

**MINUTES OF THE MEETING OF THE PRESIDENTIAL TROIKA OF COSAC
Stockholm, 4 October 2009**

PRESENT AT THE MEETING:

IN THE CHAIR: Ms Anna KINBERG BATRA (*Riksdag*, Sweden);

Ms Susanne EBERSTEIN (*Riksdag*, Sweden), Mr Luděk SEFZIG (*Senát*, Czech Republic), Ms Soňa MARKOVÁ (*Poslanecká sněmovna*, Czech Republic), Mr Miguel ARIAS CAÑETE (*Cortes Generales*, Spain), Mr Alex SAEZ JUBERO (*Cortes Generales*, Spain), Mr Edward McMILLAN-SCOTT (European Parliament), Mr Carlo CASINI (European Parliament), Mr Juan Fernando LÓPEZ AGUILAR (European Parliament).

AGENDA:

1. Opening of the proceedings and adoption of the agenda of the Troika Meeting
2. Adoption of the draft agenda of the XLII COSAC Meeting
3. 12th Bi-annual Report
4. Report on the results of the subsidiarity check and next subsidiarity check
5. Nomination of the Permanent Member of the COSAC Secretariat and the state of play in the co-financing issue
6. Draft Contribution and Conclusions of the XLII COSAC Meeting
7. AOB

PROCEEDINGS:

1. Opening of the proceedings and adoption of the agenda of the Troika Meeting

The meeting was chaired by Ms Anna KINBERG BATRA, Chair of the Committee on European Union Affairs of the Swedish *Riksdag*, who welcomed the delegations and presented the agenda of the meeting of the Presidential Troika of COSAC (henceforth "the Troika").

The agenda was unanimously adopted as set out above.

2. Adoption of the draft agenda of the XLII COSAC Meeting

Ms Anna KINBERG BATRA outlined the draft agenda of the meeting of the XLII COSAC. She explained some final adjustments to the draft agenda due to recent developments. Regarding the results of the Irish referendum on the Treaty of Lisbon on 2 October 2009, the Presidency proposed during the opening session of the XLII COSAC to give the floor to Mr Bernard DURKAN, Chair of the Joint Committee on European Affairs of the Irish *Houses of the Oireachtas*, and to the colleagues from the Czech Republic for the latest updates on their ratification procedures.

Ms Anna KINBERG BATRA added that the intention of the Presidency was to hear brief information during the opening session and to have a more detailed discussion on the issue later on in the presence of the Prime Minister of Sweden Mr Fredrik REINFELDT.

In addition, due to Iceland's application for EU membership, the Presidency suggested giving the floor to Mr Árni Thor SIGURDSSON, the Chair of the Committee on Foreign Affairs of the Icelandic *Alþingi*, to briefly inform COSAC about recent developments in this area.

The draft agenda was approved by consensus.

3. 12th Bi-annual Report

Ms Anna KINBERG BATRA introduced the 12th Bi-annual Report and thanked the COSAC Secretariat for drafting it and the national parliaments and the European Parliament for their contributions. Ms Anna KINBERG BATRA informed the Troika that the Presidency believed that the Report could be useful as a background document for discussions at the XLII COSAC Meeting and that the results of the 12th Bi-annual Report were reflected in the draft Contribution and Conclusions of the XLII COSAC.

The Troika endorsed the 12th Bi-annual Report of COSAC.

4. Report on the results of the subsidiarity check and next subsidiarity check

Ms Anna KINBERG BATRA suggested dividing the topic into two questions which should be discussed separately.

First - the current subsidiarity check on the *Proposal for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings* (COM (2009) 338). Ms Anna KINBERG BATRA presented the Report on the results of the subsidiarity check which was drafted by the COSAC Secretariat and published before the XLII COSAC Meeting.

For the COSAC plenary debate on the current subsidiarity check, the COSAC Secretariat was asked to draft a list of parliaments which had completed the subsidiarity check by the 8-week deadline, *i.e.* by 14 September 2009, and parliaments which had completed the check as of the day of the XLII COSAC meeting. The COSAC Secretariat was also asked to draft an addendum to the Report which would include key information on the subsidiarity checks carried out within an additional 4 weeks, *i.e.* by 12 October 2009 (not including the 4 weeks of August).

Second - future subsidiarity checks. The Swedish Presidency noted that the next check would be carried out as decided earlier at the XXXIX COSAC and confirmed by the XL COSAC and XLI COSAC (*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*). The adoption by the Commission had been postponed several times and was now expected on 14 October 2009.

Given the uncertainty about the final ratification of the Treaty of Lisbon, Ms KINBERG BATRA suggested making a proposal to the XLII COSAC Meeting that the debate on the future COSAC-coordinated subsidiarity checks should not be concluded in Stockholm but left open for the incoming Spanish Presidency. Mr Miguel ARIAS CAÑETE welcomed this

suggestion and expressed his hope that the Treaty of Lisbon would come into force by that time.

The proposal of the Presidency was accepted.

5. Nomination of the Permanent Member of the COSAC Secretariat and the state of play in the co-financing issue

Ms Anna KINBERG BATRA informed the Troika that there was only one candidate, Ms Loreta RAULINAITYTĖ, the current Permanent Member of the COSAC Secretariat, whose candidacy had been submitted by the *Seimas* of the Republic of Lithuania.

Troika approved the candidacy of Ms Loreta RAULINAITYTĖ for reappointment for the second term until 31 December 2011.

As to the co-financing of the Permanent Member of the COSAC Secretariat and the costs of running the office and website of COSAC, Ms Anna KINBERG BATRA informed COSAC that the Presidency had already received 18 letters of intent (binding 16 national parliaments), which meant that the minimum threshold for the co-financing scheme had been met and that the following day she would invite the remaining parliaments to send their letters of intent by the end of 2009.

6. Draft Contribution and Conclusions of the XLII COSAC Meeting

Ms Anna KINBERG BATRA introduced the draft of the Contribution and Conclusions of the XLII COSAC. The first draft had been sent to national parliaments and to the European Parliament in advance of the XLII COSAC Meeting. Ms Anna KINBERG BATRA expressed her thanks for the amendments and comments which had been submitted and which the Presidency had taken into consideration while preparing the second draft of the Contribution and Conclusions of the XLII COSAC.

Mr Edward McMILLAN-SCOTT underlined the absolute democratic legitimacy of the approval of the Treaty of Lisbon by all national parliaments, pending formal approval by the Irish *Houses of the Oireachtas*.

The Presidency announced that it would supplement the draft with a few paragraphs on the outcome of the 2 October 2009 referendum in Ireland and the appointment of the Permanent Member of the COSAC Secretariat.

The Troika approved the draft Contribution and Conclusions of the XLII COSAC by consensus.

7. AOB

Ms Anna KINBERG BATRA informed the Members of the Presidential Troika that Her Royal Highness the Crown Princess Victoria of Sweden would participate in the XLII COSAC meeting the following day.