

Folketingets Europaudvalg

Christiansborg, den 14. januar 2003
Europaudvalgets sekretariat

Til
udvalgets medlemmer og stedfortrædere

**Konklusioner fra COSAC-arbejdsgruppen, de
endelige dokumenter samt udkast til
forretningsorden for COSAC**

Efter aftale med udvalgets formand omdeles herved til orientering ovennævnte materiale vedrørende COSAC-arbejdsgruppens arbejde i efteråret 2002.

Materialet vil indgå i grundlaget for det ekstraordinære COSAC møde i Bruxelles den 27. januar 2003.

Med venlig hilsen

Irli Plambech



Skriv navn/adresse/land og tryk F11

10. January 2003

Ref.No. EU-Presidency - COSAC

The Danish presidency's conclusions on the work in the COSAC Working Group concerning a reform of COSAC.

Dear COSAC-chairmen and members of the COSAC-delegation,

Following the meetings in the working group in Copenhagen in November and in December 2002 and in agreement with the Greek presidency, the former Danish presidency of COSAC has elaborated the enclosed Presidency conclusions on the result of the work of the Working Group. Attached to the Presidency conclusions are the final nine documents from the working group. The documents will soon be available in French.

The Danish presidency's proposal for a revision of the Rules of Procedure has been forwarded to the parliaments the 19. December 2002. It is available on the COSAC web-site as well. The proposal is also enclosed to this letter.

The proposal for a revision of the Rules of Procedure does not treat all items discussed during the working group's meetings, but is limited to those items that are likely to be agreed upon on the extraordinary COSAC-meeting in Brussels on the 27th of January 2002. However, the proposal for a revision of the Rules of Procedure should be seen in context with the overall conclusions of the working group and as a first step in the reform of COSAC. Therefore, the work on the items not directly addressed in the proposal - such as the establishment of a secretariat for COSAC - should go on with a view to a later implementation in the Rules of Procedure preferably during the Greek presidency.

I'm looking forward to a productive meeting in Brussels.

Best regards

Claus Larsen-Jensen

Presidency conclusions: Recommendations from the COSAC Working Group

Introduction

During the COSAC-meeting in Copenhagen the 16-18 October 2002 a comprehensive discussion took place on the basis of a Danish draft proposal concerning a reform of COSAC.

The COSAC-meeting adopted a contribution recognising that the Protocol to the Amsterdam Treaty on the Role of the National Parliaments (1999) provides ample opportunities for the national parliaments and for COSAC, that must be fully applied and strengthened.

On the basis of this debate and within the present treaty provisions, COSAC decided to set up a Working Group with the aim of clarifying some questions and continuing the Danish reform initiative while paying attention to other proposals.

The Working Group was given the following (nine) task:

- a) To continue the work of drafting a code of conduct setting out minimum standards for effective national parliamentary scrutiny of governments.
- b) To draft proposals for how to change COSAC's rules of procedure concerning majority decisions.
- c) To draft proposals on how to establish a secretariat for COSAC that ensures the necessary continuity of the work of COSAC, including possible changes in COSAC's rules of procedure.
- d) To consider the organisation of future meetings of COSAC including the question on how to involve the sectoral standing committees as well as the composition of the delegations.
- e) To consider the possibility of letting COSAC assess the Commission's annual legislative programme in order to ensure its compliance with the principle of subsidiarity.
- f) To consider the possibility of giving COSAC a new and more understandable name.
- g) To consider a new strategy for IT and administrative co-operation between EU administrative bodies in the national parliaments including the representations of national parliaments in Brussels.
- h) To consider whether there is a need to establish co-operation agreements with the EU's institutions.
- i) To follow the work of the European Convention and the Intergovernmental Conference.

At the COSAC-meeting it was concluded, that the Working Group should finalise its work before 31 December 2002. Regarding the monitoring of the work of the European Convention the Working Group shall however continue its work after this date (task i). The recommendation from the Working Group should be considered at an extraordinary COSAC-meeting, which now has been arranged for the 27 January 2003.

The Working Group has held two meetings in Copenhagen the 17-18 November 2002 and the 15-16 December 2002.

On the basis of working notes from the Danish presidency concerning all the task mentioned above as well as on the basis of contributions from other members the Working Group has had a thorough discussion on all items. During the last meeting the 15-16 December 2002 the Working Group finalised its work concerning task a) to h). As far as task i) is concerned, the work continues in accordance with the principles laid out in document i). The final documents are enclosed (a to i).

Recommendations

On the basis of these documents and the discussions in the Working Group the presidency has drawn the following conclusions on the main lines:

Re a) “ minimum standard for scrutiny” etc.

The Working Group recommends the adoption by the COSAC of the so-called “Copenhagen parliamentary Guidelines” set out in the enclosed document a). As stated in the protocol on national Parliaments it is up to each Parliament to decide the extend to which the guidelines should be implemented.

Furthermore, these guidelines should be published in the Official Journal of the European Communities, Serie C, which contains communications and information of non-binding nature.

Re b) “majority decisions” etc.

The Working Group recommends the adoption of new rules for voting in COSAC as set out in document b). This means, that contributions should henceforward be adopted with a majority of 2/3 of the votes cast; the majority must at the same time constitute at least 50 pct. of the votes. Each delegation has two votes in order to allow differentiated voting from bicameral parliaments.

Amending the rules of procedure require – as today – unanimity. Here each delegation has one vote.

Furthermore the Working Group recommends that contributions adopted by COSAC in general should be published in The Official Journal of the European Communities, Serie C.

Re c) “secretariat for COSAC” etc.

All members of COSAC agree that it is necessary to strengthen and improve the efficiency of COSAC within the present treaty provision. To that effect there is a need for better secretarial support.

During the meeting in the Working Group on the 16 December 2002 members of the Group agreed to recommend to the parliaments the establishment of a secretariat following the lines of a proposal from the delegation of Netherlands. The proposal is outlined in document c).

The secretariat should be small, non-bureaucratic and staffed with only 5 persons, comprising one head of secretariat. The annual cost is estimated at approximately 600.000 EUR. Shared equally between the participating parliaments the annual cost is only 24.000 EUR per parliament. Should one or more parliaments wish not to participate in the financing of the secretariat the annual cost per parliament should be adjusted accordingly. Further deliberation concerning the legal aspect etc. of the establishment should take place at a later stage.

The secretariat should be placed in Brussels.

The Working Group recommends, that the extraordinary COSAC-meeting further discuss the procedure in relation to the establishment of a secretariat as outlined in document c).

Re d) “future meetings and the influence of sectoral standing committees” etc.

The Working Group is of the opinion, that the national parliaments should organise themselves in a way whereby the parliamentary work becomes inter-linked in a constructive manner and that the organisational structure of COSAC should be adapted to the new challenges and new tasks facing COSAC.

To that effect the Working Group recommends the proposals set out in document d), which among other things implies a better long term planing of meetings, including regular biannual meetings of the chairpersons. Furthermore the meeting of chairpersons could in concrete cases be given a mandate by the COSAC assembly to adopt contributions. Concerning the sectoral standing committees the recommendation is, that COSAC should support the increased co-operation between the sectoral standing committees by making itself available as a supporting structure.

Concerning the proposal to involve *The Conference of Speakers of the European Parliaments* it was proposed to ask the speakers at the next conference in June 2003 whether they could accept to take the role as Presidium for the COSAC, with the task to decide on and approve COSAC's budget. Historically, COSAC has strong ties with the Conference of Speakers of the European Parliaments, as it was this Conference, which established COSAC in May 1989. Furthermore it is the Speakers, who in many EU-countries have overall responsibility for the co-ordination of work both within their own parliaments, and for co-operation between national parliaments.

Re e) "Commission annual legislative programme and its compliance with subsidiarity" etc.

On the basis of the proposals set out on document e) the Working Group recommends that COSAC once a year invite the European Commission to a general discussion on the contents of its working and legislative programme. From these programmes it is possible to select a number of concrete initiatives that can be scrutinised and evaluated by COSAC in greater detail when they are introduced on a concrete basis.

In relation to the "early warning mechanism", proposed by the Convention's Working Group 1, it is recommended that COSAC should offer secretarial support as a "clearing house", by collecting information (electronically) from parliaments on any objection and by distributing information on these to other parliaments.

Re f) "A new and more understandable name" etc.

There is consensus in the Working Group that work should continue on the matter of giving COSAC a new name which corresponds to its new functions and task.

The matter of COSAC's name should therefore be referred to the Working Group's follow-up to the work of the Convention on the Future of Europe (task i).

Re g) "New strategy for IT and administrative co-operation" etc.

The Working Group recommends the proposals set out in document g), which implies a new IT strategy for COSAC with better co-operation between the administration bodies in the national parliaments. In concrete terms it is proposed to set up a technical administrative Working Group to carry out the task in the document.

Re h) “Co-operation agreements with the EU-institution” etc.

The Working Group is of the opinion, that in order to fully implement the protocol on the national parliaments in the Amsterdam Treaty, and to initiate some of the measures that the Convention’s Working Group has proposed, some agreements could be entered into between national parliaments and the EU’s institution. The agreements constitute means and ideas to strengthen the role of the national parliaments.

However the co-operation agreement should be called *operational agreements* to indicate, that COSAC is not a new institution.

The Working Group recommends that the items set out in document h) should be seen as a platform for further discussion on the content of such agreements.

Re i) “To follow the work of the European Convention” etc.

The Working Group agrees that many aspects of this reform coincide with the recommendations from the Conventions Working Group I on the principle of subsidiarity and Working Group IV on the role of national parliaments.

The Working Group recommends that, at the extraordinary COSAC-meeting in January 2003 (27 January) COSAC should inform the Convention of the recommendations of the Working Group, and that the agreed recommendation will be implemented in the reform of COSAC’s work.

In order to influence the agenda of the Convention and the Intergovernmental Conference COSAC must in the early month of 2003 adopt a position on the future role on the national parliaments in the European Union.

It is therefore recommended that the parliaments send all proposals on the future work in the Working Group to the European Affairs Committee of Greece; preferably not later than ten days before the meeting of chairpersons in January (28 January).

Rules of procedure

In order to implement many of the operational recommendations agreed upon in the Working Group the Danish presidency has already on the 19 December 2002 drafted a proposal for a revision of COSAC’s rules of procedure. The intention is to quickly take a first step in the reform of COSAC’s work. Therefore the new draft for the rules of procedure contains the new voting rules, new rules for meetings and place of meetings of the chairpersons, long term planing of COSAC-meetings, publications of COSAC’s contributions etc.

The work with items not directly addressed in the proposal - such as the establishment of a secretariat for COSAC – should go on with a view to a possible later implementation in the Rules of Procedure.

If agreed upon at the extraordinary COSAC meeting of the 27 January 2003, the new rules of procedure could enter into force on the 1st February 2003.

Best regards

Claus Larsen-Jensen
Chairman of the European Affairs Committee

Nine documents from the COSAC Working Group

Documents a) – i)

Task a) : "To continue the work of drafting a code of conduct setting out minimum standards for effective national Parliamentary scrutiny of governments. "

"COPENHAGEN PARLIAMENTARY GUIDELINES"

Guidelines for relations between governments and Parliaments on Community issues (instructive minimum standards)

I. The European Convention and COSAC

The protocol on the role of national Parliaments annexed to the Amsterdam Treaty points out clearly that each national parliament's scrutiny of its own government in relation to Community activities falls under the particular constitutional system and practice of the member country in question.

The report from the working group on the role of the national Parliaments (dated 22 October 2002) under The European Convention contains a recommendation that COSAC should prepare a code of conduct or guidelines for relations between governments and Parliaments in connection with Community issues. The purpose of this is to provide all the national Parliaments with the opportunity to scrutinise and have an influence on governments' Community policy. As stated in the protocol on national Parliaments it is up to each Parliament to decide the extent to which the guidelines should be implemented

At the COSAC meeting in Copenhagen from 16 –18 October 2002 these guidelines were referred to as the "Copenhagen Guidelines", and they enable scrutiny of and insight into the government's Community policy and Community policy in general.

In this connection COSAC has decided to indicate certain instructive principles (or a kind of minimum standard) which will help to ensure that all national Parliaments have the opportunity to participate in and have an influence on Community policy in an active manner.

Three elements in relations between government and Parliament can be pointed out which will help to ensure that the national Parliaments gain an influence on Community policy.

These three elements are *the quantity and quality of information* to the national Parliament, *the timing of* information exchange, and finally the *opportunities*

that the national Parliament has to use the information it has received to *gain an influence on Community policy*.

The following *basic principles* can be recommended on the basis of the above:

- The national Parliament shall receive relevant information on Community initiatives, both from the government and Community institutions, in good time so that the national Parliament has an opportunity to take them into consideration before decisions are made.
- The national Parliament shall have a real opportunity to use the information received to gain an influence on its own country's European policy and thereby the common decisions made in the Community.
- The national Parliament shall have an opportunity to follow up on its government's decisions in the Community system.

II. *Recommendations on general guidelines ("Copenhagen Parliamentary Guidelines")*

The following general guidelines can be recommended on the basis of the basic principles above:

- 1. A member country's government should ensure, in consultation with the Community's institutions, that the national Parliament receives all Community documents regarding legislation and other Community initiatives as soon as they become available.**
- 2. The government should prepare easily accessible, clearly-worded material on Community legislation, etc., for the national Parliaments.**

Examples:

- The government can regularly forward lists of current Community Bills, documents for hearings, messages, etc., to the national Parliament.
 - The government can draw up explanatory notes on all important Community matters for Parliaments within a given deadline.
- 3. Opportunities should be provided for meetings with ministers in the national Parliaments well in advance of Community meetings. The government should give an account of its attitude to Community proposals at such meetings.**

Examples:

- It should be possible for the Parliament to ask questions of ministers well in advance of Council meetings in order to obtain clarification of the government's attitude to specific issues.
- It should be possible for the Parliament's European Affairs Committee and expert committee to hold a suitable number of meetings with the participation of a minister and adapted to the Council meetings so that the Parliament can consider the content of the Council meetings at a concrete level.

4. The national Parliament should be informed by the government well in advance as regards decisions to be made in the EU and concerning the government's proposals regarding decisions. This concerns ordinary meetings of the Council, summit meetings, and inter-governmental conferences. The national Parliaments should also subsequently be informed of the decisions made.

Examples:

- The government can forward agendas of forthcoming Council meetings with relevant references to Community legislation documents.
- The government must forward minutes of Council meetings within a short time frame after the meetings.

5. Concerning administrative assistance in the national Parliament, it is the responsibility of each national Parliament to ensure maximum benefit from the guidelines, inter alia by strengthening the administrative and expert assistance to the Parliament in EU matters and adapting this assistance to Parliament's real needs.

III. Publication

It is proposed that these guidelines, which is not legally binding should be published in the Official Journal of the European Communities, C¹ Series. The C Series contains communications and information of a non-binding nature.

¹ See also "Note concerning new voting rules in COSAC" as regards publication of COSAC contributions in the Official Journal of the European Communities, C Series

Task b) "To draft a proposal for how to change COSAC's rules of procedure concerning majority decisions"

Note on new rules for voting in COSAC

1. COSAC's existing rules for voting

The existing rule for voting in COSAC is based on *unanimity* among the delegations *present*, but with the *opportunity for what is known as constructive abstention*. Each delegation casts one vote.

In accordance with article 10.5 and article 14.3 of the rules of procedure, the existing rule on unanimity applies to the *adoption of COSAC contributions* and to *amendments of COSAC's rules of procedure*.

The rules on unanimity are worded as follows:

Article 10.5 (on the adoption of contributions)

"The adoption of a contribution requires unanimity among the delegations that are present at the meeting. Abstention from voting on the part of delegations cannot prevent the adoption of a contribution".

Article 14.3 (on amendments to the rules of procedure)

"The adoption of a proposal requires unanimity among the delegations that are present at the meeting. Abstention from voting on the part of delegations cannot prevent the adoption of a proposal".

2. Proposal for new rules for voting:

2.1 Adoption of contributions

The proposal for new COSAC voting rules is to continue to base them on the principle that all countries or Parliaments have the same number of votes.

Each delegation should have 2 votes when voting on contributions in order to allow differentiated voting from bi-cameral parliaments.

Contribution should henceforward be adopted with a majority of 2/3 of the votes cast; the majority of 2/3 must at the same time constitute at least 50 % of the votes from all delegations, whether these are represented or not.

To the extent it is deemed necessary, minority views may be included in the final contribution.

The purpose of introducing qualified majority voting for the adoption of COSAC contributions is to enhance decision-making in COSAC.

2.2 Publication of *contributions* in the Official Journal of the European Communities.

The Official Journal of the European Communities, C Series, contains communications and information of a non-binding nature about the European Union, including protocols from parliament meetings and parliamentary questions and replies from the Council and the European Commission, opinions from the Economic and Social Committee, opinions from the Committee of the Regions etc.

In order to focus attention on COSAC's contributions it is proposed that, in the future, adopted contributions from COSAC is published in The Official Journal of the European Communities, C Series.

2.3 Amending the rules of procedure

In amending the rules of procedure the principle of unanimity among the delegations present at the meeting is maintained. Constructive abstention by abstaining from voting remains an option.

It is proposed to have a quorum of 2/3 of the delegations when voting on amendments to the rules of procedure.

In votes on amendments to the rules of procedure each delegation has only **one vote**.

Task c): " To draft proposals on how to establish a secretariat for COSAC that ensures the necessary continuity of the work of COSAC, including possible changes in COSAC's rules of procedure

Note on the establishment of a COSAC secretariat

"Note on the conclusions"

1. Establishing a secretariat¹

All organisations with even a minimum of tasks have a secretariat to ensure the continuity and coherence required in their work. On an international level, this applies both to the Inter-Parliamentary Union (IPU) and to the inter-parliamentary assemblies of NATO, the WEU and the OSCE. None of these parliamentary assemblies would be able to cover their work without a secretariat.

This applies in equal measure to inter-parliamentary cooperation within COSAC with a host of concrete tasks requiring completion for COSAC to fulfil its role. This includes the creation of continuity and coherence in its work across 28 European countries and the European Parliament.

Consequently, the recommendation is for a *small* COSAC secretariat to be established. The secretariat will not create a new institution and will not be a new bureaucracy. It will offer secretarial support to the work done by COSAC.

The enclosed **annexe 2** contains a detailed description of the questions and possible solutions in connection with establishing such a secretariat. The following conclusions have been reached:

2. Tasks

The secretariat is to be linked with the troika and the country holding the Presidency. It shall co-operate with the representatives in Brussels of the national parliaments.

Under the proposal, the secretariat will provide technical support to COSAC. The primary tasks would be

- to assist the country holding the presidency with the preparation, convocation and organisation of COSAC meetings (both ordinary and extraordinary),

¹ The conclusions in this note follows the proposal from the Netherlands' delegation put forward during the meeting in the Working Group on the 16 December 2002. All members of the Working Group could endorse the proposal from the Netherlands (enclosed as annex 1).

- to act as a secretariat to meetings of the Troika and of the chairpersons and to be in charge of the preparation, organisation and convocation of these meetings,
- to be in charge of coordination and the exchange of information between national parliaments, including benchmarking and designating "best practices",
- to draw up minutes of meetings within the framework of COSAC,
- to draw up draft budgets for COSAC,
- to be in charge of an official COSAC documentation archive,
- to co-ordinate internal communication within COSAC, including running the COSAC website.
- to provide secretarial support for inter-parliamentary meetings.

Further tasks might be added, inter alia those arrived at in the COSAC working group in connection with the group's deliberations on COSAC reform. Other tasks could be added in agreement with the Troika.

3. Staffing

It is estimated that efficient completion of the above tasks would require a secretariat consisting of 5 members of staff employed on contracts of 4 to 5 years' duration.

The recommendation is for a secretariat comprising 1 head of secretariat and 4 members of staff.

It is proposed that the head of secretariat be appointed by the COSAC assembly following nomination by the Troika or the meeting of the chairpersons. It is proposed that taking on additional staff be left to the head of secretariat following agreement with the meeting of the chairpersons.

4. Location

It is recommended that the secretariat be located in Brussels in order to facilitate a close co-operation with the EU-institutions. There have been discussions with representatives of the European Parliament and the Belgian parliament and, in principle, both are prepared to offer office space in their buildings. It has also been suggested that the secretariat be located in the Council building. The Luxembourg Parliament has also made an offer to house the secretariat at their premises in Luxembourg.

It is important to work towards a solution, which takes into account the need for close cooperation between the secretariat and the permanent representatives of

the national parliaments in Brussels, e.g. by locating the secretariat in the same place as the permanent representatives.

5. Costs and financing

With the staffing proposed above, the annual COSAC budget is estimated at approximately EUR 600,000 (EUR 400,000 in salaries and EUR 200,000 for other expenses). To this should be added approximately EUR 100,000 for IT equipment etc. for the first year *only*.

The recommendation is for costs to be financed by direct contributions from the parliaments. The costs should be shared equally between the parliaments wishing to participate in the financing of COSAC.

This would mean an annual cost per parliament of approximately EUR 40,000 if 15 parliaments and the European Parliament participate. With 25 parliaments and the European Parliament sharing the costs, the annual contribution per parliament would fall to EUR 24,000.

6. Evaluation

It is recommended that the secretariat and the secretarial support be evaluated after a period of 5 years.

Note from the Netherlands' delegation on task c

The text should clarify that secretarial support for COSAC

1. will not create a new institution
2. will not be a new bureaucracy
3. will be paid for by the national parliaments
4. will have a small secretariat that
 - 4.a is linked with the Troika and the country holding the Presidency
 - 4.b co-operates with the representatives in Brussels of the national parliaments
 - 4.c provides technical support

Options for the establishment of a COSAC secretariat

Introduction

All organisations with even a minimum of tasks have a secretariat to ensure the necessary continuity and coherence in their work. On an international level, this applies both to the Inter-Parliamentary Union (IPU) and to the inter-parliamentary assemblies of NATO, the WEU and the OSCE. None of these parliamentary assemblies would be able to cover their work without a secretariat.

This applies in equal measure to inter-parliamentary cooperation within COSAC with a host of concrete tasks requiring completion for COSAC to fulfil its role. This includes the creation of continuity and coherence in its work across 28 European countries and the European Parliament.

Consequently, the recommendation is for a *small* COSAC secretariat to be established. The secretariat will not create a new institution and will not be a new bureaucracy.

1. Tasks, staffing and location

Tasks

The secretariat is to be linked with the troika and the country holding the Presidency. It shall co-operate with the representatives in Brussels of the national parliaments.

Under the proposal, the secretariat will provide technical support to COSAC. The primary tasks would be

- to assist the country holding the presidency with the preparation, convocation and organisation of COSAC meetings (both ordinary and extraordinary),
- to act as a secretariat to meetings of the Troika and of the chairpersons and to be in charge of the preparation, organisation and convocation of these meetings,
- to be in charge of coordination and the exchange of information between national parliaments, including benchmarking and designating "best practices",
- to draw up minutes of meetings within the framework of COSAC,
- to draw up draft budgets for COSAC,
- to be in charge of an official COSAC documentation archive and

- to co-ordinate internal communication within COSAC, including running the COSAC website.
- to provide secretarial support for inter-parliamentary meetings.

Further tasks might be added, inter alia those which might appear as a result of deliberations on COSAC reform in the COSAC working group. Other task could be added in agreement with the Troika.

Staffing

As part of the COSAC reform it has been proposed to establish a secretariat of 3 to 5 people headed by a head of secretariat.

On the basis of present tasks, a secretariat with 5 members is deemed necessary. With EU enlargement adding 10 new countries as from 1 May 2004 and with the possible addition to COSAC's activities of ad hoc inter-parliamentary conferences between the sectoral standing committees of the EU countries, a COSAC secretariat of less than 5 staff hardly seems realistic.

It is proposed to staff the five posts using the following model: 1 head of secretariat, 1 book-keeper/secretary and 3 graduate members of staff. It is proposed for consideration that staff be employed on 4 to 5 year contracts to allow for rotation of posts between parliaments.

The head of secretariat should be appointed by the COSAC assembly following nomination by the Troika or a meeting of the chairpersons. All parliaments may propose candidates.

Additional staff will be taken on by the head of secretariat following agreement with the meeting of the chairpersons.

Also to be considered is the setting up of a stagaire programme attaching 2 to 4 stagaires to the COSAC secretariat to assist in conducting studies or drawing up reports on subjects which COSAC might wish to examine in more detail.

Location

In order to ensure the necessary continuity in COSAC's work the secretariat must be permanently staffed at a fixed address. It is proposed to locate the COSAC secretariat in Brussels to situate it as close as possible to the EU institutions. Both the Belgian Parliament and the European Parliament have expressed an interest in housing a COSAC secretariat.

The Belgian Parliament has offered office space in close proximity to the European institutions and to have it ready in the very near future. The offices

provide access to the library of the Belgian Parliament with its extensive European documentation and access to a meeting room equipped with interpreting facilities.

It has been suggested that the secretariat be located in the Council building. The Luxembourg Parliament has also made an offer to house the secretariat at their premises in Luxembourg.

The European Parliament has not replied formally as regards the possibility of housing the secretariat in its buildings. In principle, Parliament Vice-President David Martin has said 'yes subject to reservations', as he does not know whether the European Parliament has any vacant office space.

There is a need for close cooperation between the secretariat and the permanent representatives of the national parliaments in Brussels, e.g. by locating the secretariat in the same place as the permanent representatives. Choosing the European Parliament would thus locate the COSAC secretariat in close proximity to the permanent representatives of the national parliaments who are presently housed in the European Parliament.

Evaluation

It is recommended that the secretariat and the secretarial support be evaluated after a period of 5 years.

II. COSAC budget

What would be the cost of a COSAC secretariat?

Two crucial questions in connection with the establishment of a COSAC secretariat would be how much would it cost and how would the parliaments of the member countries finance it?

The size of the COSAC budget would obviously depend on the size of the secretariat and the tasks allocated to it. The estimated budget is based on a staff of 5 in the COSAC secretariat as proposed above.

Similarly, the size of the budget would depend on which proportion of the cost of the activities in COSAC should be paid by the parliament of the country holding the presidency and how much should be paid via a common budget. It is proposed here that only the costs in relation to the secretariat should be financed via COSAC's budget. All other activities in connection with the holding of meetings in the COSAC assembly should still be financed by the parliament of the country holding the presidency.

The most significant part of the budget would be salaries to staff. The total cost of basic salaries would amount to EUR 400-420,000 annually if choosing to

employ staff on terms equal to those of the Inter-Parliamentary Union (IPU) or EU officials¹. However, more accurate staff cost estimates would depend on how members of staff are employed. Which pay grades should apply to them? Can it be done with full tax exemption, e.g. as in the IPU? Or will salaries be taxed by the Belgian authorities as in the case of NGOs in Belgium and employees of the parliamentary assembly of NATO if employees are Belgian citizens or if they have been domiciled in Belgium for more than a year prior to being employed².

The remaining part of the budget must cover the costs of:

- various types of allowances, social and health insurance, other insurance, travel costs, language courses, postage, telephone/fax/e-mail, acquisition and maintenance of computers and other office equipment, newspaper and periodical subscriptions, entertainment costs.

To this can be added around 100.000 EUR for IT equipment etc. for the first year *only* (in accordance with paper h).

The total cost of a COSAC secretariat would probably amount to some EUR 600,000 annually. This does not include the cost of rent, deposit, building maintenance, cleaning etc., the aim being for the COSAC secretariat to have office space put at its disposal either in the European Parliament or the Belgian Parliament. However, it cannot be taken for granted that this will be possible at no cost.

Financing the COSAC secretariat and distribution of costs

Basically, there seem to be two options for financing a COSAC secretariat:

1. through contributions from member states as in the parliamentary assembly of NATO, the IPU and Europol
2. via the Community budget as in the case of the EU institutions and bodies.

Both in the parliamentary assembly of NATO, the IPU and Europol the size of member states' contributions are weighted according to their GNP³. The question is whether COSAC should use a similar weighted distribution of costs or whether

¹ Calculating COSAC's basic salary costs on the basis of the 2003 IPU level of costs gives a total cost of approximately EUR 400,000. The IPU employs a staff of 34 at a cost of approximately EUR 2.7 million in basic salaries equating to salary costs of EUR 399,409 for a COSAC secretariat of 5. However, if the cost of salaries is based on employing the COSAC secretariat staff as EU officials, basic salary costs would amount to EUR 419,712 annually. However, being subject to EU taxation, a proportion of the cost would return to the EU budget. The calculations are based on the head of secretariat being employed as an A3/A4, 2 members of staff being employed at grade A5, (5), 1 member of staff at Grade A8, (4) and 1 at Grade C3, (4).

² The total 2003 NATO/PA budget is EUR 3.142.794, of which personnel costs constitute EUR 2,066,602 for a staff of approximately 30 at the NATO/PA. In addition to salaries, the cost include payments towards pensions and various allowances, e.g. language courses and health insurance.

³ The NATO/PA is financed via contributions from member states' national parliaments and the share of costs apportioned on the basis of an old scale taken over from NATO. The share of costs is apportioned on the basis of NATO-countries' GNP in the early 50's. Thus the USA pays 22,41%, the UK 17, 25% while Germany pays 15,54% and Italy 5,75%.

to share costs equally between parliaments. Speaking in favour of an equal distribution of costs is the fact that, with six members each, all parliaments have equal representation in COSAC and enjoy the same rights and obligations.

If it is decided to finance COSAC via member state contributions and that member states should pay the same amount towards the budget, it would mean a total annual cost per member state of approximately EUR 40,000 in the case of 15 member states and the European Parliament contributing. With 25 parliaments and the European Parliament sharing the costs, the contribution per parliament falls to EUR 24,000.

COSAC might also be financed via the Community budget. However, this would mean that, as the budgetary authority of the EU, the Council and the European Parliament would determine the COSAC budget. On the face of it, this financing model does not trigger payments from individual national parliaments and, in principle, only a minor extra payment from the EU member states. Here, payments would depend on countries' GNP.

In view of the secretariat being established on the initiative of the national parliaments and aimed at serving their interests and in view of the insignificant cost it seems more appropriate for national parliaments to cover the costs themselves.

The recommendation is for costs to be financed by direct contributions from the parliaments. The costs should be shared equally between the parliaments wishing to participate in the financing of COSAC.

III. How should the COSAC secretariat be established?

The last important question is how to establish a COSAC secretariat. Should it be done by establishing an independent organisation incorporated under Belgian law or should it become part of a Community framework? If established as an independent organisation, COSAC would need to assume the form of a legal entity to allow it to enter into agreements and contracts, inter alia regarding employment under Belgian law.

If COSAC were to fall under a Community framework, a number of other questions arise.

Corporate body or international organisation

If COSAC is established as an independent body under Belgian law, it would be obvious to look to the model used for the NATO parliamentary assembly (NATO/PA). NATO/PA is domiciled in Brussels in Belgium and, like COSAC, constitutes a forum for cooperation between national MPs.

Via a statute of 14 August 1974 the Belgian authorities have recognised the NATO/PA as a legal entity with "corporate body" status under Belgian law. Belgium has thus not been prepared to grant the NATO/PA the status of an international organisation, unlike the Swiss authorities in the case of the Inter-Parliamentary Union (IPU)⁴ which, like the NATO/PA, is a forum for international cooperation between parliaments⁵. In real terms, however, it is a sort of semi-international organisation, as the Belgian authorities have granted the NATO/PA a number of the immunities and privileges normally enjoyed by international organisations.

The NATO/PA secretariat is the subject of a particular "personnel statute" laid down by the so-called NATO/PA "standing committee"⁶ and recognised by the Belgian Foreign Office and the Ministry of Employment. Under this model, COSAC would require a similar statute.

The Belgian statute stipulates that the head of secretariat represents the NATO/PA under Belgian law. Furthermore, the statute states explicitly that the NATO/PA is entitled to enter into agreements and contracts, acquire property, goods and other assets and has access to the courts.

As a general rule, the head of secretariat and the staff of the NATO assembly secretariat are exempt from Belgian income tax and certain other types of duty which normally apply to employees of international organisations. However, this does not apply to employees who are Belgian citizens or who have been domiciled in Belgium for over a year. They are subject to normal Belgian taxation.

Budget control

If COSAC is set up in accordance with the above model, it will be necessary to establish effective procedures for internal and external control of the implementation of the COSAC budget.

In this context one model could be for final discharge of the COSAC annual budget and accounts to be granted at a meeting of the chairpersons once a year, making the head of secretariat responsible for day-to-day management. However, there should also be a link between the COSAC meeting of the chairpersons and the head of secretariat in the shape of a "standing committee" consisting of the Troika. Such a standing committee should be responsible for conducting the necessary control of accounts and auditors reports before the meeting of the

⁴ In the IPU immunities and privileges are granted via a 1971 agreement between the Swiss authorities and the IPU. Under this agreement employees are exempt from tax and duties and granted diplomatic status.

⁵ The IPU is not an international organisation based on treaties between governments. The IPU is a "free association of individual countries' parliaments or in some cases "parliamentary groups" appointed by the parliaments and has been recognised by Switzerland as an international organisation.

⁶ The NATO/PA standing committee consists of a representative from each NATO member country.

chairpersons grant final discharge. Equally, the standing committee should monitor whether COSAC's financial matters were conducted in accordance with the budget and a "financial regulation" adopted to this end.

In connection with the deliberations on the rules governing the COSAC budget, account must be taken of the involvement of the Conference of Speakers of the European Parliaments and in this context particularly the role which the Conference of Speakers is encouraged to play in connection with approval of COSAC's budget, cf. the draft declaration about this.

It is recommended that the legal aspects etc. concerning the establishment of the COSAC secretariat be considered specifically at a later stage.

IV. Rules of good administrative practice for the COSAC secretariat

Right from the start, the COSAC secretariat should have clear and high standards for good and open administrative practice and budget management. It is therefore proposed that, from the very beginning, COSAC adopts a code of conduct for "good administrative practice" and a "financial regulation" to ensure transparent and responsible management of the COSAC budget.

Task d): "To consider the organisation of future meetings of COSAC including the question of how to involve the sectoral standing committees as well as the composition of the delegations"

Note on interparliamentary co-operation and networking and the organisation of COSAC and future meetings

In order to ensure greater democratic entrenchment of EU co-operation it is necessary to involve national parliaments to a greater extent in national EU decisions.

This will give the citizens in member countries and their elected representatives in parliament a greater and more direct say in common European decisions. It is the role both of the national parliaments and of the European Parliament to ensure the necessary connection between the activities taking place in the EU and the wishes of the citizens.

The national parliaments should therefore organise themselves in a way whereby the parliamentary work in the EU becomes interlinked in a constructive manner without creating more bureaucracy.

This means that the organisational structure of COSAC should be adapted to the new challenges and the new tasks facing COSAC. It will thus be necessary to adapt the organisational structure of COSAC as well as the type and planning of meetings.

The description below contains proposals on how COSAC's work could be adapted in the following 3 areas:

1. The Conference of Speakers of the European Parliaments
2. COSAC - the Conference and Forum of Community and European Affairs Committees
3. Cooperation/networking between the sectoral standing committees of the parliaments¹.

Planning of meetings

There is a need for more long-term planning of the meetings. It is proposed to establish a rolling calendar of meetings with meetings fixed up to 2 years ahead.

¹ COSAC's role at the European level is to coordinate EU-matters, in the same way as the European Affairs Committees in many EU-countries coordinate EU-matters at national level.

Such a rolling calendar of meetings should comprise all types of meetings within a COSAC framework, including the meetings of the presidential Troika, the biannual meetings of the COSAC assembly and the meeting of chairpersons. In this context it is proposed that a regular biannual meeting of the chairpersons be held in Brussels in between the meetings in the COSAC assembly.

1. The Conference of Speakers of the European Parliaments

1.1 Significance and future role

Historically, COSAC has strong ties with the **Conference of Speakers of the European Parliaments** as it was this Conference of Speakers which established COSAC in May 1989.

The Speakers of Parliaments have overall responsibility for the co-ordination of work within their own parliaments. It is also the Speakers of Parliaments who have overall responsibility for co-ordinating co-operation between their national parliament and foreign parliaments. In order to strengthen co-ordination of parliamentary co-operation in the EU, COSAC therefore requests that the Conference of Speakers of the European Parliaments be the Presidium for COSAC. In its capacity as Presidium, the Conference of Speakers of the European Parliaments only task is to decide on and approve COSAC's budget.

It is of course up to the Conference of Speakers of the European Parliaments to consider whether to take on the role requested. Initially, this could take the form of COSAC approaching the Conference of Speakers. To this end **a declaration** has been attached; it is proposed that it could eventually be annexed to the rules of procedure.

The Conference of Speakers meets once a year and have held regular meetings since 1975. It acts primarily as a framework for the exchange of information and experience. The Conference may adopt resolutions on the basis of consensus.

The Conference of Speakers of the European Parliaments will meet next in June 2003. The Conference could use this opportunity to decide on the matter of the new role for the Conference within the context of co-operation in COSAC.

2. COSAC - the Conference and Forum of Community and European Affairs Committees

The European Affairs Committees of the national parliaments have different roles and tasks. These range from establishing coherence and co-ordination to

actual scrutiny and issuing mandates when dealing with EU matters. The European Affairs Committees constitute the core of co-operation within COSAC and should continue to do so.

The scene is set for co-operation within COSAC to intensify over the next few years by increasing the exchange of information, benchmarking the roles of both the European Affairs Committees and the sectoral standing committees², adoption of contributions, common IT and information policies in a COSAC context and administrative co-operation.

In order to increase coherence and co-ordination when dealing with EU matters in the national parliaments, it is also proposed that COSAC debate the annual work programme of the European Commission, hereby carrying out a first evaluation of the work programme in relation to the principles of subsidiarity and proportionality.

As regards the adoption of contributions, it is proposed that the contributions be directed towards the new Council formations employed by the Council, cf. 3 below.

As a starting point, there will be no changes in the structure of the COSAC of the Community and European Affairs Committees, consisting as it does of meetings in the COSAC assembly, meetings of the chairpersons and a presidential Troika³. Add to this meetings in ad hoc working groups.

The COSAC assembly

As hitherto, COSAC meets once every six months in the country holding the presidency. The proposal is for a discussion of the Commission's legislative programme to take place at the autumn meeting. To improve the preparation of the biannual meetings of the COSAC assembly there is also a need for long-term planning of the COSAC assembly's meetings, cf. more detailed information below.

² As proposed by the Conventions Working Group IV on the role of the national parliaments.

³ COSAC is managed according to the general principles of EU presidency. This is laid down in article 11.1 of the present rules of procedure:

"The Community and European Affairs Committee of the Member State holding the Presidency of the Council of the European Union shall hold the Presidency of COSAC during that presidency".

As in the case of the ordinary presidency of the EU, the presidency of COSAC involves a **presidential Troika**. COSAC's **presidential Troika** consists of the presidency, the preceding and the next presidency and the European Parliament (article 1.3 of the rules of procedure).

Meeting of the chairpersons

The meeting of the chairpersons prepares the meetings in COSAC and meet as required.

Current practice is for two participants from countries with a bicameral system and one participant from the other countries. It is proposed that, in future, each delegation may have two participants in order to treat countries equally.

In view of the expected increased activity in COSAC, including the call for the sectoral standing committees of the parliaments to join in the co-operation, the meeting of the chairpersons is expected to have to tackle considerably more tasks than was the case so far. (In this context it is proposed that regular bi-annual meetings of the chairpersons be held in Brussels in between the meetings of the COSAC assembly.)

It is furthermore proposed that, in concrete cases and on the basis of a *mandate* from COSAC, the meeting of the chairpersons is given the opportunity to assume a more active role, including the opportunity to make contributions on behalf of COSAC.

The meeting of the chairpersons may also constitute a working group, as was the case with the working group set up at the COSAC meeting on 16 to 18 October 2002. Here, the presidency was given the task of following the work during 2003 and 2004 in the Convention on the Future of Europe and work on the next intergovernmental conference.

Troika meetings

As hitherto, the Troika meeting preparing the COSAC and chairpersons meetings will be held when required. The suggestion is for meetings to be held in Brussels in close co-operation with the proposed COSAC secretariat.

3. Co-operation/networking between the sectoral standing committees of the parliaments

As part of its task, the working group has been commissioned to take a closer look at the possibility of involving the sectoral standing committees and other parliamentary committees in political questions of a sectoral kind within the framework of COSAC co-operation.

Convention Working Group IV on the role of national parliaments also recommends that the sectoral standing committees be involved in EU co-operation, including co-operation in COSAC.

Today, representatives from various committees in national parliaments already meet in various contexts, inter alia in the fields of agriculture, environment and equality and in foreign policy and defence. There is also co-operation in the area of justice on the matter of Europol (the so-called Parlapol-cooperation between member states' legal affairs committees), while meetings are also held between MPs in the parliamentary assembly of the WEU.

Thus, a development in the direction of increased co-operation between the sectoral standing committees and other parliamentary committees is already under way. It would however be possible to achieve even better results and form a more general view of the efforts of the parliaments if this inter-parliamentarian co-operation were co-ordinated with the work in COSAC.

COSAC's role at the European level is to co-ordinate EU-matters, in the same way as the European Affairs Committees in many EU-countries co-ordinate EU-matters at national level.

Therefore, COSAC could support such a development by making itself available as a supporting structure for the sectoral standing committees of the parliaments. However, the administration in the country planned to host the actual meeting should still head the practical organisation and preparation of the meetings.

The relevant committees of the European Parliament should be involved in the co-operation.

The report from Convention Working Group IV on the role of national parliaments further proposes that COSAC should be able to convene interparliamentary ad hoc conferences on important sectoral questions (e.g. reform of the Common Agricultural Policy), where the gap between national positions block agreement at the European level. Such conferences would contribute to involving sectoral standing committees in the national parliaments in COSAC co-operation and it is therefore proposed that COSAC support the idea.

As regards drawing up opinions or the like it is proposed that, like COSAC, the sectoral standing committees take as their point of departure the Council formations from the Council of Ministers, cf. the table below. This also applies to opinions from the interparliamentary conferences.

Council formations cf. the rules of procedure of the Council	
1.	General affairs and external relations
2.	Economic and financial affairs
3.	Justice and home affairs
4.	Employment, social and labour market affairs, health and consumer policy
5.	Competition (internal market, industry and research)
6.	Transport, telecommunications and energy
7.	Agriculture and fisheries
8.	Environment
9.	Education, youth and culture

In connection with certain COSAC activities, including benchmarking of the involvement of sectoral standing committees in EU policies, the proposal is also to take as the point of departure the above Council formations. Such benchmarking should take place in cooperation with the sectoral standing committees.

Overall, the Council formations could thus provide the framework for further cooperation between COSAC and the sectoral standing committees of the parliaments.

Task e): " To consider the possibility of letting COSAC assess the Commission's annual legislative programme in order to ensure its compliance with the principle of subsidiarity"

Note on COSAC's work on the principle of subsidiarity and the principle of proportionality

There was agreement at the XXVII COSAC meeting in Copenhagen from 16 -18 October 2002 that the working group should investigate the possibility of allowing COSAC to evaluate the Commission's annual legislative programme in order to ensure that it complies with the principle of subsidiarity.

Such an evaluation can already be carried out in pursuance of the protocol on the role of the national parliaments, and would therefore not require any amendments to the Treaty. The work done in this respect is simply a follow up on the treaty's intention in relation to subsidiarity.

Two proposals are given below for COSAC's work on the principle of subsidiarity. These are based on a brief description of the principle of subsidiarity, the Commission's working and legislative programme, and the recommendations of the Convention's working groups on the principle of subsidiarity and on the national parliaments respectively. As there is a close connection between subsidiarity and proportionality the principle of proportionality has also been included.

1. The principles of subsidiarity and proportionality

According to the principle of subsidiarity (article 5 of the TEC Treaty and the reference in article 2 of the TEU Treaty) the European Community may only act if, and to the extent that, the objectives of the intended action cannot be adequately fulfilled by the member countries, and therefore, due to the extent of the intended action or its effects, can better be carried out at Community level.

According to the principle of proportionality (article 5, last full stop of the TEC Treaty) the Community may only act to the extent that this is necessary in order to achieve the objectives of the Treaty.

Since the Amsterdam Treaty the principle of subsidiarity and principle of proportionality have had their own protocol which describes in detail how the Community's institutions should act in relation to the principles. In this connection the Commission must annually prepare a report on its initiatives, for exam-

ple, both in relation to the principle of subsidiarity and the principle of proportionality.

2. The Commission's working and legislative programme

In accordance with the new co-operation structure the Commission must adopt a strategy paper for the following year each spring. This document is discussed with the Council and the European Parliament, after which the Commission presents a more concrete working and legislative programme in the autumn (see KOM(2002)590 for the 2003 programme).

However, the Commission's legislative programme contains only the titles of the proposals that the Commission intends to introduce during the following year in the form of headlines. There is therefore no indication of the details of the proposals.

3. Recommendations of the Convention's working groups

Working group 1 on the principle of subsidiarity

This working group has found that there is a clear wish to strengthen the principle of subsidiarity and the monitoring of this. In addition the working group makes it clear that the principle of subsidiarity is predominantly of a political and subjective nature.

The majority of members of the working group feel that an "ex ante" evaluation of the principle should continue to be political and propose that this evaluation be carried out by the national parliaments under what is known as the "early-warning mechanism".

The majority of members also feel that an "ex post" evaluation of the principle of subsidiarity should be of a legal nature, i.e. be carried out by a court. The working group suggests a number of criteria for how the principle of subsidiarity can subsequently be brought before a court, including the fact that the national parliaments which raised the question of subsidiarity in accordance with the "early-warning mechanism" are entitled to bring the question before a court directly.

Working group 4 on the national parliaments

As a point of departure working group 4 agrees with the conclusions of working group 1 on the role of the national parliaments in connection with the principle of subsidiarity. Working group 4 also points out that there is a close connection between subsidiarity and proportionality.

However, working group 4 wishes for an extension so that the national parliaments can lodge objections throughout the legislative process, and so that all national parliaments can subsequently bring up questions on the principle of subsidiarity, irrespective of whether they have made use of the "early-warning mechanism".

4. Proposal for COSAC's work on the principles of subsidiarity and proportionality

The Commission's legislative programme contains only general guidelines for the work of the coming year and the titles of the intended legislative initiatives. An evaluation of the principles of subsidiarity and proportionality requires a more or less detailed knowledge of the concrete contents of the proposals. It therefore appears difficult to carry out a proper evaluation of the principles of subsidiarity and proportionality solely on the basis of the general guidelines and titles contained in the working and legislative programme.

However, it is possible on the basis of the working and legislative programme to select a number of intended, concrete initiatives that can be scrutinised and evaluated in greater detail when they are introduced on a concrete basis.

It would therefore make sense for COSAC to invite the Commission to a general discussion on its working and legislative programme.

In relation to the "early-warning mechanism" proposed by the Convention's working group 1, it would be useful for the individual parliament – before they take a position on their own – to know how other parliaments have evaluated the principles of subsidiarity and proportionality in concrete legislative initiatives. The reason for this is, that each parliament will be better to evaluate its own position, when other opinions is known.

In this connection COSAC's secretariat could offer secretarial support with the processing of objections on the part of parliaments by collecting information from the parliaments on any objections, and by distributing information on these to the other parliaments and in this way act as a "clearing house". The assumption is that this information would be collected and distributed electronically by e-mail.

On the basis of the above and the debate at COSAC's meeting from 16 -18 October 2002, and the proposals that have been brought forward in connection with the Convention, two parallel initiatives are proposed in connection with COSAC's work on the principles of subsidiarity and proportionality:

- 1) COSAC may once a year, after the Commission has presented its legislative programme, invite the Commission to a general discussion on the contents of its working and legislative programme.
- 2) In relation to the "early-warning mechanism" COSAC can support this by making itself available as a support structure in connection with processing parliaments' objections. At a more concrete level this can be brought about by the COSAC offering secretarial support, as a "clearing house", with collecting information from the parliaments on any objections and by distributing information on these to the other parliaments. This will be done electronically to reduce paper work and paper consumption.

Task f) : " To consider the possibility of giving COSAC a new and more understandable name"

Should COSAC have a new name?

1. Which name?

There was agreement at the XXVII COSAC meeting in Copenhagen from 16 -18 October 2002 that the working group should consider whether COSAC should have a new, more understandable name in the long term.

A change of names would not make any changes in COSAC's authority and competencies.

A change of names can be carried out without making amendments to the Treaty.

At a more concrete level the following names are among those that have been proposed:

- "Forum of Parliaments"
- "The Council of European Parliaments"
- "The Union of European Parliaments"
- "The Union of European Parliamentarians"
- "The European Interparliamentary Union"
- "The European Interparliamentary Conference"
- ...

2. Co-ordination with the deliberations in the Convention

There is consensus in the working group that work should continue on the matter of giving COSAC a new name which corresponds to its new functions and tasks. In its report, Convention Working Group IV on the role of national parliaments says that "the Group considered that it might be appropriate to change the name of COSAC to reflect its expanded role".

The choice of name should be coordinated with the deliberations in the Convention on the Future of Europe, including the Convention's deliberations on the possible setting up of a further interparliamentary mechanism ("the Congress") the name and functions of which will still have to be defined.

Therefore, the matter of COSAC's name should be referred to the working group's follow-up to the work in the Convention on the Future of Europe (task i).

Task g): "To consider a new strategy for IT and administrative co-operation between EU administrative bodies in the national parliaments including the representatives of national parliaments in Brussels".

Cooperation between EU administrative bodies in the national parliaments, the European Parliament and the COSAC secretariat and a new IT strategy

1. Background

The draft proposal of the Presidency of 11 July 2002 on strengthening the role of national parliaments in EU policies and on reform of COSAC contained a suggestion regarding a strengthening of the cooperation between the EU administrative bodies in the national parliaments, in the European Parliament and the COSAC secretariat in order to develop and exchange practical experience.

At the meeting of the chairpersons of the European Affairs Committees of the national parliaments and the European Parliament in Copenhagen on 16 September 2002 there was widespread support for a proposal that the Presidency draw up a more detailed description of the options.

It should be emphasised, that a new IT strategy for COSAC will not interfere or replace the work of the working group for interparliamentary EU information (IPEX), rather it should be seen as a supplement to this project. A new IT strategy for COSAC has two purposes: to develop an internal database for COSAC's secretariat, which can handle all correspondences between the national parliaments and the secretariat, as well as to develop a second generation website for COSAC, which meets the demands of COSACS members as well as the general public. In short, a new IT strategy is meant to improve the internal workings of COSAC.

2. Options in the field of cooperation

Establishing effective cooperation on the Internet with both an open and a restricted-access area would form the backbone of day-to-day cooperation (cf. point 3).

The COSAC secretariat would coordinate the exchange of information between parliaments, making extensive use of close collaboration with staff attached to

national parliaments' European Affairs Committees and officials in the European Parliament.

Regular meetings (e.g. on an annual basis) between EU administrative bodies in the national parliaments and the European Parliament would be valuable in order to deepen cooperation. Here, particular topics of common interest could be taken up. Such meetings could be held in connection with COSAC meetings.

3. A new IT strategy for COSAC

At present, the COSAC website contains practical information for participants in the next COSAC as well as documents and information from the most recent meetings. In addition, the site contains the COSAC rules of procedure, the Amsterdam Treaty protocol on national parliaments and contact information for individual national parliaments and applicant countries. The amount of information/documents available on the website is indeed rather limited. This is probably down to the primary purpose of the website, that of "conference homepage".

The present COSAC website is HTML-based. All new documents must be written in HTML or drawn up using HTML editing software and then be uploaded to the website using FTP software. The system is operated by the French Senate which is responsible for maintenance of the system and updating of contact information for the national parliaments, while information about the next COSAC must be updated by the COSAC presidency. Therefore, an important part of the website is being transferred to a new parliament every six months.

As updating the present website requires knowledge of HTML and FTP, it may be difficult for new parliaments to get to know the system. This has resulted in some presidencies being unable to fulfil their IT obligations, leaving it to the French Senate to update the website during some presidencies.

The purpose of a new COSAC IT strategy is partly to improve COSAC's present website by facilitating public access to information about COSAC's work, partly to enable exchange of information between the COSAC secretariat and national parliaments. The new IT system must also ease the secretariat's workload, both as regards communication between individual parliaments and communicating with European institutions and the outside world.

The proposal is for a new holistic IT strategy for COSAC, basing the public website and the secretariat database on one system. System maintenance and continuous updating should also be handed over to the secretariat while retaining the option of the presidency uploading relevant information. Furthermore, the

system should be more up-to-date and allow national parliament staff without special IT knowledge to use it.

4. Documents

COSAC's IT system should contain documents on COSAC work in progress and other documents of relevance to COSAC's activities. Documents must be divided up into categories, including website documents which are accessible to the public and internal documents for use by the COSAC secretariat and individual parliaments.

Individual parliaments should also be able to upload relevant documents reflecting their debates and positions on EU matters to the public area of COSAC's website, allowing the website to collate relevant parliamentary documents on current EU consultation documents, proposals etc. As documents concerning national parliaments' processing of EU matters typically are available in the original language only, it is important to use a common classification system.

5. Language policy

With the website serving both as a public access homepage on COSAC's work and as an internal database where the secretariat and national parliaments may exchange documents, navigation tools must be provided in all the official EU languages. This means that all official COSAC documents (rules of procedure, treaty texts (as is already the case) must also be available in all languages.

It would however suffice for relevant documents which are being dealt with by COSAC to appear only in English or French (as is current practice). Finally, it is proposed that documents drawn up by national parliaments in connection with work in progress in COSAC be set up with only the title translated into English or French.

6. Budget

It is estimated that a complete website/database adapted to COSAC's current needs would cost EUR 100,000. This price includes development of a database, a public website and Intranet for the members of COSAC. Also included in the budget is the adaptation of the website design and the purchase of a server. Additional operating costs (hosting, traffic and the required updates) for the system are estimated at approximately EUR 8,000 per annum.

7. Setting up a working group on technical administrative matters

The Danish Presidency has drawn up some proposals for the requirements to be met by a new IT system (cf. annexe). The proposal is for a technical administrative working group to be set up; it should have as its mandate the elaboration of the specifications to be met by a new IT system. The Working Group should work under the guidelines of the Troika.

As the working group for interparliamentary EU information (IPEX) has suggested that common standards should be used by the national parliaments in the future, it is important that a future IT working group for COSAC work closely with the IPEX working group, in order to promote the use of common standards, and to limit redundancies in the two systems. In addition COSAC should also coordinate with the ongoing work of the group of parliamentary representatives (liaison officers).

Task h): " To consider whether there is a need to establish co-operation agreements with the EU's institutions.

Note on co-operation agreements with the EU's institutions (Operational agreements)

COSAC stated at the meeting in Copenhagen from 16 – 18 October 2002 that the protocol on the national parliaments had not yet been fully implemented, and that the protocol contains opportunities and tasks for COSAC that should be used to the full.

The Convention's working group on the national parliaments also wishes to give the national parliaments a more active role in EU policy. This working group has proposed various measures, but these would first come into effect after an amendment of the Treaty.

In order to fully implement the protocol on the national parliaments and to initiate some of the measures that the Convention's working group has proposed now, agreements could be entered into between the national parliaments and the EU's institutions. The co-operation agreements should be called ***operational agreements*** to indicate, that COSAC is not a new institution, and they should run until the entry into force of the new Treaty.

In order to ensure the greatest possible flexibility the proposal is to enter into agreements individually with each institution (the Council, the Commission, and the European Parliament).

The following should be seen as a platform for agreement on co-operation. Together they constitute means and ideas to strengthen the role of the national parliaments. *The point raised below must therefore be discussed further before they can be adopted.*

1. Draft concerning the operational agreement (to be discussed)

The platform for the operational agreements could be as follows:

1.1 Proposal for an operational agreement between the national parliaments and the Council

- A statement from the Council to the effect that its members will involve the national parliaments in EU policy as much as possible. The Council states in

this connection that it will follow COSAC's instructive guidelines for relations between the national parliament and its government.

- The introduction of a 15-day deadline from COREPER's treatment of a case up to its final adoption by the Council with the aim of giving the national parliaments sufficient time to consider EU issues. There was a proposal for the introduction of such a deadline at the COSAC meeting in Versailles (October 2000).
- The Council forwards relevant information to COSAC and the national parliaments, including agendas for forthcoming Council meetings and minutes of these. Documents could possibly be forwarded electronically.
- The inclusion of COSAC contributions in the Council's agenda as an orientation.
- Forwarding legislative initiatives as soon as they are finally adopted.
- Forwarding initiatives from member countries regarding common foreign policy and security policy, and regarding the legal area.

1.2 Proposal for an operational agreement between the national parliaments and the Commission

- Entrenching/defining clearly where the political responsibility for contacts between the national parliaments and Commission lies with the Commission.
- All green and white papers, reports regarding legislative initiatives, and Bills proper should immediately be sent direct to the national parliaments and to COSAC as soon as they are adopted by the Commission.
- The establishment of relevant and reasonable deadlines for statements on issues submitted for consultation from Parliaments or COSAC so that they could be included in preparations for Bills.

1.3 Proposal for an operational agreement between the national parliaments and the European Parliament²

- Orientation of the national parliaments and COSAC on the processing of cases by the European Parliament.

² When the main points of the COSAC secretariat have been fixed, an agreement laying down more specific guidelines for the secretariat's use of the European-Parliament's facilities may be reached with the European Parliament.

- COSAC's contribution regarding EU legislation should be placed on the agenda of the European Parliament.
- Invitation of the national parliaments to relevant meetings in the European Parliament.
- Inclusion of members of the European Parliament to the extent possible in the work of the national parliaments on European policy.

Task i) : " To follow the work of the European Convention and the Intergovernmental Conference

COSAC's contribution to the European Convention and the Intergovernmental Conference

At the 17-18 October 2002 COSAC meeting it was decided under point i) that the COSAC Working Group should follow the work in the Convention on the Future of Europe and the next Intergovernmental Conference starting in 2003.

Points a) to h) as adopted concern the reform of COSAC against the background of the **existing rules in the Treaty of Amsterdam**. Incidentally, many aspects of this reform coincide with the recommendations from the Convention's Working Group I on the principle of subsidiarity and Working Group IV on the role of national parliaments.

The proposal is therefore that, at its extraordinary meeting in January 2003, COSAC should inform the Convention that it agrees with the recommendations of the working groups on many points and that the recommendations have been implemented in the reform of COSAC's work, cf. the notes drawn up on points a) to h).

The question of the role of the national parliaments in the European Union will continue to be on the agenda of the Convention on the Future of Europe and the Intergovernmental Conference. In order for it to continue to influence this process COSAC must, in the early months of 2003, adopt a position on the future role of the national parliaments in the European Union .

The proposal is therefore for the meeting of the chairpersons to discuss, after the January 2003 COSAC assembly meeting, which is the best way for the Working Group to promote the question of the role of the national parliaments when following the work in the Convention on the Future of Europe and the Intergovernmental Conference. The parliaments are therefore asked to send any proposals on future work in the Working Group to the European Affairs Committee of Greece, preferably not later than 10 days before the scheduled meeting of the chairpersons in January.

Proposal for a revision of COSAC's rules of procedure

Chairman of the European Affairs Committee

Parliament of Denmark



«Navn»

«Titel»

«Adresse»

«By»

19 December 2002

Ref.No. EU-Presidency - COSAC

Dear Colleague

In preparation of the extra-ordinary COSAC-meeting in Brussels next year and following the meetings in the working group in Copenhagen in November and December 2002, the Danish presidency has drafted the enclosed proposal for a revision of COSAC's Rules of Procedure. A French version of the proposal will be available soon.

According to section 14.1 of the Rules of Procedure a proposal for a revision of the Rules of Procedures must be sent in writing to all national parliaments of the Member States and to the European Parliament at least a month before the meeting of COSAC.

With every good wish for a merry Christmas and a happy New Year!

Chairman of the European Affairs Committee

Claus Larsen-Jensen

*Draft of 19/12 2002
for new rules of procedure for COSAC*

Texts proposed deleted have been ~~crossed out~~!
Proposals for amendments and additions have been underlined!
Comments on amendments are in the right-hand **column** in *italics*!

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RULES OF PROCEDURE OF THE CONFERENCE OF COMMUNITY AND EUROPEAN AFFAIRS
COMMITTEES OF PARLIAMENTS OF THE EUROPEAN UNION

Text	Comments
These Rules of Procedure are designed to facilitate and improve the work of the Conference of Community and European Affairs Committees of Parliaments of the European Union, hereinafter referred to as COSAC, established in Paris 16-17 November 1989. COSAC enables a regular exchange of views, without prejudicing the competencies of the parliamentary bodies of the European Union. The Protocol on the Role of National Parliaments in the European Union to the Copenhagen Treaty amending the Treaty on the European Union, the Treaty establishing the European Constitution, and similar related agreements. COSAC to make any contribution it deems appropriate for the attention of the institutions of the European Union and to examine Union legislative activities, proposals and initiatives. Contributions made by COSAC shall in no way bind national parliaments or prejudice their position. <u>On the basis of the XXVII meeting of COSAC in Copenhagen from 16 – 18 October 2002 it was decided at the extraordinary COSAC meeting in ... on ... 2003 to strengthen co-operation between the national parliaments in the EU, to extend the rules of procedure with new rules for voting and to adopt guidelines for effective parliamentary scrutiny of governments in connection with Community issues (Copenhagen Parliamentary Guidelines).</u> <u>The members of COSAC intent to work for the implementation of the Copenhagen Parliamentary Guidelines in accordance with their own parliamentary practice¹. The guidelines are laid down in a separate declaration.</u>	<i>This section has been moved unchanged to section 1</i> <i>Reasons why the rules of procedure must be changed.</i> <i>Reference to the Copenhagen Parliamentary Guidelines</i>

¹ As stated in the protocol on national Parliaments it is up to each Parliament to decide the extent to which the Copenhagen Parliamentary Guidelines should be implemented.

~~These Rules of Procedure, which were adopted by the XXVIII conference in ... on ... 2003, replace the rules of procedure that were adopted in Helsinki from 11 – 12 October 1999. These Rules of Procedure, adopted in the XXI COSAC of Helsinki on 11 and 12 October 1999, replace the Rules elaborated on 6 and 7 May 1991 in the IV COSAC of Luxembourg, adopted on 4 and 5 November 1991 in the V COSAC of The Hague and modified on 9 and 10 May 1994 in the X COSAC of Athens and on 24 and 25 June 1996 in the XIV COSAC of Rom.~~

It is proposed that the comprehensive description of previous amendments be deleted to make it easier to read the rules of procedure.

1. TASKS AND COMPETENCIES FOR COSAC

COSAC enables a regular exchange of views, without prejudicing the competencies of the parliamentary bodies of the European Union.

The Protocol on the Role of National Parliaments in the European Union to the Amsterdam Treaty amending the Treaty on the European Union, the Treaties establishing the European Communities and certain related acts, empower COSAC to make any contribution it deems appropriate for the attention of the institutions of the European Union and to examine Union legislative activities, proposals and initiatives.

Section 1 has been moved unchanged from the preamble.

Contributions made by COSAC shall in no way bind national parliaments or prejudice their position.

2. FREQUENCY AND DATES OF MEETINGS

2.1 Ordinary meetings

One ordinary meeting of COSAC shall be held during each Presidency of the Council of the European Union taking account of different parliamentary practices of Member States, of election periods and of the dates of public holidays in Member States. The date of the next meeting shall be fixed and announced by the date of the preceding meeting at the latest.

2.2 Extraordinary meetings

Extraordinary meetings of COSAC shall be held, if deemed necessary, by an absolute majority of the Chairpersons of the Community and European Affairs Committees of the national parliaments and of the appropriate body of the European Parliament.

2.3 Preparatory mMeetings of the Chairpersons

A preparatory meeting of the Chairpersons of the Community and European Affairs Committees and of the representative of the European Parliament shall be held prior to meetings of COSAC. Each delegation consists of two members of its Parliament.~~if proposed by the Parliament of the Member State holding the Presidency, after consulting the~~

It is proposed that as a minimum two fixed meetings of the chairpersons be held annually as a consequence of the increased level of activity. It is furthermore proposed, that each delegation consists of two members of its Parliament in order to ensure an equal representation between parliaments with one

~~Presidential Troika. The Presidential Troika of COSAC consists of the Presidency, the preceding Presidency, the next Presidency and the European Parliament.~~

2.4 Extraordinary meetings of the Chairpersons

Extraordinary meetings of the Chairpersons of the Community and European Affairs Committees and the appropriate body of the European Parliament shall be held, if proposed, by the Presidency, after consulting the Presidential Troika, or, if deemed necessary, by an absolute majority of the Chairpersons of the Community and European Affairs Committees of the National Parliaments and of the appropriate body of the European Parliament.

2.5 The Presidential Troika of COSAC

The Presidential Troika of COSAC consists of the Presidency, the preceding Presidency, the next Presidency, and the European Parliament. Each delegation consists of two members of its Parliament.

2.6 Working groups

COSAC may decide to set up a working group to study a particular issue linked with the activities of the European Union. Such a working group shall also be set up, if deemed necessary, by an absolute majority of the Chairpersons of the Community and European Affairs Committees of the national parliaments and of the appropriate body of the European Parliament. The Chairperson of the Community and European Affairs Committee of the Parliament of the Member State holding the Presidency shall act as the Chairperson of the working group. The Secretariat of the Parliament of the Member State holding the Presidency shall provide the secretariat for the working group.

2.7 Planning of the meetings

COSAC shall establish a rolling calendar of meetings with meetings fixed 2 years ahead.

3. PLACE OF MEETINGS

Meetings shall take place in the Member State holding the Presidency. Extraordinary meetings, meetings of the Chairpersons, meetings of the Troika and meetings of working groups may be held elsewhere.

3. DURATION OF MEETINGS

The duration of ordinary and extraordinary meetings of COSAC shall be one and a half days.

4. COMPOSITION

4.1 Ordinary and extraordinary meetings

Each national Parliament shall be represented by a

chamber and bi-cameral parliaments.

The definition of the Troika is moved from 2.3 to a new section 2.5. It is proposed, that each delegation consists of two members of its Parliament in order to ensure an equal representation between parliaments with one chamber and bi-cameral parliaments.

There is a need for more long term planning of the COSAC-meetings.

Meetings could e.g. be held in Brussels.

Proposed deleted, as there appears to be no reason to establish the length of meetings in advance.

maximum of six members of its Community and European Affairs Committee(s). The European Parliament shall be represented by six Members. Each Parliament shall determine the composition of its own delegation.

4.2 Observers from the Parliaments of applicant countries

Three observers from the parliaments of each applicant country shall be invited to ordinary meetings, and may be invited to extraordinary meetings, provided that the European Union has officially opened discussions and/or negotiations aimed at accession with the country concerned and that the parliament concerned has made an official request to participate in COSAC. These observers shall have the right to participate in debates on specific items on the agenda determined by the meeting.

4.3 Other observers, specialists and special guests

The Presidency shall invite observers from the General Secretariat of the Council of the European Union and the European Commission, and it may invite observers from the embassies of the Member States of the European Union, and, after consulting the Presidential Troika, specialists and special guests.

4.4 Public access to meetings

Meetings of COSAC shall be public, unless otherwise determined.

5. CONVOCATION

Ordinary meetings and meetings of the Chairpersons and of working groups shall be convened by the Secretariat of the Parliament of the Member State holding the Presidency.

Extraordinary meetings shall be convened by the Secretariat of the Parliament of the Member State where the meeting takes place.

6. DESIGNATION OF MEETINGS

The designation of ordinary and extraordinary meetings shall be 'Conference of the Community and European Affairs Committees (of the European Union's national parliaments of the Member States and the European Parliament) – COSAC', with the name preceded by the number of the meeting in sequence, followed by the date and place of the meeting.

7. AGENDA

7.1. Before the last ordinary meeting of each year the delegations shall indicate the subjects they propose be dealt with the following year. This matter shall be discussed at the end of the meeting. The Presidential Troika, paying due account to the provisions of Part II of the Protocol to the Amsterdam Treaty on the Role of National Parliaments in the European Union, proposes, at the beginning of each Presidency, one or several subjects drawn from the working programme of the Council of the European Union, the European Parliament, and the European Commission, or from proposals made during the meeting referred to above.

7.2. A draft agenda shall be drawn up by the Chairperson of the European Community and Affairs Committee of the host parliament, after consulting Chairpersons of the Community and European Affairs Committees and the representative of the European Parliament. National delegations may propose to the Presidency that a specific item is put on the agenda.

7.3. The meeting itself shall decide on its final agenda.

8. PREPARATION OF MEETINGS

8.1 The national delegations may send documents relating to items on the agenda to the secretariat of the host parliament.

8.2 The national delegation of the Member State holding the Presidency may draw up discussion documents for the conference.

9. LANGUAGES

9.1. Each delegation is responsible for translating any document, which it submits into English or French.

9.2. Participating parliaments will receive conference documents in English or French. Each parliament is responsible for translation into its national language.

9.3. Simultaneous translation-interpretation into the official languages of the EU is provided in the meetings.

9.4. The contributions of COSAC are drawn up in a single original in English and French, each of these texts being equally authentic.

10. COSAC CONTRIBUTIONS

10.1. COSAC may address contributions to the institutions of the European Union pursuant to the Amsterdam Treaty Protocol on the Role of National

Parliaments in the European Union.

10.2. Each national delegation may propose that a Contribution be adopted by COSAC. A draft contribution shall be drawn up if proposed by the Presidency, after consulting the Presidential Troika, or if deemed necessary by an absolute majority of the Chairpersons of the Community and European Affairs Committees of the national parliaments and of the appropriate body of the European Parliament, or if decided in a meeting of COSAC.

10.3. The draft of a contribution shall be communicated to the delegations in good time before the relevant meeting of COSAC to give them a reasonable period for scrutiny and remarks.

10.4. The final draft of a contribution shall be prepared at the preparatory meeting of the Chairpersons preceding the relevant meeting of COSAC. It shall embrace the observations and remarks by all delegations, including possible declarations concerning the vote.

10.5. Adoption of the contribution requires ~~unanimity~~ a qualified majority of at least 2/3 of between the votes cast. The majority of 2/3 of the votes cast must at the same time constitute at least half of all votes.

10.6 Each delegation has two votes.

~~Abstentions by delegations shall not prevent the adoption of the contribution.~~

10.7 The meeting of chairpersons can, in concrete cases and on the basis of a mandate from COSAC, make contributions on behalf of COSAC.

10.8 After adoption, the contribution is published in the Official Journal of the European Communities [the Official Journal of the European Union].

11. ROLE OF THE PRESIDENCY

11.1. The Community and European Affairs Committee of the Member State holding the Presidency of the Council of the European Union shall hold the Presidency of COSAC during that Presidency.

Change of rules of voting to a qualified majority of 2/3 of the votes cast. This majority of 2/3 must at the same time constitute at least 50% of all the votes (e.g the 2/3 majority must have 16 out of 32 votes if COSAC has 15 Member States + the European Parliament)

Each delegation has two votes in order to give Member States with parliaments with two chambers the possibility of letting each chamber vote independently.

The opportunity for constructive abstention is not relevant in connection with a qualified majority and is therefore proposed deleted.

In view of the expected increased activity in COSAC it is proposed that the meeting of chairpersons be given the possibility to assume a more active role.

In order to make COSAC's contributions more visible, it is proposed to publish contributions in the Official Journal of the European Communities (the name will change to the Official Journal of the European Union with the entry into force of the Nice Treaty on February 1, 2003).

11.2 The secretariat of the host Parliament shall prepare the documents for the meetings.

11.3 The Chairperson of the Community and European Affairs Committee of the host parliament shall open the debate

11.4 The Chairperson of the Community and European Affairs Committee of the host parliament shall propose a timetable for the meeting and the length of speeches, which shall be four minutes, unless the meeting determines otherwise.

11.5 The Secretariat of the host parliament shall draw up brief minutes of the meeting.

11.6. The Chairperson of the Community and European Affairs Committee of the host parliament shall present the debate's conclusions, as drawn up by the Presidential Troika.

11.7. The secretariat of the parliament holding the Presidency shall provide the secretariat for the activities of COSAC during its term. The secretariats of national parliaments and of the European Parliament shall provide assistance.

12. DEBATE CONCLUSIONS

If the meeting decides to issue a communiqué, a draft, annexed with possible contributions adopted, shall be drawn up by the Presidential Troika.

13. RECIPIENTS OF COMMUNIQUÉS

Communiqués shall be sent to the parliaments of the Member States and the European Parliament, to the Council of the European Union, and to the European Commission by the secretariat of the host parliament.

14. REVISION OF THE RULES OF PROCEDURE

14.1. Proposals for a revision of the Rules of Procedure must be sent, in writing, from one or several delegations of one or several parliaments to all national parliaments of the Member States and to the European Parliament at least a month before the meeting of COSAC.

14.2. Proposals for a revision of the rules should be put on the agenda of the first meeting of COSAC following the presentation of the proposal.

14.3 Adoption of the proposal requires unanimity between the delegations present at the meeting. Abstentions by delegations shall not prevent the adoption of the proposal.

Unanimity is still required for revision of the rules of procedure. The opportunity for constructive abstention is maintained

14.4 Quorum is at least 2/3 of the delegations.

A quorum of 2/3 of the delegations is proposed

14.5 Each delegation has one vote.

Each delegation has only one vote with respect to changes in the rules of procedure.

15. ENTRY INTO FORCE

These Rules of Procedure shall enter into force on the 1. February 2003~~1. January 2000~~. They are drawn up in a single original in English and French, each of these texts being equally authentic.

The proposed date of commencement for the new rules of procedure.

The text of these Rules of Procedure shall, for the authentication thereof, be drawn up in Danish, Dutch, Finnish, German, Greek, Italian, Portuguese, Spanish and Swedish. The translations shall be agreed between the national parliaments using those languages and the European Parliament. In any question relating to the interpretation of these Rules only the English and French versions shall have official status.

APPENDICES

~~Declaration by the European Parliament on Rule 40.5 of the Rules of Procedure~~

Proposed deleted as, due to the rule on qualified majority, it is no longer possible to block the adoption of contributions.

~~The European Parliament shall abstain in any vote on a contribution which is also addressed to it.~~

