

Subsidiarity check on the Commission's Proposal for a Regulation establishing a European Labour Authority

Summary

The Committee proposes that the Riksdag submit a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission in accordance with Chapter 10, Art. 3 of the Riksdag Act. The Committee considers that the Commission's proposal conflicts with the principle of subsidiarity.

First, the Committee notes that it is a question of such a draft legislative act covered by the provisions regarding subsidiarity under Article 5.3 of the Treaty on European Union.

The Committee wishes to emphasise how important it is that various national labour market models and the competence of the member states in the social area and in the area of employment are respected. The Committee considers that it is unclear what added value such a new authority would have; no detailed information on this is given in the Commission's proposal. There are already well established structures today both at the national level and at EU level for dealing with the issues for which this authority is to be assigned responsibility. In fact, the Committee 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 the Authority will, according to the proposal, report back to the Commission on how member states are following EU law presents a further risk, in the opinion of the Committee, that this may be seen as a reason for extending the regulatory framework for the labour market or extending the remit of the Authority. This means that there is also a risk that the activities of the Authority may come into conflict with national labour market models.

The Committee sees the proposed tasks of the Authority - to mediate between the member states and support joint inspections - as particularly problematic.

In summary, the Committee 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 within the framework of existing processes and structures, and that it is therefore possible to put into question what the added value of such a new European Labour Authority may be.

In conclusion, the Committee 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. This has also been pointed out by the Committee on the Constitution (committee report 2017/18:KU5). Otherwise, there is a risk that the role of national parliaments in examining subsidiarity may lose its importance.

The statement contains a reservation from the Social Democratic Party, the Green Party and the Left Party proposing that the Riksdag should decide not to submit a reasoned opinion.

The examined proposals

The Commission's proposal to the European Parliament and Council for a Regulation establishing a European Labour Authority (COM(2018) 131).