



Paris, 4 November 2008

CONCLUSIONS OF THE XL COSAC

1. Association of national parliaments to the scrutiny of Europol's activities and the evaluation of Eurojust's activities

1.1. COSAC underlines the great importance of developing police and judicial cooperation in the European Union. It recalls the role of national parliaments in scrutinizing police activities as well as in evaluating judicial activities in the Member States. It affirms the necessity to submit cooperation in these fields for scrutiny by the European Parliament, in association with national parliaments.

1.2. Following the debate it had on November the 4th, COSAC hopes that proposals dealing with the form this association could take will be debated during its next meetings.

1.3 COSAC wishes that the European Commission sends out a consultation document before finalising the proposal for regulations concerning the activities of Eurojust and Europol and involving national parliaments.

2. Evaluation of the subsidiarity check

2.1. COSAC welcomes the results of the last subsidiarity check on the proposal for a directive on implementing the principle of equal treatment between persons irrespective of religion, or belief, disability, age or sexual orientation. The check was carried out by 17 parliaments or chambers of the European Union within the period of eight weeks. Besides, 15 other parliaments or chambers of 13 Member States did participate in the subsidiarity check but were not able to conclude it within the timeframe.

A great majority of chambers which carried out the check came to the conclusion that the proposal was not contrary to the principle of subsidiarity. Nevertheless, a significant number of them judged that the Commission had not justified its proposal enough as regards to the principles of subsidiarity and proportionality.

2.2. COSAC takes note of the difficulties expressed by most national parliaments respecting the timetable, as the period of eight weeks was during the summer recess. It believes that it is necessary to consider the possibility of adapting the timeframe in such cases.

3. Results of the working group on the cooperation between national parliaments on subsidiarity and proportionality

3.1. Following the decisions taken by the XXXIX COSAC that took place on 7-8 May 2008 in Brdo pri Kranju under the Slovenian Presidency, COSAC takes note of the synthesis of the discussions of the working group of the national parliaments' representatives to the EU giving ideas for a better cooperation on the application of Protocol 2 of the Treaty of Lisbon on the principles of subsidiarity and proportionality and thanks the COSAC Secretariat for its report which gave the basis for its discussions.

3.2. COSAC thanks the services of the European Commission and of the European Parliament for their cooperation with the working group and for their commitment to a good application of Protocol 2 of the Treaty of Lisbon. It notes, in particular, the European Commission approach in a constructive and qualitative manner and its willingness to take any reasoned opinion of a national parliament as an input to the political dialogue between National Parliaments and the European Commission.

3.3. COSAC welcomes the informal indication from the Commission to discount the 4 weeks of August from their calculation of the deadline for receipt of reasoned opinions. COSAC hopes that the Commission will formalise this arrangement in due course and urges the Council and European Parliament to take a similar approach.

3.4 COSAC welcomes that parliaments or chambers that have possible concerns of subsidiarity on a proposal exchange information on how to proceed as soon as possible.

3.5. COSAC considers IPEX to be the most appropriate platform to transmit at an early stage information on subsidiarity and the official decisions of national parliaments on this matter. It also encourages informal exchange of information on subsidiarity, e.g. through national parliaments' representatives to the EU.

3.6. COSAC encourages national parliaments to make good and effective use of the network of their staff based in Brussels. COSAC considers that this existing network is the most efficient way to exchange regular, early and informal information on the results of national parliaments' scrutiny activities. COSAC invites the European Parliament to consider how it might wish to work with this network

3.7. COSAC welcomes the fact that national parliaments consider the pilot exercises necessary in advance of the implementation of the Treaty of Lisbon and is therefore determined to continue these exercises. It considers that the COSAC meetings are the appropriate body for political exchanges on subsidiarity.

3.8 COSAC considers that the COSAC secretariat should inform national parliaments when the threshold for a "yellow" or "orange card" has been reached.

4. Bi-annual report

4.1. COSAC welcomes the tenth bi-annual report prepared by the COSAC secretariat, which is an important source of information on the way national parliaments and the European Parliament exercise their responsibilities and on the development of interparliamentary cooperation.