

Minutes of the COSAC Chairpersons Meeting Ljubljana, 18 February 2008

Agenda:

- 1. Opening session and adoption of the Agenda**
- 2. COSAC procedural matters**
- 3. Evaluation of the subsidiarity check**
- 4. Cooperation between the European Commission and the national parliaments**
- 5. Intergenerational solidarity**

18 February 2008

Proceedings of the sitting

IN THE CHAIR: Mr. Anton Kokalj, Državni zbor Republike Slovenije
Mr. Vincenc Otoničar, Državni svet Republike Slovenije

1. Opening session and adoption of the Agenda

The Chairmen welcomed the delegates and presented the draft agenda. The agenda as set out above was adopted by the chairpersons.

2. COSAC Procedural matters

a) Draft Agenda for the XXXIX. COSAC

The Chairman presented the Draft Agenda for the XXXIX COSAC Meeting, due to take place on 7 and 8 May in Bled - Brdo pri Kranju. The draft Agenda, as annexed to these minutes, was noted.

b) Structure of the 9th Biannual Report

The Chairman presented the outline of the 9th Biannual Report that will be prepared by the COSAC Secretariat. There will be five chapters - Chapter 1: Involvement of the national parliaments in the ratification process of the Treaty of Lisbon; Chapter 2: The Treaty of Lisbon - implementation and its consequences for the national parliaments of the EU; Chapter 3: The Lisbon Strategy; Chapter 4: Enlargement of the Schengen area; and Chapter 5: Involvement of the parliaments of the European Union in negotiations on accessions to the EU.

c) Selection of two legislative proposals for subsidiarity checks

The Chairman recalled that, following the decisions taken at the COSAC meetings in Berlin and Estoril to conduct at least two collective subsidiarity checks in 2008, the national parliaments had been asked to suggest two proposals from the Commission's Work and

Legislative Programme for 2008. The Secretariat had compiled a list of the proposals suggested.

The two proposals that had been suggested most frequently were both to be adopted by the Commission in November. It would therefore not be possible to complete the subsidiarity check on both of these proposals during 2008, as required by the decisions taken in Berlin and Estoril. As a result, the Troika proposed not to select the two most frequently suggested proposals but to choose (i) the proposal that was suggested the most times; and (ii) the first proposal on the list that was expected to be adopted in the first six months of 2008. This approach was agreed to and the following two proposals were chosen by the chairpersons for the check:

- 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), due to be adopted in November 2008; and
- Proposal for a Directive implementing the principle of equal treatment outside employment (2008/EMPL/017), due to be adopted in June 2008.

d) Appointment of the permanent member of the COSAC Secretariat

Following a Troika proposal, the chairpersons appointed Ms Loreta Raulinaityte, permanent representative of the Lithuanian Seimas to the EU since 2006, to the post of the permanent member of the COSAC Secretariat for a period of two years from 18 February 2008.

The Chairman thanked Ms Sarita Kaukaoja for the work done during her two years as the permanent member of the COSAC Secretariat and welcomed Ms Loreta Raulinaityte as the new permanent member.

The Chairman noted that the Estonian and Italian parliaments had indicated their willingness to participate in the co-financing of the permanent member. This raised the number of parliaments participating in the co-financing to 25.

3. Evaluation of the subsidiarity check

The Chairman gave a short overview of the results of the subsidiarity and proportionality check on the Proposal for a Council Framework Decision amending Framework Decision 2002/475/JHA on combating terrorism. In total 24 parliamentary chambers from 19 member states had taken part in the check. A great majority of them had not found a breach of the principle of subsidiarity. However the UK House of Commons had found a breach.

Furthermore, five parliamentary chambers had found the Commission's justifications regarding the subsidiarity principle to be at least partly inadequate. These were the Austrian Federal Council, the Belgian Senate, the Irish *Oireachtas*, both Houses of the States General of the Netherlands and the German Bundestag.

In the debate a significant number of the chairpersons noted that the Proposal overlapped with a pre-existing Council of Europe Convention.

Several chairpersons stressed the importance of giving a positive assessment of subsidiarity and proportionality where one was warranted. This, it was felt, was preferable to viewing the subsidiarity check merely as mechanism to block proposals.

The role of the national parliaments envisaged in the Treaty of Lisbon and the two week extension of the timeframe for national parliament reactions to Commission proposals were welcomed. In respect of the longer timeframe, the greater number of on-time responses to this subsidiarity check was noted with approval. It was stressed that a more precise definition of the principle of subsidiarity was needed so that the national parliaments could work according to a common understanding.

It was announced that the European Parliament is to organise a Joint Committee Meeting between the Committee of the European Parliament on Civil Liberties, Justice and Home Affairs and corresponding committees from the national parliaments. This meeting will discuss the subsidiarity and proportionality issues raised by the Proposal. The meeting will take place in European Parliament on Monday, 7 April with the participation of representatives of the Council of the European Union, the European Commission, Europol, Eurojust and Mr. Gilles de Kerchove, the EU's anti-terrorism Coordinator.

A number of chairpersons stressed the importance of the creation of an informal network of officials from the national parliaments. It was envisaged that officials would provide each other with information on the activities of the national parliaments related to the control of the principle of subsidiarity. The Chairman noted that this would also be discussed in one of the chapters of the 9th Biannual Report.

4. Cooperation between the European Commission and the national parliaments

The Vice-President of the European Commission, Mr Franco Frattini, gave a speech on the cooperation between the European Commission and the national parliaments.

Several points, on three main topics, were made by the chairpersons in the debate on the Vice-President's address.

The efforts made since 2005-2006 by the European Commission to develop and deepen the dialogue with the national parliaments were appreciated. In this regard, the Barroso Initiative was considered to have been a success, even if some chairpersons were critical of it.

Attention was drawn to the view held by some chairpersons that the role of the national parliament was to exercise control over its government rather than to exchange views directly with the European Commission.

Some considered that direct transmission of the Commission's documents made an efficient overview impossible as there were simply too many of them. In response, Vice-President Frattini noted that each national system had different priorities which would influence the extent to which they could consider the documents sent by the Commission ; however the Commission would welcome any comment and the number of responses received gave the Commission an indication of the relative importance of each dossier for the national parliaments.

Others urged consideration of how interparliamentary cooperation would be structured in the future. The decision between reinforcing the existing dialogue and pursuing an increased influence on the EU decision-making process was discussed.

The new role of the national parliaments relating to subsidiarity in the Treaty of Lisbon should not only be a control-mechanism but also a concrete foundation on which to build

direct involvement in the EU- legislative process. In this way the parliamentary dimension of the European Union would be completed. A further way to deepen the cooperation between the European Parliament and the national parliaments would be to hold a joint debate with the Commission and the Council on the Commission's Annual Policy Strategy. Vice-President Frattini welcomed this but insisted on the importance of setting out clearly which issues should be worked on.

It was recalled that organising the participation of the national parliaments in the EU activities is only possible if there is recognition of the importance of citizens at the heart of the system. Citizens were the basis of all legitimacy. Members of parliaments were in charge of informing citizens and only those who knew European Union could make it well known. The publication on the internet of the results of subsidiarity checks was also emphasised as a crucial way of informing the public about what the national parliaments do. The European Commission was also urged to improve its communication of the main issues it works on.

5. Intergenerational Solidarity

Mrs Marjeta Cotman, Slovenian Minister of Labour, Family and Social Affairs, gave a presentation on intergenerational solidarity. Her presentation highlighted the challenges for the European Union and outlined possible approaches to bridging the generation gap.

She referred to the activities at EU level during the German, Portuguese and Slovenian EU Presidencies as well as to the approach of the European Commission.

On the approach of the Commission the Minister put special emphasis on reconciling family and work life through "flexicurity" which she described as a key element of any future policy in this field.

On demographic development, which was characterised in the European Union by increasing life expectancy and decreasing birth rates, the Minister noted that there was the danger of a clash of generations. New forms of solidarity between the generations must therefore be found.

The Minister described the strategy of the Slovenian government and gave as an example regional "intergenerational centres".

Mrs Cotman concluded her presentation by stressing the need for the European Union and its Member States to take measures designed (i) to combine work and family life more effectively; (ii) to prolong professional life by raising the pension age; and (iii) to improve the care of elderly people. She stressed that actions at all levels of government, from European to local, were needed to improve intergenerational solidarity.

In the discussion which followed much support was given to the idea of reconciling work and family life. Several speakers made proposals for measures which they considered needed to be taken. These ranged from reform of the social security and health systems, through measures on quality of work, prolongation of the professional life and later retirement schemes, to improving public finances. Some speakers called for an inclusion of this issue into the Lisbon Strategy. Other speakers stressed that the problem of a lack of intergenerational solidarity was different in various Member States and that the European Union was best suited to promoting the exchange of best practise rather than trying to tackle the problem through legislation. It was argued that the European Union should show its active involvement in this field without trying to "harmonise" social security systems. Emphasis was also placed on the need for steady economic growth in the European Union by providing the necessary budgetary means.

Mr Eero Akaan-Pentilla (Eduskunta/Finland) asked what concrete steps could be undertaken to face up to the challenge of demographic change, especially with regard to the future of social security systems. He invited the Minister to give some examples from the Slovenian experience.

Reacting to the issues raised during the discussion the Minister referred to a set of actions which must be undertaken simultaneously. These were, amongst others, measures on education, to increase birth rates, on flexicurity, to increasing female participation in the job market, and to improve childcare and housing policy. The Minister concluded by outlining measures which had been introduced in Slovenia. These included stimulating the employment of people aged under 26 and above 55 through subsidising social security payment and the step-by-step raising of the retirement age.