

Working Group IV

Working document 5

Working group IV – "Role of National Parliaments"

Subject: "National scrutiny systems: Sweden"
- paper by Mr Sören Lekberg, member of the Convention

Members of Working Group IV will find hereafter a paper by Mr Sören Lekberg, member of the Convention.

Paper regarding national scrutiny systems: Sweden

In the Secretariat's Summary of the meeting in the Working group on National Parliaments held on 26 June 2002 (CONV 128/02) members are invited to submit brief contributions on their national scrutiny system. The contribution on the Swedish system is hereby submitted.

To perform its role as the foremost representative of the Swedish people, the *Riksdag* (the Parliament) must play an active part in the national consideration of EU matters. The Parliament exercises its influence in the EU mainly through the Government. The Government is responsible to the Parliament for the way it deals with EU matters.

The obligation of the government to inform and deliberate with the Parliament is regulated in the Swedish Constitutional Law. In general terms, the government has to submit the same kind of information on matters in all three pillars, and the deliberations in the Committee on European Union Affairs prior to meetings in the Council of Ministers are the same regardless of which Council composition that will hold the meeting.

The Government is obliged to submit all new proposals presented within the EU to the Parliament. With regard to important proposals, the Government must also provide a written report to the Parliament in the form of a background brief, an explanatory memorandum. In the explanatory memorandum, the main points of the proposal are presented as well as how Swedish legislation may be affected. The Government must also report its position on the proposal.

In the Parliament, EU matters are considered at several different levels and in various forms: in the Committee on European Union Affairs, in the sectoral (standing) committees, and in the Chamber.

The Committee on European Union Affairs

The Committee on European Union Affairs has 17 members, i.e. the same number of members as other parliamentary committees, but the number of deputy members (30) is greater than in other committees. The Committee consists of members from all the political parties in the Parliament and from 14 of the 16 sectoral committees.

The Committee on European Union Affairs deliberates with the government prior to all meetings in the Council of Ministers and in the European Council. The Government also consults the Committee continuously during Intergovernmental Conferences (IGCs).

The Committee on EU Affairs convenes almost every Friday, with a recess in August. The members of the Government who will participate in the following week's meeting in the Council of Ministers deliberate with the Committee. The Committee is supplied with written background information in advance as a basis for discussions with the ministers.

During the Friday meetings the minister presents the issues at the agenda of the meeting in the Council of Ministers. The minister and the members of the Committee discuss which approach Sweden is to take. These discussions may lead to amendments or additions to the opinion the Government originally had intended to put forward in the Council. Discussions on each issue are concluded when the chairman, to sum up, establishes whether there is a majority for or against the Government's opinion. According to established practice the government acts in accordance with the advice and positions of the Committee. Consequently, the mandate is considered to be binding.

The meetings between the Committee and the Government are held behind closed doors, but verbatim records are taken. These records become official documents, which means that everybody has the right to read them. However, some information in the records is classified as secret and is not available to the public. These records, as well as most of the other material regarding the Committee meetings, are available on the Internet.

The Sectoral Committees

The sectoral (standing) committees play a central role in the Parliament's work with EU issues. The committees are obliged to follow the activities of the EU within their respective spheres of responsibility and they have a far-reaching right to information from the government. For instance, the government has to submit a written report (almost 500 pages) of the activities in the EU annually. EU matters are also discussed when the committees handle bills from the government and Private Member's bills.

When a Commission proposal or an explanatory memorandum has been delivered to the relevant sectoral committee, the committee may collect additional information, from the government or other sources. The positions of a committee can be passed on in various ways. A committee may raise the matter in a report which will be debated in the Chamber and on which the Parliament will then take a decision. The matters may also be discussed with representatives of the Government at a Committee meeting. Furthermore, a committee may submit its opinion on a matter in a report to the Committee on European Union Affairs so that the Committee may take these positions into account when it consults with the Government. Another common procedure is for committee members to take up the matter verbally with their party colleagues in the Committee on EU Affairs so they are able to use this information when they consult with the Government.

The Chamber

The Chamber is an important forum for transparency, openness and public debate on EU issues. The Government therefore provides information at the meetings of the Chamber. This may take the form of replies to questions or interpellations or of debates. Special information meetings are also held, at which the Government gives an account of various current EU matters. Other important information in the Chamber includes the Prime Minister's reports following meetings in the European Council. Each year a special EU debate is held in connection with the Parliament's consideration of the committee report on the Government's annual communication regarding EU cooperation. An EU debate is usually held in the autumn, too.

Members of the European Parliament

Contacts between the Parliament and the Swedish MEPs are mainly channelled through the political parties. MEPs may be invited to attend a meeting in the Committee on European Union Affairs, but they may not participate in the deliberations with the government. MEPs may also be invited to sectoral committees. It has happened that MEPs have been invited to ask questions in a public hearing arranged by the Committee on European Union Affairs and sectoral committees. A special meeting of members of the Committee on European Union Affairs and the Swedish MEPs now takes place every year, to discuss matters of common interest. Still, the most important and frequent contacts are channelled through the party groups.