

MINUTES OF THE MEETING OF THE PRESIDENTIAL TROIKA OF COSAC

The Hague, the Netherlands, 7 February 2016

PRESENT AT THE MEETING

CO-CHAIRS: Mr Tuur ELZINGA, Chair of the Committee for European Affairs, Dutch *Eerste Kamer*, Mr Malik AZMANI, Chair of Committee for European Affairs, Dutch *Tweede Kamer*.

Mr Marc ANGEL, Chair of the Committee on Foreign and European Affairs, Defence, Cooperation and Immigration, Luxembourg *Chambre des Députés*, Mr Andrej KOLESIK, Vice-Chair of the Committee on European Affairs, Slovak *Národná rada*; and Mr Ramón Luis VALCÁRCEL SISO, Vice-President, Ms Danuta HÜBNER, Chair of the Committee on Constitutional Affairs, European Parliament.

AGENDA

- 1. Adoption of the agenda of the meeting of the Presidential Troika of COSAC**
- 2. Approval of the draft programme of the meeting of the Chairpersons of COSAC**
- 3. Debate on the draft programme of the LV COSAC**
- 4. Approval of the outline of the 25th Bi-annual Report of COSAC**
- 5. Letters received by the Presidency**
- 6. Any other business**

PROCEEDINGS

1. Adoption of the agenda of the meeting of the Presidential Troika of COSAC

Mr Tuur ELZINGA welcomed, also on behalf of Mr Malik AZMANI, the delegations of the Presidential Troika of COSAC (hereinafter referred to as "the Troika"), especially the Slovak delegation participating for the first time in a Troika meeting.

In the absence of any objection, the agenda of the meeting of the Troika was adopted without amendment.

2. Approval of the draft programme of the meeting of the Chairpersons of COSAC

Mr ELZINGA informed the Troika members about the use during the meeting of the Chairpersons of COSAC of innovative tools, i.e. of an application, where all necessary documents were to be found, underlining that innovation was one of the objectives of the parliamentary meetings held under the Dutch Presidency of the Council of the EU.

He then outlined the two sessions that would take place the following day. The first one would tackle the organisation and cooperation of parliamentary scrutiny on the basis of a case study focusing on EUROPOL and would be moderated by Mr Tom DE BRUIJN, former Ambassador of the Netherlands to the EU from 2003 to 2011. Two members of national Parliaments, Ms Danielle AUROI, French *Assemblée nationale*, and Mr Veli YÜKSEL, Belgian *Chambre des représentants*,

had been invited to contribute as panel members. The second one would focus on the European priorities for 2016 and beyond. Two speakers had been invited; Ms Kristalina GEORGIEVA, Vice-President of the European Commission for Budget and Human Resources, would address the Commission Work Programme for 2016 and Mr Bert KOENDERS, Minister of Foreign Affairs of the Netherlands, would address the priorities of the Dutch Presidency for 2016.

The draft programme of the meeting of the Chairpersons of COSAC was approved without amendment.

3. Debate on the draft programme of the LV COSAC

Mr ELZINGA informed the Troika members that an invitation had already been extended to Mr Mark RUTTE, Prime Minister of the Netherlands, who would give an overview of the work accomplished by the Dutch Presidency. He then presented the draft programme of the LV COSAC which included the following sessions: 1. Parliamentary scrutiny: an exchange of best practices followed by a session on the state of play in relation to the instruments at the disposal of national Parliaments ("yellow" and "green" cards); 2. The role of Parliaments in protecting the rule of law within the EU; 3. Exchange of best practices and experiences in parliamentary diplomacy; 4. European Court of Auditors; 5. Migration. He underlined the intention of the Presidency to make good use of the findings of the Bi-annual Report of COSAC during the plenary meeting.

On the first topic, the debate was intended to focus on practical constraints, possibilities and tools for effective scrutiny and for cooperation among national Parliaments and between national Parliaments and the European Parliament. On the second topic, the debate would concentrate on the role, methods, procedures and focus of national Parliaments and the European Parliament in dealing with the rule of law domestically, in other EU Member States, candidate countries, the EU at large and third countries. Addressing specific rule of law or human rights issues in specific countries was not intended. An expert panel with representatives from, for example, the Venice Commission, the FRA, a national Parliament and the European Parliament was envisaged. On the third topic, a panel of members with experience, such as from the OSCE Parliamentary Assembly, the European Parliament and a national Parliament was envisaged. On the fourth topic, it was intended to invite representatives of the European Court of Auditors and to discuss the use that national Parliaments and the European Parliament made of the reports of the Court. The fifth topic featured as a priority in the Presidency's agenda and the intention was to incorporate it in several parliamentary meetings during the coming months.

Ms HÜBNER asked whether the topic of energy union would be included in the programme of the LV COSAC meeting and furthermore asked for clarification regarding the two optional sub-sessions under session I on parliamentary scrutiny, an exchange of best practice, specifically on combining parliamentary information for scrutiny and effective cooperation among Parliaments and scrutiny beyond Ministerial meetings. On the session regarding the rule of law, she stressed that in some cases national Parliaments acted together with the governments in violating the rule of law, and for that reason neither the national Parliaments nor the European Parliament should be seen necessarily as being on the good side as far as the respect of the rule of law was concerned. She further added that, in her view, keeping both topics on the European Court of Auditors and Migration would not allow sufficient time for discussion of migration. She mentioned that the European Parliament was very willing to provide speakers for the sessions during the LV COSAC meeting. Finally, she warned about the possibility of having to accommodate a discussion on the "yellow" and "green" cards as the LV COSAC meeting would be preceding the possible UK referendum.

Mr ANGEL mentioned the work and the conclusions of the working group under the Luxembourg Presidency on strengthening the political dialogue by introducing a "green card" and by improving the "yellow card" procedure, requesting information as to whether the Dutch Presidency intended to conclude or wrap up the discussion. He agreed with Ms HÜBNER on the point about allowing enough time for discussing migration.

On energy union, the Chair responded that the topic of energy union would not be included in the programme of the LV COSAC noting that it would be discussed during the interparliamentary meeting of the Chairpersons on Energy, Innovation and Circular Economy under the Dutch Presidency in April 2016. On the sub-sessions of session I, he informed that a final decision on how to organise the session had not been taken yet. On the rule of law, he said that the Presidency could discuss about speakers from the European Parliament, and added that the focus would be on how the national Parliaments and the European Parliament dealt with the topic; the discussion would be open-ended. On migration, he underlined the importance of holding such a discussion also in the context of COSAC and expressed the intention of the Presidency to hear from experts on the topic. On the possible UK referendum, he said that such a discussion was not foreseen, but that the possibility of a side event or a discussion on the programme would be explored, if necessary. On the conclusions of the working group in Luxembourg, he pointed to the Parliaments' limited responses and lack of consensus, proposing the addition of a few relevant questions in the questionnaire for the 25th Bi-annual Report of COSAC. Regarding the "yellow card", the Presidency was in communication with the cabinet of Mr Frans TIMMERMANS, First Vice-President of the European Commission for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights.

4. Approval of the outline of the 25th Bi-annual Report of COSAC

Mr ELZINGA expressed the Presidency's intention to make good use of the 25th Bi-annual Report of COSAC in preparing the LV COSAC meeting pointing out that the topics of the Report were linked to the topics of the meeting. He then briefly presented the outline of the 25th Bi-annual Report. He reported that the first chapter would tackle national scrutiny and interparliamentary cooperation; the second would deal with the rule of law in the EU; finally, the third would deal with parliamentary diplomacy in the framework of the European Neighbourhood Policy. The Chair announced that the questionnaire for the 25th Bi-annual Report would be circulated on 29 February 2016 and that the deadline for receiving replies would be set on 29 March 2016.

The outline of the 25th Bi-annual Report of COSAC was approved without amendment.

5. Letters received by the Presidency

The Chair referred to the following letters:

- Letters from Ms Anniken HUITFELD, Chair of the Standing Committee on Foreign Affairs and Defence of the Norwegian *Storting*, from Dr Kathy RIKLIN, National Councillor/President of the EFTA/EU Delegation of the Swiss *Assemblée fédérale*, as well as from Mr Levan BERDZENISHVILI, Chair of the Committee on European Integration of the Parliament of Georgia, regarding participation at COSAC. After consultation with the Troika, letters of invitation had been sent to these Parliaments.
- A letter from Ms Izabela KLOC, Chair of the EU Affairs Committee, Polish *Sejm*, regarding the participation of a third member in the meeting of the Chairpersons of COSAC. The

Chair underlined that the Presidency had exceptionally authorised the *ad hoc* participation of a third member.

- A letter from Mr Jean BIZET, Chair of the Committee on European Affairs, French *Sénat*, with a request to include a topic on energy union on the programme of the LV COSAC meeting.
- The reply from the European Commission to the Contribution of the LIV COSAC meeting accompanied by a letter from Vice-President Mr Frans TIMMERMANS, for Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights. The Chair said that it would be taken into account when finalising the programme of the LV COSAC meeting.
- A letter from Ms Lolita IG NE, Chair of the European Affairs Committee, Latvian *Saeima*, regarding a statement adopted by the European Affairs Committee of the Latvian *Saeima* on the gas pipeline project Nord Stream II.
- A letter from Mr Gediminas KIRKILAS, Chair of the Committee on European Affairs, Lithuanian *Seimas*, regarding the adoption of a joint statement by the Chairs of the Committees on European Affairs of the national Parliaments of Estonia, Latvia, Lithuania and Poland.

In relation to the Icelandic *Alþingi*, the Chair suggested that, as Iceland was no longer a candidate country, its Parliament should not be automatically invited to upcoming COSAC meetings anymore. In conformity with the Rules of Procedure of COSAC, future Presidencies may invite its members upon the Parliament's request, after consulting the Presidential Troika. He proposed informing the Icelandic delegation about the proposed change. The proposal was accepted by the Troika members.

In addition, Mr ELZINGA mentioned a last minute request from the Parliament of Ukraine regarding participation in the meeting of the Chairpersons of COSAC. After consultation with the Troika, a letter of invitation had been sent. In response to comments by Mr ANGEL and Ms HÜBNER regarding balance in the political representation of these delegations in COSAC, Mr ELZINGA clarified that the Rules of Procedure of COSAC did not regulate the issue in question.

In relation to the letter from Mr BIZET, the Chair reiterated the position of the Presidency that the topic of energy union would not be included in the programme of the LV COSAC. Mr KOLESIK informed the participants that the topic in question would be tackled in COSAC under the Slovak Presidency.

Finally, Mr ELZINGA referred to a letter addressed to Mr Rob WAINRIGHT, Director of EUROPOL, inviting him to participate as observer to the meeting of the Chairpersons of the following day.

6. Any other business

Ms HÜBNER referred to the proposal for a Council decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage, and also to the European Parliament's resolution adopted in November 2015, to be examined in the Council by the end of March 2016. She explained that the proposal required unanimity in the Council and ratification by the Member States, and proposed to have a presentation of the topic either during the LV COSAC meeting in June or later during the Slovak Presidency.

Mr ELZINGA said that Ms HÜBNER would be given the floor the following day to briefly present her proposal to hold such a discussion.