

Swedish position in the IGC¹

The Swedish view is essentially that the overall structure of the proposed Constitutional Treaty, e.g., the abolishment of the three-pillar structure and the proposal to give the Union legal personality, should be welcomed by the intergovernmental conference. Furthermore, the proposals to include the Charter on fundamental rights and that the Union should seek accession to the European Convention should be seen as complementary and has the support of the Swedish Government.

Regarding the institutional reforms, one of the most contentious issues in the Swedish debate has been that of the proposal for an elected president of the European Council. Contrary to the position of other small member states the Swedish government has consistently been positive to the proposal while the Swedish parliament has been against this solution since, according to the Parliament, it would upset the institutional balance. Thus, the Swedish government has no mandate from the parliament to support this particular proposal in the IGC. Regarding the overall proposals for institutional reform the Swedish government considers it to be a “good basis for a compromise” but some issues need to be discussed further in the IGC. Sweden is not in favour of a specific legislative council nor is the so called *passerelle* clause to the Government’s liking. The Government holds the view that a foreign minister would enhance the efficiency and coherence in external relations but thinks that it is problematic to have a “double-hatted” foreign minister as has been proposed by the Convention. Regarding the composition of the Commission the Swedish Government considers the proposal to be a “possible compromise”, the Swedish parliament on the other hand thinks it would be better to stick to the system with one voting Commissioner per member state. The codification of supremacy of EU-laws is deemed not to cause any problems, but the Government will strive for a clarification that due respect should be given to the member states’ constitutional legacy.

¹ The position of the Swedish government is based on the position expressed in *Regerings skrivelse 2003/04:13 Europeiska konventet om EU:s framtid*, presented to the Swedish parliament 2 October 2003. The position of the Swedish parliament is based on the position expressed in *Sammansatta konstitutions- och utrikesutskottets betänkande 2003/04:KUU1 Europeiska konventet om EU:s framtid* discussed in the parliament 20 November 2003.

The Swedish position regarding the division of competencies and decision-making rules are basically in accordance with the draft constitution. However, the Government's is "under all circumstances" against QMV in the area of taxation.

Two additional policy areas that cause concern for the Swedish Government are asylum policy and defence co-operation. The position on asylum policy is opaque but in our reading it entails moving towards a common system, thereby accepting the removal of minimum standards, while until such a common system is achieved it should be possible to have "better", i.e., more generous, rules. The positions on the defence issues are that it does not approve of a structured co-operation between a sub-set of member states in issues related to military capability building nor in mutual defence. It should moreover be noted that unanimity is the preferred decision-making rule for all decisions related to military operations, while some QMV could be supported within CFSP. Finally, the Swedish government is likely to pursue a stricter wording regarding equality between men and women as one of the overarching goals of the Union as well as promoting the aim of sustainable development.