

Conclusions adopted by the XXXVIII COSAC
Estoril, 14-16 October 2007

1. Subsidiarity and proportionality checks

1.1. COSAC recalls the decision taken at the XXXVII COSAC meeting in Berlin to conduct at least two subsidiarity and proportionality checks per year. For this purpose, COSAC evokes the selection procedure established in Berlin that should be as follows:

a) After the presentation of the European Commission's Legislative and Working Programme 2008, due to take place in October 2007, the national parliaments are invited to check the Programme making use of their own practices, and to inform, if possible in November 2007, the COSAC Presidency of the proposals they wish to subject to the subsidiarity and proportionality check. Additional proposals may be subsequently submitted.

b) The Presidential Troika should designate the two proposals most frequently mentioned as subject to the check and submit a corresponding suggestion to the national parliaments. If there are no objections, the Presidential Troika shall state that the designated proposals have been selected. The Presidential Troika will then request the COSAC Secretariat to start the procedure.

c) National Parliaments are also encouraged to initiate and conduct any subsidiarity and proportionality checks they choose.

1.2. Recalling the decision taken at the COSAC Chairpersons Meeting, held in Lisbon on 11 and 12 of July, to conduct a subsidiarity and proportionality check on the proposal for a Council Framework Decision on Combating Terrorism, COSAC takes note that this proposal is expected to be published in the beginning of November. If this is confirmed, the subsidiarity and proportionality check will be conducted still in 2007. The COSAC Secretariat will be asked to prepare the necessary arrangements for this check which shall be conducted by the National parliaments within a period of eight weeks after a draft legislative act being made available in all official languages of the EU. The results of this subsidiarity and proportionality check will be discussed under the Slovenian Presidency.

2. Amendment of the COSAC Rules of Procedure

2.1. COSAC welcomes the endeavours of the Portuguese Presidency, with the support of the Presidential Troika, to reach a consensus on the proposal amending the COSAC Rules of Procedure as to include the provisions about the COSAC Secretariat and its Permanent Member.

2.2. COSAC appreciates the constructive efforts made by all delegations, in close cooperation with the Presidential Troika, to reach this important agreement.

2.3 The amendment to the COSAC Rules of Procedure, as it was unanimously agreed during the XXXVIII COSAC in Estoril, is attached to these Conclusions. The COSAC Secretariat is asked to prepare its publication in the Official Journal of the European Union.