



EU-upplysningen

Rapid, comprehensible and impartial information about the EU

- What does it mean to be a member of the EU?
- How do the Government and the Riksdag work with EU issues?
- Why hasn't Sweden introduced the euro as its currency?



ENGLISH

SVERIGES RIKSDAG

EU-UPPLYSNINGEN

Sweden in the EU

FACTS FROM THE EU INFORMATION CENTRE OF THE SWEDISH PARLIAMENT • AUG. 2011

Sweden has been a member of the EU since 1 January 1995. This means that Sweden participates in the decision-making process for EU rules, and that Sweden must then abide by these rules. Sweden has representatives in the EU institutions and every five years Sweden holds elections to the European Parliament.

What does it mean to be a member of the EU?

Sweden is one of the EU's 27 member states. Being a member means that some of the decisions that were made by the Swedish Parliament prior to membership are now made jointly with the other EU member states.

Sweden decides together with the other EU member states on new EU legislation, for example for issues applying to asylum, agriculture and the Internet. This legislation may concern rules for how asylum applications should be processed, requirements for the transportation of animals, or rules for blocking Internet users.

When the EU has decided on new legislation, it is then implemented in the member states. This may require the member states to amend existing national laws or pass new ones. Many Swedish laws thus originate from EU laws, for example the Working Hours Act, which is based on the EU directive on the organisation of working time.

Sweden, like the other member states, has representatives in the various EU institutions and bodies. In certain cases, the Swedish representatives represent Sweden, in other cases they are intended primarily to represent the EU. There are also institutions and bodies in which the Swedish representatives represent their voters or special interests.

SWEDISH REPRESENTATIVES IN THE EU

There are Swedish representatives in the EU institutions and bodies as follows:

- The Swedish Prime Minister represents Sweden in the European Council.
- Ministers from the Swedish Government participate in the Council of Ministers.
- One of the Commissioners in the European Commission is nominated by the Swedish Government.
- 18 members of the European Parliament are elected in Sweden. However, the number will soon rise to 20 as a result of the new EU treaty, the Lisbon Treaty.
- In the Court of Justice of the European Union and in the General Court, one judge is proposed by the Swedish Government.
- In the Court of Auditors, one of the members is proposed by the Swedish Government.
- 12 Swedish municipal and county council politicians are members of the Committee of the Regions.
- 12 representatives of Swedish employers and employees and other interested parties participate in the European Economic and Social Committee.

In addition to this, more than one thousand Swedish civil servants work in the EU institutions, mainly at the European Commission.

Sweden in the EU decision-making process

Both the Government and the Swedish Parliament – the Riksdag – take part in the EU decision-making process. It is the Government that represents Sweden in the EU, while the Riksdag monitors EU issues and submits its points of view to the Government.

EU activities carried out by the Government and the Riksdag

The Government is responsible for formulating Swedish EU policies. The Government represents Sweden in the EU and negotiates with the other member states on the formulation of EU policies. The Government is obliged to inform the Riksdag on its EU activities and check up on the Swedish position with the Riksdag prior to decisions in the Council of Ministers.

When the European Commission has presented a draft EU law, it is sent to the Swedish Government and to the Riksdag. The Government then prepares a Swedish position on the EU proposal. The Government also writes an explanatory memorandum on proposals of a more important nature.

Both the Commission's proposal and the Government's memorandum are considered by the parliamentary committee responsible for the area to which the proposal applies. During this period, the Riksdag can also ask representatives from the Government to come and provide information on the proposal.

All the parliamentary committees monitor the work being carried out in the EU in their particular area. The Government deliberates with the committees on current issues when requested by the committees. In this way the members of the Riksdag can present their views to the Government.

When it is time to take a decision on a particular issue in the Council of Ministers, the Government has to consult the Committee on European Union Affairs. The Committee on EU Affairs is the Riksdag's special body for consultation on EU matters. After consulting the Committee on EU Affairs, the Government has a political mandate from the Riksdag which it is expected to follow in the Council.



Elections every five years to the European Parliament

The members of the European Parliament (MEPs) are elected in the EU member states every five years. The latest election to the European Parliament was held in June 2009. The turnout in Sweden was 45.5 per cent, which was somewhat higher than the EU average.

To be allowed to vote, you must have reached the age of 18. A particular party must receive at least four per cent of the votes to get into the European Parliament. A candidate who has received personalised votes that make up more than five per cent of the votes cast for the party in the whole country can be given a seat with the help of the personalised votes. In the election to the European Parliament, the whole of Sweden constitutes a single constituency.

How an EU law is made

One of the many EU laws is the Audiovisual without Frontiers Directive, usually called the Audiovisual Directive. This directive includes rules for television broadcasts. In order to see how the Government and the Riksdag form a part of the EU's decision-making process, you can follow the progress of the Audiovisual Directive from the proposal stage to its final decision:

1. The European Commission presents a proposal for an Audiovisual Directive.



2. The proposed directive is submitted to the Government, which then prepares a Swedish position on the proposal. The Government writes an explanatory memorandum.



3. The European Commission's proposal and the Government's explanatory memorandum are submitted to the Committee on the Constitution, which is responsible for the matter in the Riksdag. The Committee on the Constitution requests the Government to provide information on the proposal.



Sweden and EU law

In the EU, the principle of the precedence of EU legislation over national legislation applies. This means that if a Swedish law and an EU law conflict with each other, it is the EU law that should apply. If a Swedish court of law is uncertain as to how it should interpret EU law, it can consult the EU Court of Justice.

EU laws in Sweden

When the EU has taken a decision on new rules, the member states are obliged to follow them. The most common types of EU laws are regulations and directives.

Regulations apply immediately and equally in all member states. A regulation thus applies immediately under Swedish law. An example of this is the REACH Regulation that concerns chemicals.

Directives, on the other hand, contain goals that the member states are intended to reach, but it is up to the member states themselves to decide exactly how they are to reach these goals. This is referred to as a member state implementing the directive in its own national legislation. This may require amendments to be made to national laws or that a particular member state may have to pass new laws.

In Sweden, this is done in the same way as in the ordinary legislative process, that is by the Government submitting a bill to the Riksdag. The EU's General Product Safety Directive, for example, was implemented into Swedish law through the Product Safety Act.

If Sweden does not follow EU law

The European Commission is responsible for ensuring that the member states follow the rules that have been agreed. If Sweden has not implemented a directive on

time or in the right way, or if the Commission thinks that Sweden is not following EU rules, it can take Sweden to the EU Court of Justice. If Sweden loses the case, it may result in Sweden having to pay a fine.



Swedish courts and EU law

Private individuals may refer to rights contained in EU rules when contacting national authorities and courts. However, this is on condition that it is possible in a particular EU rule to identify rights and obligations applying to individuals, or to natural or legal persons.

If a Swedish court is unsure as to how it should interpret EU law in a particular case, it can request what is known as a preliminary ruling from the EU Court of Justice. In its ruling, the EU Court of Justice determines how EU law is to be interpreted in the particular case in question. Then, it is the national court that rules in the actual case.

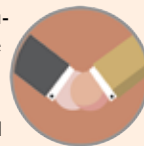
For example, Sweden has consulted the EU Court of Justice to find out whether the Swedish Retail Alcohol Monopoly is compatible with EU rules.

4. It is time to take a decision

on the proposed directive in the Council of Ministers. Prior to the meeting of the Council of Ministers, the Minister for Culture consults with the Committee on EU Affairs at the Riksdag. A majority of the members of the Committee on EU Affairs are in favour of the Government's position on the proposed directive and the Minister is given a mandate prior to the Council meeting.



5. After some time, the European Parliament and the Council of Ministers have reached agreement on the Commission's proposal and therefore take a decision to approve the Audiovisual Directive. It is now time for the member states to implement the directive in their national legislation.



6. In Sweden, the Government appoints a Commission of Inquiry into how the Audiovisual Directive is to be implemented. Certain Swedish laws need to be amended. The Government therefore submits a bill in which it proposes which amendments are necessary. The laws can start to apply once the Riksdag approves the bill. Once the laws have come into force, the directive has been implemented in Sweden.



Swedish government agencies implement and inform

Swedish authorities and government agencies are affected by EU policies in various ways. As is the case with the laws decided on by the Swedish Parliament and Government, the decisions and regulations of government agencies must also take EU rules into consideration.

Many government agencies also participate in implementing the decisions that are taken at EU level. Officials from the state agencies often participate in EU working groups and committees. For example, the National Food Administration participates in the groups working with food-related issues in the EU.

The state agencies are also responsible for monitoring developments in EU policy and providing updated information within their particular areas. For example, they can provide information on EU support in their areas of responsibility. In certain cases, it is also the agency that receives and assesses applications for EU support. When a farmer wishes to apply for agricultural support from the EU, for example, he or she has to contact the Swedish Board of Agriculture.

The EU and the Swedish local authorities

Even though EU rules are determined by the EU institutions, approx. 70 per cent of EU legislation is implemented at local and regional level according to the EU. The Swedish Association of Local Authorities and Regions (SKL) estimates that EU policies affect around two-thirds of the issues that are on the municipal agenda.

They can more or less take immediate effect. In their capacity as an employer, the municipalities for example have to take into account rules for working time that are based on the EU's Directive on Working Time. If a municipality wishes to make a major purchase, it must follow rules concerning procurement, which originate in EU rules.

THE ANNUAL EU-CONTRIBUTION

Membership of the EU requires the payment of an EU contribution or membership fee. The Swedish EU contribution amounts to approx. SEK 30 billion a year. Sweden gets approx. SEK 10–15 billion back from the EU. Most of the money that Sweden receives is in the form of EU subsidies to agriculture, for example farm payments and livestock support.

The fact that EU rules in many cases are implemented via Swedish laws means that it is not always noticeable that they are actually EU rules. The municipalities are also affected more indirectly, for example if they participate in projects that are financed by the EU.

How to influence the EU or complain

There are various ways of influencing or complaining about decisions taken by the EU. Depending on what you want to influence or complain about, there are different bodies you need to contact.

If you want to influence a proposed new EU law, you can contact the European Commission, because it is the Commission that draws up proposed laws.

It is then the Council of Ministers, in most cases together with the European Parliament, that takes the final decision on the new EU law. In order to influence the law at this stage, you can either contact the Swedish minister who decides in the Council of Ministers or one of the Swedish MEPs.

You can also contact the members of parliament who pass the laws in Sweden and give the Government their points of view prior to decisions in the Council of Ministers.

If you think that Sweden is not following EU rules, you can report this to the European Commission that is responsible for ensuring that the member states comply with what the EU has decided. If you want to complain about EU institutions, you can contact the European Ombudsman, whose responsibility it is to look into unsatisfactory practices in the EU institutions.

SUBSIDIARITY CHECK

The Riksdag has to check to ensure that proposed EU legislation follows the principle of subsidiarity (principle of proximity). According to this principle, decisions must be taken at the political level at which the decision can be made most effectively; as close to the citizens as possible.

When the EU institutions are to make a new law, there must be obvious justification as to why it is more effective to make the decision at EU level rather than in the member states. The Riksdag has to carry out a subsidiarity check of proposed EU legislation.

If a certain proportion of parliaments of member states consider that the proposal conflicts with the principle of subsidiarity, the Commission must reconsider the proposal.

Sweden and the euro

Sweden participates to a certain extent in the Economic and Monetary Union (EMU), but it is not a member of the EU currency union.

In order to introduce the euro as its currency, a country must meet certain requirements, known as convergence criteria. The criteria state that the country in question must have permanently stable prices, sound finances, a stable exchange rate and low interest rates. The laws of the country must also conform to the EU's rules on monetary union.

In a referendum in 2003, a majority of voters in Sweden voted against introducing the euro in Sweden. Prior to the referendum the parties in the Riksdag said that they would respect the result of the referendum. The no in the referendum therefore means that Sweden will not be striving towards participation in the currency union for the foreseeable future. Sweden's central bank – the Riksbank – continues to decide on Swedish monetary policy and Sweden continues to have the Swedish krona (SEK) as its currency.

Sweden has also been subject to examination by the EU on a number of occasions and is considered not to fulfil the set requirements, including that of a stable



exchange rate. This is a result of the fact that Sweden has chosen not to participate in the European exchange rate mechanism (ERM 2), which means that a particular currency is linked to the euro.

To be able to introduce the euro, Sweden must thus fulfil the requirements set by the EU, but today Sweden does not intend to introduce the euro. It is up to the Swedish politicians to decide whether they want to raise the question of a new referendum on the euro.

REFERENDUM ON THE EURO

On 14 September 2003, Sweden held a referendum on the euro. The voters had to answer the following question: "Do you think Sweden should introduce the euro as its currency?" 55.9 per cent of the voters voted no and 42 per cent yes. 2.1 per cent voted blank. There was an 82.6 per cent turnout.

Sweden's path to membership

Negotiations leading to membership on 1 January 1995

On 1 July 1991, the Government submitted an application for Swedish membership of what was then known as the EC (European Community). At the time, efforts were under way to agree on a new treaty that would make the EC into the EU. The then twelve member states therefore decided to process Sweden's application once the new EU treaty – the Treaty on European Union – had come into force. For this reason Sweden's application became an application for membership of the EU, and negotiations were begun on 1 February 1993.

After more than a year of negotiations between Sweden and the member states of the time, a treaty of

accession was signed in June 1994. On 13 November the same year, Sweden held a referendum on EU membership. Because a majority of Swedes voted yes to membership, the Riksdag approved the accession treaty in December 1994. On 1 January 1995, Sweden joined the EU.

REFERENDUM ON MEMBERSHIP IN 1994

On Sunday 13 November 1994, Sweden held a referendum on EU membership. The result of the referendum was 52.3 per cent in favour and 46.8 per cent against membership of the EU. 0.9 per cent of those entitled to vote voted blank. There was an 83.3 per cent turnout.

Transitional rules and exemptions

In the Swedish accession treaty, there are conditions for Swedish EU membership. In the treaty, there are also certain transitional rules for Sweden, that is Sweden was granted an extended period for the introduction of EU legislation. Sweden was given transitional rules for such things as chemicals, the purchase of holiday homes and the private import of alcohol from other member states. In certain cases, after the end of the transitional period Sweden has adapted its rules to those of the EU. In other cases, the EU has amended its rules so that Sweden has not needed to amend its rules.

Sweden has also been granted a permanent exemption for snus, the special kind of Swedish moist tobacco taken under the top lip. The exemption, which is included in the treaty of accession, states that it will continue to be permitted to manufacture and sell snus in Sweden. On the other hand, Sweden is not allowed to export snus to other EU member states.

The EU and the Swedish Constitution

The Swedish Constitution has been amended several times since Sweden became a member of the EU. Before Sweden joined, for example, the Instrument of Government was amended to enable the Riksdag to transfer part of its decision-making authority to the then EC, that is the supranational part of EC cooperation that applied for example to environmental issues, agricultural policy and the internal market. The amendment also enabled Sweden to hold elections to the European Parliament.

Because the EU treaties were changed after Sweden became a member, a new constitutional amendment was made, which came into effect in 2003. This amendment enabled Sweden to transfer decision-



making authority for EU cooperation as a whole, that is also for intergovernmental foreign and security policy. The Government's obligation to inform and consult with the Riksdag on EU issues was also added to the Instrument of Government.

According to the Instrument of Government, the condition allowing the Riksdag to transfer its decision-making authority to the EU is that decisions in the EU do not contravene the principles of the Swedish form of government. Nor may EU decisions violate the rights pursuant to the Instrument of Government or to the European Convention for the Protection of Human Rights and Fundamental Freedoms.

FREEDOM OF MOVEMENT BEFORE SWEDEN JOINED

Sweden became a member of the EU on 1 January 1995. But the EU's rules for free movement of goods, persons and capital also applied in Sweden before EU membership. Sweden had in fact joined the EEA Agreement (European Economic Area), which is a form of collaboration between the EU and all the EFTA countries apart from Switzerland (the European Free Trade Association, in this case Iceland, Liechtenstein and Norway). The EEA Agreement came into force on 1 January 1994.

WOULD YOU LIKE TO FIND OUT MORE?

You are welcome to put questions direct to our information officers by telephone, e-mail or letter. Our contact information is available below.

SVERIGES 
RIKSDAG 
EU-UPPLYSNINGEN