

Statement by the Committee on the Labour Market 2017/18:AU17 Subsidiarity check on the Commission's Proposal for a Regulation establishing a European Labour Authority

APPENDIX 2

Reasoned opinion of the Riksdag

The Riksdag has examined whether the Commission's proposal to the European Parliament and Council for a Regulation establishing a European Labour Authority (COM(2018) 131) conflicts with the principle of subsidiarity. The Riksdag considers that the proposal is in conflict with the principle of subsidiarity. The reasons for the Riksdag's assessment are as follows.

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

The Riksdag notes that in its statement of opinion on the Commission Work Programme for 2018 (statement 2017/18:AU2y), the Committee on the Labour Market states for example the following in connection with the then recently announced European Labour Authority.

Issues concerning employment and social policy are fundamental for all member states, and the EU works in many respects with these issues. For example, there are common rules for the protection of employees, and the member states coordinate their policy regarding employment within the framework of the EU's growth strategy, Europe 2020. These issues are largely part of the competence of the member states. The Committee on the Labour Market is positive to improving cooperation between member states as a deterrent to evading legislation, and as a way of improving implementation, protecting employees and dealing with cross-border issues. While the Committee on the Labour Market can see that there is a need to coordinate the authorities of the member states, cooperation should, in the opinion of the Committee, first and foremost be improved by making use of existing processes and structures. For example, the Application Directive for the Posting of Workers Directive has resulted in new provisions regarding administrative cooperation between authorities as regards the posting of workers.

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

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

The Riksdag 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 Riksdag 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 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 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 Riksdag, 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 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 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 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. 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.

In the light of this, the Riksdag considers that the proposed European Labour Authority conflicts with the principle of subsidiarity and submits a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission.