

5 May 2003

Draft
for new rules of procedure for COSAC
(Without the comments)

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

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.

They may be applied to the meetings of other parliamentary Committees convened by the Parliament holding the Presidency of the E.U..

On the basis of the XXVII COSAC in Copenhagen from 16 – 18 October 2002 it was decided at the extraordinary XXVIII COSAC in Brussels on 27 January 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).

The members of COSAC intend 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.

These Rules of Procedure, which were adopted by the XXIX COSAC in Athens on 5 – 6 May 2003, replace the rules of procedure that were adopted in Helsinki on 11 – 12 October 1999.

**1. TASKS AND COMPETENCES FOR
COSAC**

COSAC enables a regular exchange of views, without prejudicing the competences 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

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.

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.

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 Meetings 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, in agreement with the presidential Troika. Each delegation consists of two members of its 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, long term, calendar of its meetings.

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.

4. COMPOSITION

4.1 Ordinary and extraordinary meetings

Each national Parliament shall be represented by a 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.

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.

7.1. A. The principal business on every draft Agenda shall be derived from COSAC's role as a body for exchanging information, in particular on the practical aspects of parliamentary scrutiny.

7.2. A draft agenda shall be drawn up by the Chairperson of the Community and European 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 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. In general COSAC shall seek to adopt contributions by broad consensus. If this is not possible, contributions shall be adopted with a qualified majority of at least 3/4 of the votes cast. The majority of 3/4 of the votes cast must at the same time constitute at least half of all votes.

10.6 Each delegation has two votes.

10.7 After adoption, the contribution is published in 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.

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.

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

14.5 Each delegation has one vote.

15. ENTRY INTO FORCE

These Rules of Procedure shall enter into force as soon as they are published in the Official Journal of the European Communities. They are drawn up in a single original in English and French, each of these texts being equally authentic.

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 10.5 of the Rules of Procedure

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

XXIX COSAC CONTRIBUTION

6 May 2003

1. COSAC congratulates the 10 new Member States of the European Union and welcomes their members of Parliament and the 75 million citizens they represent. It is thanks to common efforts that Europe is experiencing now a unique moment in its history which confirms once more the strength of the values and principles underlying the European model. It recognizes the efforts of the remaining candidate countries on their way to full membership in the EU and expresses its belief that these efforts will continue according to the envisaged schedule and will lead to the same successful result.
2. COSAC regrets the failure of the European Union to have a common position on the Iraq crisis and believes that the EU must be a strong partner along with the United Nations in the reconstruction of Iraq.
3. COSAC notes the excellent work done so far by the Presidium and the Members of the European Convention and hopes that its meetings will respect the time schedule so that the draft of the European Constitutional Treaty may be presented at the European Council of Thessaloniki. COSAC considers that the next Intergovernmental Conference should be based on this draft and that the new Treaty should be concluded before December 31, 2003, and signed before the European Parliament elections. As decided in Madrid, on May 12-14, 2002, COSAC considers it necessary to give a contribution to the final text proposed by the European Convention.
4. COSAC expresses its satisfaction with the comprehensive examination which has taken place in the Convention on the important questions raised by the European Council in Nice and Laeken, in particular on the strengthening of the role of the national parliaments, the inclusion of the Charter of fundamental rights in the draft constitutional treaty, the distribution of competences between the European Union and the Member States according to the principle of subsidiarity, the adoption as a general rule of the vote by qualified majority and the procedure of co-decision and the simplification of instruments and European decision making procedure.
5. COSAC hopes that the progress achieved already in the Convention as regards the means and methods necessary for the creation of a common area of security, freedom and justice will also be sought for asylum as well as for a

common immigration policy, in particular with a view to better control of the external borders of the European Union.

6. COSAC considers it necessary that the new institutional balance of the Union continues to respect the fundamental principles of the Union itself, applies the community method and contributes to successful, transparent and democratic procedures.

7. Concerning the role of national parliaments, COSAC believes that :

- a) the proposals by the Presidium of the European Convention on the role of National Parliaments are moving in the right direction, especially as regards the National Parliaments' ability to control the application of the Principle of Subsidiarity, the need to be better informed by the Commission, the Council and the Court of Auditors, as well as the cooperation between the National Parliaments and the European Parliament towards a more effective inter-parliamentary cooperation.
- b) The role of National Parliaments in the European Union should be awarded constitutional recognition. This will be achieved by the insertion in the text of the Constitutional Treaty of one article on the definition of the principle of subsidiarity and one article on the role of National Parliaments in the European Union. This should be followed by a detailed protocol –or protocols- on the role of National Parliaments and Subsidiarity.
- c) The recommendations made by working groups I and IV should be respected in the protocol or protocols to be annexed to the constitutional treaty, in particular as regards the submission of an opinion under the early warning system and the possibility of demanding a judicial review by the European Court of Justice. In both cases it must be possible for National Parliaments –or, in bicameral systems, for each chamber of the Parliament- to act directly, whenever this is possible according to the national constitutions.
- d) The Convention should take into account the need for better and timely information to National Parliaments, including an official record of the legislative proceedings of the Council.
- e) The role of COSAC (in paragraph 9 of the Convention draft Protocol on the Role of National Parliaments), should be better clarified, following the model of the Amsterdam Treaty Protocol.

- f) The role of COSAC may be strengthened by providing to the EU institutions the possibility of taking into account COSAC Contributions, when in a position to do so.
- g) Since the new constitutional Treaty will be ratified by National Parliaments following referendums in some member States, the role of National Parliaments should not be underestimated.

8. Preparing for an enhanced role of National Parliaments and for intensified inter-parliamentary cooperation:

- a) COSAC may promote the exchange of information and best practices between National Parliaments.
 - b) COSAC encourages National Parliaments and the European Parliament to engage in closer and more constructive cooperation.
 - c) COSAC supports the best possible use of Information Technology for providing information to and from National Parliaments, the European Parliament and the EU institutions, accordingly to the standards of the IPEX working group.
- 9.** COSAC has agreed on the adoption of its new rules of procedure, including the Copenhagen Guidelines, as well as on Guidelines in view of the establishment of a Troika Secretariat for COSAC.
- 10.** The Italian Delegation announced that the next COSAC meeting will take place in Rome, on October 6 and 7, 2003.

May 6, 2003

Guidelines for the establishing of a Troika –COSAC Secretariat

1. This Secretariat will be established in Brussels before the end of the Italian Presidency.
2. This Secretariat shall work under the responsibility of the Presidency and the Presidential Troika.
3. It will consist of maximum 5 members. Four will be detached respectively by the Troika members and the EP, during the period of 18 months.
4. The fifth member, will be permanent appointed upon presentation by the Troika, selected by the Chairpersons of the national delegations.

The permanent member for practical reasons has to be detached by one of the national parliaments.