann (Germany, Bundestag), Mr Willi Stächele (Germany, Bundesrat), Mr Jari Vilén (Finnish Parliament), Mr Jo Leinen, (European Parliament), excused: Mr Vitalino Canas (Parliament of Portugal)

**AGENDA**

1. Opening of proceedings and adoption of agenda
2. Adoption of the agenda of the chairpersons' meeting
3. Debate on the agenda of the XXXVII COSAC
  - a) Special guests
  - b) The next steps with regard to subsidiarity and proportionality control
  - c) The next steps with regard to the direct transmission of EU documents to national parliaments
  - d) Discussion on the Annual Policy Strategy of the European Commission
4. Biannual report
5. Cofinancing of the COSAC Secretariat
6. Any other business

**PROCEEDINGS OF THE SITTING**

**1. Opening and meeting agenda**

The meeting was chaired jointly by Mr Wissmann, chairman of the EU Affairs Committee of the Bundestag, and Mr Stächele, chairman of the EU Affairs Committee of the Bundesrat. Mr Wissmann welcomed the delegations to the Troika meeting and introduced the agenda.

**2. Adoption of the agenda of the chairpersons' meeting**

Mr Wissmann outlined the draft agenda of the Chairpersons' meeting in Berlin. The draft was unanimously adopted by the Troika.

**3. Debate on the agenda of the XXXVII COSAC**

Mr Wissmann presented the draft agenda of the XXXVII COSAC to be held on 13 to 15 May 2007 in Berlin. The draft was unanimously adopted by the Troika.

a) Special guests

Mr Wissmann introduced a suggestion by the chairman of the European Union Affairs Committee of the Polish *Sejm* to invite a delegation from the Ukrainian Parliament to the XXXVII COSAC in Berlin.

Mr Stächele introduced a request put forward by the president of the Conference of European Regional Legislative Assemblies (CALRE) to invite a delegation from CALRE to the COSAC Conference in May. He pointed out that a partnership with CALRE might be useful for COSAC when dealing with subsidiarity issues.

An exchange of views took place. It was recalled that the Chairpersons' meeting in London in 2005 had concluded that COSAC Presidencies could, after consulting the Presidential Troika, issue invitations to the Parliament of Ukraine, CALRE or other outside institutions to participate in COSAC meetings as special guests if there was an item on the agenda of clear interest to them. Invitations were to be considered on a case-by-case basis and there was agreement among the chairpersons that COSAC should avoid a permanent list of special guests, which would be inflexible.

Members of the Troika agreed not to extend an invitation to the Parliament of Ukraine, because there was no item on the agenda of the conference in May which was of special interest to Ukraine.

Having regard to the fact that the XXXVII COSAC had no plans to discuss a specific legislative proposal but intended to decide on the future proceedings with regard to subsidiarity and proportionality within the COSAC framework, it was furthermore decided not to invite CALRE to the conference in May, but to indicate the possibility of future invitations when relevant items were on the agenda.

b) The next steps with regard to subsidiarity and proportionality control

Mr Wissmann reported on the proposal of the chairman of the Committee on European Affairs of the Czech Parliament to continue subsidiarity and proportionality checks on Commission legislative proposals. It was decided to uphold the decision of the XXXVI COSAC meeting in Helsinki, namely to conduct an evaluation of the two subsidiarity and proportionality checks conducted collectively during 2006 and to decide on any further initiatives with regard to subsidiarity and proportionality at the XXXVII COSAC in May 2007.

Mr Wissmann introduced a joint request made by the Italian Senate and Camera di Deputati to widen the scope of future subsidiarity and proportionality checks to include an assessment of the impact of EU legislation on regional legislation and of the financial burden laid upon regional and local authorities. Recalling the conclusions of the XXXVI COSAC meeting in Helsinki he indicated that, should the XXXVII COSAC in May, after the evaluation of the earlier checks, decide to conduct further subsidiarity and proportionality checks at COSAC level, the aspects mentioned could be incorporated. The COSAC Secretariat would then be mandated to prepare a procedure and guidelines for the next subsidiarity and proportionality checks.

Mr Leinen pointed out that the Protocol on Subsidiarity and Proportionality of the Treaty of Amsterdam already provided specific guidelines for the application of each principle. He wished for the evaluation to reveal best practices in national parliaments and to establish whether the criteria laid down in the Treaty and Protocol were effectively applied.

c) The next steps with regard to the direct transmission of EU documents to national parliaments

Mr Wissmann recalled the Helsinki Conclusions (para. 6) to draw up an evaluation of the experience gained with the European Commission's initiative of direct transmission of documents to national parliaments that came into force on 1 September 2006. The evaluation would be facilitated by a chapter in the biannual report of the COSAC Secretariat and would take place during the XXXVII COSAC in May 2007.

Mr Leinen reported on the extent to which national parliaments had made use of the possibility to send comments directly to the Commission, stating that roughly half of the comments were made in the framework of COSAC's joint subsidiarity and proportionality tests.

Mr Wissmann stressed that the commitment by Commissioner Wallström to merely "take into account" the statements of national parliaments and respond in writing was not satisfactory. This would not provide a sufficient incentive for parliaments to enter into a dialogue with the Commission. Without wishing to anticipate the Constitutional Treaty, he hoped that the Commission would commit to rethinking its proposals once a "critical mass" of national parliaments had raised concerns.

Mr Vilén pointed out that the readiness of national parliaments to react directly to Commission proposals depended greatly on the different procedures and constitutional rights each chamber had with regard to European Union Affairs.

It was concluded to keep the matter on the agenda and to leave further decisions to the XXXVII COSAC in May.

d) Discussion on the Annual Policy Strategy of the European Commission

Mr Wissmann reminded Troika members that the XXXVII COSAC would debate the Commission's Annual Policy Strategy (APS) for 2008 and that Commission President Barroso had been invited to the conference. In order to prepare the debate, the COSAC Secretariat would be mandated to ask national parliaments which individual issues of the APS were considered of special relevance.

e) Biannual report

Mr Wissmann introduced the outline of the 7th biannual report, to be prepared by the COSAC Secretariat. Chapter 1 will provide an evaluation of the two joint subsidiarity and proportionality checks in order to prepare a decision on further initiatives to be taken at the XXXVII COSAC in May. The cooperation with the European Commission, notably with regard to the direct transmission of documents, will be assessed in the Second Chapter. Reflecting the conference agenda, chapter 3 will give an overview of the state of play on "The Future of Europe" and chapter 4 will contain background information on the role of the EU in climate change and climate protection. The outline was endorsed by the Troika.

#### **4. Cofinancing of the COSAC Secretariat**

Stressing that the permanent member of the Secretariat, Ms Sarita Kaukaoja, provides an excellent service to COSAC, Mr Wissmann underlined that a suitable solution for her succession must be assured. He indicated that he was going to approach members of those delegations that had shown reluctance with regard to co-financing the COSAC Secretariat at the Helsinki Conference bilaterally. He suggested that other Troika Members might act similarly, applying the "confessionals" procedure. Meanwhile, national parliaments were being asked to send signed "letters of intent" to the presidency indicating their willingness to contribute towards the co-financing of the next permanent member. Mr Wissmann said his intention was to report on any progress made during the negotiations to the XXXVII COSAC in May 2007. The COSAC Secretariat would be asked to produce a paper for Troika members outlining concrete proposals for amendments to the Rules of Procedure of COSAC.

Mr Vilén supported this twin-track approach in order to assure the joint funding by a "coalition of volunteers". He suggested asking for letters of intent to be sent before the Conference in May with a view to taking a decision under the German presidency.

#### **5. Any other business**

Mr Wissmann introduced a suggestion made by the Italian Senate and Camera to stipulate an exchange programme for young academics between Member Parliaments of COSAC. The Troika endorsed his proposal to take note of this suggestion which it considered interesting but in need of further consideration.

Concluding the meeting, Mr. Wissmann thanked Troika Members for their cooperation. Together with Mr Leinen, he bid farewell to Mr Vilén whose parliamentary term will end in March 2007 and congratulated him on the excellent work accomplished during his COSAC chairmanship.