

# **COSAC CONTRIBUTION ADDRESSED TO THE EU INSTITUTIONS**

## **Scrutiny of CFSP**

1. COSAC welcomes the Council's decision to publish information regarding which Member States participate in which CFSP/ESDP missions and calls on the Council to continue this good practice, which improves openness and helps parliamentary scrutiny.

## **Better regulation: Impact assessments**

2.1 COSAC welcomes the better regulation initiative and calls on the Commission to produce an integrated impact assessment for all major initiatives in its work programme, as proposed in the Communication, "Better Regulation for Growth and Jobs in the European Union" (COM(2005) 97 final).

2.2 COSAC calls on the Commission to produce one-page summaries of all its impact assessments to assist in understanding of the material quickly and efficiently; to translate these summaries into all the official Community languages; and to send them directly to the national parliaments without delay.

2.3 COSAC calls on the Commission to send all impact assessments and roadmaps directly to national parliaments and to publish its impact assessments and roadmaps in all the official Community languages. Commission documents should be made available to the public as soon as possible following their adoption by the College.

2.4 COSAC calls on the EU institutions and Member States to develop a common approach to assessing administrative costs.

2.5 COSAC encourages the European Parliament and the Council of Ministers to produce impact assessments for their proposals for substantial amendments to legislative proposals. COSAC suggests that the Commission, the European Parliament and the Council agree under what circumstances a proposed amendment requires an impact assessment. COSAC requests that under the co-decision procedure the Commission update its impact assessments following first reading in the European Parliament, a common position from the Council and second reading in the European Parliament and before the meeting of a conciliation committee.

2.6 COSAC stresses the need for impact assessments to be objective.

2.7 COSAC calls on the Commission to focus its impact assessments on the three elements of the Lisbon Strategy, that is, the economic, social and environmental impacts.

2.8 COSAC requests the Commission to produce impact assessments for those legislative proposals that it proposes to withdraw.

2.9 COSAC calls on the Commission to create a public database to include all the proposals in the annual legislative and work programme, with links to their impact assessments and roadmaps.

### **Openness in the Council**

3. COSAC calls on the Council of Ministers immediately to change its Rules of Procedure so as to provide for its meetings to be in public whenever it considers and votes on draft legislation, in order to reduce the gap between citizens and the Union, to make possible more effective scrutiny of Ministers' decisions by national parliaments and to remedy the intolerable situation whereby legislation is discussed and agreed to in secret.

### **Subsidiarity and proportionality**

4. Those national parliaments which wish to participate shall conduct a subsidiarity and proportionality check on a forthcoming EU legislative proposal or proposals, developing their existing scrutiny role as recognised in the Protocol on the Role of National Parliaments attached to the Treaty of Amsterdam, allowing them to test their systems for reaching decisions on subsidiarity and proportionality, enabling an assessment of the justifications presented by the Commission and stressing to the Commission national parliaments' role in relation to subsidiarity.

### **Debate on the future of Europe**

5. COSAC agrees that overcoming the current EU crisis requires a wide debate involving the citizens of the Union, not only its institutions and elites. Such a debate should take place at all levels - local, regional, national and European. Special responsibility for this endeavour lies with national parliaments and the European Parliament. A series of meetings should seek to stimulate, steer and synthesize the different debates, raise European awareness and lead to a clear definition of the role and objectives of the EU, understood and accepted by European citizens. This would in turn facilitate further decisions on the future of the Constitutional Treaty.

## CONCLUSIONS OF XXXIV COSAC

### CFSP Scrutiny

1.1 COSAC notes that scrutiny of the Common Foreign and Security Policy and European Security and Defence Policy (CFSP/ESDP) can require fast-track processes due to fast decision-making in the Council. Such procedures in the Member States have included informal contact between officials of the scrutiny committee and the relevant government department; governments alerting scrutiny committees to a proposal before a formal text is agreed; scrutiny committees calling extra meetings; and use of written procedures to allow the consideration of documents during parliamentary recesses.

1.2 COSAC further notes that, for parliaments that operate document-based scrutiny systems, formal agreements between governments and parliaments concerning the type of CFSP and ESDP non-legislative documents to be deposited for scrutiny would help to make CFSP decision-making in the Council more transparent, particularly in respect of political decisions made in advance of formal legislative acts.

1.3 Noting that up-stream scrutiny of CFSP is difficult, COSAC points out that the governments of Member States can assist national parliaments by alerting scrutiny committees to policy reviews being undertaken by Council working groups.

### Subsidiarity and proportionality

2. The XXXIV COSAC, recalling the existing scrutiny role of national parliaments, the provisions on subsidiarity in the Amsterdam Treaty and the fact that the Protocol on the Role of National Parliaments gives COSAC a role specifically in relation to subsidiarity, decided to encourage national parliaments to conduct a subsidiarity and proportionality check on a forthcoming EU legislative proposal or proposals. The check should be carried out with due respect for national parliaments' internal work programmes, legal frameworks and traditions. COSAC agreed that, for those national parliaments which wish to participate, the check should operate as follows:

- i. Within two weeks after the examination by national parliaments of the European Commission's annual work programme, as envisaged in the initiative "Raising European Awareness", participating national parliaments should inform the COSAC Presidency of the proposals they wish to be subject to the subsidiarity and proportionality check; they may also make additional proposals at any time; the Presidential Troika should designate the most frequently mentioned proposals to be subject

- to the check; the list will be distributed to the national parliaments and the European Parliament;
- ii. the IPEX database should, if possible, be used in connection with the subsidiarity and proportionality check;
  - iii. participating national parliaments should seek to complete their scrutiny within a six-week period;
  - iv. the six-week period should begin when the proposal has been published in all languages;
  - v. participating national parliaments or chambers should send any comments on subsidiarity or proportionality directly to the Commission, the European Parliament and the Council within the six-week period, copying those comments to the COSAC Presidency; and
  - vi. it would be helpful if national parliaments could indicate clearly whether their comments relate to subsidiarity or proportionality.

### **Future suggestions for debate (under Article 7 of the Rules of Procedure)**

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

<http://www.cosac.org/en/meetings/previous/London2005/ordinary/meetingdocuments/>

3.2 The topics proposed for consideration by the Presidential Troika will be listed in the minutes of the XXXIV COSAC.

### **New Financial Perspectives**

4. COSAC appeals to the governments of the 25 Member States to make an attempt to work out a compromise by the end of 2005 on the EU Financial Perspectives for 2007-13 and to the UK Presidency to make the necessary arrangements to facilitate this aim.

### **COSAC Secretariat**

5.1 Further to the review of the functioning of the Secretariat conducted by the UK Presidency in accordance with the decision of the XXX COSAC (the Rome Mandate), and the recommendation of the COSAC Chairpersons, and

noting that the evidence gathered by the Presidency demonstrates that the work of the Secretariat has contributed to the effectiveness of COSAC, especially through the compiling of reports which have informed COSAC debates, COSAC has agreed that the Secretariat, with a permanent member, should continue to operate.

5.2 COSAC records its appreciation of the work of Morten Knudsen. COSAC thanks the Folketing of Denmark for facilitating and funding the secondment of Morten Knudsen to the post.

5.3 COSAC welcomes the decision of the chairpersons to appoint Ms Sarita Kaukaoja, the Eduskunta's permanent representative in Brussels since June 2000, to the post of permanent member of the COSAC secretariat for a period of two years from 15 January 2006.

5.4 COSAC thanks the Eduskunta of Finland for facilitating and funding the secondment of Ms Sarita Kaukaoja to the post.

5.5 COSAC notes the case made for the co-financing of the permanent post and has decided that the question of the financing of the post needs to be further examined. Modification of COSAC's Rules of Procedure regarding the secretariat should also be discussed within the period of two years from 15 January 2006.

## **Special Guests**

6.1 COSAC recalls the debate in Luxembourg at the XXXIII COSAC on the Polish proposal that Ukraine should be invited to attend COSAC meetings as a special guest. COSAC also recalls the provision in Article 4.3 of the Rules of Procedure that "The Presidency ... may invite ... after consulting the Presidential Troika, specialists and special guests." It notes the chairpersons' agreement that, under that Rule, COSAC presidencies could, after consulting the Presidential Troika, issue invitations on a case-by-case basis to the national parliament of States which are not members of the European Union or to outside institutions to participate in COSAC meetings as special guests if there is an item on the agenda of definite clear interest to them. COSAC endorses this view of the chairpersons.

6.2 COSAC accordingly agrees the recommendation from the chairpersons that Article 4.3 should not be amended, because it already gives Presidencies the necessary flexibility regarding special guests, and urges Presidential Troikas to give particular attention in the future to possible invitations to

special guests when subjects of definite clear interest to them are on COSAC's agenda.

6.3 Noting further that at the chairpersons meeting a number of discrepancies emerged between the different language versions of Article 4.2 of COSAC's Rules of Procedure; and that the current wording is unclear and does not reflect the current practice of COSAC, COSAC agrees to the proposal from the UK Presidency that the wording of the Rules of Procedure should be corrected so that Article 4.2 is standardised across the different language versions to read as follows:

*“Observers from the parliaments of candidate and acceding countries.*

*Three observers from the parliaments of each candidate and acceding country shall be invited to ordinary and extraordinary meetings.”*

COSAC instructs the secretariat to ensure that the Official Journal is corrected accordingly.