

**Conference of Community and European Affairs Committees of  
Parliaments of the European Union (COSAC)**

**Conclusions of the XXXVI COSAC  
Helsinki, 20–21 November 2006**

1. At the XXXIV COSAC it was decided to encourage national parliaments to conduct a simultaneous subsidiarity and proportionality check on two forthcoming EU legislative proposals. The two proposals chosen were the Commission Proposal for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters and the Commission Proposal for a directive of the European Parliament and of the Council amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services.
2. 27 parliamentary chambers from 20 Member States conducted a subsidiarity and proportionality check on the Commission proposal on applicable law and jurisdiction on matrimonial matters. A clear majority of parliamentary chambers did not find any breach of the subsidiarity or proportionality principles; however, several chambers remarked that the European Commission had provided insufficient justification for its proposal. National parliaments are currently considering the proposal for completion of the internal market in postal services; this exercise is to be finished within six weeks from the date of publication of all language versions.
3. The aim of these two checks is to strengthen the scrutiny role of national parliaments, as recognised in the Protocol on the Role of National Parliaments attached to the Treaty of Amsterdam, to allow them to test and to improve their procedures for reaching decisions on subsidiarity and proportionality, to enable an assessment of the justifications presented by the Commission, and to demonstrate to the Commission the role of national parliaments in relation to subsidiarity.
4. COSAC welcomes the decisions of the European Council and of the Conference of EU Speakers to encourage national parliaments to reinforce cooperation in the monitoring of subsidiarity issues within the framework of COSAC. National parliaments consider that an exchange of information and of best practices with regard to the monitoring of the principles of subsidiarity and proportionality in the framework of COSAC ("the subsidiarity and proportionality check") is useful.
5. After the completion of the second subsidiarity and proportionality check, COSAC undertakes to evaluate best practice in relation to these exercises, and to evaluate how national parliaments can improve their cooperation in this regard.
6. COSAC notes that an overwhelming majority of national parliaments have welcomed the Commission initiative to transmit its legislative proposals and other documents directly to them. The impact of this initiative will depend on the one hand on how each national parliament chooses to handle this new procedure, and on the other hand on the manner in which the Commission chooses to respond to the observations which national parliaments address to it. National parliaments undertake to communicate the statements which they have addressed to the Commission to each other as soon as possible. COSAC will draw up an initial evaluation

of the dialogue between the Commission and national parliaments in due course, on the basis of the observations sent to the Commission on draft legislation and consultation documents transmitted directly with effect from 1 September 2006.

7. COSAC recognizes the importance of parliamentary cooperation in the area of freedom, security and justice, especially with regard to decisions taken in the third pillar. COSAC calls on the incoming Presidencies to examine how national parliaments can improve cooperation in this area.

8. COSAC notes that IPEX could enhance parliamentary cooperation in the scrutiny of the area of freedom, security and justice. COSAC requests that the IPEX Board take the steps necessary to provide a platform for an exchange of information between national parliaments on third pillar matters.

9. COSAC welcomes the proposal to debate the Commission's Annual Policy Strategy at the spring COSAC meetings. Unlike the Commission's Legislative and Work Programme, the Annual Policy Strategy of the Commission is open for discussion and amendment, thus offering parliaments an opportunity to exercise their influence.

10. COSAC notes that the Secretariat contributes to the effectiveness of COSAC. COSAC further notes that a majority of national parliaments have expressed a will to contribute to the expenses of the national parliament which will second an official to the post of permanent member from January 2008, on a voluntary basis if necessary. COSAC hopes that each delegation will share the willingness expressed by a majority of national parliaments, in order that the status of the Secretariat can be established in the Rules of Procedure during 2007. COSAC invites the parliaments of each member state to identify and put forward suitable candidates for the post of permanent member of the Secretariat, with a view to taking up the post in January 2008.