

## OPAL Country Reports

# The Swedish Parliament and EU Affairs

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# OPAL Country Report on the Swedish Parliament<sup>1</sup>

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<b>I. General Position of Parliament in the Constitutional Balance of the Member State: Constitutional and institutional factors</b>	
This section looks at the role of Parliament in the political system, to help us understand the relative power position of the legislature.	
1.1	What is the type of government in the political system of your member state? (i.e. parliamentary or semi-presidential)
	Parliamentary
1.2	Is it a uni- or bicameral Parliament? If bicameral, is one house dominant or are both equally strong? Please briefly explain.
	Unicameral
1.3	Is the state federal, decentralized or unitary? If applicable, is it a form of asymmetrical federalism?
	Unitary state.
1.4	Briefly describe the electoral system, if applicable, for each chamber.
	Proportional representation, party lists. There are 29 constituencies. Of the 349 mandates, 39 are so called equalization seats, which are distributed between the parties in order to make the election as proportional as possible. Only parties who receive at least 4 % of the national vote are given mandates (unless a party receives 12 % in a constituency, without receiving 4 % nationally, but this has never been the case). Voting is for parties, but there is an opportunity for voters to cast a personal preference vote by ticking one of the candidates on the ballot slip.
1.5	What (f)actors can prevent the parliament agreeing on EU legislation and/or treaty reform? (e.g. a constitutional court, or public referenda on questions of EU integration)
	The Riksdag decides on EU Treaties by a majority of at least three fourths of the MPs voting and more than half of the members of the Riksdag. The decision may also be taken in accordance with the procedure prescribed for the enactment of fundamental law, i.e. single majority in the Riksdag before and after a general election. But there is no other body, such as a Constitutional Court, which can prevent the Riksdag to approve EU treaties.

<sup>1</sup> This country report provides some basic data that has been collected in the context of the research for a chapter to be published in C. Heffler, C. Neuhold, O. Rozenberg, J. Smith & W. Wessels (Eds.). (forthcoming in 2014). *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave, Macmillan.

## 2. General Position of Parliament in the Constitutional Balance of the Member State: Political Factors

This section is about the basic political factors which might influence parliament's strength in relation to the government.

2.1	What is the type of government after the most recent elections e.g. single party, minority, coalition, oversized coalition government?		
	Minority coalition government. The government consists of four non-socialist political parties.		
2.2	When were the most recent general elections and what were the results? Could you please give a short list of the parliamentary groups, their no. of seats in parliament and ideological position?		
	Latest election:	September 2010	
	Name of the party	No. and percentage of seats in parliament	Ideological position (e.g. Communist, left liberal, socialist, liberal, right liberal, conservative, christian democrat, extreme right, ethnic minority or regionalist party)
	The Social Democratic Party	112 seats, 32 %	Social democratic
	The Moderate Party	107 seats, 31 %	Non-socialist, liberal
	The Green Party	25 seats, 7%	Green party
	The Liberal Party	24 seats, 7%	Non-socialist, liberal
	The Centre Party 23 seats, 7 % seats Non-socialist, liberal The Sweden Democrats 20 seats, 6 % Populist The Left Party 19 seats 5% Left Christian Democrats 19 seats, 5 %, christian democrat		
2.3	How polarized was parliamentary debate over ratification of the Lisbon Treaty? Which parliamentary party groups supported and which opposed ratification?		
	The Green Party and the Left Party opposed ratification. The other parliamentary party groups supported ratification, thus some 90 % of the MPs supported the ratification. The Sweden Democrats was not represented in the Riksdag at the time, but the Sweden Democrats wants Sweden to leave the EU. Thus, one can assume that the Sweden Democrats would have opposed ratification if the Sweden Democrats had been in the Riksdag then.		

### 3. New Provisions of the Lisbon Treaty on Direct Contact with EU Institutions

The Lisbon Treaty provides national parliaments with new opportunities for direct contact with the EU institutions. This section addresses the incorporation of the new Lisbon provisions into national law and concrete procedures. Questions 3.3 to 3.5 investigate in how far these procedures have been used.

3-1	<p>Have there been any regulations adopted by your member state to incorporate the new powers that are entrusted to the national parliaments by the Treaty of Lisbon? If so, please list the regulations in their appropriate categories:</p> <ul style="list-style-type: none"> <li>a. Constitutional provisions</li> <li>b. Legal provisions - Statutory provisions</li> <li>c. Parliamentary Standing Orders</li> <li>d. Other (please specify)</li> </ul> <p>Is this process complete or ongoing?</p>
	<p>The new powers that are entrusted to the national parliaments by the Treaty of Lisbon are regulated in the Riksdag Act, which is amended either by a single decision with qualified majority or as fundamental law, i.e. single majority in the Riksdag before and after a general election. The Riksdag act thus has a status between the Constitution and normal law.</p>
3-2	<p>What exactly are the rules (i.e. parliamentary bodies involved, procedure, regional parliament's involvement, cooperation in bicameral systems) for...</p>
3.2 i	<p>The "Political Dialogue" with the Commission</p>
	<p>The Riksdag has not adopted any rules with specific regard to the "Political Dialogue", but in 2007 new rules were adopted for the handling of Green papers etc. The Riksdag shall consider green papers and white papers from the EU Commission which are forwarded to the Riksdag. After conferring with the special representatives of the party groups, the Speaker may determine that other documents from the European Union, other than draft legislative acts, shall also be considered. The relevant sectoral committee must then write a report on the document to the Chamber, where a debate may take place. The minority may deliver minority reports. There is a vote in the Chamber between the majority text and the minority reports. Formally, the matter is closed by the votes and ends there. However, the parliamentary administration submits the reports to the Commission, and the Commission consider the reports part of the Political Dialogue.</p>
3.2 ii	<p>The Early Warning Mechanism (EWM)</p>
	<p>The Riksdag shall, according to the Riksdag, examine whether draft legislative acts conflict with the principle of subsidiarity.</p> <p>The Chamber refers all drafts to the relevant sectoral committee for examination. Within two weeks from the day the committee so requests, the Government shall inform the committee of its assessment regarding the application of the principle of subsidiarity to the current draft.</p> <p>If the committee considers that the draft conflicts with the principle of subsidiarity, the committee shall deliver a statement to the Chamber with a proposal that the Riksdag should send a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission. The committee shall also deliver a statement to the Chamber if so requested by at least five members of the committee. Otherwise the committee shall report to the Chamber by means of an extract from the minutes that the draft legislative act does not conflict with the principle of subsidiarity. It is the Chamber, by simple majority, which decides whether a reasoned opinion should be submitted.</p> <p>The Committee on the Constitution shall monitor the application of the principle of</p>

	<p>subsidiarity and shall inform the Chamber annually of its observations in a report.</p> <p>There is no role for the EAC in the EWM.</p> <p>All drafts that the Commission sends to the Riksdag in the EWM-procedure are examined by the relevant sectoral committee. Thus, there is no mechanism for limiting the number of legislative acts that are examined by the sectoral committees.</p>
3.2 iii	The "Passarelle clause"
	<p>The Riksdag shall approve or reject initiatives from the European Council to decide on an authorisation for the Council to amend the decision-making procedure in a particular area or in a particular case from unanimity to a qualified majority or from a special legislative procedure to the ordinary legislative procedure. The Riksdag shall similarly approve or reject proposals from the European Commission to specify aspects of family law that have cross-border consequences and that can be the subject of legislative acts adopted in accordance with the ordinary legislative procedure.</p> <p>The Chamber shall refer initiatives to the relevant sectoral committee for examination. The committee shall obtain the necessary information from the Government. The committee shall present its proposals for a decision in a statement to the Chamber. The Chamber makes a decision on the statement. The Riksdag shall inform the Presidents of the European Council, the Commission and the Council of its decision to reject an initiative or a proposal by means of a written communication.</p>
3.2 iv	The action of annulment before ECJ on breach with the subsidiarity principle (What quota of MPs is needed to enforce the action of annulment?)
	No specific rule has been adopted. The "normal" practice concerning resolutions to the Government has been considered to be enough. (Simple majority, i.e. a majority of the votes cast).
3.2 v	Accession of new member states to the EU
	No specific rule has been adopted. All accession treaties are anyway put under consideration for the Riksdag, and this far all accession treaties have been approved by the Riksdag.
3.3	How actively does the parliament engage in the political dialogue and "early warning mechanism" with the Commission?
	According to statistics from the Commission the Riksdag is one of the most active national parliaments. The Riksdag examines all proposals in the EWM, and is the parliament which submits most reasoned opinions, according to statistics from the European Parliament.
3.4	Has parliament ever threatened to bring a legislative act to the ECJ because of subsidiarity concerns?
	No.
3.5	<p>If applicable to your member state, how does parliament proceed on the ratification of:</p> <p>a. Treaty Establishing the European Stability Mechanism, signed 2 Feb 2012</p> <p>b. Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, signed 2 March 2012</p>

	<ul style="list-style-type: none"><li>a) Not applicable (Sweden does not have the euro)</li><li>b) The government will most likely present a bill on ratification in November, and within a few months after that the Riksdag will vote on the ratification.</li></ul>
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