

Statement by the Committee on the Constitution

2017/18:KU48

Reasoned opinion of the Swedish Parliament

The statement by the Committee on the Constitution 2017/18:KU48 presents the Committee's examination of the application of the principle of subsidiarity to the Proposal for a Directive of the European Parliament and of the Council on the protection of persons reporting on breaches of Union law (COM(2018) 218).

The Riksdag wishes to emphasise how important it is that individual whistleblowers are given protection when they report on irregularities or breaches of Union law. There are grounds for having common EU rules regarding breaches of Union law. The Riksdag thus does not question the need for improved regulation at EU level as regards breaches of Union law. However, the Riksdag would like to bring to mind that Sweden has special protection for persons communicating information to media on irregularities and corruption, and there is a possibility that other national legislation may be considered regarding the reporting of irregularities, corruption and other breaches of Union law.

It is questionable whether it is reasonable to have such detailed regulation at EU level as has now been proposed. It ought to be possible to take decisions on more specific details at national level. Parts of the Commission's proposal, especially the proposal to establish internal and external reporting channels, appear to go farther than what is necessary. It should be possible to reach the objective – that is to strengthen compliance with Union law – by means of solutions that are more adapted to the conditions of each member state. In this way, the solutions would be more sustainable and effective in the long term.

In the light of this, the Riksdag considers that the proposal in all its parts is not compliant with the principle of subsidiarity.