

## Summary of Statement 2021/22:KU45

The Committee considers that parts of the European Parliament's proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage conflict with the principle of subsidiarity and proposes under Chapter 10, Article 3 of the Riksdag Act that the Riksdag submit a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission.

The Committee notes that when the proposal was sent to the Riksdag, no information was presented indicating that the procedure stated in the Protocol on the application of the principles of subsidiarity and proportionality had begun or that the Riksdag had the possibility within eight weeks to submit a reasoned opinion. The Committee maintains its earlier assessment that the absence of information of this kind can lead to uncertainty among the EU's national parliaments as to whether a draft is covered by provisions regarding subsidiarity checking in the treaty and from which dates the eight-week time limit for submitting a reasoned opinion is to be calculated. In order to safeguard the national parliaments' right to examine whether draft legislation is compatible with the principle of subsidiarity, all legislative acts that are sent to national parliaments, regardless of the institution of the sender, must be accompanied by such information.

The Election Act is based on the underlying idea that the procedure for elections to the European Parliament should essentially follow the same rules that apply to national elections. The Committee considers as before that this is a good and appropriate procedure. The various forms for how elections are to be carried out must be permitted to differ in the various member states. The fact that the citizens are well familiar with them is of great importance for upholding faith in democracy and election procedures and this contributes to maintaining confidence in election procedures.

A point of departure for the subsidiarity check should thus be that the regulation is applied to as great an extent as possible at national level. In the opinion of the Committee, as before only the basic provisions on election to the European Parliament should be regulated in Union law.

The Committee considers as before that the objectives of several of the proposed measures can better be achieved by the member states. The Committee wishes to point out in particular that the inner life of the political parties does not need to be regulated at EU level, for example what political parties should take into consideration when selecting candidates. It should be the task of every party to decide itself how candidates are to be selected. Furthermore, the Committee considers that there is no reason at EU level to regulate how election campaigns are to be run, for example when an election campaign may be started and what should be contained in election campaign material. The same applies to the proposed ban on carrying out opinion polls during a certain period. The Committee's assessment is that the regulation could constitute a limitation of basic rights and freedoms. Under all circumstances, such a regulation should, if it is to be regarded as reasonable, be at the national level and be designed on the basis of the preconditions prevailing in each member state.

### *The examined proposal*

The European Parliament's proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, repealing Council Decision (76/787/ECSC, EEC, Euratom) and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision (P9 TA(2022)0129).