



13.6.2018

NATIONAL PARLIAMENT REASONED OPINION ON SUBSIDIARITY

Subject: Reasoned opinion of the Swedish Parliament on the proposal for a regulation of the European Parliament and of the Council establishing a European Labour Authority

(COM(2018)0131 – C8-0118/2018 – 2018/0064(COD))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, national parliaments may, within eight weeks of the date of transmission of a draft legislative act, send the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why they consider that the draft in question does not comply with the principle of subsidiarity.

The Swedish Parliament has sent the attached reasoned opinion on the aforementioned proposal for a regulation.

Under Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for matters relating to compliance with the subsidiarity principle.

Reasoned opinion of the Swedish Parliament (Riksdag)

The Riksdag has examined whether the Commission's proposal for a European Parliament and Council regulation establishing a European Labour Authority (COM(2018)0131) complies with the principle of subsidiarity. The Riksdag takes the view that the proposal does not comply with the principle of subsidiarity. The reasons for the Riksdag's assessment are set out below.

The Riksdag notes first of all that the proposal concerns draft legislation falling within the scope of the subsidiarity provisions in Article 5(3) of the Treaty on European Union.

The Riksdag notes that the Committee on the Labour Market's statement on the Commission Work Programme for 2018 (statement 2017/18:AU2y) included the following comments on the European Labour Authority that has recently been announced.

Employment and social policy are key issues for all Member States, and there are many ways in which the EU is involved in those issues. There are for example common rules for the protection of employees, and the Member States coordinate their employment policy under the EU's growth strategy, Europe 2020. These issues largely fall within the Member States' areas of responsibility. The Committee on the Labour Market is in favour of improving cooperation between Member States in order to prevent the circumvention of legislation, improve implementation, protect employees and deal with cross-border issues. While the Committee on the Labour Market can see that there is a need to coordinate the Member States' authorities, in the committee's view cooperation should first and foremost be improved by making use of existing processes and structures. For example, the enforcement directive applying to the Posting of Workers Directive has resulted in new provisions regarding administrative cooperation between authorities in the area of the posting of workers.

The Riksdag notes that in the above-mentioned statement, the Committee on the Labour Market put forward its view that the Commission should not proceed with the proposed European Labour Authority as it is unclear what added value such an authority might provide.

The Riksdag has now noted that the Commission has chosen to bring forward the proposal, and the Riksdag has to take a position on whether the proposal is compatible with the principle of subsidiarity enshrined in the Treaty on European Union.

The Riksdag wishes to emphasise how important it is that various national labour market models and Member State powers as regards social and employment issues are respected. The Riksdag considers that it is unclear what added value such a new authority would bring. There is no detailed information on this in the Commission's proposal. Well-established structures both at national and EU level already exist to deal with the issues for which this authority is to be made responsible. The Riksdag also sees a risk that a new authority could entail the creation of further structures that would increase administration and generate more work for the Member States.

The fact that, according to the proposal, the authority will report back to the Commission on the extent to which Member States are complying with EU law poses a further risk, in the

opinion of the Riksdag, that this may be used as a reason to extend the regulatory framework for the labour market or to extend the remit of the authority. There is also a risk that the authority's activities may conflict with national labour market models.

The Riksdag sees the proposed tasks of the authority – to mediate between the Member States and support joint inspections – as particularly problematic.

In summary, the Riksdag considers that the overall objective of the authority – to help ensure fair mobility for employees in the internal market – can be achieved to a sufficient extent by the Member States through improved cooperation under existing processes and structures, and that the added value provided by a new European Labour Authority can therefore be called into question.

In conclusion, the Riksdag would like to emphasise how important it is that negotiations on proposed legal instruments are not begun before the time limit for the subsidiarity check has expired, as the Committee on the Constitution has previously pointed out (committee report 2017/18:KU5). Otherwise, there is a risk that the role of national parliaments in examining subsidiarity may become less important.

In the light of the foregoing, the Riksdag takes the view that the proposed European Labour Authority does not comply with the principle of subsidiarity and hereby submits a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission.