

**Conference of Community and European Affairs Committees of  
Parliaments of the European Union (COSAC)  
CONCLUSIONS OF THE XLII COSAC  
Stockholm, 4–6 October 2009**

**1. The Treaty of Lisbon and the role of national parliaments**

1.1 Reiterating its support for the Treaty of Lisbon, COSAC welcomes the clear and positive result of the Irish referendum on 2 October 2009, which opens up for a rapid conclusion of the ratification process.

1.2 In light of the prospects for an early entry into force of the Treaty of Lisbon, COSAC sees no need at this point to decide on further pilot exercises concerning subsidiarity checks. COSAC calls on the incoming Spanish Presidency to reflect on possible forms of future parliamentary cooperation in this regard. COSAC recalls in this context the conclusions of the XL COSAC in Paris on the cooperation between national parliaments on the scrutiny of the application of the principles of subsidiarity and proportionality. It notes the need to consolidate well-functioning procedures with the European Union Institutions.

Referring to the conclusions of the XLI COSAC in Prague on the parliamentary oversight of Europol and evaluation of Eurojust, COSAC welcomes the upcoming Joint Parliamentary Meeting co-organised by the European Parliament and the Swedish *Riksdag*. COSAC further calls on the incoming Spanish Presidency to give priority to continuing the discussion on this matter.

**2. Evaluation of the subsidiarity check**

2.1 COSAC welcomes the result of the coordinated subsidiarity check on the Proposal for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings (COM (2009) 338). Within the agreed 8-week deadline the check was carried out by 21 parliaments and parliamentary chambers from 17 Member States. A number of parliaments concluded the check after the deadline. Two parliaments and one parliamentary chamber found the Proposal to be in breach of the principle of subsidiarity.

COSAC underscores that the parliamentary recess was the main difficulty for a number of parliaments in completing the subsidiarity check on time. Therefore COSAC reiterates its conclusions from Paris and Prague and welcomes the informal commitment from the European Commission to deduct the 4 weeks of the month of August from the calculation of the deadline for receipt of reasoned opinions.

2.2 COSAC notes that parliaments found that a drawback of the Proposal was its justification on the grounds of compliance with the principle of subsidiarity. The justification was considered too general, lacking quantitative or qualitative indicators to substantiate the need for the Proposal. Some parliaments were not convinced about the added value of the Proposal in relation to the provisions of the European Convention on Human Rights and the case law based on it.

2.3 The COSAC Chairpersons decided at their meeting in Paris on 7 July 2008 that a subsidiarity check should be conducted 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 succession and wills. This check will begin when the

proposal has been adopted by the Commission; the adoption is scheduled for 14 October 2009.

2.4 COSAC notes with satisfaction that the coordinated subsidiarity checks have generally proved to be useful as a complement to the parliamentary scrutiny undertaken by each parliament. The coordinated checks have also been helpful in preparing parliaments for participation in the subsidiarity checks to be conducted under the provisions of the new Treaty.

### **3. Bi-annual report**

3.1 COSAC welcomes the Twelfth Bi-annual Report prepared by the COSAC Secretariat. It is an important source of information on the level of openness and transparency of the procedures applied by parliaments in the European Union matters and on the workings of parliamentary scrutiny when it comes to a major policy action plan such as the Stockholm Programme.

### **4. Appointment of the Permanent Member of the COSAC Secretariat**

4.1 At the meeting of the COSAC Chairpersons in Stockholm on 6 July 2009, it was agreed that a decision on the appointment of the permanent member of the COSAC Secretariat for the period until 31 December 2011 should be taken in Stockholm on 5 October 2009.

4.2 COSAC welcomes the decision of the Chairpersons on 5 October 2009 to re-appoint Ms Loreta Raulinaitytė as the permanent member of the COSAC Secretariat for the second term. Ms Raulinaitytė has won appreciation as a competent and efficient member of the COSAC Secretariat. COSAC thanks her for her readiness to continue her work in the secretariat and the *Seimas* of the Republic of Lithuania for renewing its commitment to facilitating and funding her secondment to the post.

4.3 In this context, COSAC recalls the decision at the meeting of the COSAC Chairpersons on 6 July 2009 that the present scheme on co-financing of the post of the permanent member of the COSAC Secretariat and the costs of running COSAC's office and website should be continued until 31 December 2011. The Chairpersons further agreed that all national parliaments should be invited to send a letter of intent to the COSAC Presidency indicating their willingness to continue their participation in the scheme until that date. COSAC welcomes that letters of intent from 17 national parliaments have already been submitted and calls upon the remaining national parliaments to send their letters of intent before the end of 2009.

4.4 Moreover, COSAC expresses its gratitude to the European Parliament for continuing to provide the COSAC Secretariat with suitable office facilities at its premises in Brussels.

### **5. Subjects to be dealt with in 2010**

5.1 COSAC takes note of the proposals put forward at XLII COSAC on issues to be dealt with in 2010 and calls on the incoming Spanish and Belgian Presidencies to take these proposals into due account.