

Working Group IV

Working document 18

Working group IV – "Role of National Parliaments"

Subject: **"National Parliaments and the EU: the Swedish experience"**
 - paper by Mr Sören Lekberg, member of the Convention

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

Paper regarding National Parliaments and the EU: the Swedish experience

The Swedish Example

In an earlier contribution to the Working Group on National Parliaments (WG IV – Working document 5) I describe the Swedish parliamentary scrutiny system for EU matters. I refer to that paper for a closer empirical description of the Swedish system. In this paper I put our experience of parliamentary scrutiny into a broader perspective, partly against the background of the discussions in the Working Group.

The Swedish Parliament, the *Riksdag*, is engaged in all aspects of the European Union, in all three pillars. The government is obliged to provide information on developments in the EU, among other things on new proposals from the Commission. Thereby the parliament gets a broad overview of the EU. The sectoral committees, which are permanent and deal with various policy areas, take EU matters into account when they prepare matters within their areas. They have to take EU decisions into account when they prepare national decisions, since these decisions have to be in accordance with EC law. This is true, of course, when EC directives are implemented in Swedish law but also for other decisions made by the parliament.

The Committee on European Union Affairs deliberates with ministers from the government prior to all meetings in the Council of Ministers and in the European Council. There is also information from the government in the Chamber about EU matters. The Prime Minister reports after most meetings in the European Council, for instance. The public treatment in the chamber brings EU issues out into the open and make it possible for all elected members to participate in the debate.

In short, the Swedish parliament follows EU matters in several ways. I would therefore like to make a remark when it comes to the role of national parliaments in securing subsidiarity. This has been discussed much in two Working Groups, the one on national parliaments and the one on subsidiarity. It is certainly important to ensure that the principle of subsidiarity is upheld, and national parliaments do have a role in that respect. However, national parliaments should feel free to evaluate developments in the EU in every respect. Subsidiarity is only one of many aspects worth

considering. Those aspects run the risk of being lost if we focus too closely on the sole aspect of subsidiarity control.

Strong national parliaments are in the interest of the European Union

National parliaments that are strong in relation to their governments are in the interest of the European Union. There has been a discussion in the Convention plenary about the risk that active national parliaments would make the Council and the EU decision making process less effective. I think the opposite is true. The ministers can negotiate with more confidence if s/he has parliamentary support for the general direction of the negotiations. The minister knows which solutions that will be acceptable for her/his national parliament. Broad parliamentary support is of great value when the government negotiates with other member governments in the various Councils of Ministers. It is only with that backing the government can be a trustworthy partner to an agreement.

Decisions at the EU level must often be implemented and carried out in the Member states through decisions in the national parliaments. It is easier for the parliaments to make the necessary decisions if they are familiar with the issues, and have had a chance to influence the decisions. Thereby it is less likely that the final EU decision will be in conflict with national legislation. Sweden and the other Scandinavian Member States are among the countries that implement most directives within the decided time limits. One explanation for this is probably that the directives are already well known for the parliaments since they have followed them during the EU decision making process.

A strong role for the national parliaments in EU matters means that EU can be brought closer to the citizens. The citizens are familiar with their national parliament, and know how to follow the issues that are discussed there. If the national parliaments follow EU matters throughout the decision-making process, and debate the issues in public, the chances that the citizens feel that they are part of the EU process increase. Thereby, more people will say: "We have made these decisions in the European Union".

Proposals for improvements

There have been questions in the Working group on National Parliaments what improvements in the EU that could be made in order to give the national parliaments a stronger role, taking into regard the Scandinavian model.

It is important that the demands on the flow of EU information set out in the Amsterdam Treaty Protocol on National Parliaments are upheld. There is a proposal in the Working Group that the Protocol should cover also second pillar items. I fully support that. Actually, there are occasionally some problems when we deliberate with the government prior to the General Affairs Council. Proposals for resolutions etc are not available in due time. Improvements could definitely be made when it comes to the General Affairs Council. Further, the Council of Ministers should be as open as possible.

The ongoing debate on the future of the Union is relevant for national parliaments in many ways. The debate, especially in the Convention, is likely to lead to changes in the way the Union functions. Another example is the new, more important role of the European Council that may also affect national Parliaments. As the EU develops, the role of national parliaments should also develop. Otherwise national Parliaments run the risk of losing ground. Methods that were enough to ensure a strong role for national parliaments in the EU a decade ago may not be enough today, let alone in the future.

Therefore, the question of the role of national parliaments is not settled once and for all when this working group has delivered its report to the plenary. Rather, the role of national parliaments may be influenced by proposals from *other* Working Groups as well. For instance, the Working Group on Economic Governance may propose new procedures which the national parliaments have reasons to follow. Generally speaking, there must be scope for national parliaments to play a role whatever the development of the Union.

Best Practice: How we can learn from each other

When we have developed our Swedish system we have learned from other countries. We made a major review of various aspects of the handling of EU matters in the Parliament during 1999 and 2000 and looked at what we could learn from other parliaments. For instance, we were inspired by our colleagues in Finland to put more demands on the government to report back to the parliament after each Council meeting.

The co-operation between the Scandinavian parliaments is very good. The secretariats of the European Affairs Committees exchange information. For instance, the secretariat of the Committee in the Swedish parliament may ask the Cabinet Office to supply information from the EU that obviously is available for the Danish European Affairs Committee.

However, I think each parliament must choose its own way to deal with EU matters, as well as for other matters. For instance, parliaments with two chambers may have to find another way of dealing with EU matters than parliaments with one chamber. Individual ministers probably do not have the time to discuss each meeting in the Council with two European Affairs Committees.

This means that I do not want to say that the Swedish and Scandinavian model in all its details fits all parliaments. We can learn from each other, but there is not a uniform model that should be forced on all parliaments.

I think COSAC is a good forum for learning from each other. COSAC meets twice a year, and the MPs face similar problems in many respects it comes to EU matters. In sum, good inspiration can be found among other parliaments. The ideas must then be adapted to one's own constitutional tradition.

Different parliaments function in different manners. My final point is that it is important that the EU functions in a way that allows every national Parliament to handle EU matters in a way it decides on its own.