

**Conference of Community and European Affairs Committees of
Parliaments of the European Union (COSAC)**

CONTRIBUTION OF THE XLI COSAC

Prague, 10-12 May 2009

1. Current Economic and Financial Situation

1.1 COSAC affirms that the EU faces one of the greatest challenges in its history posed by the current economic, financial and social crisis. The economic downturn affects and concerns EU citizens. Therefore targeted and coordinated action is required from supranational and intergovernmental bodies.

1.2 COSAC notes that the crisis has hit each Member State differently. COSAC therefore deems it important to have regard to each Member State's specific situation and varying needs and to take action accordingly. COSAC welcomes the action undertaken in solidarity with the worst affected Member States.

1.3 COSAC welcomes the Conclusions of the European Council of 19-20 March 2009 and the Council's effort to tackle the economic crisis through the fiscal stimulus package which contains measures to encourage and strengthen the European economy both in the short and long term. COSAC underlines the progress already achieved through the implementation of the European Economic Recovery Plan since December 2008 (notably promoting investments in the field of the Transeuropean Networks and boosting the SME financing possibilities) and through the reform of the European Globalization Adjustment Fund that will reinforce its efficiency. COSAC in this respect recalls the important role of the common currency for those countries which are part of it and of maintaining sustainable public finances in the long term.

1.4 COSAC is aware of the rapid increase in unemployment as a cause of great concern. The Member States, in particular, have the responsibility to prevent and limit job losses and negative social impacts.

1.5 COSAC supports the European Council's intention to improve regulation and supervision of financial institutions. Restoring the confidence of citizens and investors in the financial markets and the proper functioning of these markets are of primary importance for a return to economic stability.

1.6 COSAC warns against all forms of economic protectionism. COSAC also recalls that openness of world markets and a renewed effort to conclude the Doha round remain key to successfully overcoming the global crisis.

1.7 COSAC supports the new EU rules concerning the management of the EU funds and encourages the Commission and the European Parliament to further analyze and adapt these

rules in order to improve the managing of the funds, thus helping to speed up the allocation process.

1.8 COSAC reiterates in this context that the economic slowdown must not lead the European Union to lower its ambitions in terms of sustainable development and the climate strategy as adopted by the European Council.

2. The Role of the EU Parliaments in the Promotion of Human Rights and Democracy in the World

2.1 COSAC notes that protection of human rights and promotion of democracy in the world are among the most important issues for the EU parliaments. The 20th anniversary of the fall of the Iron Curtain, and liberation from communism, highlights the significance of democratic countries insisting on respect for human rights. COSAC thanks the former Czech President Václav Havel for his valuable contribution to the promotion of human rights and democracy in the world.

2.2 COSAC shares the European Parliament's view expressed in its recent resolution on European conscience and totalitarianism that the documentation of Europe's troubled past must be supported, as reconciliation would be difficult without disclosure and assessment of the crimes committed by the totalitarian regimes. COSAC notes the European Parliament's appeal for the establishment of a Platform of European Memory and Conscience that would connect present national activities related to examination and remembrance of totalitarian regimes.

2.3 COSAC reiterates that human trafficking comprises serious violations of fundamental Human Rights and human dignity which can only be tackled properly through a joint effort of EU Member States.

2.4 COSAC also reiterates the importance of EU parliaments cooperating with bodies such as the Council of Europe in promoting human rights and democracy in the world. It also stresses that, faced with the opposition by some countries in international institutions, the EU should carry on supporting firmly the universal nature of human rights, as it has been proclaimed by the international community in the Universal Declaration of Human Rights.

2.5 COSAC welcomes the insertion of "human rights and democracy suspension clauses" in treaties the EC agrees with third countries. These clauses are an effective tool allowing for better parliamentary control of human rights and protection of democracy.

2.6 In the light of the present human rights situation in certain third countries, COSAC stresses the importance of further substantial promotion of human rights in the EU's relations with these countries. COSAC regrets the fact that there are countries where human rights protection is recently deteriorating despite the joint effort of the EU Member States and the attention EU pays to the rule of law.

2.7 COSAC notes with satisfaction that the European Union is moving towards a consensus as regards its policies on supporting democracy. In this context it encourages the European Commission to make additional progress with a view to the implementation of the European Instrument for Democracy and Human Rights (EIDHR) which entered into force on 1 January 2007. It urges the creation of synergies with the existing activities of the Council of Europe and making full use of the instruments of the Council of Europe. COSAC supports the accession of the European Union to the European Convention of Human Rights, thus strengthening by all means the European Court of Human Rights.

3. Parliamentary oversight of Europol and evaluation of Eurojust

3.1 COSAC welcomes the will of national parliaments and the European Parliament to scrutinise Europol's and to evaluate Eurojust's activities as set out in the discussions at the Paris and Prague meetings and in the 11th Bi-annual Report.

3.2 COSAC recalls that the conclusions of the Speakers' Conference in Paris on 27-28 February 2009 stressed the importance of the role of national Parliaments in the assessment and the monitoring of the construction of a European area of freedom, security and justice. COSAC is aware that the legal basis for joint parliamentary oversight of Europol and Eurojust would be created by the Treaty of Lisbon. COSAC encourages parliaments to continue all necessary preparations so that the national parliaments and the European Parliament are ready for their new role if the Treaty comes into force.

3.3 COSAC considers the mechanisms for parliamentary oversight to be crucial as the powers of both Europol and Eurojust are increasing and thus the constantly reiterated need for a proper democratic check over these bodies. Such oversight can only be carried out by national parliaments and the European Parliament together as they possess a mandate from Europe's citizens.

3.4 COSAC discussed oversight mechanisms and as a result has identified different possible approaches. COSAC has agreed to use the existing interparliamentary forms of cooperation for this purpose.

3.5 COSAC reiterates the request of the XL COSAC in Paris, that the European Commission should seek the views of the national parliaments and the European Parliament via a consultation document before finalising proposals for dealing with the parliamentary oversight of Europol and Eurojust. Furthermore, after the Commission issues these proposals, the Council and the European Parliament are requested to enter into dialogue with national parliaments giving them reasonable time to express their views, in the course of which they may in turn consult each other. Any legislative proposals must be guided by the principle that Europol's and Eurojust's operational activities are independent of political interference.

4. Eastern Dimension of the European Neighbourhood Policy

4.1 COSAC reiterates its long term support for strengthening the European Neighbourhood Policy. It welcomed the recent boost to the Policy's southern dimension by establishing the Union for the Mediterranean.

4.2 COSAC also stresses the importance of well established relations with its eastern neighbours. COSAC considers the Eastern Partnership to be a useful tool for maintaining and fostering relations with the third countries involved and therefore supports the initiative and is keen to encourage its further development.

4.3 COSAC welcomes the results of the Eastern Partnership founding Summit held in Prague on 7 May 2009 as expressed in the Joint Declaration. COSAC especially welcomes the establishment of the Partnership on commitments to democracy, rule of law and the respect for human rights and the focus on enhanced multilateral cooperation that should not only foster the relations of the EU and Eastern Partners, but also strengthen the relations between Eastern Partnership countries themselves.

4.4 COSAC notes with satisfaction that the Joint Declaration stipulates that European Union financial support will be provided serving the goals of the Eastern Partnership and taking into consideration progress made by individual Eastern Partners.

4.5 COSAC encourages the next Council Presidencies to continue developing good, effective and conditional relations with the partner countries through the Eastern Partnership framework. COSAC underlines the importance of stability and security in the Eastern dimension. Peace and security and the rule of law with respect for territorial integrity remain fundamental for strengthening democracy and respect for Human Rights. In this context, increasing parliamentary exchanges and meetings can play a very positive role in ensuring a stable, secure and prosperous neighbourhood.

4.6 COSAC supports the ongoing negotiations with Russia for a new Partnership and Cooperation Agreement. With regard to its previous debates COSAC reaffirms its stance that cooperation in the framework of the new agreement should also concentrate on issues of democracy and human rights.

4.7 COSAC notes that the EU must ensure real and effective complementarities between the Eastern Partnership and other cooperation mechanisms (e.g. Black Sea Synergy).

5. Annual Policy Strategy 2010

5.1 COSAC reiterates its intention to discuss the Annual Policy Strategy of the European Commission on a regular basis. The Annual Policy Strategy represents a welcome initial source of information for effective parliamentary scrutiny. It facilitates the EU parliaments' early involvement in the EU's decision-making process.

5.2 COSAC expects the next Commission to continue the current political dialogue with national parliaments – the so-called Barroso initiative. This initiative has found good resonance in the national parliaments. COSAC hopes that the next Commission will build on the existing submissions from national parliaments and take them into account in the process of further policy formulation.

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CONCLUSIONS OF THE XLI COSAC
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1. Parliamentary oversight of Europol and evaluation of Eurojust

1.1. COSAC asks the next COSAC Presidencies to continue discussions on parliamentary oversight of the activities of Europol and evaluation of the activities of Eurojust. This debate can draw from the debates of the XLI COSAC and the 11th Bi-annual Report.

1.2 To assist in this task, COSAC asks its Secretariat to continue, under the upcoming presidencies, to follow developments and to collect information on parliamentary procedures for the oversight of Europol and Eurojust and on proposals for interparliamentary cooperation in this field.

2. Evaluation of the subsidiarity check

2.1 COSAC welcomes the results of the latest COSAC-coordinated subsidiarity check on the Proposal for a Directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation (COM(2008) 818 final). The subsidiarity check was conducted by 27 parliaments or parliamentary chambers from 20 Member States within the period of eight weeks provided for by Protocol 2 to the Treaty of Lisbon. The outcome of this check indicates that the scrutiny of proposals during a parliamentary recess poses a considerable problem for parliaments. COSAC therefore welcomes the Commission's declarations that, if the Lisbon Treaty is ratified, the 8-week subsidiarity check period will be suspended for the month of August when many EU parliaments are in recess.

2.2 The overwhelming majority of parliaments, 25 out of 27, found no violation of the principle of subsidiarity. However, in half the cases parliaments were not satisfied with the Commission's justification of the Proposal with regard to its compliance with the principle of subsidiarity. COSAC emphasises the need to ensure that adequate analysis of subsidiarity issues is given to all proposals. This is key to ascertaining that the yellow and orange card systems work effectively.

2.3 The results of the check clearly indicate that an increased number of parliaments chose to evaluate the Proposal on grounds beyond those provided for under Protocol 2. These parliaments used the informal framework of the Commission's political dialogue with national parliaments and voiced their opinion on the Proposal's compliance with the principle of proportionality, on its legal basis and its substantive provisions. COSAC calls upon future presidencies to consider continuation of the discussion on subsidiarity and proportionality, aiming at a better understanding of the two principles on the one hand, and the procedures to be followed between national parliaments and the European institutions on the other.

2.4 At the COSAC Chairpersons' Meetings in Paris on 7 July 2008 and in Prague on 10 February 2009 decisions were taken to conduct subsidiarity checks (i) on the Proposal for a Regulation of the European Parliament and of the Council on the applicable law, jurisdiction, recognition of decisions and administrative measures in the area of successions and wills (2008/JLS/122), and (ii) on the Proposal for a Framework Decision on criminal rights in criminal proceedings (2009/JLS/047). Although the date of approval of the first proposal has not yet been fixed, these subsidiarity checks will begin when the proposals have been adopted by the Commission.

3. Bi-annual Report

3.1 COSAC welcomes the 11th Bi-annual Report prepared by the COSAC Secretariat as an important source of information for national parliaments and the European Parliament. COSAC takes note, *inter alia*, of the Chapter 4 of the Report which concludes that COSAC Bi-annual Reports have become well-established documents, and are considered by national parliaments to be of great value. Thanks to their insight into the procedures and practices of the EU parliaments, the Reports are appreciated as they provide up to date and comparative information, facilitating the exchange of best practice on scrutiny of EU legislation and policy.

3.2 COSAC notes that presently 33 representatives of national parliaments or chambers from 24 Member States are permanently based in Brussels. These representatives perform diverse functions including reporting back to their parliaments on political developments in Brussels and other national parliaments, exchange of information related to parliamentary scrutiny of EU issues and proposals, interparliamentary cooperation and facilitating contact between members of national parliaments and the European Parliament and with those working in the other Institutions. Many of these functions will become more important if the Treaty of Lisbon is ratified

4. Co-financing of the Permanent Member of the COSAC Secretariat and the Costs of Running the Office and Website of COSAC

4.1 All national parliaments agreed to participate in the co-financing of the permanent member of the COSAC Secretariat and the costs of running the office and website of COSAC for different periods of time. The commitments of 19 parliaments or parliamentary chambers will expire at the end of 2009. The COSAC Chairpersons' Meeting on 10 February 2009 in Prague decided to start a discussion on the continuation or revision of the co-financing scheme.

4.2 COSAC asks the incoming Swedish Presidency to continue the work with a view to finding agreement during the second half of 2009.