

5 June 2018

Our ref. 2118-2017/18

Mr Kristian Vigenin
Chair of the Committee on European Affairs and
Oversight of the European Funds
National Assembly of the Republic of Bulgaria

Dear Mr Vigenin

Thank you for your letter dated 11 May 2018 inviting us to submit written viewpoints in connection with the work of Timmermans' working group.

Your letter has been sent to the Committee on the Constitution, which is the Riksdag committee with overall responsibility for the issues dealt with by the working group. The Committee on the Constitution is limiting its response to the first question as to how the principles of subsidiarity and proportionality can be better applied in the work of the EU institutions, notably regarding preparation and implementation of EU legislation.

Firstly, it can be noted that the Swedish Parliament, the Riksdag, examines all draft legislative acts that are sent for subsidiarity checking in accordance with Protocol no 2 on the application of the principles of subsidiarity and proportionality. As of the end of 2017, the Riksdag has sent a total of 59 reasoned opinions to the Presidents of the European Parliament, the Council and the Commission since the Treaty of Lisbon took effect. The subsidiarity check of a draft legislative act is carried out by one of the Riksdag's 15 committees whose area of responsibility corresponds to the matter. In addition, the Committee on the Constitution carries out an annual follow-up of the Riksdag's application of the principle of subsidiarity. The Committee on the Constitution also examines the Commission's annual reports on subsidiarity and proportionality and on the relations between the Commission and national parliaments.

In this type of examination of the Commission's reports on subsidiarity and proportionality and the connections between the Commission and national parliaments, the Committee on the Constitution assessed that the subsidiarity checks are ineffective in their current forms (statement 2013/14:KU45). An important aspect is the excessively short period for carrying out the subsidiarity checks. The Committee on the Constitution considers that an extension of this period should be considered in an appropriate context. Both the level of the subsidiarity protocol's thresholds for yellow and orange cards and the effects of achieving these thresholds should also be considered in connection with a review of this kind. The Committee, which is aware that matters relating to amendments to the treaties can be time- and energy-consuming, wants to highlight the possibility of bringing about such amendments through agreements between the member states and the EU institutions. The Committee considers that the

parliaments' control mechanism for being able to reject excessively far-reaching proposals must function effectively in order to achieve the balance intended in the Lisbon Treaty between the further decision-making powers that were transferred to the Union and the strengthened role of national parliaments in examining that the right decisions are taken at the right political level.

Furthermore, the Committee on the Constitution would like to emphasise the importance of the EU institutions respecting the time limit for subsidiarity checks. In its latest follow-up of the application of the principle of subsidiarity at the Riksdag carried out in autumn 2017, the Committee on the Constitution noted that several of the Riksdag's committees maintain that negotiations take place within the EU about proposed legal instruments even before the time limit for the subsidiarity check of the proposals has expired (report 2017/18:KU5).

Furthermore, in its statement to the Committee on the Constitution, the Committee on Finance maintained that in one instance in 2017, the Commission submitted a proposal during an ongoing subsidiarity check that amended the proposal that was under examination. In light of this, the Committee on the Constitution wishes to stress the importance of EU institutions respecting the time limit for subsidiarity checks and not anticipating the outcome of such subsidiarity checks. Otherwise, there is a risk that the role of national parliaments in examining subsidiarity may lose in importance.

Finally, the Committee would like to note that it considers that closer cooperation is needed between national parliaments to guarantee efficient monitoring of the principle of subsidiarity. One possible way of exchanging information is by way of the national parliaments' representatives at the EU institutions. The Committee also considers that there is potential for improvement in terms of the extent to which information is entered into IPEX, and that it should be offered in a language that is accessible for other national parliaments.

I would therefore like to convey the Committee on the Constitution's gratitude for the opportunity to submit these viewpoints.

Yours sincerely,



Andreas Norlén

Chair of the Committee on the Constitution
Swedish Parliament