

**MINUTES OF THE COSAC CHAIRPERSONS' MEETING
Prague, 10 February 2009**

AGENDA:

- 1. Opening session and welcome speech** by Mr Přemysl SOBOTKA, President of the *Senát* of the Czech Republic
- 2. COSAC procedural matters**, Mr Luděk SEFZIG, Chairman of the Committee on EU Affairs of the *Senát* of the Czech Republic, and Mr Petr KRILL, Vice-Chairman of the Committee for European Affairs of the *Poslanecká sněmovna* of the Czech Republic
- 3. Principle of subsidiarity - possibilities and limits of judicial control in the EU (with regard to Article 8 of Protocol 2 of the draft Treaty of Lisbon)**, Guest Speaker: Mr Pavel HOLLÄNDER, Vice-Chairman of the Constitutional Court of the Czech Republic
- 4. Priorities of the Czech Presidency of the Council of the EU**, Guest Speaker: Mr Alexandr VONDRA, Deputy Prime Minister for European Affairs of the Czech Republic,
- 5. Eastern Partnership**, Guest Speakers: Mr Alexandr VONDRA, Deputy Prime Minister for European Affairs of the Czech Republic, and Mr Eneko LANDABURU, Director-General of the DG External Relations of the European Commission.

PROCEEDINGS:

IN THE CHAIR: Mr Luděk SEFZIG, Chairman of the Committee on EU Affairs of the *Senát* of the Czech Republic

1. Opening session and welcome speech

The President of the *Senát* of the Czech Republic, Mr Přemysl SOBOTKA, warmly welcomed the participants to the Meeting of the COSAC Chairpersons and to the historical premises of the *Senát* of the Czech Republic. He noted that no Presidency can decide on its agenda entirely on its own. Matters are inherited from previous Presidencies and unforeseen events occur that may require attention. While the preceding French Presidency had been successful in reacting to the financial and economic crisis, and the European Council in December had agreed on a European Recovery Plan, obviously work in this area had to continue under the Czech Presidency. Furthermore, the Gaza conflict and the Russian-Ukrainian conflict over gas supply to the EU last January required substantial attention at the beginning of the Czech Presidency.

Referring to the motto of the Czech Presidency - "Europe Without Barriers" - Mr SOBOTKA said that in addition to the more day-to-day matters there were several general questions that could be reflected upon, such as "What can be solved better by Member States, than by the EU bureaucracy? What constitutes protection of common interests, which measures amount to protectionism, and which might be hopeless social engineering?" COSAC would be dealing, as always, with a variety of topics. Mr SOBOTKA expressed hope that the discussions would serve as mutual inspiration for the participants and for the debate in their respective parliaments.

2. COSAC procedural matters

Mr Petr KRILL, Vice-Chairman of the Committee for European Affairs of the *Poslanecká sněmovna* of the Czech Republic, presented the agenda for the Meeting of the COSAC Chairpersons, as approved by the Troika meeting the previous day. He mentioned that during the preparations the issue was raised to what extent the agenda should be affected by the economic crisis. However, time was limited, and the hosts had neither wanted to postpone the discussion on the Eastern Partnership, nor the presentation of the Czech Presidency - under that point of the agenda it would anyway be natural that some attention was given to the most urgent problems facing the EU. On the Eastern Partnership, the discussion at today's meeting would *inter alia* be a preparation for the forthcoming XLI COSAC Meeting in May. The COSAC Troika had agreed to propose to invite to that meeting the parliaments of the six countries of the Eastern Partnership. Mr KRILL added that in the case of Belarus, participation will depend on the overall development of EU-Belarus relations. Mr KRILL concluded by saying that he was looking forward to the debates of the Chairpersons' meeting, and that he was confident that they would also lay the ground for a good XLI COSAC meeting on 10-12 May 2009.

Following that, Mr Luděk SEFZIG, the Chairman of the Committee on EU Affairs of the *Senát*, presented the proposals, as agreed by the Troika meeting, on the various procedural matters of COSAC. First, however, he welcomed new colleagues, attending for the first time a COSAC meeting in their capacity as Chairmen of their respective Committees: Mr Fritz NEUGEBAUER of the Austrian *Nationalrat*, Mr Česlovas Vytautas STANKEVIČIUS of the Lithuanian *Seimas*, Mr Titus CORLĂTEAN of the Romanian *Senatul* and Lord ROPER of the UK *House of Lords*. Mr SEFZIG also welcomed ambassadors and other diplomats from the six Eastern Partnership countries.

Concerning the draft agenda of the XLI COSAC Meeting, Mr SEFZIG mentioned that the main points would be the presentation of the Czech Presidency of the Council of the EU by the Prime Minister of the Czech Republic Mr Mirek Topolánek, the role of the EU in defending human rights in the world (on the proposal of Mr McMillan-Scott of the European Parliament the title of the agenda point was amended by adding the words “and democracy”), and the Eastern Dimension of the European Neighbourhood Policy. For the latter point, parliamentary delegations from the six countries concerned would be invited to participate, whereas they would be present as observers for the other points on the agenda.

Mr René VAN DER LINDEN, the Chairman of the Committee on European Cooperation Organisations of the Dutch *Eerste Kaamer*, reiterated the proposal of the BENELUX delegations to discuss the topic of national governments' and/or courts of auditors' approval of the implementation of the EU budget at the XLI COSAC Meeting. Mr SEFZIG responded that the COSAC meeting in Paris last November recommended that this issue be discussed after the Lisbon Treaty entered into force, which could not be foreseen until May.

Mr SEFZIG also clarified that the issue of trafficking of human beings, as proposed in a letter from Mr Svend AUKEN, the Chairman of the Committee on European Affairs of the Danish *Folketing*, would be specifically dealt with under the point of the agenda of the XLI COSAC Meeting on the “Role of the EU in Defending Human Rights in the World”.

Mr Mátyás EÖRSI, the Chairman of the Committee on European Affairs of the Hungarian Parliament, proposed that the XLI COSAC Meeting in May should debate the economic

crisis, and the EU response to it. Ms Elsa PAPADEMETRIOU, the Chairwoman of the European Affairs Committee of the Hellenic Parliament, supported this proposal, and added that the ecological crisis was no less important, and should also be discussed. Ms Anna KINBERG BATRA, the Chairwoman of the EU Committee of the Swedish *Riksdag*, said that of course the climate issue would be on the top of the EU agenda and suggested that it could be debated with the Prime Minister Topolánek. Mr SEFZIG agreed, but also stressed that this had been the theme of a meeting of parliamentary Committee Chairpersons, hosted by the Czech *Senát* on 26 January 2009.

After a number of participants had expressed themselves in favour of the debate on the economic crisis, Mr SEFZIG pointed out that this was actually the topic of a Joint Parliamentary Meeting with high-level speakers and a large number of participants which was to be held in February in the European Parliament in Brussels, and it also seemed natural that the matter was discussed with Mr Topolánek at the COSAC meeting in May. Mr EÖRSI of the Hungarian Parliament then suggested, as a compromise, that the debate with Mr Topolánek on this issue be well prepared. Mr SEFZIG agreed that the financial and economic situation should indeed be dealt with under the point of agenda “the Czech Presidency of the Council of the EU” presented by the Prime Minister Mr Mirek Topolánek.

Mr SEFZIG presented the outline of the 11th Bi-annual Report. He explained that in Chapter 3 (Representatives of National parliaments to the EU) the intention was to focus on the tasks of the representatives, while internal matters such as nomination procedures, legal status or entitlements should be left aside.

On the selection of legislative proposals for COSAC-coordinated subsidiarity checks in 2009, Mr SEFZIG reminded the meeting that for the year 2009 it had already been decided to conduct a subsidiarity check 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 successions and wills*, which was due to be published on 24 March 2009. The Troika proposed that in addition to that, a second subsidiarity check in 2009 should be carried out on the *Proposal for a Framework Decision on procedural rights in criminal proceedings*. This was agreed. Mr SEFZIG recalled the informal commitment of the Commission to disregard the four weeks of August in counting the eight weeks deadline for national parliaments to deliver reasoned opinions. The Chairman expressed the wish the Commission would follow this commitment.

As for the co-financing of the permanent member of the COSAC Secretariat and the costs of running the office and the website of COSAC, it was explained that national parliaments had undertaken to participate in the co-financing arrangement for different periods of time. A number of commitments would expire at the end of 2009, as shown in a note prepared by the COSAC Secretariat. Therefore it was necessary to start a discussion on the continuation or revision of the co-financing scheme, with a view to finding an agreement under the Swedish Presidency during the second half of 2009.

3. Principle of subsidiarity - possibilities and limits of judicial control in the EU (with regard to Article 8 of Protocol 2 of the draft Treaty of Lisbon)

Mr Pavel HOLLÄNDER, Vice-Chairman of the Constitutional Court of the Czech Republic, opened his speech by underlining two important issues that limit the judicial control of the principle of subsidiarity. Firstly, the absence of a consensus among national

parliaments on the definition of some basic key concepts, and, secondly, the lack of enumeration of shared and exclusive competences in the Treaties. The Treaty of Lisbon with the introduction of the lists of shared competences and exclusive competences will enable to clarify this point.

Then Mr HOLLÄNDER presented two paradoxes that should be taken into consideration when examining the judicial control of subsidiarity. First, the unique legal environment in which three legal systems coexist: the national system, the EU system and the international system. In order to prevent a conflict between the three systems, two solutions are proposed: a hierarchy with the priority given to the EU law and coordination of the systems with the focus on implementation of common values.

Mr HOLLÄNDER also stressed the strengthened role of the European Court of Justice under the Treaty of Lisbon, in particular the *ex-post* control of the principle of subsidiarity. However, Mr HOLLÄNDER qualified the current role of the European Court of Justice as passive, as the Court seems to prefer not to oppose the position of the Council, in fear of being accused of proactivism.

Last but not least, Mr HOLLÄNDER wondered about the practical efficiency of the early warning mechanism of the Treaty of Lisbon, as it is impossible for national parliaments to control all the documents produced by the European Institutions.

During the debate, a majority of participants underlined the importance the parliamentary and judiciary control of the principle of subsidiarity. Mr John PERRY, the Chairman of the Joint Committee on European Scrutiny of the Irish *Houses of the Oireachtas*, was in favour of a common definition of subsidiarity. Mr PERRY also proposed that the COSAC Secretariat prepared a paper evaluating COSAC-coordinated subsidiarity checks and the exchange of best practices. Mr Pierre LEQUILLER, the Chairman of the Committee on European Affairs of the French *Assemblée nationale* proposed to publish positive reasoned opinions when no breach of subsidiarity was found in order to bring the European Union closer to its citizens by underlining the fact that in certain cases actions at the European level are the most efficient. Lord ROPER, the Chairman of the EU Select Committee of the UK *House of Lords*, raised the issue of the legal standing of national parliaments under the provisions of Protocol 2 of the Treaty of Lisbon.

4. Priorities of the Czech Presidency of the Council of the EU

Guest speaker: Mr Alexandr VONDRA, Deputy Prime Minister for European Affairs of the Czech Republic.

In his presentation Mr Alexandr VONDRA highlighted three core priorities of the Czech Presidency of the EU Council: economy, energy and Europe in the world.

In the face of the current world economic and financial crisis restarting economic growth and stabilizing the financial markets were of paramount importance. The Deputy Prime Minister underlined that the way towards economic recovery must follow the path outlined by the Stability and Growth Pact and the Lisbon Strategy, thus ultimately resulting in a strengthened competitiveness of the EU economies in the future. Concrete measures should focus, *inter alia*, on unleashing the potential of the Internal Market by removing existing barriers and cutting back unnecessary red-tape especially for small and medium-sized

enterprises. Mr VONDRA also stressed the importance of additional investment in the area of education, research and innovation. With a view to the different national measures of the EU Member States, trying to stimulate their economies, emphasis was laid on the need to assure proper coordination of these measures within the EU and to avoid any forms of protectionism.

In the area of energy the Presidency was confronted with the gas conflict between Russia and Ukraine. The Presidency acted as a mediator and helped to facilitate a deal between the two parties. Mr VONDRA underlined that this experience demonstrated the need for the EU to reduce its energy vulnerability. According to the Presidency efforts must be concentrated on long-term measures, aiming at a diversification of sources, transport routes and suppliers. In this context Mr VONDRA admitted that the controversial North-Stream project seems more justified in light of the recent developments. He announced that talks will be held soon with transit and supplier countries from the Caspian Sea area. Mid-term measures must be geared at improving the interconnections of the EU electricity and gas grids. Especially north-south interconnections are lacking. The Deputy Prime Minister made clear that apart from overcoming technical problems of power exchange in Europe true European energy solidarity was needed.

The EU's role in the world is, according to the Mr VONDRA, mainly defined by its share of responsibility for global peace and stability. In this context the recent gas crisis and the conflict between Russia and Georgia have shown the urgent need to preserve peace and stability in the immediate Eastern neighbourhood of the EU. Therefore the successful launch of the Eastern Partnership will be the Presidency's main foreign policy priority. He underlined that success also depends on the willingness of the EU's Eastern partners to share the same fundamental principles. The Presidency plans to hold an opening summit of the Eastern Partnership at the level of the Heads of State and Governments of the EU Member States and the Eastern Partnership countries on 7 May 2009 in Prague.

The second most important priority in foreign relations is building up ties with the new US administration and to strengthen transatlantic relations. The Presidency will strive to develop cooperation at all levels and especially in those areas, like the global economic crisis and climate change, where core interests are at stake. An opportunity to debate a number of topics and reflect upon the shape of mutual relations will be provided at the upcoming EU-US summit.

Among the further foreign policy objectives the Middle East peace process will also remain a sustained object of interest.

During the debate a number of parliamentarians emphasized the need for coordinated action of the EU and its Member States when facing the severe economic and financial crisis. Many warned against the dangers of protectionism in the EU and the potential rise of nationalism. They also highlighted the ethical dimension of the crisis. During the debate it was also suggested that the EU should make the application of its financial instruments at its disposal, such as the Structural Funds, as flexible as possible in order to correspond to the different needs in the Member States.

Most parliamentarians who participated in the debate supported the Presidency's position on achieving a higher degree of energy independence through diversification of suppliers and sources. In this context some speakers also hinted at the connection between energy policy

and climate policy and asked to look into the possibilities of an increased use of nuclear power.

Some parliamentarians also brought forward the importance of the ratification of the Treaty of Lisbon. It was made clear that before any further enlargement of the EU takes place the necessary deepening of European integration must be accomplished.

In his reply the Deputy Prime Minister made clear that answers to the economic and financial crisis must be based on the existing rules and commitments. Any kind of protectionism must be ruled out. He agreed with the link between energy and climate policy and underlined the possible merits of using nuclear energy both with a view to the diversification of energy sources and the reduction of CO₂. But he also admitted that the nuclear energy option would be politically very difficult to achieve. Mr VONDRA also underlined the Czech Government's firm commitment to the ratification of the Treaty of Lisbon.

5. The Eastern Partnership

Guest speakers: Mr Alexandr VONDRA, Deputy Prime Minister for European Affairs of the Czech Republic, and Mr Eneko LANDABURU, Director-General of the DG External Relations of the European Commission.

(This debate was held in the presence of the ambassadors and other diplomats of the Eastern Partnership countries in the Czech Republic)

Mr Alexandr VONDRA introduced the Eastern Partnership (henceforth "EaP") by recalling the different steps of the project, from the Swedish and Polish initiative to the future adoption scheduled on the agenda of the European Council of March 2009. The official launch should take place in Prague, on 7 May 2009, during the first summit of the EaP, which should gather the 27 Member States and the 6 Eastern partners: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

Mr VONDRA underlined the importance of this initiative in the light of the two crises that occurred recently in that region: the Georgia-Russia conflict in August 2008 and the Ukraine-Russia gas dispute in January 2009. The European Union actively contributed in resolving those conflicts. He emphasized that the EaP should be an instrument allowing the EU to conduct a more substantial action than today as a "crisis manager", by building an area of stability, better governance and economic growth at its Eastern borders.

Mr Eneko LANDABURU stressed that the majority of the EU Eastern neighbours had indicated a political choice in favour of the EU and that EaP was a response to this inclination. Before presenting the initiative, he however stated clearly that the EaP was a policy in its own right, to be considered without prejudice to the potential accession of these countries to the EU. Besides, the EU would not offer military security to its Eastern partners within the framework of the EaP.

The EaP should be based on mutual commitments to the rule of law, good governance, respect for human rights and the principles of the market economy. The partnership would be designed, on the one hand, along bilateral lines, in order to create a closer relationship between the EU and each of the partner countries: it would include the negotiation of association agreements, the set up of free trade areas with each country, progressive visa

liberalisation, cooperation to enhance energy security, support for economic and social policies. The relationship with each country would be tailored to its specific situation. On the other hand, the EaP would provide a framework for a multilateral cooperation with a view to fostering links among the partners, based on four thematic platforms: “democracy, good governance and stability”; “economic integration and convergence with EU policies”; “energy security”; and “contacts between people”. Mr LANDABURU informed the Chairpersons that an amount of 350 million euros from the Community budget would be devoted to the EaP, in addition to the resources already planned by the Neighbourhood Policy for the six EaP countries. Finally, he mentioned the possible addition of a parliamentary dimension to the EaP through the initiative of the European Parliament aiming at creating a “Euronest Parliamentary Assembly” which would bring together Members of the European Parliament and Members of national parliaments of the six EaP countries.

During the debate, the overwhelming majority of participants gave substantial support to the Commission’s initiative. However, a number of Chairpersons regretted that the EaP did not go far enough. They wished that it would include elements on a possible accession to the EU and be given a higher budget. Some participants tackled the question of the relationship with Russia. It was argued that Russia was a key actor in this region whose influence could not be ignored, and, even if Russia did not show any interest or hostility towards the EaP, it was likely that tensions would arise. Some speakers called for cooperation with Russia on concrete projects within the EaP, beside the on-going discussions on the Strategic Partnership. On the same level, other speakers asked for complementarity between EaP and other regional initiatives such as the Black Sea Synergy or the Baltic Sea Strategy. Attention was also drawn, by several speakers, to the participation of Belarus with regard to the state of its current relationship with the EU.

Mr Harm-Evert WAALKENS, the Chairman of the Committee on European Affairs of the *Tweede Kaamer* of the Netherlands, considered that the EaP could be an opportunity to give an added value to the work of the Council of Europe, especially with regard to its expertise in Human Rights. He opposed the idea of building a differentiated relationship with each Eastern partner, which he considered to be against the very principle of the neighbourhood policy.

Mr VONDRA thanked the representatives of the national parliaments for their commitment in favour of the EaP. He addressed then, with Mr LANDABURU, the questions on Belarus and Russia. They pointed out that Belarus had recently shown signs of democratic progress that needed to be encouraged. However, more tangible signs would be required in order to build a normalised relationship. They both took note of the concerns expressed by the participants regarding Russia. They recalled that, beyond the tensions arising on a regular basis, Russia and the EU were interdependent and that dialogue therefore should be maintained.

Reacting to two other issues raised during the discussion, Mr LANDABURU agreed that the experience of the Council of Europe could be valuable and stated that the size of the budget of the EaP had been designed to respond to precise needs in terms of stability and security, in the context of a non-accession pattern. From a general point of view, he also acknowledged the fact that the EaP represented a great ambition. Nevertheless it should be borne in mind that huge and numerous difficulties would have to be faced, given the capacity of the six future partners to get closer to the *acquis communautaire* was rather low.