

# The Riksdag and the European Union



# The Riksdag's work with EU affairs

The Swedish Parliament (Riksdag) works with EU affairs in various ways. Debates on EU affairs are held in the Chamber of the Riksdag and the parliamentary committees consider EU initiatives and examine at what level decisions should be taken. The Government holds consultations with the Committee on EU Affairs ahead of decisions in the Council of Ministers and the European Council. In order to contribute to the work of the EU, the Riksdag also cooperates with the national parliaments in other EU member states and the European Parliament.

The Riksdag and the other national parliaments help to ensure that EU works effectively and smoothly. The Riksdag monitors the EU's decision-making procedures, follows specific issues and submits opinions in order to influence the EU's decision-making process as early as possible. However, it is the Government that formulates the Swedish position on EU affairs and represents Sweden in the EU.

The Riksdag committees monitor EU affairs within their subject areas. The Committee on EU Affairs is responsible for all policy areas prior to the handling of matters in the Council of Ministers. Debates on EU affairs are held in the Chamber of the Riksdag, and it is here that the MPs take decisions on EU affairs. The Government is obliged to inform, consult and deliberate with the Riksdag on EU affairs continually.

The point of departure for the Riksdag's work with EU affairs is that the Riksdag has transferred parts of its decision-making rights to the EU. How much of these decision-making rights it has transferred depends on the policy area. The forms for the Riksdag's work with EU affairs are set out in the Instrument of Government and the Riksdag Act.

## **The Chamber debates EU affairs**

The Chamber of the Riksdag is a forum for debate on EU affairs, where all members of the Riksdag can participate. Decisions on behalf of the Riksdag can only be taken at meetings of the Chamber. Every year, an EU policy debate is held in the Chamber on an annual report which the Government presents on activities in the EU during the past year. In November, a debate between party leaders on EU policy is held and is based on the Government's priorities for EU matters, also known as the Statement of Government EU Policy.

After meetings in the European Council, the Prime Minister presents the outcome of the discussions in the Chamber. In the Chamber, the members of the Riksdag

monitor the Government's handling of EU business on an ongoing basis, for example, by means of interpellations and question-and-answer sessions with Government ministers.

The Chamber of the Riksdag also plays an important role in approving international agreements and implementing legislation decided within the EU. Amendments to EU treaties always require the approval of the Riksdag. All matters are prepared in the committees before decisions are made in the Chamber.

## **The committees examine initiatives from the EU**

The Riksdag committees examine initiatives for measures and new policies from the EU at an early stage. The purpose of this examination is to gain support for EU affairs in the Riksdag, generate debate and ascertain what the different parties in the Riksdag think about the proposals.

The Committees are to examine certain strategic EU documents. The Speaker, together with the party group leaders, decides which EU documents are to be examined. Factors that affect the selection are, for example, if the initiative sets out long-term objectives, if the text includes concrete proposals, if the matter is considered of interest to the members of the Riksdag and if other parliaments have shown an interest in the initiative.

The examination is carried out by the committee with the knowledge of the subject area dealt with in the initiative. The committee presents the results of its examination in a statement (known as a scrutiny statement). The Chamber takes a decision on the statement, which it then sends to officials at the Commission. The statement is not binding for the later positions of the Riksdag or the Government.



### EU work in the Riksdag

- Debates and decisions in the Chamber
- Examination of initiatives from the EU
- Subsidiarity checks of draft legislation
  - Deliberations and information in the committees
  - Consultation and information in the Committee on EU Affairs
    - Inter-parliamentary cooperation



The Committee on EU Affairs holds a public meeting in the Skandia Room of the Riksdag. During the meeting, Prime Minister Stefan Löfven (Social Democratic Party) consults the Committee on EU Affairs ahead of a meeting of the European Council.



### The committees deliberate with the Government

The Riksdag committees are to monitor work in the EU within their respective subject areas. The Government is to deliberate with the committees when requested by the committees. At consultations with the Committee, the Government is represented by the minister or state secretary responsible for the matter at hand. The deliberations give the members of the committee an opportunity to present their opinions on how the Government should act, at the same time as the Government has an opportunity to seek support for its policies in the Riksdag.

The Riksdag committees can request information from the Government on various EU matters. The information can be provided in writing or orally at committee meetings. The Government is to inform the Riksdag on an ongoing basis of developments in the EU, to account for its actions and present its view on EU documents which it considers to be of importance. Included in this work is the writing of explanatory memorandums by the Government on EU initiatives that are regarded to be of importance. Every year, the Government is to submit a written communication to the Riksdag presenting activities in the EU during the past year. The communication is considered in the Committee on Foreign Affairs.

### The principle of subsidiarity

According to the principle of subsidiarity, the EU may only take a measure if the goal, on account of the scope or effects of the measure, cannot be sufficiently achieved by the member states but can be better achieved at Union level.

The principle applies to all areas in which the EU does not have exclusive right to make decisions. The principle of subsidiarity is set out in Article 5.3 of the Treaty on European Union.

### The Riksdag examines where decisions should be taken

According to the Riksdag Act, the Riksdag is to carry out a subsidiarity check of all draft legislative acts within areas in which both the EU member states and the EU can decide. This examination focuses on whether the proposal fulfils the requirements of the principle of subsidiarity. The principle of subsidiarity requires that decisions be made at the political level that can take the most effective decision, as close to the citizens as possible.

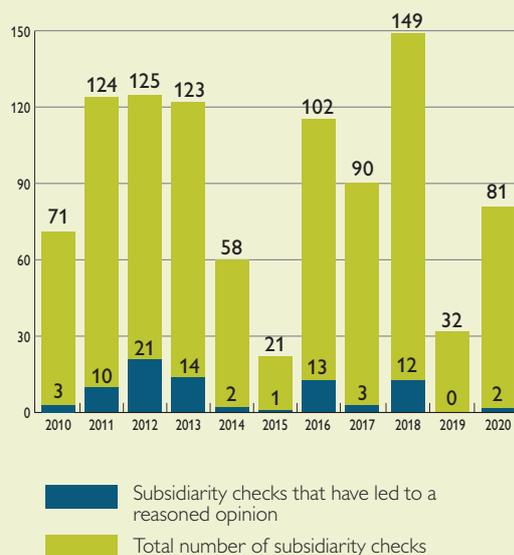
The EU institutions send all draft legislative acts to the Riksdag. The Chamber then refers the proposal to the relevant committee for examination. The Riksdag has eight weeks in which to conduct its examination.

The Riksdag has stated that the examination is a political examination of suitability rather than a legal review. During the examination, the Committee assesses whether the intended objectives of the proposal can best be achieved at the national level or within the EU.

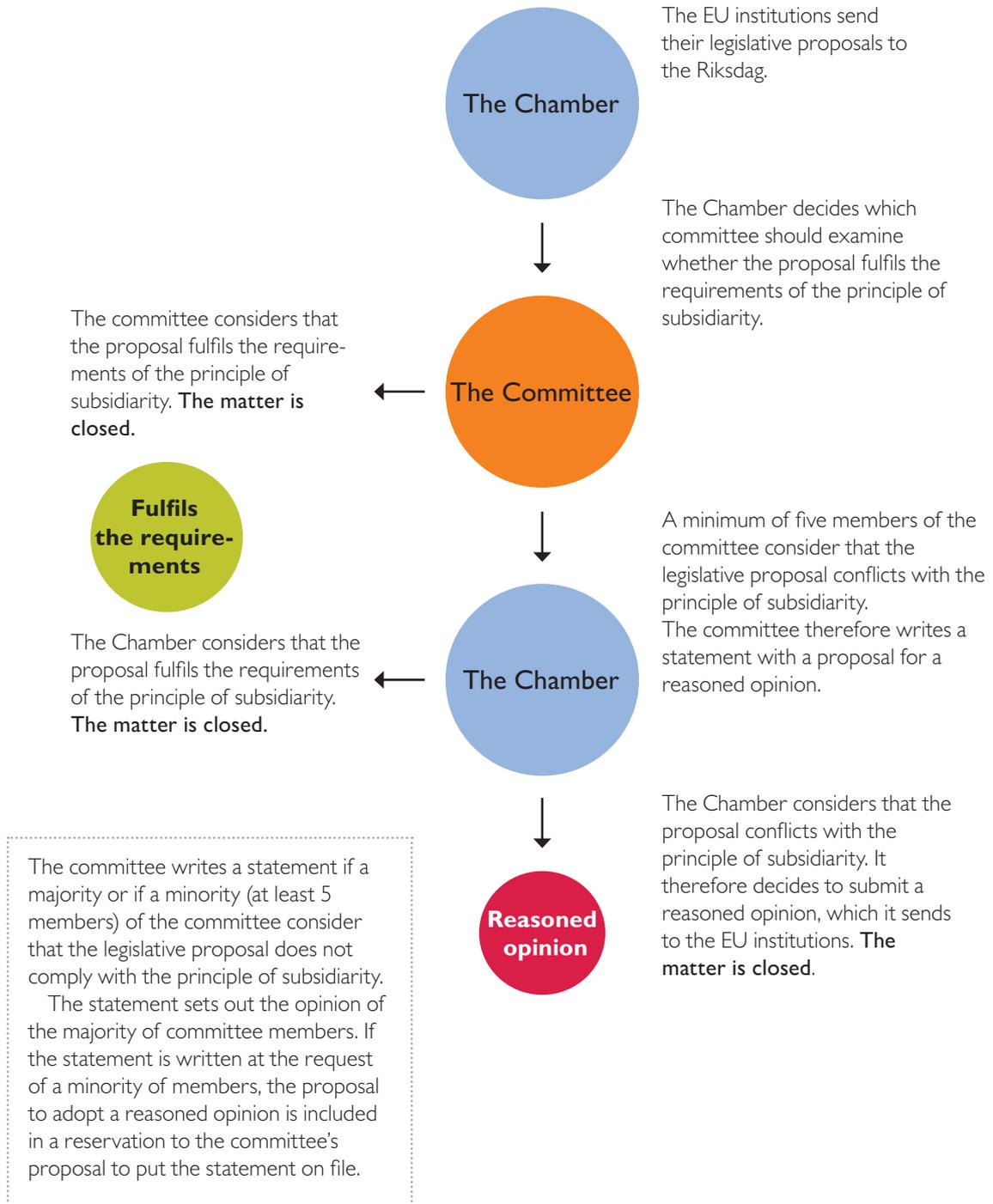
If the committee considers that the proposal is compliant with the principle of subsidiarity, this is noted in the committee record. If at least five members of the committee consider that the proposal conflicts with the principle of subsidiarity, the committee writes a statement (known as a statement of examination) containing a proposal for a reasoned opinion. The statement is then forwarded to the Chamber for a decision. If the Chamber considers that the proposal conflicts with the principle of subsidiarity, it will adopt a reasoned opinion which is sent to the EU institutions.

The Committee on the Constitution is to monitor the Riksdag's application of the principle of subsidiarity, and conduct an annual follow-up which it presents to the Chamber.

**No. of subsidiarity checks conducted by the Riksdag, 2010–20**



## The Riksdag examines where decisions should be taken



### **The Government consults the Committee on EU Affairs**

The Government is to keep the Committee on EU Affairs informed of issues to be decided in the Council of Ministers, and consult the Committee on its position in negotiations ahead of decisions in the Council of Ministers. Matters in all subject areas are dealt with in the Committee on EU Affairs.

At consultations with the Committee, the Government is represented by the minister or state secretary responsible for the matter at hand. The Committee on EU Affairs gives the Government a mandate on how to represent Sweden in the Council. The Government also consults the Committee on EU Affairs ahead of meetings and decisions in the European Council. Since the members of the Committee on EU Affairs are also members of the Riksdag's various committees, they can follow up issues previously considered in the committees.

### **Cooperation with other parliaments**

The Riksdag cooperates with other national parliaments in the EU in various forums. Members of the Riksdag committees meet their colleagues from other parliaments at conferences between parliamentary committees responsible for the same policy areas.

During the conferences, the MPs gain a deeper knowledge of current EU issues linked to their committees' areas of responsibility. The members also attend similar conferences organised by the committees in the European Parliament. The Riksdag Committee on EU Affairs participates in COSAC, a conference for the bodies in the national parliaments specialised in working with EU affairs. The Riksdag also chooses a delegation to the joint parliamentary scrutiny group on Europol, the European Union's law enforcement agency. The group, which is referred to as JPSG Europol, meets twice a year. The Speakers of the national parliaments and the European Parliament meet at a special conference in order to coordinate inter-parliamentary cooperation and to identify priority areas.

Through these contacts, the national parliaments' control, influence and scrutiny of policies at national and European level are discussed and developed. This cooperation is also important in helping the national parliaments to act effectively when exercising their responsibilities within the EU, especially in their examination of the principle of subsidiarity. The national parliaments have a website for electronic exchange of EU-related information (IPEX), and a network of national representatives in the EU institutions.

## The development of the Riksdag's work with EU affairs

In connection with Sweden's membership of the EU in 1995, a special body – the Committee on European Union Affairs – was established in the Riksdag for consultation between the Government and the Riksdag on EU affairs. The example for this model was the Danish Folketing and its Europaudvalg (European Affairs Committee).

The Riksdag's way of working with EU affairs has changed several times since Sweden first became a member of the EU.

The task of the Committee on EU Affairs is to provide the Government with a mandate prior to decisions in the Council and the meetings and decisions in the European Council. In parallel, the Riksdag has 15 committees which have successively gained a more powerful role in the Riksdag's work with EU affairs. In 2007, several changes were introduced which were designed to enable the Riksdag to enter into the decision-making process at an earlier stage, and which involved new tasks for the committees. The committees were given the possibility to request deliberations with the Government on EU matters decided by the committee.

The committees were also given the task of examining initiatives from the EU institutions with the introduction of an obligation for the Riksdag to examine green and white papers, as well as the possibility to examine strategic EU documents, other than legislative proposals from the EU.

In connection with the entry into force of the Lisbon Treaty in 2009, provisions were introduced to the Riksdag Act regarding subsidiarity checks of legislative proposals from the EU and the Riksdag's participation in amendments to the EU treaties.

In this way, the Riksdag was given an opportunity to communicate directly with the EU institutions and to influence the EU's decision-making process.

The Riksdag's work with EU affairs was last reviewed by an all-party commission of inquiry which completed its work in January 2018. From 1 January 2019 onwards, there is no longer any obligation for the Riksdag to examine green and white papers. Decisions on which documents are to be examined are taken by the Speaker following consultation with the party group leaders.

## The role of the national parliaments in the EU

The national parliaments in the EU member states are to contribute to a smoothly functioning Union by:

- monitoring information and draft legislative acts from the EU institutions
- ensuring compliance with the principle of subsidiarity in draft legislative acts
- participating in the evaluation of how the Union has implemented policies for freedom, security and justice, including political monitoring of Europol and Eurojust
- participating in amendments to the treaties
- receiving information about applications for EU membership
- participating in inter-parliamentary cooperation with the other national parliaments and the European Parliament.

A national parliament has the right to submit a reasoned opinion to the EU institutions if it considers that a draft legislative act within an area where both the EU member states and the EU can make decisions, conflicts with the principle of subsidiarity. Each parliament has two votes. The votes are distributed equally between the Chambers in parliaments with bicameral systems.

The EU institutions are to review draft legislative acts if at least one third of the parliaments' total number of votes are cast in favour of the opinion that the proposal does not fulfil the

requirements of the principle of subsidiarity. If the draft concerns legislation in the areas of freedom, security or justice, one fourth of the votes is sufficient for a review to be conducted. In such cases, when the number of votes reaches this threshold, the national parliaments are said to be issuing a “yellow card”.

The EU normally makes decisions in accordance with what is known as the ordinary legislative procedure. This means that the European Parliament and the Council of Ministers jointly decide on proposals from the Commission. Under the ordinary legislative procedure, if at least half of the votes of the national parliaments support the argument that a draft legislative act conflicts with the principle of subsidiarity, the Commission can review the act. If the Commission chooses to retain the draft after the review, the draft is to be checked for compliance with the principle of subsidiarity by the European Parliament and the Council before further consideration. This is known as the parliaments issuing an “orange card”.

The provisions concerning the role of the national parliaments in the EU are set out in Article 12 of the Treaty on European Union. The role of the parliaments is described in greater detail in Protocol 1 on the role of the national parliaments and Protocol 2 on the application of the principles of subsidiarity and proportionality, appended to the treaties.



Photo: Melker Dahlstrand

