

History of COSAC

I. COSAC: HISTORICAL DEVELOPMENT

I. Creation of COSAC

I. COSAC

The paternity of COSAC is commonly and correctly attributed to Mr. Laurent Fabius, Speaker of the French *Assemblée nationale*, who took the initiative to propose the establishment of an inter-parliamentary body composed of members of national parliaments specialised in European affairs in 1989¹. There were a number of reasons behind his initiative. One important reason was a feeling of loss of contact with Community policies in many national parliaments after the introduction of direct elections to the European Parliament in 1979. Up to 1979, delegations to the European Parliament were appointed by national parliaments, and parliamentarians could be at the same time members of the national parliaments and European Parliament.

The aspiration of national parliaments to increase their role in the European decision-making process was first expressed by the Conference of Speakers of the Parliaments at a meeting in Madrid in May 1989. Following a proposal tabled by Mr. Laurent Fabius, the Speakers proposed a number of initiatives to strengthen the role of national parliaments in the EC. One of them was to create what was called the *Inter-parliamentary Conference of bodies specialised in European Affairs* (renamed COSAC² during the 4th meeting). The Speakers proposed that this Conference should meet on a regular basis in order to debate topics of common interest decided in advance³. The Conference should in principle be organised biannually by the parliament of the member state holding the Presidency of the EC.

The first meeting of this inter-parliamentary conference, was convened by the French *National Assembly* on **16 and 17 November 1989** and had participation from ten of the twelve Member States. Two countries were absent because of recent elections⁴. At the time of the creation of COSAC, not all national parliaments had specialised European

¹ See the report from the Mr Laurent Fabius: "Les Parlements Européens dans la perspective de l'Europe de 1993. Le traitement des affaires communautaires et la collaboration entre les chambres" November 1989 presented at the meeting of the Speakers of the Parliaments of EC -12 in Madrid on 20 May 1989.

² COSAC Conférence des organes spécialisés dans les affaires communautaires, Conference of Community and European Affairs Committees in English

³ Conclusions of the Speakers Conference of the parliaments member of the European Economic Community in Madrid, 20 May 1989, <http://www.cosac.org/fr/meetings/previous/1/doc4/>

⁴ Some parliaments, like the Luxembourg Chamber of Deputies, the Belgian Senate, the Italian Chamber of Deputies did not yet have bodies specialised in European affairs. The Belgian Senate and the Italian Chamber were therefore represented by their foreign affairs committees, while Luxembourg was represented by the President of the Chamber.

Affairs Committees.⁵ The meeting was co-chaired by the chairmen of the European delegations of the National Assembly and the Senate, Mr Charles Josselin and Mr. Jacques Genton.

The agenda of the meeting focused on an issue which is still valid today: how to increase parliamentary control over EU affairs. The main focus was on how the involvement of national parliaments in EU affairs could be reinforced. The parliaments discussed two different options; i.e. either via strengthening the parliamentary control at the national level or via enhancing inter-parliamentary co-operation between the parliaments, or by strengthening the role of the European Parliament. In particular the idea of creating a European Senate composed of representatives of national parliaments launched by the Speaker of the French Senate, Mr. Poher, provoked a very lively debate.

In the conclusions from the 1st conference however, the parliaments limited themselves to agree to improve their “reciprocal information through systematic exchange of texts concerning European affairs adopted by the Parliaments”.

In addition to this, a discussion took place on how to develop the relations between the European Parliament and national parliaments. The parliaments also discussed a proposal from the Conference of the Speakers of the parliaments about organising an annual debate on a subject of common interest in all parliaments simultaneously.⁶ Finally, the Conference approved a message addressed to the meeting of the Heads of States and/or Governments (taking place in Paris the following day) on the process of democratisation of Eastern Europe and the necessity of cooperation with these countries.⁷

II. Establishment phase

II. COSAC

The **2nd conference that took place in Cork on 10-11 May 1990** focused on the question of how to remedy the democratic deficit. This question stayed on the agenda for the next COSAC meetings and was influenced by the debate on the future of the EC that had been launched with the European Council’s decision in June 1985 in Milan to convene an IGC to discuss how the EC could develop into a political and Economic and Monetary Union.

Another subject raised was the principle of subsidiarity that had been launched in the so-called Spinelli report adopted by the European Parliament on 14 February 1984 to provide a blueprint for a Treaty Establishing a European Union.

⁵ This was the case for the Luxembourg Chamber of Deputies, the Belgian Senate, the Italian Chamber of Deputies and the Hellenic parliament, who considered creating European Affairs Committees in short time.

⁶ Compte-rendu de la 1re Conférence interparlementaire des commissions spécialisées dans les Affaires européennes à Paris, <http://www.cosac.org/en/meetings/previous/1/doc3/>

⁷ Message to the Heads of State and Government, <http://www.cosac.org/en/meetings/previous/1/doc2/>

However the 2nd conference was dominated by a discussion on the organisation of the so-called “Assizes” that were to be held later that year on 27-30 November in Rome to discuss the future development of the European Communities. The 2nd conference welcomed the principle of holding such an inter-parliamentary conference to discuss possible treaty changes and decided that a “restricted” meeting of national and European parliamentarians should be held in June with a view to preparing the Assizes”⁸.

All delegations agreed that there was a need to strengthen the democratic legitimacy of the EC. However, delegations didn’t agree (as to)? how this problem could be resolved. Some found it necessary to strengthen the role of the European Parliament, while others recommended a stronger role to national parliaments in scrutinising European affairs at national level. Again, the idea of a European Senate was raised by some delegations, but no attempts were made to formulate concrete proposals concerning its composition or powers. The 2nd conference suggested that the “principle of subsidiarity” should be defined more specifically in the Treaties in order to remedy the democratic deficit of the EC.

The 2nd conference finally decided on some points concerning its organisation, for example, that the Conference should meet at least once during each Presidency and that a meeting of the Chairpersons should prepare and coordinate the work of the conference. But a set of rules of Procedure was not yet formulated.

The Assizes

The Assizes meeting that was held on the eve of the Maastricht IGC on 27-30 November 1990 in Rome in the Italian Chamber of Deputies comprised 173 national Parliamentarians and 85 Members of European Parliament

The idea of organising the Assizes had been proposed by the French President, Mr François Mitterrand in a speech on 25 October 1989 before the European Parliament and was later supported by two resolutions of the European Parliament, who saw this as an opportunity to gain support for its proposals in the Spinelli report, providing a blueprint for a Treaty Establishing a European Union⁹. COSAC welcomed the principle of organising the Assizes to discuss possible Treaty changes at its meeting in Cork in May 1990, but wanted influence on its organisation. Hence delegations considered it necessary that a restricted meeting of the chairmen of the European Affairs Committees and the European Parliament be held with a view to preparing the conference. A number of organisational issues were addressed at this meeting, which took place in the Belgian Parliament on 26 June. However, the formal decision to convene the Assizes and settle the organisation of the event was taken by the Speakers of the parliaments at a meeting on 20 September 1990. Apart from settling issues such as the composition, working method and presidency of the Assizes, they also ensured a link to COSAC by establishing a *drafting committee* composed of the chairmen of the European

⁸ The chairmen of the European Affairs Committees and a delegation from the European Parliament met on 26 June 1990 in the Belgian Chamber of Representatives in Brussels to discuss the preparations of the Assizes.

⁹ The report of Mr Spinelli was adopted on 14 February 1984.

Affairs Committees plus five MEP's charged with the task of drafting the final declaration of the Assizes¹⁰.

At its conference on 1 and 2 October in Rome (just 8 weeks before the Assizes) COSAC attempted to influence the agenda of the Assizes by recommending that the debate be divided into four general topics: 1) the new goals of the Community, 2) strengthening of the democratic legitimacy, 3) allocation of competences and 4) relations with other countries and institutions of Europe. It was agreed that the Chairmen of the European Affairs Committees plus five MEP's (identical with the "drafting committee" established by the speakers) should finalise the preparations of the Assizes. However, at a meeting on 12 November the "triple presidency" of the Assizes (2 Italian chambers and the European Parliament) refused to accept COSAC's proposal for the agenda, which they found would effectively alter the decision reached by the Speakers in Rome on 20 September.

At the end of the Assizes a final declaration was adopted endorsing a number of proposals for treaty reform .

III. COSAC

The main business of the **3rd conference taking place in Rome on 1-2 October 1990** was to prepare the discussion at the Assizes on the future of the EC. The conference recommended that the debate was organised into four general topics (see above).

It was agreed that the chairmen of the European Affairs Committees and five MEPs should meet for a final preparatory meeting of the Assizes on 12 November.

IV. COSAC

The **4th conference took place in Luxembourg on 6-7 May 1991**. For the first time in the history of the Conference, a President in office of the Council participated in COSAC. M. Jacques Poos, Minister for Foreign Affairs and President of the Council, presented a synthesis report on the Common Foreign and Security Policy of the Union, which has been discussed in the Intergovernmental Conference on the political Union. After a general exchange of views on the CFSP most of the delegations expressed their concern on the absence of parliamentary control of the CFSP either by the national Parliaments or by the European Parliament.

The Conference agreed (in principle) on COSAC's first rules of Procedure. The Chairmen of the European Affairs Committees had met on 22 March 1991 in advance of the conference to prepare a draft. The rules of procedure were adopted after difficult discussions. The conference decided that all decisions should be taken by consensus. In

¹⁰ The drafting committee of the Assizes was chaired by the speaker of the Belgian parliament, Mr Charles-Ferdinand Nothom, who at the same time chaired the meetings of the chairmen of the European affairs committees and the delegation of the European Parliament under COSAC. Finally he was also the chairman of the Belgian Parliament's mixed European affairs committee.

order to enhance the role of the European Parliament in the preparations of future COSAC meetings, it was laid down that the European Parliament would be invited to participate in the meetings of the Presidential Troika (composed of the actual, the former and future Presidency) alongside with the three national parliaments on the Troika.

Only one issue could not be resolved at the Luxembourg conference, that is to say the article concerning the revision of the rules of procedure (point 13 c), because the participating parliaments were split on this issue. The final decision was therefore postponed to the forthcoming 5th conference taking place in The Hague under Dutch Presidency. However, consensus was reached on the remaining articles of the rules of procedure¹¹. The name "*COSAC*"¹², or in English; the *Conference of Community and European Affairs Committees*, was accepted with the adoption of the first rules of procedure.

V. COSAC

The V. COSAC took place in **The Hague on 11-12 November 1991**, where the first rules of procedure were formally adopted. The new rules confirmed that the meetings of COSAC should take place every six months during the second part of the Presidency of the Council, taking into consideration the schedules of the Parliaments. The rules provided for the possibility of organising extraordinary meetings of COSAC if an absolute majority of the Presidents of the European Affairs Committees were in favour of it¹³. The rules fixed the number of participants per Member State at six, leaving the composition of each delegation up to the Parliaments.

It was furthermore agreed that the Presidential Troika (composed of the actual, the former and the future Presidency) together with a representative of the European Parliament should be responsible for proposing topics for forthcoming meetings at the beginning of each Presidency. Decisions on the draft agenda should be taken by the Presidency after having consulted the Presidential Troika and the representative of the European Parliament. The existing practice of involving the full group of chairmen of the European Affairs Committees was dropped.

According to the first rules of procedure, COSAC was empowered to issue communiqués of the meetings drawn up by the Presidential Troika and the European Parliament. The decision-making process on how to adopt such conclusions was not specified in the rules, but a practice requiring unanimity was established. However, the Presidency was left with the possibility of issuing a message under its own responsibility provided that the Conference could not agree upon a final communiqué. As already mentioned, agreement on the article concerning the change of the rules of

¹¹ Règlement des organes spécialisés dans les affaires communautaires des parlements de la Communauté européenne, <http://www.cosac.org/en/meetings/previous/4/cosac/>

¹² Conférence des Organes Spécialisés dans les Affaires Communautaires.

¹³ This article continues in later versions of the rules or procedure, but has only been applied once, in January 2003, when an extraordinary meeting was organised in Brussels under Greek Presidency.

procedure caused certain difficulties, but it was eventually agreed that consensus was needed for future revisions.

The 5th COSAC finally deliberated on the proposals for a Political Union and an Economic and Monetary Union prepared for the Intergovernmental Conference. The proposals were analysed on the basis of the final declaration of the Assizes.

III. The entry into force of the Maastricht Treaty

VI. COSAC

The **6th COSAC in Lisbon on 4-5 May 1992** was the first meeting to be held following the conclusion of the negotiations that led to the signing of the Maastricht Treaty earlier that year in February. An exchange of information on the state of the ratification procedures of the Maastricht Treaty in the Member States was therefore in focus at the conference.

Also the results of the IGC were discussed. The Maastricht Treaty mentioned the role of national parliaments for the first time in a founding Treaty in two declarations. Declaration 13 encouraged "greater involvement of national Parliaments in the activities of the European Union"¹⁴. It called for an increased exchange of information between national Parliaments and the European Parliament. Governments were encouraged to "ensure, inter alia, that national Parliaments received Commission proposals for legislation in good time for information or possible examination"¹⁵. Declaration 14 invited national parliaments and the European Parliament to meet under the Assizes-format¹⁶ to be consulted on the main features of the EU. It was even foreseen that the Presidents of the European Council and the Commission should report to the Assizes, if it was convened. The Maastricht Treaty had no immediate impact on COSAC, which was not mentioned in the text itself. But the wording of the declaration reflected the conclusion of the 1st COSAC calling for a better exchange of information between national parliaments and the European Parliament.

A number of delegations expressed disappointment about the outcome of the IGC and therefore proposed that COSAC should adopt a resolution calling upon governments to convene a new IGC to address the democratic deficit in the EC. But no consensus could be reached on such initiatives.

The Delors II package on a new financial perspective for the financing of the EC was also debated by the Lisbon COSAC. Finally a proposal that COSAC should ask for the organisation of an IGC on budgetary control of Community finances did not find consensus. The Lisbon COSAC for the first time failed to adopt a communiqué, but the Portuguese Presidency issued a final declaration, as foreseen by the rules of procedure.

¹⁴ Treaty establishing a European Union, <http://www.europa.eu.int/eur-lex/lex/en/treaties/dat/11992M/htm/11992M.html#0100000033>

¹⁵ *ibid*

¹⁶ As a matter of fact, the Assizes were never convened after the experience of Rome.

This communiqué only engages the responsibility of the Parliament holding the Presidency.

VII. COSAC

The **7th COSAC in London on 10-11 November 1992**, was determined by the general political situation: The EC was shaken after a narrow majority of the Danish electorate had rejected the Maastricht Treaty in June, and an even narrower majority of the French electorate had voted in favour. The EC had launched a response to the ratification crisis; *subsidiarity, openness and opt-outs*, which became the basic formula that the heads of state or government should propose at the Edinburgh summit later the same year in December. COSAC therefore discussed the democratic deficit, especially the role of national parliaments and the EP in ensuring democratic accountability in the Communities.

Apart from the democratic deficit, the 7th COSAC also discussed how the declarations 13 and 14 on national parliaments attached to the Maastricht Treaty could be implemented. There was no agreement on the proposal to create a *Conference of the Parliaments* (Assizes) as proposed by declaration 14. Another point that was rejected was to open COSAC meetings for the press. COSAC concluded that the experience of correspondence (exchange of information) between national parliaments (COEU-P) initiated by the Belgian Chamber of Representatives was not successful. It was stopped after only 9 of the 21 Assemblies had responded positively to the initiative.

Like for the last COSAC, it proved impossible for delegations to agree on a communiqué. Instead the UK Presidency drew up a final report in the name of the COSAC chairmen, which drew attention to a number of points that had been raised during discussions to improve the difficult situation. The report followed the line from the declaration adopted by the European Council in Birmingham on 16 October confirming the need for more democracy, subsidiarity and openness in particular in the proceedings of the Council.

VIII. COSAC

The **8th COSAC in Copenhagen took place on 3-4 May** just two weeks before the second Danish referendum on the Maastricht Treaty.

But for the first time, the “democratic deficit of the EU” was not the central issue at a conference. There was a discussion on the role and working methods of COSAC, but the proposals to extend the COSAC meetings to two days as well to open the meetings to the press were rejected. The delegations had a debate on parliamentary control of the two new policy areas in the Maastricht Treaty; the Common Foreign and Security Policy and the co-operation on Justice and Home affairs.

As the ECOFIN Council had adopted a series of measures (known as the Edinburgh program) in April 1993, the focus of the conference was put on economic growth,

competitiveness and employment, presented by the Danish Prime Minister, Mr Poul Nyrup Rasmussen. Also the situation in Eastern and Central Europe as well as the enlargement negotiations were debated. According to the statement from the conference issued in the name of the Danish Presidency, a large majority of the delegations welcomed the practise of having a dialogue with the Prime Minister and Foreign Minister of the Presidency and a European Commissioner on key policy issues.

The evaluation of the role of COSAC took place on the basis of a paper prepared by the Dutch Parliament. This was also the first time that the questions of an increased co-operation between sectoral committees of the Parliaments was raised.

IX. COSAC

The 9th COSAC took place in Brussels on 22-23 November 1993. The question of how to increase growth and create employment in the EU (Edinburgh program) already debated during the 8th COSAC, stayed on the agenda. The main themes of the conference were growth, competitiveness and employment as well as immigration and the implementation of the Schengen agreement. For the first time European Commissioner participated in COSAC; Mr. Joào de Deus Pinheiro took part in an exchange of views on the Commissions White Paper on Economic growth, competitiveness and employment.

The question of the democratic deficit was not entirely left out of the conference. An informal exchange of views took place over lunch on the second day on the two declarations on the role of national parliaments in the Maastricht Treaty that had just come into force on 1 November¹⁷. Finally, Parliaments of Poland and Hungary addressed COSAC with a request to be invited to participate as observers in future COSAC meetings.

X. COSAC

The 10th COSAC in Athens on 9-10 May 1994 was dominated by discussions on enlargement of the EU, economic growth, competitiveness and employment and the question of democratic deficit and transparency in the decision-making process of the EU.

In relation to the enlargement question, COSAC decided to invite representatives of the parliaments of applicant countries to participate as observers in COSAC meetings. The rules of procedure of the COSAC were modified to allow applicant countries to participate with a maximum of three observers, on the condition that accession negotiations had started. The conditions under which observers could participate during meetings were not defined by the rule change.

¹⁷ To facilitate the informal debate on the role of national parliaments, the Belgian Presidency had drawn up a comprehensive report on "parliamentary control" of EU affairs.

The question of the democratic deficit was once again one of the key issues of the COSAC meeting. The Speaker of the Belgian Chamber of Representatives, Mr. Charles F. Nothomb had drafted a report on the question of democratic deficit and the lack of transparency in the EU, which he presented at the conference. He addressed questions such as the impact of the European Parliament's new powers in the Maastricht Treaty, transparency and once again the question whether the Maastricht Treaty had taken sufficiently account of the proposals of the declaration of the Rome Assizes to reduce the democratic deficit?

XI. COSAC

The **11th COSAC organised in Bonn on 24-25 October 1994** focused on three main topics: Internal security of the EU, environmental protection and the application of the principle of subsidiarity. Internal security and police cooperation had become topical with the Maastricht Treaty which had introduced a new intergovernmental co-operation in this field. In particular the powers and parliamentary scrutiny of the new Europol were raised by the German Presidency.

The discussion also touched upon the problem of asylum, its definition, the procedure on how to manage demands for asylum and the application of the Dublin Convention.

The German federal minister of Environment, Mr. Klaus Töpfer addressed the meeting on environmental issues. The Minister recalled the importance of the Conference in Rio de Janeiro seeking to reduce green house gases. The German Bundeskanzler, Mr. Helmut Kohl referred to the European integration in more general terms. He underlined the importance of national parliaments in the integration process and pleaded for the participation of parliaments in the preparatory works to the IGC in 1996.

Finally, the 11th COSAC discussed the application of the subsidiarity principle, which had been enshrined in the Maastricht Treaty in article 3B and fleshed out in declarations from the European Council in Birmingham and Edinburgh in the course of Autumn 1992.

V. Preparing the next IGC

XII. COSAC

The **12th COSAC took place in Paris on 27-28 February 1995**. The prospects of a new debate on the future of the EU clearly influenced the agenda of the Paris conference. The Maastricht Treaty had mandated a new IGC to be convened in 1996 to address a number of unsettled issues¹⁸. The agenda for the IGC was partly known, because the Maastricht Treaty had identified a number of points which among other things included the whole functioning of the EU in respect of enlargement and the

¹⁸ Article N of TEU.

extension of the “*co-decision procedure*” that had put the European Parliament on equal footing with the Council within certain policy fields in the legislative procedures. Member States' governments decided at the Corfu European Council in June 1995 to establish a so-called “Reflection Group” under the chairmanship of the Spanish state secretary of foreign affairs, Carlos Westendorp, to prepare the IGC. The European Parliament was invited to send two participants to the group along with the representatives of the 15 governments¹⁹.

The conference addressed the problem that the national parliaments were not represented in the reflection group for the preparation of the next IGC, and called for a closer association of the national parliaments to this group. To compensate for this shortcoming, the Speaker of the Belgian Chamber of Representatives, Charles-Ferdinand Nothomb proposed to establish a “*parliamentary reflection group*”. This idea was then later taken up by the Conference of Speakers who created the reflection group on 19 April.

Once again the role of national parliaments became the main topic. Two agenda points concerned national parliaments. The first one dealt with the application of the declaration 13 of the Maastricht Treaty on the role of national parliaments, while the other point attempted to raise a debate on the future role of national parliaments in the European architecture with a view to the preparations for the 1996 IGC. Another topic raised was the campaign against fraud in the EU.

The French National Assembly and the Senate once again launched the idea of adding a European Second Chamber composed of national parliamentarians to the institutional framework of the EU²⁰. This second Chamber should be competent in Foreign and Security Policy and Justice and Home Affairs. The French Senate, which was the author of the proposal, proposed to look for a formula where the national parliaments could be associated closer to the decision-making process of the EU. But the French proposal of creating a second Chamber did not receive the support from the other national parliaments. The clear majority of delegations were against the idea. The subject of creating a COSAC secretariat, in order to allow an intensification of the cooperation between national parliaments, was brought up but no agreement could be reached.

The conference also had an exchange of views on the different scrutiny procedures in place in national parliaments. Delegations agreed that there was a need for an improvement of the transmission of EU proposals and other documents to the competent committees of national parliaments, in particular those that concerned Foreign and Security policy and Justice and Home Affairs.

XIII. COSAC

¹⁹ The European Parliament's two representative in the reflection group were Elmar Brook (PPE) and Elisabeth Guigou (PSE)

²⁰ The two chambers of the French Parliament were not agreeing on the details. Where the Senate proposed the creation of a second chamber, the National Assembly suggested *the* establishment of an interparliamentary Council dealing with the application of the subsidiarity principle.

The future of the EU and the role of national parliaments also preoccupied the **13th COSAC that took place in Madrid on 8-9 November 1995**. The conference was influenced by the deliberations of the Westendorp Reflection Group, which was preparing the next IGC. The Group had published a progress report on 1 September, which suggested two areas for reflection regarding the future role of national parliaments:

- Explore formulae for the association of national parliaments with the Community institutions. Study the possibility of inserting Declarations 13 and 14 to the Treaty. Examine in greater detail ways of simplifying each national parliament's task of supervising Union decisions.
- Study the proposed creation of a High Consultative Council on subsidiarity composed of delegations from national parliaments.

The debate at the conference was also inspired by the work of a *parliamentary reflection group*²¹, which had been created at an informal meeting of the Conference of Speakers²² on the initiative of the Speakers of the *Assemblée nationale*, Mr. Philippe Seguin and of the Belgian *Chamber of Representatives*, Charles-Ferdinand Nothomb²³. Chaired by Ms. Nicole Catala, Vice-President of the *Assemblée nationale*, the *parliamentary reflection group* recommended a number of concrete proposals on how to improve the role of national parliaments in EU-affairs. The group called for an insertion of the role of the national parliaments and of COSAC in the Treaty; and that the European institutions should be obliged to transmit legislative proposals to the national parliaments. The group furthermore suggested that a body like COSAC was empowered to monitor if draft EU-legislation complied with the principle of subsidiarity²⁴.

The majority of delegations in COSAC still rejected the establishment of a second chamber. The conference also discussed the possibility of mentioning the role of COSAC in the Treaty.

XIV. COSAC

The **14th COSAC** taking place **in Rome on 24-25 June 1996** welcomed the conclusions of the European Council in Turin on 29 March 1996 with particular pleasure. The Heads of state or government, had on the opening day of the IGC, for the first time obliged the

²¹ see also XXII COSAC

²² 19 April 1995 in Paris

²³ The group met for the first time in Paris on 29th June 1995. The next meetings were held in Brussels on 23 September, Luxembourg on 26th October and Athens on 4 December 1995.

²⁴ After the deliberations at the XIIIth COSAC on the role of national parliaments and in the light of the start of the IGC in Turin which "*should equally examine how and to what extent national parliaments could, also collectively, better contribute to the Union's tasks*", the Delegation for the European Union of the French *National Assembly* decided to launch an initiative in order to promote a strengthening of the role of national parliaments in European affairs. The recognition from the Heads of State and Governments of a collective role of national Parliaments in the EU in the mandate of the IGC was certainly a result of the different initiatives and discussions in COSAC. The French Delegation for the European Union seized this opportunity to promote its ideas and organised meetings with other European affairs committees. During these contacts, all national parliaments agreed with the ascertainment of the French Delegation that the gap between the citizens and Europe was growing steadily and that the national Parliaments were the only possible "*mediator*" between both levels.

Council Presidency to "*provide information to the national parliaments through COSAC*"²⁵

The 14th COSAC in Rome represented the first opportunity to inform national parliaments. Mr. Lamberto Dini, Italian Minister of Foreign affairs, presented a summary of the progress made to date of the IGC and of the work of the Italian Presidency following the European Council in Florence.

Again the role of national parliaments in the European Union was a key agenda point. The conference also debated a reform of COSAC. The Westendorp Reflection group had concluded its final report on 5 December 1995 in which the creation of a second chamber had been rejected. Instead it stated that "COSAC was a favourable formula for the improvement of relations between national parliaments and the European Parliament", but that COSAC should not become a new institution.

Against this background, a proposal to strengthen national parliaments' possibilities to act collectively by empowering COSAC to express itself on the principle of subsidiarity and on issues within the two inter-governmental areas of the Treaty (*Foreign and Security policy and Police and Judicial cooperation in Criminal matters*) were discussed. The majority of delegations rejected the idea. However, most delegations accepted the need to improve the functioning of COSAC. The Finnish delegation suggested establishing a working group that should work out recommendations on how to proceed with the issue. After an exchange of views, it was decided to mandate the COSAC Presidential Troika (composed of the actual, the former and the future Presidency) to prepare a report on a "reinforcement of declaration 13 and an improved functioning of COSAC, to be presented at the next meeting of COSAC in Dublin".

XV. COSAC

The **15th COSAC** took place **in Dublin on 15-16 October 1996**. The conference put the future *role of national parliaments and COSAC* at the forefront of the agenda, being the perhaps last chance for national parliaments to reach a common position to influence the outcome of the IGC before it was concluded in June 1997²⁶. The COSAC Presidential Troika (composed of the actual, the former and the future Presidency) had agreed on 10 October to a set of recommendations on how to reinforce declaration 13 and the functioning of COSAC, to which it had been given mandate by the XIV COSAC in Rome. The conclusions of the report were largely approved by delegations in the conclusions of the XV COSAC.

COSAC agreed on two main issues, which had some influence on the outcome of the IGC in the question of the role of national parliaments. As regards the question of strengthening the scrutiny by national parliaments, COSAC recommended an inclusion of Declaration 13 in the Treaty making it legally binding. As it was stated in the conclusions of the meeting: "*to ensure that governments follow through on their*

²⁵ Turin European Council, 29 March 1996, Presidency Conclusions, <http://europa.eu.int/en/record/turin.html>

²⁶ The IGC was to discuss the role of national parliaments at a meeting already on 12 November 1996. Furthermore the next COSAC in the Hague on 9-10 June 1997 was held only seven days before the IGC was to be concluded on 16-17 June.

*commitments under the Declaration and that the National Parliaments have a period of at least four weeks for examining all proposals of relevance to the legislative process*²⁷.

As far as the functioning of COSAC was concerned, delegations could not agree on recommending that COSAC should be mentioned in the Treaty, but suggested that COSAC could address specific issues such as “*subsidiarity, 2nd (CFSP) and 3rd pillar items (Police and Judicial cooperation in Criminal matters) and questions relating to fundamental rights of European citizens*”.

Concerning the “conclusions” of COSAC, it was noted that they should not be binding for national parliaments. The conclusions should be forwarded to the EU institutions and the governments of Member States.

The Irish EU Presidency submitted a note inspired by conclusions of the Dublin COSAC to the IGC dated 15 October, but went further on certain aspects than the consensus between the parliaments. The document from the Irish Presidency suggested that COSAC should be empowered to express the views of national parliaments on the compliance with the subsidiarity principle of EU legislative proposals²⁸. It was furthermore proposed that COSAC should be invited to make its views known on legislative proposals within the area of Justice and Home Affairs which might have direct bearing on the freedoms of individuals.

XVI. COSAC

The **16th COSAC** took place **in The Hague on 9-10 June 1997**. The 16th COSAC endorsed the Dublin COSAC’s proposal that the provisions of declaration 13 should be reinforced by turning it into a legally binding protocol to the new Treaty. In addition, it proposed that a six-week delay should elapse before a Commission proposal could be put on the Council’s agenda for final adoption. This was more than the four weeks that the Dublin COSAC had asked for.

The Conference also asked for more transparency in the legislation; it adopted a declaration asking for an increased accessibility of proposed legislation and legislative acts of the Union; the Council, when it acts in its legislative capacity should publish the results of votes and explanation of votes as well as statements in the minutes.

The Dutch Prime Minister, Mr. Wim Kok, Foreign Minister Mr. Hans van Mierlo and state secretary Mr. Michel Patijn addressed COSAC to present the state of negotiations in the IGC just before the final bargaining was to take place at the IGC in Amsterdam

²⁷ <http://www.cosac.org/en/meetings/previous/15/doc/>

²⁸ CONF 3948/96 of 15 October 1996.

VI. The implementation of the Amsterdam Protocol on the role of national parliaments.

XVII. COSAC

The 17th COSAC took place in Luxembourg on 13-14 November 1997 and was the first of a long number of meetings to discuss the implementation of the new Amsterdam protocol. The new Treaty included a protocol on the role of national parliaments and acknowledged COSAC for the first time in the European treaties²⁹. It provided COSAC with the possibility to examine draft EU legislation and address to the EU institutions any contributions it deemed necessary - notably in relation to *the application of the principle of subsidiarity, the area of freedom, security and justice* as well as *questions regarding fundamental rights*. It was, however, underlined that such contributions would in no way bind national parliaments or prejudge their positions. Finally but most importantly, there were put no obligations on COSAC or national parliaments. The new powers could only be used if all parliaments were willing to do so.

First and foremost the question of the need for a revision of COSAC rules to implement the protocol was addressed. It was suggested that it would be necessary to provide COSAC with the possibility to express itself through a majority vote. Secondly, the question of the need of establishing some kind of secretariat to assist the Presidency and the Troika) in preparing COSAC meetings was risen. No final decisions were taken at this meeting, because as the Luxembourg chairman expressed it, there was still time until the ratification of the Amsterdam Treaty would be completed by all Member States. A proposal to establish a working group in order to examine the question of a revision of COSAC rules was tabled and the COSAC Presidential Troika (composed of the actual, the former and the future Presidency) was asked to consider the issue. A report on the findings should be presented to the next COSAC in London.

Furthermore, a number of delegations recommended that a question concerning the “establishment of an Area of Freedom, Security and Justice”, should be put on the agenda of the London COSAC for discussion, in order to get started with the new role for COSAC.

Also a number of important other issues were debated by the conference. The Luxembourg Prime Minister, Mr. Jean-Claude Juncker, presented the priorities of the Luxembourg Presidency, which included some key issues of the EU: the enlargement of the EU to ten new Member States from Central- and Eastern Europe and the reform of key community policies, such as the Common Agricultural Policy and the financial perspectives for the spending of the Union in the years ahead.

XVIII. COSAC

²⁹ Protocol on national parliaments' role attached to the Amsterdam Treaty.

The **18th COSAC in London on 18-19 May 1998** had its main focus on other issues than the role of national parliaments. The Presidential Troika (composed of the actual, the former and the future Presidency) had not been able to agree on a revision of COSAC rules and the issue was therefore not put on the agenda of the London COSAC. Instead COSAC deliberated on the current state of the enlargement of the EU, the Economic and Monetary Union with particular emphasis on the independence of the European Central Bank, and the scrutiny of the co-operation on Justice and Home affairs.

The Irish *Oireachtas* had tabled a proposal to enable extraordinary meetings of COSAC chairpersons to be convened to ensure a higher frequency of meetings than the two annual conferences. But this proposal did not find approval among all delegations and was consequently rejected.

Finally, COSAC discussed a proposal to change its rules of procedure in order to allow a representative of the COSAC to participate in other meetings on behalf of the conference and to report back to it. This proposal was dropped because the required unanimity could not be reached.

XIX. COSAC

The **19th COSAC** took place in **Vienna on 23-24 November 1998**. As negotiations about joining the EU have formally been opened with the first six applicant states on 10 November 1998 during Austrian Presidency, Foreign Minister Mr. Wolfgang Schüssel concentrated his introductory statement on the enlargement negotiations. The Prime Minister, Mr. Viktor Klima introduced a discussion on employment. Also the question of an institutional reform with a particular emphasis on transparency was debated following an introduction by the Spanish EU Commissioner, Mr. Marcelino Oreja.

But COSAC in Vienna also resumed to the question of the implementation of the Amsterdam Protocol and the need to reform COSAC working methods. The Austrian Presidency of COSAC asked delegations to consider the discussion as a sort of “first reading” focusing on the identification of the questions to be addressed. The following debate focused on issues such as the voting arrangements of COSAC, the possibility of organising extra-ordinary meetings, the language regime, the establishment of a secretariat and much more. A proposal to establish a working group, composed of the Presidential Troika (composed of the actual, the former and the future Presidency) and the European Parliament was tabled in order to examine these questions in detail. However, it was decided to leave the final decision on this matter to the following COSAC in Berlin.

The 19th COSAC ended with a novelty, a declaration of solidarity to Italy which refused to extradite the Kurdish leader imprisoned in Italy: "*The XIXth COSAC [...] expresses its solidarity with Italy, which has faced the Öcalan affair in full compliance with the principles of Italian and European legislation.*"

XX. COSAC

The 20th COSAC taking place **in Berlin on 30 May - 1 June 1999** addressed some of the same agenda points as the previous COSAC in Vienna. In focus was the institutional reform³⁰. The introduction to the debate was provided by the German member of the European Parliament, Mr. Elmar Brok, who had been one of the two European Parliament observers in the negotiations leading to the Amsterdam Treaty. Mr Brook here suggested that a special Convention should be convened to draw a European Charter of Fundamental Rights, involving national parliaments and the European Parliament.

Again however, a discussion on the revision of COSAC's rules of procedure took place. No attempts were made to finalise the discussion in Berlin, but a comprehensive debate took place. The conference agreed to establish a working group to examine the issue as proposed by during the COSAC in Vienna, but the composition of the group was extended to one representative per parliament that wanted to participate. The presidency proposed a plan that foresaw an interim report to be presented at the 21st COSAC in Helsinki in October, with a view to adopting the new rules in the spring in Lisbon. But the incoming Finnish Presidency proposed an action-plan that anticipated agreement on the rules in the working group already at a meeting early in October, i.e. before the plenary meeting. Should this not be possible, the full COSAC in Helsinki could have dealt with any outstanding problems. This plan was endorsed by consensus.

XXI. COSAC

The 21st COSAC taking place **in Helsinki on 10-12 October 1999** succeeded in concluding the debate on the reform of COSAC's Rules of Procedure.

The working group that had been established in Berlin managed to strike a deal with the Presidency. The compromise elaborated by the working group was endorsed by all delegations. During the discussion proposals were made to add German as a working language, and that the European Parliament should not participate in votes on contributions addressed to the EU-institutions; however neither of the proposals were adopted. The European Parliament was willing to issue a unilateral declaration stating that the European Parliament would abstain from voting on any contribution, which would be addressed to it. The proposals of setting up a secretariat and the introduction of majority decisions were already rejected at this stage as clearly lacking sufficient support among delegations.

The Helsinki COSAC therefore adopted the new Rules of Procedure as proposed by the working group including the unilateral declaration offered by the European Parliament.

³⁰The institutional reform had not been finalised with the Amsterdam Treaty, in particular the questions of the number of Commissioners and the voting weights in the Council could not be resolved. A special protocol to the treaty therefore foresaw that a new IGC should be convened to address the issue before the coming into force of the first enlargement. The protocol also implied that a further IGC should be convened to carry through a general institutional revision at the latest one year before the number of Member States exceeded 20.

It was however agreed that the position of the European Parliament within COSAC should be studied further during the following Portuguese Presidency in order to make changes to the rules of procedure on this question.

VII. On the route towards the future of Europe

XXII. COSAC

The 22nd COSAC taking place in Lisbon on 29-30 May 2000 was dominated by the questions debated at the IGC leading to the Nice Treaty. But also the work of the Convention on the Charter of Fundamental rights that had commenced on 17 December 1999 and the European Council's decision to make the EU the most competitive Economy of the world by 2012 preoccupied COSAC in Lisbon.

A debate took place on three key issues: the extension of qualified majority in the Council, the Charter of Fundamental Rights and the relations between national parliaments and the European Parliament. On the questions of extending qualified majority and whether the charter of fundamental rights should be legally binding, delegations couldn't reach agreement. As regards the question of relations between national parliaments and the European Parliament, the conference stated that "MEPs and national deputies were not competitors, but rather partners, acting only at different levels of representation".

Despite the agreement at the Helsinki COSAC to discuss the position of the European Parliament within COSAC, the Lisbon COSAC did not pursue the question any further.

XXIII. COSAC

The 23rd COSAC took place in Paris on 16-17 October 2000. The Meeting taking place at Versailles focused on the future of the EU and returned for the first time in many years to a discussion on parliamentary scrutiny of European Union Affairs at the national level.

The IGC was in its closing phase with only two months to go before the heads of state or governments should conclude the Nice Treaty. The French Prime Minister, Mr. Lionel Jospin, appeared before COSAC presenting the state of negotiations at the IGC on institutional reform, which he declared had been very "rich". However, since the views of national parliaments on institutional reform were as differentiated as among governments, COSAC did not try to provide detailed advice to the IGC, but settled for a call on Member States to reach an agreement that would "ensure efficient, transparent and legitimate institutions".

For the first time in five years COSAC was used as a platform for an exchange of information and best practises on national parliamentary scrutiny of EU Affairs. The

Presidency had prepared discussions thoroughly by submitting a questionnaire in advance of the conference to get an overview of the state of national scrutiny procedures in place in the parliaments. A special emphasis was put on the functioning of the provisions in the Amsterdam protocol on transmission of EU proposals to national parliaments. COSAC therefore called on the IGC to modify the protocol to ensure that a minimum of 15 days, or one week in urgent cases, should be observed between the reading in COREPER and the final decision in the Council.

Finally, it was agreed that the French Presidency should consult national parliaments about setting up a working group that could meet during the forthcoming Swedish Presidency to allow COSAC to meet in between conferences. Several topics were proposed for the Working Group to discuss: Justice and Home Affairs, the scrutiny procedures of national parliaments and social affairs.

XXIV. COSAC

The 24th COSAC taking place **in Stockholm on 20-22 May 2001** was dominated by the discussions on the future of the European Union. The decision of the Nice IGC to launch a wider and more in depth debate on the future development of Europe with the view of running a new round of reforms at an IGC in 2004 triggered a lot of momentum.

The Swedish Prime Minister, Mr. Göran Persson, addressed COSAC where he encouraged it to contribute to the discussions on the debate on the future of Europe. Parliaments were split on that question and COSAC could not adopt a position. However, COSAC managed to agree on reiterating its criticism of the functioning of the Amsterdam protocol's provisions on transmission of documents to national parliaments, which it thought had not been fully implemented. COSAC noted that the protocol had not specified whether it was the Commission or the Member State governments who were responsible for forwarding consultation documents to national parliaments. COSAC therefore called on the two institutions to clarify the division of responsibility.

As regards the way in which national parliaments should be involved in the debate, the Stockholm COSAC suggested two routes: via COSAC and via assembling a convention composed of national parliamentarians along with European Parliamentarians, government representatives and representatives from the Commission.

XXV. COSAC

The 25th COSAC took place **in Brussels on 4-5 October 2001**. At the Brussels COSAC the Belgian Prime Minister Mr. Guy Verhofstad launched the idea that national parliaments by means of an "*alarm bell*" should be involved in monitoring the demarcations of EU competences.

However, the Brussels COSAC did not try to agree on any proposals of content as regards changes to the EU Treaties. Instead COSAC favoured the idea of assembling a

Convention for the preparations of the IGC underlining that it should not be a discussion forum. It should present “a coherent draft proposal to the 2004 IGC contributing solutions to the problems it was confronted with”.

In addition to the 25th COSAC conference, a special meeting of the chairpersons of COSAC was convened on 1 December to inform the parliaments about the outcome of a tour of capitals, which had been conducted by chairman of the Belgian Joint European Affairs committee, Mr. Philippe Mahoux and the chairman of the Chamber of Representative’s Foreign affairs Committee, Mr. Pierre Chevalier. The two Belgian parliamentarians had been asked by the Belgian Prime Minister, Guy Verhofstadt, to go on this mission with a view to providing input for the European Council’s important meeting in Laeken that would give the green light for the establishment of a Convention to prepare the 2004 IGC. The chairpersons meeting supported the establishment of a Convention.

VIII. The future of Europe – COSAC in reform mode

XXVI COSAC

The 26th COSAC in Madrid taking place on 12-14 May 2002 was the first COSAC following the decision by Member States to involve national and European parliamentarians directly in the preparations of the 2004 IGC via a convention. COSAC followed the proceedings of the Convention³¹ both closely and actively throughout the period, because many national parliamentarians participating in COSAC were at the same time representatives of their parliaments in the Convention, which created a certain spill over effect between the two processes.

The conference in Madrid welcomed the decision taken by the Heads of States or Governments in Laeken to establish the Convention and agreed to monitor its progress step by step. It was decided to keep the question of the future of the EU on COSAC’s agenda for as long as the Convention would work and keep the Convention informed about any contributions from COSAC. It was finally agreed that a special meeting should be convened before the IGC commenced to adopt a contribution for the IGC.

At the same time a window of opportunity was opened for another round of reforms of COSAC. The Presidential Troika was called upon to prepare a detailed proposal for a more effective COSAC, *focusing its activities more on the role of national parliaments*. It was agreed as a guiding principle that the reform process should focus on how to

³¹ The Convention was as is well-known, established by the European Council in Laeken December 2001 composed of 30 representatives of national parliaments, 16 from the European Parliament, 15 government representatives and two from the Commission. In addition to this participated the 13 accession states with two national parliamentarians and one government representative. In the end, the Convention had a significant quota of national parliamentarians (i.e. 56 out of 105) The Convention was chaired by the former French President Mr. Valery Giscard d’Estaing and his two vice-president the former Prime Ministers of Belgium and Italy, Mr. Jean-Luc Dehaene and Gulliano d’Amato

make COSAC function more effectively within the existing framework of the Amsterdam Protocol. All questions that would require a treaty amendment were left for the Convention, because there was an overlap between the debates that took place in COSAC and the Convention.

XXVII COSAC

The **27th COSAC held in Copenhagen on 16-18 October 2002** launched an ambitious reform programme, which was to preoccupy COSAC for more than a year.

At COSAC in October, a working group composed of the chairmen of the European Affairs Committees of EU-15, chaired by Mr. Claus Larsen-Jensen, was established with a comprehensive reform mandate, which among other things included drafting a code of conduct for effective national parliamentary scrutiny of EU matters, considering how to involve sectoral committees in COSAC, to draft proposals how to establish a secretariat of COSAC and how to introduce majority decisions in COSAC. It was also proposed to highlight that COSAC's main role should be defined as assisting national parliaments to improve their effectiveness in EU-matters, especially their scrutiny of government activities in the EU, by sharing best practise and information.

The working group³² agreed finally on a set of recommendations which were passed on to the Greek Presidency on 10 January 2003. These recommendations included among other things an agreement on the introduction of qualified majority in COSAC and in principle the establishment of some kind of "secretarial support" for COSAC. But no agreement could be reached on the composition, financing and procedure for appointment of the secretarial staff. Concerning the involvement of sectoral committees, the working group rejected the idea, but suggested that COSAC should make itself available as a *supporting structure*, if sectoral committees wanted to organise meetings. The working group finally agreed to recommend a number of minimum standards for national parliamentary scrutiny.

As agreed in Madrid, COSAC also debated the future of Europe. Ms Gisela Stuart, chairperson of the working group in the Convention dealing with the role of national parliaments, addressed COSAC and gave an overview of the work in the Convention.

XXVIII COSAC

An **extraordinary COSAC was held in Brussels on 27 January 2003** in the premises of the European Parliament (but under Greek presidency) to finalise the reform of COSAC and to discuss the future of the EU in order to adopt a contribution for the Convention that had just begun writing the first draft articles of the Constitutional treaty.

As regards the reform of COSAC, some progress was made: there was a general agreement that the reform should enable national parliaments to be better informed and

³² The working group met in Copenhagen on 17-18 November and on 15-16 December.

exchange best practises. Almost symbolically, COSAC also managed to adopt a set of minimum standards for national parliamentary scrutiny on EU-affairs - after having inserted a number of safety clauses assuring delegations that the minimum standards were merely guidelines and not legally binding.

The model for majority voting was in principle agreed by COSAC. COSAC should still seek to adopt contributions with consensus, but in case this was not possible, contributions could be adopted with a majority of $\frac{3}{4}$ of the votes cast – constituting at least 50 percent of the votes. However, the final change of the COSAC rules was postponed to the next COSAC in Athens in May 2003.

Finally, it was proposed that the “secretarial support” could be provided by staff seconded from members of the Presidential Troika on a rotational basis, but no agreement could be reached on the question of the establishment of a COSAC secretariat. The decision on this issue was therefore also postponed for the Athens conference.

XXIX COSAC

The **29th COSAC** taking place in Athens on 4-6 May 2003 endorsed a revision of the rules of procedure of COSAC.

Most importantly it was agreed to focus COSAC’s activities more on the work of national parliaments. The old aspirations of using COSAC as a platform for exchange of information and best practises was strengthened and the intention clearly expressed in COSAC’s rules of procedure:

“The principal business on every agenda shall be derived from COSAC’s role as a body for exchanging information and, in particular on the practical aspects of parliamentary scrutiny”³³.

Also the formal adoption of the new voting regime allowing COSAC to adopt contributions was approved in Athens.

Finally, the formula for setting up a secretariat to facilitate the work of COSAC agreed, since COSAC endorsed a set of guidelines proposing a secretariat comprised of one permanent member and four members seconded from the three national parliaments on the Presidential Troika (the former, the actual and the future Presidency) and the European Parliament.

COSAC also had a discussion on the future of Europe. The work of the Convention had gone into the end game, where in particular the difficult institutional questions were debated. This was the last opportunity for COSAC to try to influence the work of the Convention. COSAC concentrated its efforts on setting out a number of recommendations concerning the question of the role of national parliaments. Generally speaking COSAC supported the proposals that had been tabled by the Presidium of the Convention. But on certain issues COSAC also took stands that differed from those of

³³ Paragraph 7.1a of the Rules of Procedure of COSAC.

the Presidium. COSAC called for “constitutional recognition of national parliaments”, by inserting two articles in the Constitutional Treaty: one defining the principle of subsidiarity and one defining the role of national parliaments. As regards the role of COSAC itself, the proposal from the Convention was criticized for being too vague and the Convention was encouraged to clarify the text following the model of the Amsterdam Treaty Protocol. Finally, COSAC called for a direct access for national parliaments to demand a judicial review by the European Court of Justice of EU-legislations’ compliance with the principle of subsidiarity.

XXX COSAC

The **30th COSAC** took place **in Rome on 6-7 October 2003**. It was the first COSAC after the conclusion of the work of the European Convention and was therefore to a large extent used as a first opportunity to assess the outcome of the Convention. But also the final negotiations of how to establish the COSAC secretariat, on the basis of the guidelines agreed in Athens, preoccupied the delegations.

COSAC acknowledged the draft Constitutional Treaty, which the Convention had agreed on. In particular the provisions in the Constitutional Treaty involving national parliament in the control of the subsidiarity principle via a “subsidiarity early warning mechanism” were welcomed. But also the improved rules for transmission of EU documents were considered as being significant.

COSAC encouraged Member States to conduct the IGC as transparent as possible and ensure public access to all conference documents. The Italian Presidency of the Council had agreed to inform COSAC on the proceedings of the IGC. COSAC therefore called on the Presidency to report to COSAC at a special meeting of the Chairpersons of the European Affairs Committees later in the autumn.

COSAC also agreed on a compromise along the lines set out in the guidelines from Athens, which paved the way for the establishment of COSAC’s first secretariat to be opened in Brussels from 15 January 2004 for a trial period of two years³⁴.

IX Implementation of the reform – platform for exchange of best practise

XXXI COSAC

The **31st COSAC** taking place **in Dublin on 19-20 May 2004** was the first meeting after the reform of the rules of procedure. The agenda was set in order to give

³⁴ For details concerning the composition and financing of the COSAC secretariat look at: <http://www.cosac.org/en/meetings/previous/30/>

parliaments a platform for exchange of information and best practises between national parliaments on procedures for national scrutiny of European affairs.

An exchange of information between parliaments took place - in accordance with Rule 7.1 of the rules of procedure - on recent development in the Member States on aspects of parliamentary scrutiny. In particular informations about the scrutiny systems of the ten new Member State Parliaments were reported to the conference.

Another agenda point focused on the role of national parliaments. In particular the not yet signed Constitutional Treaty brought the issue to the centre of discussion. An intensive debate was triggered on how national parliaments could implement the “subsidiarity early warning mechanism” and how they might organise their individual subsidiarity checks. The debate was facilitated by the COSAC secretariat’s first “*biannual report on EU procedures and practises*”, which reported on the new “subsidiarity mechanism”.

The Irish Minister for Foreign Affairs, Brian Cowen, addressed COSAC reporting on the progress in the IGC. COSAC in Dublin called on “all parties to conclude the IGC by the European Council in June”.

XXXII COSAC

The **32nd COSAC** held in **the Hague on 22-23 November 2004** was primarily preoccupied with deliberations on the Constitutional Treaty that had been signed on 18-19 June by the Member State governments. The key item for discussion at the COSAC meeting was the “*subsidiarity early warning mechanism*”.

The Dutch Parliament had as already decided how to organise its national subsidiarity check. It had opted for special “Joint Subsidiarity Committee” comprising members of both parliamentary Houses”. An exchange of views and information took place on the basis of a report drawn up by the Dutch presidency as well as the COSAC secretariat’s second biannual report, which had asked national parliaments how they anticipated they would organise their subsidiarity checks. Only a few parliaments had at the time a clear picture of this. In order to facilitate this debate and allow national parliaments to reflect further on this, it was agreed to conduct a *pilot project* in all parliaments testing the subsidiarity early warning mechanism. COSAC decided to conduct a “pilot project” on a specific piece of EU draft legislation in order to assess how the subsidiarity early-warning mechanism” might work in practice. It was decided to examine the Commission’s 3rd Railway Package as the subject for this initiative.

Finally, COSAC could not find an agreement on introducing a new language regime.

XXXIII COSAC

The **33rd COSAC** took place in **Luxembourg on 17 and 18 May 2005**. For the first time in COSAC’s history a specific piece of EU draft legislation was examined by

national parliaments and COSAC. The proposal for the third railway package was examined by 31 of 37 parliamentary chambers in EU-25.

The examination was commenced on 1 March 2005 and completed by national parliaments six weeks after on 12 April. All participating parliaments drew up a report summarising how they conducted the pilot project including any lessons learnt during the experiment³⁵. Parliaments reported at the COSAC in Luxembourg in May 2005 on the experience they had had examining the legislative proposals of the third railway package and on any difficulties they had encountered.

COSAC unanimously adopted a contribution addressed to the EU institutions criticizing the Commission for providing insufficient justifications for its proposals as regards their compliance with the subsidiarity principle. COSAC called on the Commission to produce more in-depth arguments in future and declared that further work should be done to clarify the distinction between the principles of subsidiarity and proportionality.

COSAC welcomed the test and decided to carry through a second test of the subsidiarity early warning mechanism. The incoming UK COSAC presidency was asked to propose a new item and a time table for the test.

XXXIV. COSAC

The meeting of Chairpersons on 17-18 July 2005 prepared the ground for the main COSAC meeting on a number of procedural and administrative matters. In the light of developments on the ratification of the Constitutional Treaty, the Chairpersons also held an exchange of views with Margot Wallström, Vice-President of the Commission and Commissioner for Institutional Relations and Communications Strategy, on the way forward for the Treaty's subsidiarity mechanism, and methods of scrutiny of the Annual Work Programme of the Commission.

The XXXIV COSAC was held in London on 9-11 October 2005. In setting the agenda for this plenary meeting of COSAC, the United Kingdom Parliament had clearly in mind a recent change to COSAC's Rules of Procedure which now require that the principal business on each agenda shall be derived from COSAC's role as a body for exchanging information, in particular on the practical aspects of parliamentary scrutiny.

Accordingly the two major topics discussed were:

- scrutiny of the EU's Common Foreign and Security Policy, and
- scrutiny of impact assessments (with the participation of Mr Moavero Milanese, Deputy Secretary General of the European Commission).

The meeting also heard a presentation by the Rt Hon John Prescott MP, Deputy Prime Minister, on behalf of the United Kingdom Presidency of the Council.

³⁵ The COSAC secretariat made, on the basis of the replies from the national parliaments, a report to facilitate an exchange of views and best practises between national delegations at the XXXIII COSAC on 17-18 May in Luxembourg. The report can be found on the COSAC website; <http://www.cosac.org/en/info/earlywarning/pilotproject/>

In the light of developments on ratification of the Constitutional Treaty, COSAC also debated parliamentary aspects of the Treaty including the Council meeting in public and enhanced scrutiny of subsidiarity. There was consensus that, whatever the future of the Constitutional treaty, national parliaments could do more to enhance parliamentary scrutiny of subsidiarity and proportionality under existing provisions of the Amsterdam Treaty. Agreement was reached that national parliaments would scrutinise EU legislation for subsidiarity and proportionality using the provisions of the Amsterdam Treaty. National parliaments were asked to suggest topics on which during the following year there could be a concerted effort to examine subsidiarity and proportionality in depth in all national parliaments wishing to do so.

COSAC also agreed that its secretariat should continue to operate; that Presidency parliaments should be able to invite Special Guests as observers for debates when an item on the Agenda warranted it; and took note of suggested possible topics for future discussion, in accordance with the Rules of procedure.

Finally, COSAC adopted a “Contribution addressed to the EU Institutions” that focused on CFSP scrutiny, better regulation and openness in the Council. Following the meeting, steps were taken to raise the profile of the Contribution by for the first time translating it into all Community languages; by publishing it in the *Official Journal of the EU*; and by sending it to the Presidents of the EU Institutions—positive reactions to the Contribution were received from Commission President Barroso and Vice-President Verheugen.

XXXV. COSAC

The **35th COSAC in Vienna on 22-23 May 2006** put an emphasis on a stronger role of national parliaments on the basis of the existing *acquis communautaire*. Following the Conference on Subsidiarity in St. Pölten in April and the Joint Parliamentary Meeting on the the Future of Europe in Brussels in May 2006 this COSAC meeting took up the topic of the future of the Constitutional Treaty and subsidiarity review by national parliaments.

In this regard the COSAC contribution welcomed the commitment of the President of the Commission to transmit directly all new legislative proposals and consultation papers to national parliaments, inviting them to react so as to improve the process of policy formulation. Furthermore COSAC asked “the Commission to take into account comments from National Parliaments – in particular with regard to the subsidiarity and proportionality principles – and within an acceptable timeframe to acknowledge receipt and offer a reasoned response”. This commitment which also can be found in the communication of the Commission of 10 May 2006 (COM (2006) 211 final) was then welcomed by the European Council of 15-16 June 2006. The European Council reiterated the request to duly consider comments by national parliaments and encouraged national parliaments to strengthen cooperation within the framework of COSAC when monitoring subsidiarity.

An exchange of views with Federal Chancellor Wolfgang Schäuble on Europe – perspectives and pragmatism as well a discussion on the Western Balkans and the European Neighbourhood Policy with Commissioner Benita Ferrero-Waldner and the Special Coordinator of the Stability Pact for South Eastern Europe Erhard Busek were additional point on the agenda.