

Conclusies en Bijdrage

CONCLUSIONS OF THE XLII COSAC, Stockholm, 4-6 October 2009

1. The Treaty of Lisbon and the role of national parliaments

1.1 Reiterating its support for the Treaty of Lisbon, COSAC welcomes the clear and positive result of the Irish referendum on 2 October 2009, which opens up for a rapid conclusion of the ratification process.

1.2 In light of the prospects for an early entry into force of the Treaty of Lisbon, COSAC sees no need at this point to decide on further pilot exercises concerning subsidiarity checks. COSAC calls on the incoming Spanish Presidency to reflect on possible forms of future parliamentary cooperation in this regard. COSAC recalls in this context the conclusions of the XL COSAC in Paris on the cooperation between national parliaments on the scrutiny of the application of the principles of subsidiarity and proportionality. It notes the need to consolidate well-functioning procedures with the European Union Institutions. Referring to the conclusions of the XLI COSAC in Prague on the parliamentary oversight of Europol and evaluation of Eurojust, COSAC welcomes the upcoming Joint Parliamentary Meeting co-organised by the European Parliament and the Swedish *Riksdag*. COSAC further calls on the incoming Spanish Presidency to give priority to continuing the discussion on this matter.

2. Evaluation of the subsidiarity check

2.1 COSAC welcomes the result of the coordinated subsidiarity check on the Proposal for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings (COM (2009) 338). Within the agreed 8-week deadline the check was carried out by 21 parliaments and parliamentary chambers from 17 Member States. A number of parliaments concluded the check after the deadline. Two parliaments and one parliamentary chamber found the Proposal to be in breach of the principle of subsidiarity. COSAC underscores that the parliamentary recess was the main difficulty for a number of parliaments in completing the subsidiarity check on time. Therefore COSAC reiterates its conclusions from Paris and Prague and welcomes the informal commitment from the European Commission to deduct the 4 weeks of the month of August from the calculation of the deadline for receipt of reasoned opinions.

2.2 COSAC notes that parliaments found that a drawback of the Proposal was its justification on the grounds of compliance with the principle of subsidiarity. The justification was considered too general, lacking quantitative or qualitative indicators to substantiate the need for the Proposal. Some parliaments were not convinced about the added value of the Proposal in relation to the provisions of the European Convention on Human Rights and the case law based on it.

2.3 The COSAC Chairpersons decided at their meeting in Paris on 7 July 2008 that a subsidiarity check should be conducted on the Proposal for a Regulation of the European Parliament and of the Council on the applicable law, jurisdiction, recognition of decisions and administrative measures in the area of succession and wills. This check will begin when the proposal has been adopted by the Commission; the adoption is scheduled for 14 October 2009.

2.4 COSAC notes with satisfaction that the coordinated subsidiarity checks have generally proved to be useful as a complement to the parliamentary scrutiny undertaken by each parliament. The coordinated checks have also been helpful in preparing parliaments for participation in the subsidiarity checks to be conducted under the provisions of the new Treaty.

3. Bi-annual report

3.1 COSAC welcomes the Twelfth Bi-annual Report prepared by the COSAC Secretariat. It is an important source of information on the level of openness and transparency of the procedures applied by parliaments in the European Union matters and on the workings of parliamentary scrutiny when it comes to a major policy action plan such as the Stockholm Programme.

4. Appointment of the Permanent Member of the COSAC Secretariat

4.1 At the meeting of the COSAC Chairpersons in Stockholm on 6 July 2009, it was agreed that a decision on the appointment of the permanent member of the COSAC Secretariat for the period until 31 December 2011 should be taken in Stockholm on 5 October 2009.

4.2 COSAC welcomes the decision of the Chairpersons on 5 October 2009 to reappoint Ms Loreta Raulinaityte as the permanent member of the COSAC Secretariat for the second term. Ms Raulinaityte has won appreciation as a competent and efficient member of the COSAC Secretariat. COSAC thanks her for her readiness to continue her work in the secretariat and the *Seimas* of the Republic of Lithuania for renewing its commitment to facilitating and funding her secondment to the post.

4.3 In this context, COSAC recalls the decision at the meeting of the COSAC Chairpersons on 6 July 2009 that the present scheme on co-financing of the post of the permanent member of the COSAC Secretariat and the costs of running COSAC's office and website should be continued until 31 December 2011. The Chairpersons further agreed that all national parliaments should be invited to send a letter of intent to the COSAC Presidency indicating their willingness to continue their participation in the scheme until that date. COSAC welcomes that letters of intent from 17 national parliaments have already been submitted and calls upon the remaining national parliaments to send their letters of intent before the end of 2009.

4.4 Moreover, COSAC expresses its gratitude to the European Parliament for continuing to provide the COSAC Secretariat with suitable office facilities at its premises in Brussels.

5. Subjects to be dealt with in 2010

5.1 COSAC takes note of the proposals put forward at XLII COSAC on issues to be dealt with in 2010 and calls on the incoming Spanish and Belgian Presidencies to take these proposals into due account.

CONTRIBUTION OF THE XLII COSAC, Stockholm, 4-6 October 2009

1. Institutional issues and the Treaty of Lisbon

1.1 Having reached its 20th anniversary, COSAC is pleased to have its role enhanced as a forum for parliamentary cooperation and a place for the expression of deliberative democracy within the European Union, giving more possibilities for national parliaments to have a dialogue with the EU Institutions and to make any appropriate contribution to the European Parliament, the Council and the Commission.

1.2 Noting the progress achieved during the past 5 years in developing cooperation between national parliaments and the European Union Institutions, COSAC wishes to thank Ms Margot Wallström, Vice-president of the European Commission, for her dedicated work towards this end.

1.3 Given the approval of the Treaty of Lisbon by all chambers of the European Union national parliaments after due deliberation and debate, although pending formal approval by the Irish chambers, following the referendum on 2 October 2009, COSAC holds that the democratic legitimacy of this process cannot be questioned and should be recognised by all parties. While respecting the constitutional requirements of all Member States, COSAC calls for the entry into force of the Treaty of Lisbon as soon as possible.

COSAC looks forward to cooperation with the European Union Institutions as reconstituted under the Treaty. COSAC welcomes the strengthened role of national parliaments laid down in the Treaty and emphasises the importance of the full, immediate and efficient implementation of the new Treaty once it comes into force, observing the time period set out in the Treaties to allow for full and effective scrutiny by national parliaments and by the European Parliament.

1.4 COSAC underlines the importance of establishing well-functioning procedures between the European Union Institutions and national parliaments for the subsidiarity checks and for the parliamentary oversight of Europol and evaluation of Eurojust. In this context, COSAC reiterates the contribution of the XLI COSAC in Prague.

1.5 COSAC stresses that openness and accessibility remain crucial for the sense of participation of European citizens. Increased transparency in the European Union Institutions as well as in national parliaments is an important element in gaining acceptance of European Union measures.

2. The economic and financial crisis

2.1 COSAC notes that, while there are hopeful signs of recovery, it remains necessary to continue dealing with the financial and economic crisis, safeguarding longerterm growth and employment potential. The effects of the current decline have to be mitigated and measures promoted that facilitate a rapid yet sustainable recovery. Further efforts are necessary to improve the functioning of credit and capital markets. In the long term, Europe needs a renewed strategy for sustainable growth and employment - a revitalised Lisbon Strategy to transform the Union into an economy ready to reap the benefits of globalisation, while meeting the social and environmental challenges it presents. Efforts to prevent and limit job losses should take the form of measures with a sustainable positive effect on employment.

2.2 COSAC supports the European Council's response to the crisis in the conclusions of its June 2009 meeting and welcomes the comprehensive preparations, with the extra informal summit on 17 September 2009, for the G20 meeting in Pittsburgh on 24 September 2009.

2.3 COSAC notes with satisfaction that thorough preparations enabled the European Union to play an active role in Pittsburgh. The Union contributed to a result which constitutes a step forward on the main features of a common regulatory framework and a more sustainable financial system, including measures countering unsound bonus practices.

2.4 COSAC welcomes the Commission's recent proposals on a new architecture for European financial supervision and underlines that the intended rapid conclusion of the negotiations should not hamper the necessary parliamentary scrutiny.

2.5 With a view to the upcoming European Council on 29–30 October 2009, COSAC reiterates its warning against any kind of economic protectionism. Openness of world markets and a successful conclusion of the Doha Round remain one of the keys to overcoming the global crisis.

3. The Climate challenge – the road to Copenhagen

3.1 COSAC reiterates its conviction that the economic situation must not lead the European Union to lower its ambitions in terms of sustainable development and the climate strategy as adopted by the European Council. This includes being ready to give its fair share to supporting the least developed countries in their efforts to cut carbon emissions and contribute to the fight against climate change. An effective and sustainable architecture for financing this fight against climate change is essential.

3.2 The negotiations relating to the UN Climate Conference – COP15 – in Copenhagen in December 2009 are extremely complex. COSAC welcomes in general the strengthening of the European Union as a global actor and notes with satisfaction that the Union stands out as an ambitious, decisive and influential party to the Climate negotiations. The outcome of the Pittsburgh summit underlines that it is necessary for the European Union to keep a leading role in the run-up to and during the Climate Summit. COSAC urges all the European Union Institutions and Member States to contribute towards creating a strong platform for this leading role.

4. The Stockholm Programme

4.1 COSAC notes that the Eurobarometer and other opinion polls suggest that citizens expect European initiatives in the area of freedom, security and justice. This includes asylum and immigration policy as well as the fight against human trafficking and other crossborder

crimes. Stressing that citizens should be at the heart of the new multi-annual programme, COSAC emphasises the need to keep the balance between law enforcement measures and measures to safeguard individual rights and the rule of law.

4.2 COSAC notes that these areas of fundamental importance to European citizens are at the core of parliaments' responsibility. COSAC emphasises the importance of parliamentary scrutiny and active participation during the negotiations of the Stockholm Programme and of all parts and elements to be decided subsequently, noting that the broad Programme is scheduled to be adopted by the European Council on 10–11 December 2009.

5. Regional strategies and neighbourhood policy

5.1 The proposed Strategy for the Baltic Sea Region aims not only at tackling the region's ecological and other specific challenges, but also at serving as a pilot project for macro-regional strategies. The model could in the future be applied in other regions with their regional challenges, such as the Danube region. COSAC looks forward to the scheduled adoption of the Baltic Sea Strategy by the European Council on 29–30 October 2009.

5.2 COSAC reiterates its long-term support for the European Neighbourhood Policy, including the Eastern Dimension. COSAC welcomes the meeting to be organised by the Committee on Foreign Affairs of the Swedish *Riksdag* on 21 October 2009 regarding the shaping of the parliamentary dimension of the Eastern Partnership.

5.3 COSAC also reiterates its support for the establishment of the Union for the Mediterranean as an essential tool for ensuring peace, stability and security in the Mediterranean Area and in the Middle East, notably for addressing immigration and energy.

6. Enlargement

6.1 COSAC underlines the strategic importance of the continued European Union enlargement process and welcomes Iceland's application for membership. Recognising that a clear membership perspective is a major incentive for reform, COSAC stresses the necessity for the European Union to stand by its commitments and established principles in this area, particularly the requirement to fulfil the Copenhagen Criteria for accession. COSAC notes with satisfaction recent positive developments in already ongoing enlargement negotiations.