

**Conference of Community and European Affairs Committees of
Parliaments of the European Union (COSAC)
CONCLUSIONS OF THE XLI COSAC
Prague, 10-12 May 2009**

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.