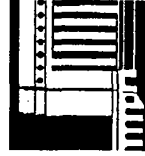


PARLIAMENTARY SCRUTINY OF
EUROPEAN UNION AFFAIRS
IN FINLAND

NIILLO JÄÄSKINEN TIINA KIVISAARI



THE SECRETARIAT FOR EU AFFAIRS

Niilo Jääskinen and Tiina Kivisaari

Parliamentary Scrutiny of European Union Affairs in Finland

Background and Introduction to Parliamentary Scrutiny of European Policies

Finland joined the European Union on 1 January 1995. As a Member State, Finland participates in EU decision-making, while the decisions of the EU are correspondingly binding on Finland. The European Union has supranational decision-making powers in several fields. Therefore, membership of the EU has required the transfer to the Union of certain legislative powers and other prerogatives previously exercised independently by Finland.

National parliaments of the Member States are not directly represented in the organs of the EU. They exercise a supervisory function through the representatives of the governments of the Member States represented in the Council of the Union. However, amendments to the constitutive Treaties of the EU and certain other fundamental decisions of the EU must be approved by the national parliaments of the Member States. Acts adopted by the institutions of the EU often require implementation by legislation enacted by national parliaments.

The problematic role of national parliaments involved in European integration was visible in Finland in 1989 when the institutional set-up of the European Economic Area (EEA) began to find its shape. Finnish parliamentarians understood that the EEA agreement would lead to a new situation. Representatives of the Government could take decisions at the European level on issues that traditionally belonged to the legislative, budgetary and treaty-making competences of the *Eduskunta* without the Parliament having any practical possibilities to withdraw afterwards from the decision. It was also clear for us that in this respect the difference between the EEA and full membership in the European Communities was only formal.

Therefore, preparations were started for a system of parliamentary control that would give the *Eduskunta* as much factual possibility to influence European decision-making as any national parliament could have. As a starting point it was decided that the basic principles of the planned system should also remain valid if Finland acceded to the European Union. These preparations led to certain constitutional amendments that entered into force simultaneously with the EEA agreement on 1 January 1994. When the Treaty on Accession of Finland to the European Union entered into force a year later, the constitutional provisions on parliamentary control of European decision-making were slightly amended. However, the principles of the system adopted for EEA purposes could remain intact.

When preparations for the Finnish system started, it was considered that there were two examples worth deeper study: the British and the Danish. It was not a coincidence that these countries were not original Member States. The United Kingdom and Denmark had entered a Community where the impact of supranational decision-making on the national parliament was already visible. During the preparation of the Finnish system it was elicited, however, that the Treaty on European Union had led to intensification of parliamentary control of European decision-making in several other Member States, for example in Germany and France.

At a preliminary stage of the preparations it was considered that the parliamentary scrutiny system must be based on the existing committee system, with the plenary session assuming a less active role. Adopting of the schedules of the plenary sessions to the hectic and unpredictable work rhythm of the EU Council was considered impossible. This solution was also based on the need for confidential exchange of views between the Government and the *Eduskunta* which may arise at some stage in the preparations. The committees of the *Eduskunta* generally meet *in camera*, though the documents considered by the committees as well as the minutes of their meetings normally become accessible to the public after the meeting.

For Finland it was natural to take the model of her Nordic neighbour country, Denmark, as a starting point. It was soon found out, nevertheless, that the model of the *Folketing's* Common Market Committee, *i.e.* the present European Matters Committee, could not be transferred to Finland without some modifications.¹

The first adaptation made to the Danish system in Finland concerned the role of specialised committees. In Finnish preparations it was considered necessary that both the committee responsible for European matters and all the specialised committees should be closely associated with European policy-making. A special European matters committee was needed in the *Eduskunta*

¹ It should be noted, however, that the scrutiny system applied in the Danish *Folketing* has been developed during this decade, *e.g.* by enhancing the role of specialised committees.

as a substitute for the plenary session, *i.e.* as a political organ which would act for the whole chamber on current European matters. Clearly such a general committee could not have the necessary expertise to cover the entire substance of the various fields of Community legislation such as the internal market, Common Agricultural Policy or equality between the sexes. Thus it was imperative to take care that every specialised committee is seized with developments of European legislation in its field of activity.

A second point where a need for adaptation was considered imperative was the question relating to the timing of parliamentary input. In the Danish model the European Matters Committee was originally seized at the end of the decision-making process, *i.e.*, shortly before Council meetings. However, in the present Union, many decisions are taken by a qualified majority vote, and a government can no longer block decision-making of the Council. Therefore the aim in Finland was to create a system where the first parliamentary input could be given to the Government as early as possible, ideally before the discussions on the proposal start at the Council working group level.

The development of the Finnish system can be divided into three phases: the EEA phase, the phase of placing the system into practice and the phase of the established system.

The EEA phase of the scrutiny system started when the Agreement on the European Economic Area (EEA) entered into force on 1 January 1994, one year behind the original schedule. Thus it was operative only for one year before Finland's accession to the EU. In principle, the procedures described below, were in essence applied already in the scrutiny of EEA decision making. Some thirty Commission proposals were submitted to the Grand Committee during 1994. The procedures applied during the EEA phase were, however, affected by the fact that the decision making body of the EEA, *i.e.* the EEA Joint Committee, did not convene at ministerial level. It should also be noted that the composition of the Grand Committee was not changed despite its new important responsibilities.

The first months after Finland's accession to the EU were affected by parliamentary elections that were held in March 1995. Because of the elections, active European policies could not be pursued until a new coalition government had been formed in the beginning of May 1995. The composition of the Grand Committee appointed by the new *Eduskunta* after the elections was also changed because of the nomination of the new Government. The presidential elections in France, the country holding the Presidency during the first half of 1995, also caused an *impasse* from mid-April to mid-May 1995 to the functioning of the EU Council. These factors suggested that the development of the modalities of post-accession parliamentary scrutiny could only seriously start as of May 1995.

This phase of placing the system into practice continued until the summer of 1996. During this stage, the Parliament and the Government defined their respective positions concerning modalities of their interaction and communica-

tion in the national preparation of EU affairs.¹ This stage can also be described as a learning process during which both the respective political institutions and their preparatory bureaucracies created a common *modus vivendi* and implemented it gradually with decreasing procedural friction. In the beginning of this stage two instances of political dispute occurred between the Government and the Grand Committee, caused to a certain degree by unestablished modalities (*see below*). June 1996, when a constitutional dispute between the Grand Committee and the Government concerning modalities applicable to draft third pillar conventions was settled in favour of the Committee, can be considered as the end of this period of the regularization of the scrutiny system.

The third phase, *i.e.* that of the *established scrutiny system*, which commenced as of autumn 1996 can be characterized as reaching the stage of "business as usual" in the life of the scrutiny system.⁴ There are no longer any significant disputes concerning how the system should work, and the actual work of the system has found routines converging more and more with its goals even if failures in the application of the scrutiny may occur occasionally in individual cases.

Constitutional Base of the System of Parliamentary Scrutiny of European Policies

There are provisions in the Finnish Constitution⁵ concerning the participation of Parliament in the national preparation of decision-making at European level. The basic constitutional provision relating to the scrutiny system is Sec. 33 a, paragraph 1, of the Constitution Act. According to it "Parliament shall par-

¹ This exchange of views led to three important documents concerning the functioning of the scrutiny system. Two circulars were issued to the ministries concerning the application of the scrutiny (letter of the Ministry for Foreign Affairs of 9 June 1995 and letter of the Ministry of Justice of 6 October 1995). The Grand Committee defined its view on the applicable procedures in its opinion SuVL 3/1995 vp, which was adopted in November 1995.

⁴ As a sign of the regularization of the modalities the Ministry of Justice issued a new circular concerning the interaction between the *Eduskunta* and the Government in the preparations of EU affairs in September 1996. This circular replaced the two preceding letters referred to in footnote 3.

⁵ The Constitution of Finland consists of four acts which expressly define themselves as constitutional enactments. These acts are the Constitution Act of 1919, the Parliament Act of 1928, the Ministerial Responsibility Act of 1922 and the Act on the High Court of Impeachment of 1922. (The text in force of these acts is available in English in *Constitutional Laws of Finland*, published jointly by the Parliament of Finland, Ministry for Foreign Affairs and Ministry of Justice, Helsinki 1996).

ticipate in the national preparation of decisions to be made by international organs in the manner prescribed in the Parliament Act."

Detailed provisions on the scrutiny system are included in Chapter 4 a of the Parliament Act. The Government must forward to the Speaker any proposals within the EU organs which the Government has notice of, and which are within the remit of the *Eduskunta* (Sec. 54 b). These proposals form the category of "U matters" (*see below*).

The Speaker shall submit the matter to the Grand Committee and as a rule also to any competent specialised committee for analysis and opinion (Sec. 54 d). The Speakers Council may submit the proposals for consideration at a plenary session for debate and discussion only (Sec. 54 c). This is a power to be exercised at the discretion of the Speaker's Council; it has never been used to date.

The Grand Committee shall receive information and documentation from the Government on any EU matter if the Grand Committee requests, or if the Government itself deems it necessary (Sec. 54 e). This is the constitutional basis for Ministers being required to appear at the Grand Committee on the Friday preceding the meeting of the Council of the European Union. EU documents of interest and special reports are also furnished to the Grand Committee pursuant to this provision. In these cases also, the Grand Committee has the discretion to forward an opinion on information received. Simultaneously, the Speaker's Council may decide to raise the matter for debate before a plenary session of Parliament.

The basic rule stemming from general constitutional principles is that all information and documents provided to the Grand Committee are deemed to be public. However, the Grand Committee can decide that a matter is confidential and determine the degree of confidentiality applicable (Sec. 54 f). If the Grand Committee receives what it considers a reasonable request from the Government, it may decide that its members will maintain the confidentiality of all or part of a meeting. This decision is exclusively for the Grand Committee to make.

Section 54 a provides that the Prime Minister must notify the Grand Committee of:

- (a) the agenda of the European Council *i.e.* the summit conference of the EU
- (b) the issues that have been discussed at the European Council and the outcome of the discussions once the conference has been concluded.

The Grand Committee may forward opinions on information received. Accordingly the Grand Committee may publish an opinion, *i.e.* a public document, giving its view of the policy to be adopted *vis à vis* the issues at stake. Procedures corresponding to those described above shall also be applied to the intergovernmental conferences of the EU (Sec. 54 g).

It is a constitutional requirement that the Government and each individual Minister must enjoy the confidence of Parliament in all of their activities. This principle of accountability to Parliament also applies to the activities of the Government within the EU.

The Roles of the Grand Committee, The Foreign Affairs Committee and the Specialised Committees

The scrutiny of EU affairs in the *Eduskunta* has been entrusted to the parliamentary committees. The Grand Committee is the principal EU affairs committee of the *Eduskunta*. Its primary task is to ensure that the *Eduskunta* exerts an influence on EU decision-making and that parliamentary supervision is effective therein. Besides this new task, the Grand Committee continues to take part in the domestic legislative procedure in certain cases.⁸

The view of the *Eduskunta* concerning EU affairs is usually expressed by the Grand Committee. However, when the matter concerns the Common Foreign and Security Policy of the EU, the *Eduskunta* is represented by the Foreign Affairs Committee. Hence, the competence of the Grand Committee in EU questions covers the Community pillar⁹, the third pillar and general institutional and budgetary matters of the Union.

The Grand Committee has twenty-five full members and thirteen substitute members. Substitute members are entitled to participate in debates of the Committee even if the corresponding titular members are present at the meeting. In addition to these, the Member of the *Eduskunta* representing the Åland Islands constituency is always entitled to participate in meetings of the Grand Committee. The Foreign Affairs Committee has seventeen members and seven substitutes. These figures provide for sufficient proportionality, that is the various political groups in the *Eduskunta* are represented in proportion to their strength.

⁸ A legislative proposal may be sent to the Grand Committee when the debate on the matter in the first reading has been concluded. It has to be sent to the Grand Committee if amendments to the report of the relevant specialised committee have been approved by the plenary session during the second reading, in which case the plenary session has to be adjourned. In both these cases the report of the Grand Committee contains the text which is the basis for consideration by the plenary session in the second reading. The Grand Committee is relatively seldom seized with legislative proposals. During a yearly parliamentary session, 1-4 bills are considered by the Grand Committee.

⁹ It should be noted, in this context, that in the fields of external economic relations and of the development aid policy, the Foreign Affairs Committee performs the role of a specialised committee in relation to the Grand Committee.

The political and institutional representivity of the Grand Committee is enhanced by the fact that several group leaders and chairmen of specialised committees are also members of the Grand Committee. Six of eleven political groups of the *Eduskunta* have their chairman or vice chairman among the members of the Grand Committee. Six of thirteen standing specialised committees are represented in the Grand Committee by their chairman or vice-chairman.

The work of the Grand Committee relating to European matters is mostly based on preparations in the specialised committees. They follow developments in EU activities in their respective spheres of competence. Specialised committees are also the organs where scrutiny of the substance of EU documents takes place.⁸

Scrutiny of Community Legislative Proposals and Other EU Acts

The Grand Committee considers the so-called "U matters"⁹ and expresses the view of the *Eduskunta* with regard to these. "U matters" are proposals for EU measures concerning issues falling within the competence of Parliament according to the Constitution. Thus, if the proposal concerns measures on issues where a decision of the *Eduskunta* would have been necessary before Accession, then the related proposal forms a "U matter".¹⁰

Quantitatively most "U matters" consist of Commission proposals for Council regulations or directives. Other categories of "U matters" are proposals for agreements between the European Community and third parties and draft conventions" under the co-operation in the fields of Justice and Home Affairs, i.e. the third pillar. In addition, the preliminary draft budget of the EC

⁸ In practice scrutiny in the Grand Committee is based on secondary sources such as the Government communication and memoranda as well as the opinions of the competent specialised committee whereas the specialised committees also directly scrutinize original EU documents. This difference is, however, only a question of practicality, since the same material is available both to the Grand Committee and to specialised committees.

⁹ Letter "U" stems from the word Union.

¹⁰ The fact that the Community measure has to be ratified nationally according to the Treaty does not remove the necessity to send the related proposal as a "U matter" to the *Eduskunta*. Hence, e.g. decisions concerning own resources of the EC (Art. 201 ECT) have to be considered by the *Eduskunta* also during the preparatory phase. Theoretically joint actions under the intergovernmental pillars of the EU could also constitute "U matters": in practice no joint actions have so far been considered by the Grand Committee (the third pillar) or by the Foreign Affairs Committee (the second pillar).

¹¹ So far the only major difference of opinion concerning applicable procedures between the Government and the Grand Committee has concerned draft conventions

prepared by the European Commission and certain other miscellaneous texts are considered by the *Eduskunta* as "U matters".

FIGURE 1: "U MATTERS" BY CATEGORIES OF EU PROPOSALS.

Year	Directives	Regulations	Community Agreements with third parties ¹	Third Pillar Conventions ²	Miscellaneous ³	Total
1995	32	20	6	5	2	65
1996	28	25	11	10	6	80

"U matters" are brought before Parliament by means of a communication sent by the Government to the Speaker of the *Eduskunta*. The proposal for the EU decision in question is annexed to the communication.¹⁴ The Communication has the following standard structure: introduction, main content of the pro-

under the third pillar. This dispute was solved in favour of the Grand Committee by the Constitutional Committee of the *Eduskunta*, which in Finland has exclusive competence to interpret the Constitution.

According to the Constitutional Committee the preparation of third pillar conventions within the single institutional frame-work of the EU and the role of the Council in the conclusion of the conventions imply the necessity to apply, nationally to them, the same procedures as to proposals for first pillar measures. (Cf. PeVL 20/1996 vp). The government had proposed interpretation according to which these acts would be communicated to the *Eduskunta* as "E matters" (see below) only, not as "U matters". The Government based this interpretation on the intergovernmental nature of these instruments.

¹⁴ Year refers here to parliamentary sessions which, so far as activities of the Grand Committee are concerned, change in the beginning of February. For the plenary session and other committees parliamentary work normally ends before Christmas.

¹⁵ Includes proposals relating to agreements between the EC and third countries or international organizations and to other instruments relating to these agreements. In this context "proposal" means the first draft where the text of the provisions is included. Preceding negotiating mandates and directives which the Council issues to the Commission are communicated to the Grand Committee as "E matters", *c.f.* below.

¹⁶ Includes draft additional protocols.
¹⁷ The text of the EU measure should be annexed in Finnish and Swedish. However, if the text is not available in these languages, the EU text can be provided in other languages; in these cases the Finnish and Swedish versions are communicated later to the *Eduskunta*. Hence, the policy has been not to let problems in the EU translation services delay parliamentary scrutiny in Finland. However, it is understood that the Government should prevent by language reservations any substantive deliberations at the Council in these cases until the necessary Finnish and Swedish versions of the proposal become available.

posal, economic, societal, budgetary and legislative effects in Finland of the proposal, tentative position of the Government¹⁶.

On receipt of a communication of this kind, the Speaker sends it to the Grand Committee for consideration. In addition, the communication is forwarded to one or more specialised committees of Parliament, within the competence of which the matter falls. The task of the competent specialised committees is to deliver an opinion on the communication to the Grand Committee.

The communication of the Government is prepared by the lead ministry which is in charge of the dossier but it has to be approved by the whole cabinet in a formal session. Which ministry acts as the lead ministry follows from the substance of the proposal in question; in cases where the proposed measure touches the competences of several ministries, one of them is appointed as the lead ministry with responsibility to coordinate national preparations relating to the proposal.

FIGURE 2: "U MATTERS" BY LEAD MINISTRIES.

Ministry	1995	1996
Prime Minister's Office	-	-
M. for Foreign Affairs	6	11
M. of Justice	6	9
M. for Internal Matters	6	1
M. of Defence	-	-
M. of Finance	13	21
M. of Education and Culture	1	4
M. of Agriculture and Forestry	11	11
M. of Traffic and Communications	11	6
M. of Trade and Industry	7	7
M. of Social and Health Matters	4	9
M. of Labour and Employment	-	-
M. of Environment	4	1
Total	65	80

The Grand Committee usually follows the opinion of the competent specialised committee as regards its position on the substantive issues of the proposal. The specialised committees prepare their opinions in knowledge of the Gov-

¹⁶ The Government is not obliged to describe its position already in the communication even though this is normally done. Constitutionally the Government is required to reveal its position concerning the EU proposal when the "U matter" is put on the agenda of the Grand Committee after the latter has received the opinion of the relevant specialised committee.

ernment's tentative position and after having heard experts. They hear, as experts, Government officers in charge of the preparation of the file. Unless the proposal only concerns a technicality devoid of any political substance, representatives of industrial, professional and civic organizations, other interested parties, and independent academic specialists are also heard as experts.

After examining the proposal, the communication of the Government on the proposal and the opinion(s) of the specialised committee(s), the Grand Committee expresses the view of the *Eduskunta* regarding the proposal. When several specialised committees have stated an opinion, the Grand Committee summarizes and mediates. The Grand Committee may also hear the competent Minister together with the civil servants and other experts who advise the said Minister.

The position of the Grand Committee usually takes the form of an oral conclusion based on the deliberation of the Grand Committee and submitted by its chairman. The position of the Grand Committee may also be formulated in a written report. The position is recorded and a copy of the record is dispatched to the Government.

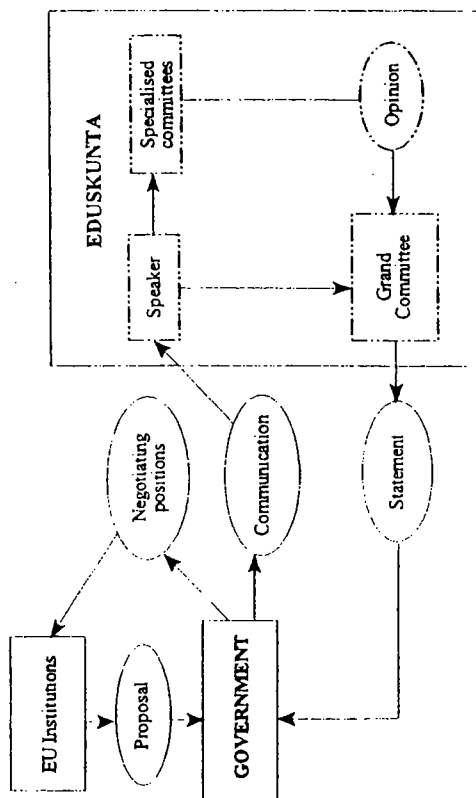
A proposal forming a "U matter" in the *Eduskunta* is subject to parliamentary scrutiny simultaneously with its being negotiated in the EU Council's apparatus. The *Eduskunta* is involved in the formulation of national policy with a view to providing parliamentary input at the earliest possible stage of the Council's deliberations. The proposals are likely to evolve in the Council and European Parliament proceedings. Therefore, the flow of information between the *Eduskunta* and the Government continues after the first parliamentary input, described above, has been given. The formulation of national policy on EU proposals thus involves – if the substantive issue is within the remit of the *Eduskunta* – a constant information and consultation process, which continues until the Council has resolved the issue.

Thus, after the first consideration in the Grand Committee, the Commission proposal remains under scrutiny, in a process of continuous information and consultation. The Grand Committee, its secretariat and the specialised committees monitor the further preparation of the proposal. If fresh parliamentary input is required, the Grand Committee takes the necessary action. The Grand Committee has, finally, the opportunity to express its views at the meeting at which the competent Minister appears before the decisive meeting of the EU Council.

The Right to Require Information and Hearings with Ministers

As already noted, the Grand Committee has the constitutional right to require and receive from the Government any information on the preparation of any issue relating to the European Union. This right of scrutiny forms the legal

FIGURE 3: THE FLOW OF INFORMATION AND CONSULTATION PROCESSES.



base both for the hearing of Ministers on EU Council meetings and for the provision of EU related reports and documents to the Grand Committee which technically concern questions falling outside the formal competence of the *Eduskunta*. The latter special reports form the category known as "E matters" in the proceedings of the Committee.¹⁷

The Grand Committee has decided that it wants information about every EU Council meeting, both in advance and *ex post*. Therefore, the Grand Committee convenes – normally on Fridays¹⁸ – to hear Ministers' statements regarding the issues to be decided at the coming week's meetings of the Council and Finland's policy on these issues. The members of the Committee are provided in advance with the agenda of the meeting(s) in the form they have been approved at the Conference of Permanent Representatives (COREPER) and with memoranda, prepared by the competent ministries, detailing Finland's position on the issues.¹⁹

¹⁷ The letter "E" stems from the legal base of these matters, Sec. 54 e of the Parliament Act.

¹⁸ In Finland COREPER meetings are preceded by meetings of the "EU Committee" which consists of the most senior civil servants of every ministry. Normally "the EU Committee" is convened on Tuesdays. Every Friday morning there is a meeting of the Ministerial Committee on EU affairs. This Committee, which is presided by the Prime Minister, decides on Government positions on questions on the agenda of the EU Council.

¹⁹ Normally an advance report on a EU Council meeting contains the agenda of the meeting as the cover and a *memorandum* on each item on the agenda. The memoranda have a standardized structure containing e.g. the following points: Finland's

After the meeting of the EU Council, the Grand Committee is provided with a report of the meeting and its decisions. This report is put on the agenda of the next meeting of the Committee where the same minister participates.

In the meetings of the Grand Committee the ministers are given opportunity to complement the written reports they have provided about the previous and the coming Council meeting. After that, the agenda of the coming Council meeting is debated item by item so as to give members of the Committee opportunity to comment on the information provided by the Minister. Where necessary the Chairman of the Committee sums up the debate. When a certain agenda point concerns a proposal that is also a "U matter", the conclusions of the debate in the Committee are always summed up by the Chairman.

The Grand Committee may request information on the preparation of matters within the European Union. The Government is also under an obligation to provide information of this kind to the Grand Committee on its own initiative where necessary. As already noted, these special reports form the category known as "E matters" in the *Eduskunta*.

These reports can concern individual EU documents such as White Papers and Green Papers¹⁰, Commission communications and Commission notices. The EU document is often enclosed with a Government memorandum explaining the context of the document and/or the Government policy relating to the substance of the document. An important function of the reports is to provide the *Eduskunta* with information on the pre-initiative phase of Community legislative procedure. The Government can also prepare special reports for the Grand Committee concerning, e.g. Finnish policy on certain horizontal issues relating to the EU or Finnish cases pending before the Commission or the Court of Justice of the EC. An important category of special reports to the Grand Committee consists of negotiating mandates that the Council issues to the Commission concerning Community agreements with third countries. Similarly Commission legislative proposals on politically important questions that, technically, fall outside the remit of the *Eduskunta*, can be communicated to the Grand Committee as "E matters".

The Grand Committee normally sends the special reports referred to above to the competent specialised committee. In this context the Grand Committee can furnish the report to the special committee for information purposes or it can ask the specialised committee to render its opinion on the report to the Grand Committee.

position and directives for Finnish negotiators, summary of the issue at stake and its preparation in the EU bodies, legal base and applicable procedure in the EU, economic, social, budgetary and legislative effects of the Council decision in Finland, relevant national legislation etc. Nowadays the same document is used for informing both the Grand Committee and the Ministerial Committee on EU affairs where Government positions are decided.

¹⁰ In 1996 four Green Papers and three White Papers were communicated to the *Eduskunta* as "E matters".

Information on European Council Meetings and Inter-Governmental Conferences

The Prime Minister participates in the work of the European Union at the European Council, i.e. the summit conference of the EU. Before the summit conference, the Prime Minister reports to the Grand Committee on the preparation made for the conference and of the position to be taken by Finland. The Prime Minister also furnishes the Grand Committee, or the *Eduskunta* as a whole, with a report as to the outcome of the European Council after it has been held. In addition, the Prime Minister informs the Grand Committee concerning Inter-governmental Conferences dealing with the Treaties establishing the European Union in the same manner.

Transparency

The meetings of the Grand Committee are held *in camera*. The documents considered at the meetings, as well as the minutes of the meeting, usually become public when the minutes are signed as a correct record.

At the request of the Government, however, the Grand Committee may decide that its members will treat certain questions as confidential. This usually occurs under circumstances in which the Government cannot reveal its margin of manuvre in the negotiations. It is also customary not to publish the negotiating positions of other Member States. When a decision has been taken to maintain the confidentiality of a question, the documents relating to the matter and the views of the Committee are declared confidential and are not appended to public documents. Confidentiality is deemed to have lapsed when the original justification has ended, i.e. once negotiations have ended.

A press release is issued after every meeting of the Grand Committee. Before the meeting the preliminary agenda is distributed to the media, to many citizens' organizations and to the nineteen EU information points which are associated with the main public libraries in the regions of Finland.¹¹ Press releases and the agenda are also available free of charge in the *Eduskunta* Internet pages (www.eduskunta.fi).

¹¹ These EU information points were originally organized by the Ministry for Foreign Affairs during the accession negotiations to give the public access to neutral and objective information about the EU and related issues. During the referendum campaign they acquired a reputation as places where citizens can find answers to their questions concerning integration issues, and this demand for information has also continued to be met during membership.

The Foreign Affairs Committee and the European Union

The foreign and security policy of the EU is considered by the Foreign Affairs Committee of the Parliament. In decision-making relating to the foreign and security policy of the EU, the Foreign Affairs Committee enjoys the same rights to receive information and to express the view of Parliament as the Grand Committee in relation to other EU business. The Foreign Affairs Committee considers EU affairs falling within its competence in the same manner as does the Grand Committee and it also expresses the view of the *Eduskunta* on those matters.³¹ The Foreign Affairs Committee is obliged to respect the confidentiality of its consideration of EU affairs to the extent required by the Government.

In practice meetings of EU General Affairs Council, *i.e.* the Council composed of foreign ministers, are scrutinized by both the Grand Committee and by the Foreign Affairs Committee who receive the same reports by the Minister for Foreign Affairs. Occasionally the committees have organized joint meetings for this scrutiny.

The decisions of the *Eduskunta* relating to the approval and ratification of amendments to the constitutive Treaties of the EU are prepared by the Foreign Affairs Committee. This Committee also considers the advance White Papers and special communications that the Government provides to the *Eduskunta* about these matters.

The Specialised Committees and EU Affairs

Communications of the Government concerning "U matters" are forwarded to the competent specialised parliamentary committees which render their opinions on them. The Grand Committee formulates its position on the "U matter" in question on the basis of the opinions which it receives from these committees. The Grand Committee often requests an opinion of the competent specialised committee to form the basis of its consideration of information which it has received on other kinds of Union business.

The specialised committees may also, on their own initiative, request information from the Government regarding matters pending at the European Union which fall within the competence of the specialised committee. In particular, the specialised committees may – in the context of their scrutiny of their counterpart ministries – require information on the ministries' opinions and actions in the EU context. It should be noted that decisions relating to Euro-

pean issues are always prepared by the ministry dealing with the underlying substantive issue.

As Figure 4 shows, scrutiny of EU affairs in the *Eduskunta* has considerably added to the work-load of the specialised committees.

FIGURE 4: WRITTEN OPINIONS ON EU AFFAIRS³² ISSUED BY THE SPECIALISED COMMITTEES.

Committee	1995	1996
The Constitutional Committee	1	10
The Legal Committee	–	16
The Foreign Affairs Committee	4	23
The Finance Committee	10	31
The Administrative Committee	4	6
The Communications Committee	9	14
The Agriculture and Forestry Committee	11	22
The Defence Committee	–	–
The Education Committee	2	2
The Social Affairs and Health Committee	4	11
The Economic Committee	13	19
The Employment Conditions Committee	2	11
The Environment Committee	7	2
<i>Total</i>	103	167

EU Affairs at Plenary Sessions of the Eduskunta

EU affairs at the preparatory stage in the EU may also be submitted for consideration at a plenary session. At this stage, however, the plenary session takes no decisions about them.

The decisions of the EU, and above all the directives, often require new legislation in Finland. Legislation of this kind is enacted by following the normal legislative procedure. Certain decisions of the EU, such as the amendments to the constitutive Treaties of the Union which are prepared at intergovernmental conferences, and the accession of new Member States to the EU, require the approval of Parliament. In these cases the *Eduskunta* follows the procedure prescribed in the Constitution governing the approval of international agreements.

³¹ Proposals concerning the second pillar are not in practice considered as "U matters" in the *Eduskunta*. This is explained by the distinct legal nature of these instruments.

³² Both "U matters" and "E matters".

The Accountability of the Government to the Eduskunta

According to the Constitution, the Government is accountable to the *Eduskunta* both legally and politically. These two forms of accountability have to be taken into account when the relationship between the Government and the *Eduskunta* in the formulation of EU policies of Finland is discussed.

As far as the legal responsibility is concerned, the Government and its members are responsible for ensuring that the *Eduskunta* is furnished with the necessary information and the documents that it needs for the scrutiny of EU affairs. This does not apply solely to matters falling within the competence of the *Eduskunta*; matters that as such fall exclusively within the competence of the Government are also subject to a similar obligation to provide information.

It is also evident that the Government has a legal obligation to ensure that the EU proposals falling within the remit of Parliament are communicated to the *Eduskunta* without unjustified delay and that the Government makes its best endeavours so as to prevent decision-taking at the Council before the Grand Committee has had an opportunity to express its opinion on the proposal.⁴⁴ This may require utilization of appropriate scrutiny reservations during the Council preparations.

On the other hand, so far as the formulation of the substance of Finland's negotiating positions is concerned the Finnish system is based on political accountability. This means that the *Eduskunta* may – at whatever level of intensity it wishes – participate in the national preparation of issues to be decided by the EU Council and in the supervision of Finland's representatives in the Council. However, the *Eduskunta* does not take decisions that are legally binding on Finland's representatives in the Council because, according to Sec. 33 a, second paragraph of the Constitution Act, the Government has competence to determine Finland's position in international organs. In other words, Parliament is not able to grant such legally binding mandates for Finland's representative that are enforceable by the High Court of Impeachment with sanctions addressed to ministers pursuant to the Act on Ministerial Responsibility.

The political responsibility of the Government in the preparation of EU affairs is enhanced by a collateral resolution that the *Eduskunta* adopted when the Constitutional amendments relating to the system were approved. This resolution provides that the conclusions of a competent committee form the "directive point of departure"⁴⁵ for the action of Finland's representatives in the Council. Any departure from this position by a Finnish Minister must either:

⁴⁴ These procedural obligations are legally binding and they can be enforced with penal sanctions.

⁴⁵ In the beginning of the life of the scrutiny system there occurred two instances where a serious difference of meaning arose between the Government and the Grand Com-

(i) be referred to the *Eduskunta* if it occurs before the representation under question or

(ii) be justified and explained to the *Eduskunta* if it happened because of a change in circumstances after a representation took place.

Thus, although a Minister has no legal obligation to follow the findings of a competent committee, it must be noted that such action exposes the Minister and perhaps the entire Government to a Parliamentary vote of confidence. Thus a Minister may evaluate the opportunity cost of following or departing from the findings of a competent committee.

The Government may also be required to answer a question or interpellation on an EU matter. When this happens, the matter is debated and an opinion is formed at a plenary session. In an extreme case the consideration of the EU policy of the Government may lead to the proposal of a vote of no-confidence and to a division on the question of the confidence enjoyed by an individual Minister or by the entire Government.

Co-Operation with Finnish Members of the European Parliament

Co-operation between the *Eduskunta* and the members of the European Parliament elected from Finland takes place mostly through political party channels. There are, nevertheless, also some forms of co-operation organized directly by the *Eduskunta*.

The Grand Committee has two yearly seminars with the members of the European Parliament elected from Finland. A seminar is arranged every spring in Strasbourg or in Brussels for debate on topical issues relating to European politics and a second seminar is arranged every autumn in Helsinki for debate on preparations of the Community budget.

Finnish MEPs are not entitled to participate in the meetings of the Grand Committee unless the Committee invites them separately. The agendas and minutes of the meetings of the Grand Committee are, however, distributed to the Finnish MEPs. Informal contacts between the Committee and the Finnish MEPs are further enhanced by the fact that the Brussels representative of the *Eduskunta* (see below) works in the premises of the European Parliament.

The first instance concerned a decision on the common position of the Council on the directive on investor compensation schemes that was put on the agenda of ECOFIN Council in May 1995. Originally the Grand Committee had insisted that Finland should vote against the Common position. Afterwards the Grand Committee changed its opinion and agreed that the Government could vote for the adoption of the Common position in the July ECOFIN Council. The second divergence of meaning occurred in the autumn of 1995 concerning the increase of financing of the MEDA programme which the Grand Committee opposed. In this case also the Committee finally accepted the Government's position.

Co-Operation with Other European Matters Committees

The European matters committees of the national parliaments of the Member States collaborate within the framework of the conference of European Matters committees (CEAC, COSAC), which is held twice each year. The *Eduskunta* is represented in COSAC by a delegation nominated by the Grand Committee. The Grand Committee has made to the Rome COSAC of June 1996 proposals concerning means to improve the effectiveness of COSAC. These proposals were to a great extent reflected in the conclusions of COSAC. These meeting of Dublin adopted in October 1996.

The Grand Committee has also created contacts with the COSAC other national parliaments through the exchange of delegations. The secretariat of the Grand Committee has bilateral arrangements concerning exchange of information and documents with secretariats of corresponding committees in the Danish *Folketing*, the Swedish *Riksdag* and the British House of Commons. The Brussels representative of the *Eduskunta* has organized regular co-operation with his Danish counterpart in Brussels.

Secretariat

The Grand Committee currently employs three Committee Counsel and three technical secretaries. In addition one information officer is attached to the secretariat. The secretariat of the Foreign Affairs Committee consists of the Committee Counsel and one technical secretary.

Committee Counsel are responsible for the preparation of the committee meetings and the minutes thereof. When additional man-power is required, the Grand Committee turns primarily to the Counsel of the specialised committees who act as assistant clerks to the Grand Committee. The Deputy Secretary-General of the *Eduskunta* acts *ex officio* as the clerk of the Grand Committee when the committee is seized with legislative business.

Since January 1996, the *Eduskunta* has employed a special representative in Brussels, Mr. Mikko Valtasaari. The representative is accredited through the Finnish mission to the EU but he has his office in the premises of European Parliament. The task of the representative is to provide the *Eduskunta* with documents and information; to assist in the co-operation between the *Eduskunta* and EP and other European institutions; to act as a link between the *Eduskunta* and Finnish MEPs; and to assist in the arrangement of visits to Brussels by the members and staff of the *Eduskunta*.

Sofar, the *Eduskunta* and the Danish *Folketing* are the only national parliaments that have sent their representatives to Brussels. In practice these pioneers have very intimate and regular co-operation.

The secretariats of the Grand Committee, the Foreign Affairs Committee and the Brussels representative of the *Eduskunta* together form the Secretariat for EU affairs of the *Eduskunta*. The Secretariat for EU affairs is charged with co-ordinating the relationship between the *Eduskunta* and the European Parliament and other European institutions. Relations with other Member States and their parliaments also fall into the remit of the secretariat so far as they concern EU issues.

Communication between the *Eduskunta*, the Government and the Finnish Mission to the EU in Brussels nowadays functions to a great extent electronically. Thus, the Grand Committee receives the agendas of the COREPER and the EU Council by e-mail. Distribution of the agendas and minutes of the committee to ministries and to the Finnish EU mission also takes place electronically.

The secretariat of the Grand Committee is also linked to the EURODOC data system. EURODOC is a system for electronic registration, transmission and retrieval of documents. All documents communicated by the EU institutions to Finland and all measures of Finnish authorities relating to these documents are recorded in the EURODOC system.

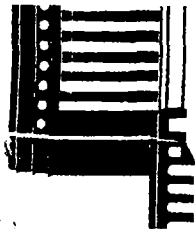
The authors

Niilo Jääskinen

Counsel to the Grand Committee,
Head of the Secretariat for EU affairs of the Parliament of Finland
Eduskunta
FIN-00102 Eduskunta
Finland
phone: +358-9-432 2062
e-mail: niilo.jaaskinen@eduskunta.fi

Tiina Kivisaari

Information Officer
Eduskunta
FIN-00102 Eduskunta
Finland
phone: +358-9-432 2029
e-mail: tiina.kivisaari@eduskunta.fi



"EU MATTERS" DIVIDED BY CATEGORIES OF THE EU PROPOSALS

YEAR ¹	DIRECTIVES	REGULATIONS	COMMUNITY AGREEMENTS WITH THIRD PARTIES ²	THIRD PILLAR CONVENTIONS ³	MISCELLANEOUS	TOTAL
1995	32	20	6	5	2	65
1996	28	25	11	10	6	80
1997	27	21	7	7	4	66
1998	31	47	6	5	7	96
1999	9	25	4	-	11	49

¹ Year refers here to parliamentary sessions which, so far as activities of the Grand Committee are concerned, change in the beginning of February. For the plenary and other committees parliamentary work normally ends before Christmas.

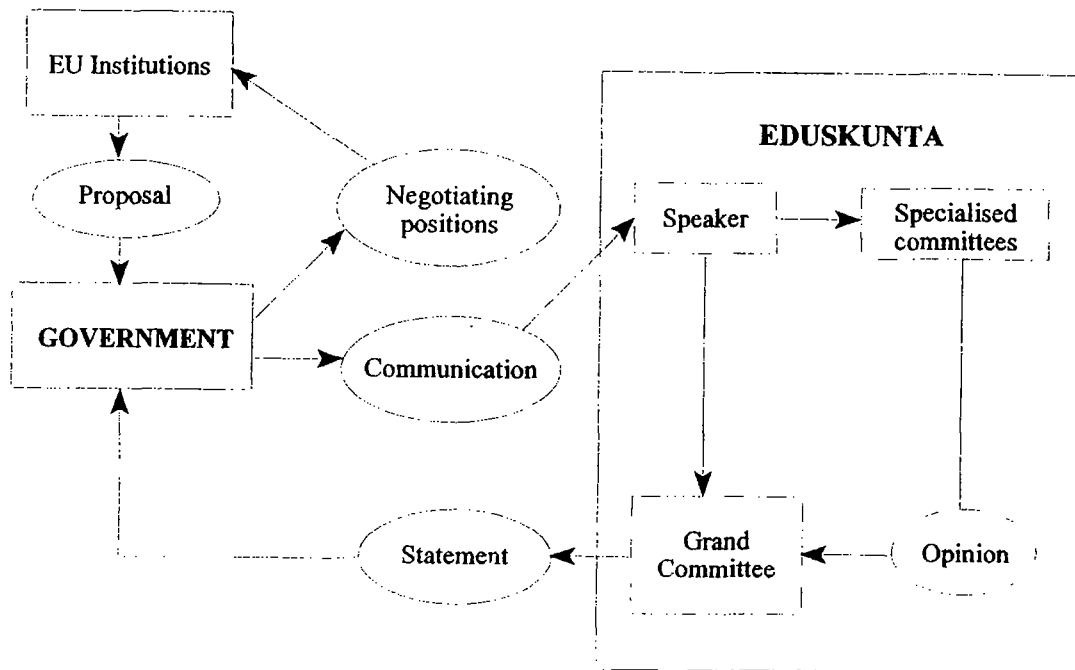
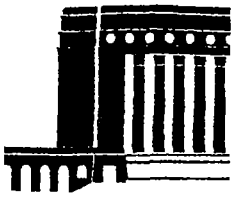
² Includes proposals relating to agreements between the EC and third countries or international organizations and to other instruments relating to these agreements. In this context "proposal" means the first draft where text of the provisions is included. Preceding negotiating mandates and directives which the Council issues to the Commission are communicated to the Grand Committee as "E matters", *c.f.* below.

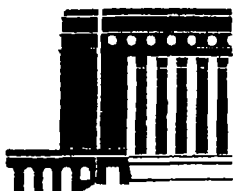
³ Includes draft additional protocols.



"U MATTERS" DIVIDED BY LEAD MINISTRIES

MINISTRY	1995	1996	1997	1998	1999
Prime Minister's Office	-	-	-	-	-
M. for Foreign Affairs	6	11	8	6	3
M. of Justice	6	9	-	7	9
M. for Internal Matters	2	1	6	8	2
M. of Defence	-	-	-	-	-
M. of Finance	13	21	14	32	19
M. of Education and Culture	1	4	3	3	-
M. of Agriculture and Forestry	11	11	7	12	10
M. of Traffic and Communications	11	6	10	8	2
M. of Trade and Industry	7	7	6	5	1
M. of Social and Health Matters	4	9	5	6	1
M. of Labour and Employment	-	-	2	4	2
M. of Environment	4	1	5	5	-
TOTAL	65	80	66	96	49

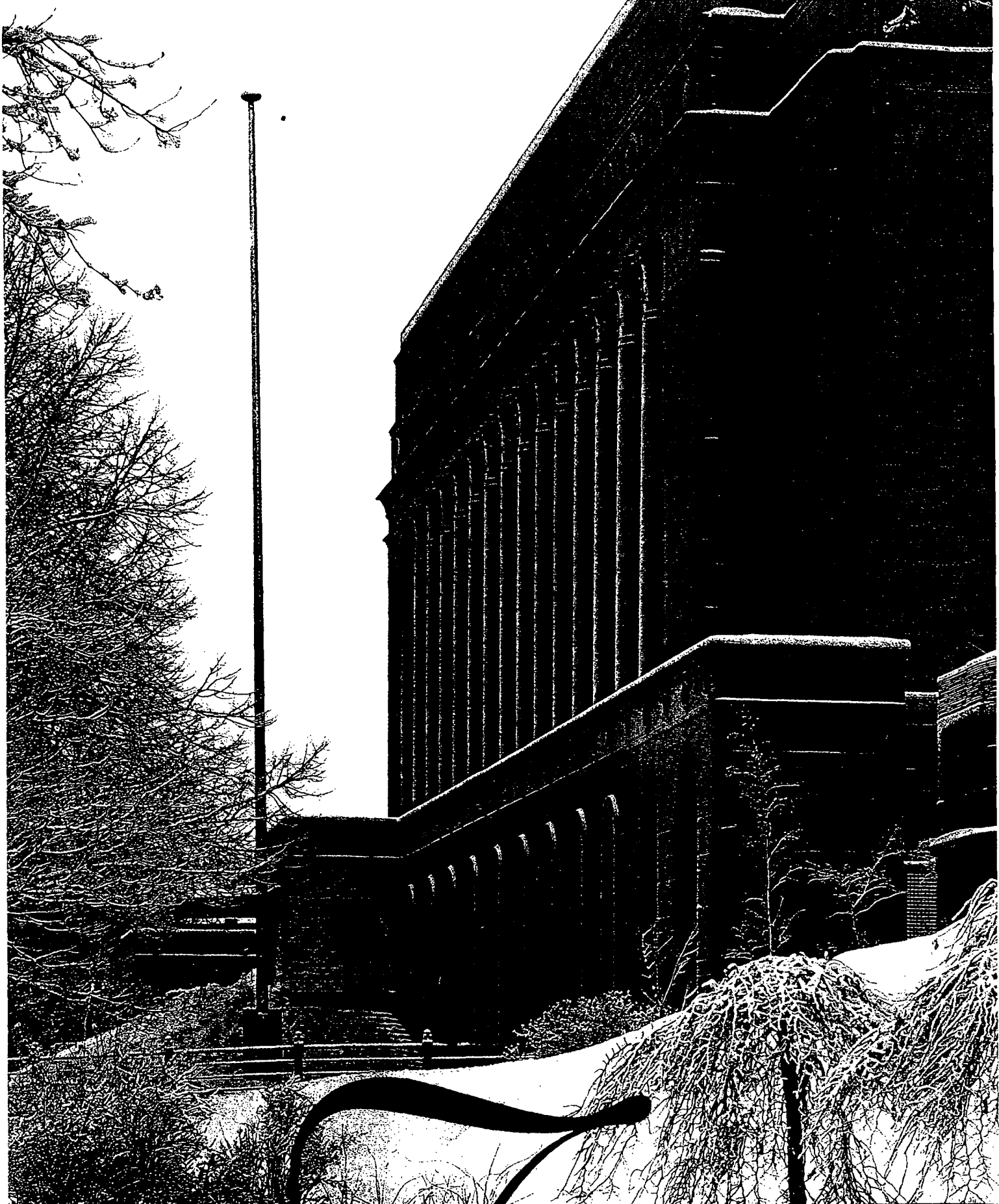




WRITTEN OPINIONS ON EU AFFAIRS⁴ ISSUED BY THE SPECIALISED COMMITTEES

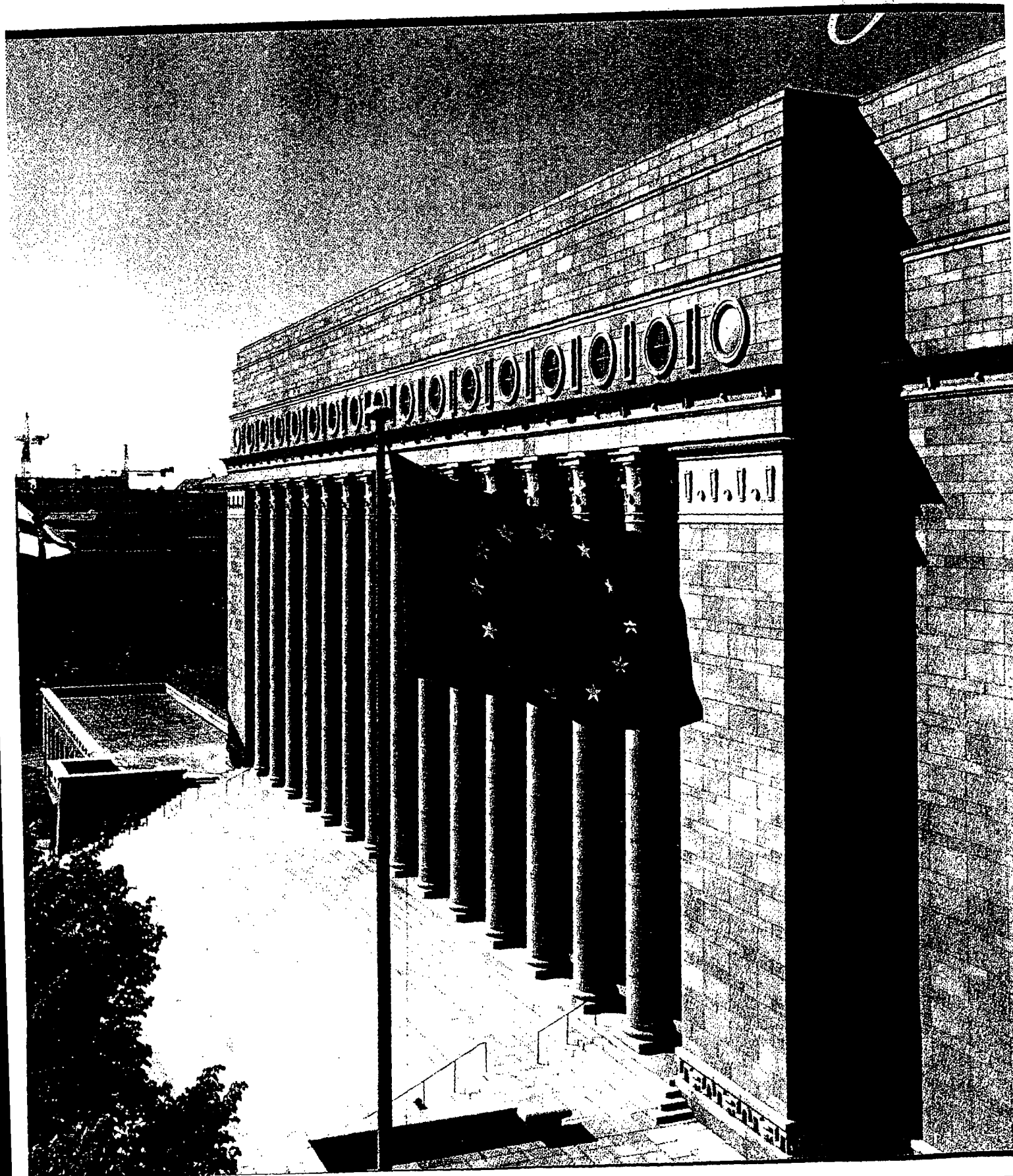
COMMITTEE	1995	1996	1997	1998	1999
The Constitutional Committee	1	10	3	8	1
The Legal Committee	4	16	4	7	13
The Foreign Affairs Committee	4	24	5	14	11
The Finance Committee	10	31	27	60	29
The Administrative Committee	5	6	16	25	7
The Communications Committee	9	14	12	31	7
The Agriculture and Forestry Committee	13	22	14	25	19
The Defence Committee	-	-	-	-	-
The Education Committee	2	2	3	7	2
The Social Affairs and Health Committee	4	12	8	8	6
The Economic Committee	13	19	20	30	11
The Employments Conditions Committee	2	11	8	8	6
The Environment Committee	7	2	18	16	6
TOTAL	74	169	138	239	118

Replaces Figure 4 on page 43



FINLANDS RIKSDAG

RIKSDAGENS INTERNATIONELLA PROFIL



Utökad internationell verksamhet

Ar för år har riksdagens internationella verksamhet vuxit, och det bilaterala samarbetet med parlamenten i andra länder är livligt. Utbytet av parlamentsdelegationer gäller i dag alla världsdelar. Umgänget sker i båda riktningarna; gäster inbjuds till vår riksdag, och våra talmän, utskott och riksdagsledamöter be-

söker andra länder. Det är också tradition att gästande statsöverhuvuden och talmän vid utländska parlament gör ett besök i riksdagen som talmannens gäster.

Utomlands får de finländska riksdagsledamöterna en möjlighet att följa parlamentets verksamhet och den samhälleliga debatten i värdlandet. I programmet ingår i regel ett besök hos landets högsta ledning samt orientering i landets historia, moderna kultur och ekonomi.

■ Det svenska kungaparet och kronprinsessan Victoria besökte riksdagen i augusti 1996.





■ FN:s generalsekreterare Kofi Annan besökte riksdagen i augusti 1997.

Finlands riksdag deltar i många internationella organisationers verksamhet. Bland dem märks Europarådet (ER), Nordiska rådet (NR), Interparlamentariska unionen (IPU), OSSE:s parlamentariska församling, Östersjörådets parlamentarikerförsamling och den parlamentariskt sammansatta arktiska samarbetskommittén. Finlands riksdag är representerad även vid Europaparlamentets interparlamentariska samarbetsmöten samt inom Natos parlamentariska dimension NAA och i Västeu-

ropeiska unionens parlamentariska församling.

Vid sidan av de etablerade parlamentariska samarbetsformerna har det uppstått flera nya internationella samarbetsorgan som är av mer informell karaktär och som koncentrerar sig på vissa teman. Till den kategorin hör Eureka-parlamentarikernas konferens och de unga parlamentarikernas Future of Europe-konferenser.

Riksdagen har ett flertal grupper som arbetar för vänskap mellan Finland och an-

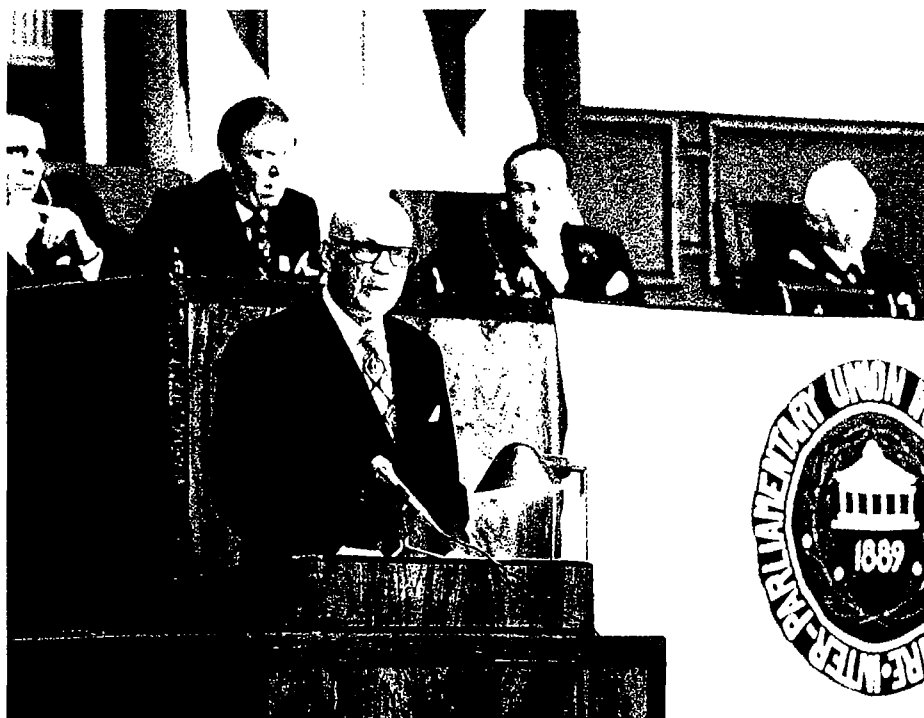


■ Finlands delegation i Europarådet vid ER:s 50-årsjubileum i riksdagen 18.5.1999.

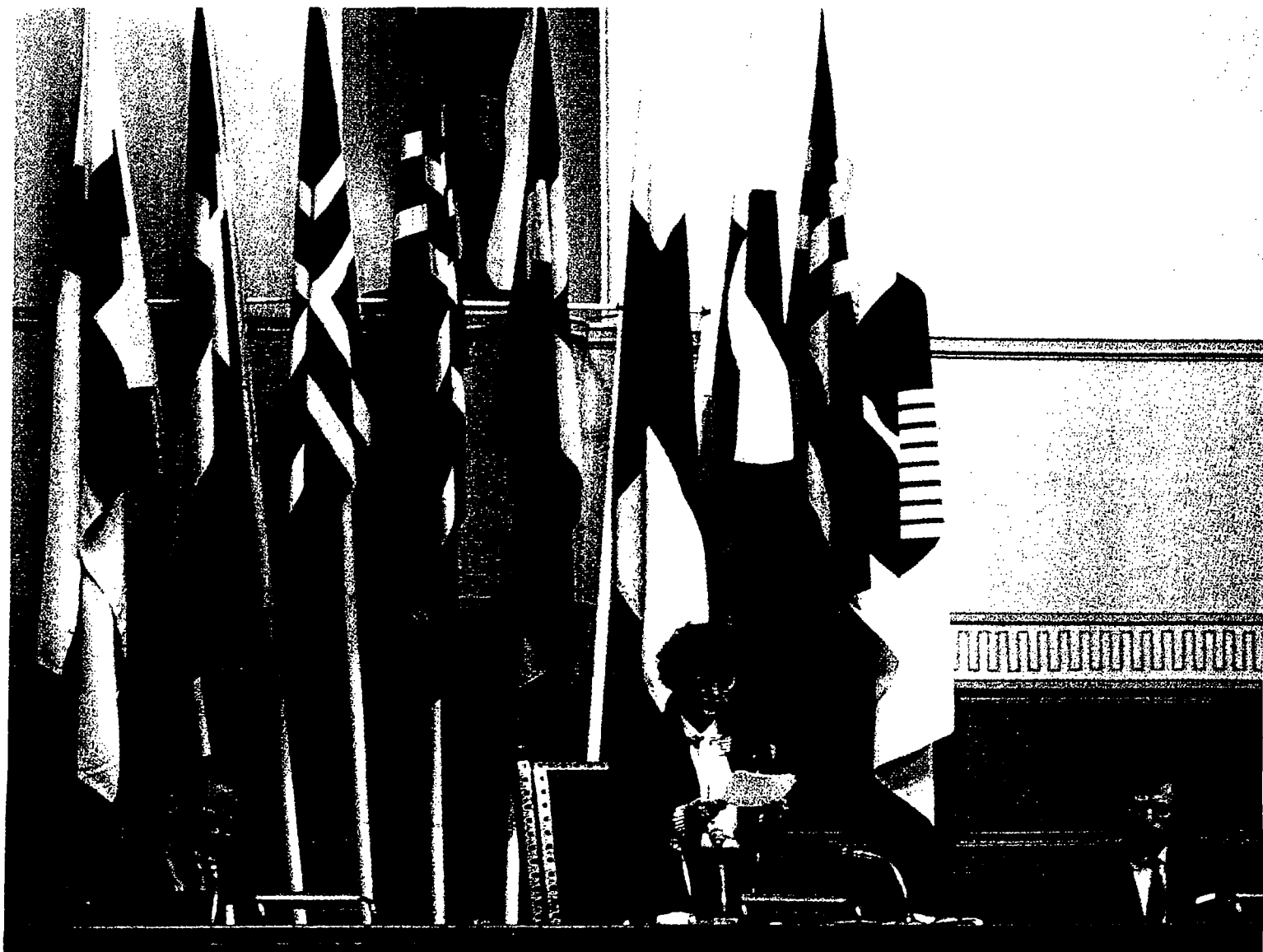
■ Ordförandena för utrikesutskotten i EU:s och kandidatländernas parlament möttes på Ständerhuset i juli 1999. En av talarna på konferensen var statsminister Paavo Lipponen.



■ Republikens president Urho Kekkonen öppnar Interparlamentariska unionens konferens i plenisalen år 1973.



■ Nordiska rådets president Elsi Hetemäki-Olander öppnar rådets möte i Riksdagshuset år 1987.



dra länder. Men även andra verksamhetsgrupper har internationella förbindelser för att driva vissa frågor, till exempel riksdagens människorättsgrupp.

Riksdagens befogenheter i EU-frågor

Finland blev medlem av Europeiska unionen den 1 januari 1995. Som fullvärdig medlem är vi med och fattar beslut i EU samtidigt som besluten är bindande för oss. EU har övernationell beslutanderätt i flera närmare definierade frågekomplex som ingår i grundfördragen. Hit hör exempelvis jordbruks- och handelspolitiken samt undanröjande av hinder i de ekonomiska förbindelserna mellan medlemsstaterna.

Unionens beslut resulterar i lagstiftning som är bindande för medlemsstaterna, och EU:s förordningar träder i kraft omedelbart även i Finland. EU-direktiven däremot förutsätter att Finland genomför dem nationellt så att syftet med dem uppnås. Detta kräver ofta att den nationella lagstiftningen revideras. Medlemskapet i EU har lett till att vårt lands självständiga lagstiftande makt i viss mån har övergått på unionen.

I Finlands grundlag ingår bestämmelser om riksdagens roll i den nationella beredningen av Europeiska unionens beslutsprocesser. Enligt grundlagen måste statsrådet informera riksdagen om beredningen av olika ärenden i EU. Ytterligare skall statsrådet höra riksdagen om förslag som behandlas i EU samt redogöra för och moti-

vera sin linje i olika frågor som tas upp i EU.

Enligt konstitutionen skall statsrådet och varje enskild minister ha riksdagens förtroende i allt de gör. Denna princip om parlamentariskt ansvar gäller också statsrådets agerande i EU.

Det är vanligen stora utskottet som lägger fram riksdagens ståndpunkt i EU-frågor. När det gäller EU:s gemensamma utrikes- och säkerhetspolitik är det däremot utrikesutskottet som uttrycker riksdagens åsikt.

Behandlingen av EU-frågor i stora utskottet

Stora utskottet är riksdagens EU-utskott. Dess främsta uppgift är att säkerställa riks-

■ Av de 626 ledamöterna av Europaparlamentet väljs 16 från Finland.





■ Stora utskottets sammanträdesrum domineras av Pekka Halonens monumentala verk Stockflotning.

dagens inflytande och den parlamentariska kontrollen i EU:s beslutsprocesser.

Stora utskottet behandlar alla ärenden som gäller Europeiska unionen, s.k. U-ärenden, och uttrycker riksdagens ståndpunkt. U-ärendena är förslag i frågor som hör till ministerrådets kompetensområde och som annars skulle avgöras av riksdagen.

Behandlingen av ett U-ärende inleds med att statsrådet sänder en skrivelse till stora utskottet. Samtidigt går skrivelsen till ett eller flera behöriga fackutskott för utlåtande. Stora utskottet behandlar sedan frågan utifrån utlåtandet.

Stora utskottet tar ställning till Europeiska unionens förslag till beslut, statsrådets skrivelse i frågan och fackutskottets utlåtande för att sedan formulera riksdagens ståndpunkt. Innan ett utskott tar ställning kan det även höra den ansvarige ministern samt de tjänstemän och expertrådgivare han eller hon anlitar.

Stora utskottets ståndpunkt formuleras i regel muntligt av utskottets ordförande utifrån de diskussioner som förts. Även ett skriftligt utlåtande kan komma i fråga.

Stora utskottets ställningstagande i ett U-ärende är politiskt bindande för statsrå-

det enligt principen om parlamentariskt ansvar. Om regeringen inte kan följa ställningstagandet på grund av exempelvis förändrade omständigheter, måste den omedelbart informera utskottet om orsakerna.

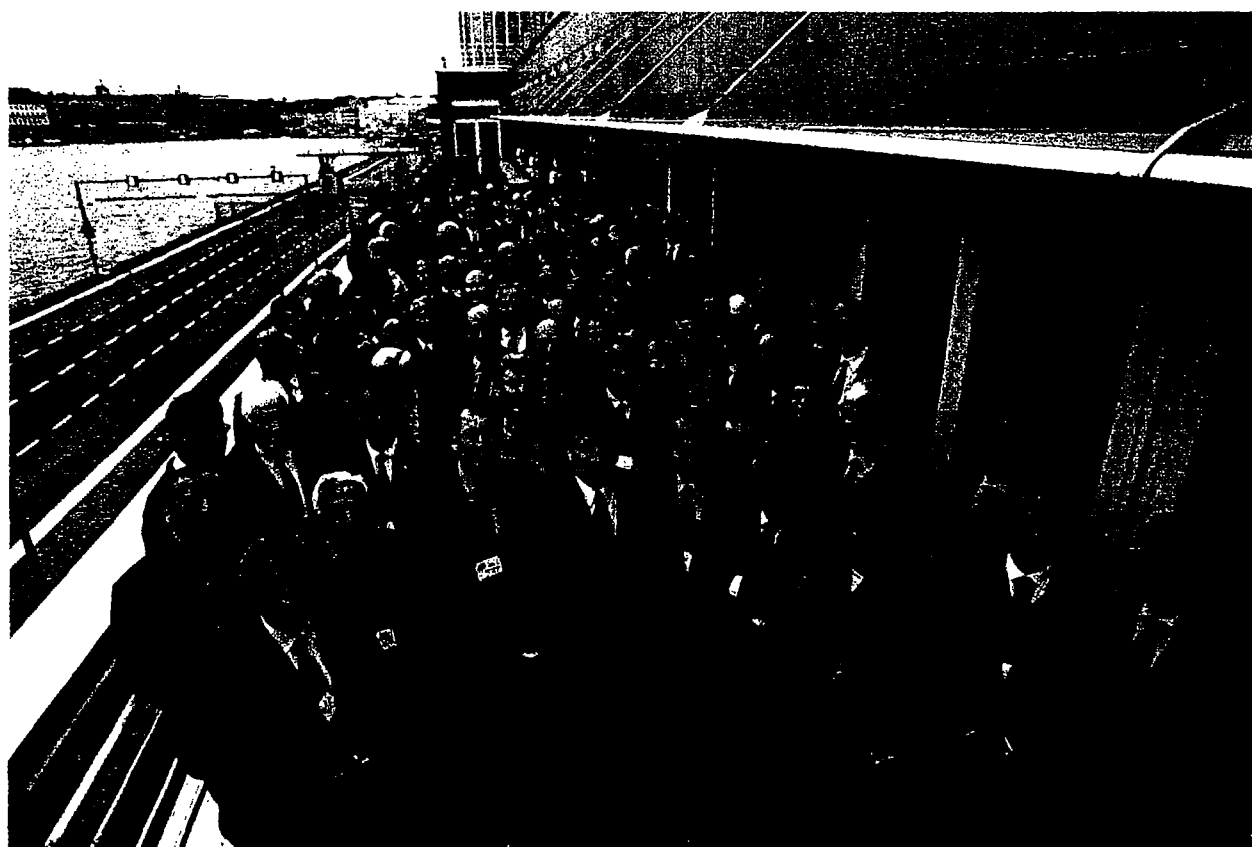
Stora utskottet kan begära utredningar om ärenden som bereds i EU. Vid behov är statsrådet dessutom skyldigt att på eget initiativ komma med redogörelser till stora utskottet.

Varje gång innan EU:s ministerråd sammanträder informerar de ministrar som kommer att delta i sammanträdet om ministerrådets agenda och den hållning Finlands representanter avser att ta i minister-

rådet. Informationen ges vanligen på utskottets sammanträde fredagen före ministerrådsmötet. Den behörige ministern rapporterar alltid efter mötet för stora utskottet om hur mötet förlöpt och vad det resulterat i. På detta sätt utövas parlamentarisk kontroll över statsrådet även när avgörande beslut fattas i EU.

Statsministern deltar i EU-arbetet i Europeiska rådet, dvs. statsministrarnas toppmöten. Rådet är egentligen inget EU-organ, men det styr unionens verksamhet politiskt. Statsministern informerar stora utskottet om toppmötesförberedelserna och Finlands ställningstaganden samt rapporterar om

■ I oktober 1999 stod stora utskottet värd för COSAC-konferensen. Förkortningen står för konferensen mellan organ för EU-frågor vid medlemsländernas nationella parlament.



mötesresultatet till stora utskottet eller hela riksdagen.

Vanligen sammanträder stora utskottet på fredagar, vid behov även onsdagar.

Utrikesutskottets och övriga fackutskotts roll i EU-ärenden

Utrikesutskottet har samma rätt att få information och att uttala sig i riksdagens namn när det gäller beslut om EU:s utrikes- och säkerhetspolitik som stora utskottet i övriga EU-frågor. Utrikesutskottet be-

handlar U-frågorna på samma sätt som stora utskottet och lägger även fram riksdagens ståndpunkt.

Utrikesutskottet bereder riksdagsbeslut om att godkänna och införa ändringar i Europeiska unionens grundfördrag. Utskottet behandlar också statsrådets redogörelser och meddelanden i sammanhanget.

Fackutskotten deltar i behandlingen av EU-frågor genom att stora utskottet formulerar sin ståndpunkt i U-frågor utifrån deras utlåtanden. När stora utskottet får utredningar om andra EU-ärenden begär det ofta av det behöriga fackutskottet ett utlåtande som underlag för behandlingen. Fackutskotten kan även på eget initiativ be-

■ Utrikesutskottet hos president Martti Ahtisaari 1999. Mötena mellan presidenten och utrikesutskottet inleddes under Urho Kekkonens tid som president.



gära redogörelser av statsrådet om aktuella EU-frågor som hör till deras kompetensområde.

Behandlingen av EU-ärenden i plenum

Genom beslut av talmanskonferensen kan en EU-fråga under beredning tas upp till debatt även i riksdagens plenum utan att några beslut fattas. Sedan EU väl beslutat i saken kan frågan tas upp till behandling i plenum, om riksdagen skall godkänna beslutet eller inleda lagstiftningsåtgärder.

Europeiska unionens beslut, i synnerhet direktiven, kräver ofta ny finländsk lagstiftning. Detta sker då enligt gängse lagstiftningsförfarande. Vissa EU-beslut, till exempel ändringar i grundfördragen som förberetts vid regeringskonferenser samt antagande av nya medlemsstater, måste godkännas av riksdagen. I dessa fall tillämpar riksdagen bestämmelserna i Finlands grundlag om godkännande av internationella fördrag.



BILD: Europas kommission



Riksdagens broschyrer 6 EU-ärenden i riksdagen

EU-ärenden i riksdagen

Riksdagen har en starkare roll i beredningen av EU-ärenden än många andra medlemsstaters parlament. I riksdagen behandlas EU-ärenden i samtliga utskott, men riksdagens ståndpunkt formuleras vanligtvis i stora utskottet. De nationella parlamenten är inte direkt representerade i EU:s institutioner. De deltar i unionens beslutsprocess genom att övervaka och styra sina respektive regeringars EU-politik.

Finland i EU

Finland gick med i Europeiska unionen den 1 januari 1995. Finland är fullvärdig medlem och får därmed delta i EU:s beslutsprocess. EU-besluten är bindande för Finland. EU har övernationell beslutanderätt inom noggrant specificerade områden som jordbruksfrågor och handelspolitik. Unionens viktigaste lagstiftningsverktyg är förordningar och direktiv, men den meddelar också beslut och rekommendationer.

EU:s förordningar träder omedelbart i kraft i Finland. Direktiven förutsätter däremot att Finland ser till att målen

i dem genomförs nationellt. Det betyder i många fall att den nationella lagstiftningen måste ändras.

Riksdagen och EU-ärendena

Enligt grundlagen ska regeringen informera riksdagen om beredningen av ärenden i EU. Regeringen ska också höra riksdagen om aktuella förslag i unionen och redogöra och argumentera för sin hållning i olika EU-frågor. Vår konstitution slår fast att regeringen och de enskilda ministrarna ska ha riksdagens förtroende i allt vad de gör. Denna princip om



OVAN Stora utskottet i sitt nya mötesrum i riksdagens tillbyggnad som blev färdig sommaren 2004.

BILD: Lehtikuva/Pekka Sakki/Riksdagen

parlamentariskt ansvar gäller också regeringens åtgärder i EU.

I riksdagen svarar utskotten för behandlingen av EU-ärenden. Stora utskottet brukar vara språkrör för riksdagen i EU-frågor, men när det gäller unionens gemensamma utrikes- eller säkerhetspolitik är det utrikesutskottet som formulerar riksdagens ståndpunkt.

Stora utskottets uppgifter och sammansättning

Stora utskottet är riksdagens EU-utskott. Det har som främsta uppgift att se till att riksdagen kan göra sin röst hörd i EU:s beslutsprocess och att den parlamentariska kontrollen fungerar. Stora utskottet deltar numera bara i undantagsfall i behandlingen av nationella lagstiftningsärenden.

Stora utskottet har 25 ordinarie medlemmar och 13 ersättare. I motsats till övriga utskott har ersättarna rätt att både närvara och yttra sig vid ett sammanträde också när de

ordinarie medlemmarna är på plats. Den åländske riksdagsledamoten har därtill alltid rätt att delta i stora utskottets sammanträden. Stora utskottet sammanträder i regel onsdagar och fredagar.

Stora utskottet beslutar om riksdagens ståndpunkt

Förslag till EU-rättsakter om frågor som faller inom riksdagens behörighet kallas u-ärenden. Ett u-ärende väcks i riksdagen genom en skrivelse från statsrådet till riksdagens talman. Med skrivelsen följer ett förslag till EU-beslut. Talmannen sänder skrivelsen vidare till stora utskottet och ett eller flera fackutskott för behandling. Fackutskottet ska lämna utlåtande om skrivelsen till stora utskottet.

Stora utskottet formulerar riksdagens ståndpunkt utifrån EU:s förslag, statsrådets skrivelse och fackutskottens utlåtanden. Stora utskottets uttalade ståndpunkt i ett u-ärende är politiskt förpliktande för regeringen. Om till exempel situationen förändras så att regeringen inte kan hålla fast vid riksdagens ståndpunkt ska den omedelbart informera utskottet om orsaken. Ett u-ärende är aktuellt i stora utskottet ända tills EU har tagit ett slutligt beslut i saken.

Ministrar kallas till utfrågning i utskottet

Stora utskottet kan begära utredningar om ärenden som är under behandling i EU. Regeringen ska dessutom på eget initiativ komma med utredningar till stora utskottet.

■ EXEMPEL SOM GÄLLER BEHANDLINGEN AV FÖRSLAGET TILL DIREKTIV OM FINANSIELLA SÄKERHETSORDNINGAR

Statsrådets skrivelse (U 30/2001) till riksdagen **17.5.2001**

Ekonomiutskottets utlåtande till stora utskottet **14.6.2001**

Stora utskottet behandlade ärendet och lämnade utlåtande till regeringen **12.12.2001**

Direktivet krävde ändringar i finländsk lagstiftning och därför lämnade regeringen **14.11.2003** en proposition till riksdagen med förslag till lag om finansiella säkerheter (RP 133/2003)

Riksdagen behandlade propositionen och lämnade sitt svar till regeringen **22.12.2003**

Lagen trädde i kraft **1.2.2004**.

■ FAKTA OM STORA UTSKOTTET

25 ordinarie medlemmar

13 ersättare

Riksdagens EU-utskott

Främsta uppgift att säkerställa riksdagens medinflytande och den parlamentiska kontrollen i EU:s beslutsprocess

Sammanträder i regel onsdagar och fredagar

Inför varje ministerrådsmöte i EU ska den minister som företräder Finland vid mötet infinna sig i utskottet för att redogöra för de viktigaste frågorna på mötets agenda och Finlands hållning till dem. I ministerrådets möte deltar alltid den minister som har de frågor som ska tas upp vid mötet på sitt bord.

Stora utskottet behandlar speciellt vid sina fredagssammanträden den kommande veckans ministerrådsmöte, ofta till och med flera ministerrådsmöten. Ministern presenterar mötestemana i stora drag och därefter kan stora utskottets medlemmar ställa frågor eller ge ministern instruktioner inför mötet.

Efter ministerrådsmötet rapporterar ministern om mötets beslut och diskussionerna till utskottet. Om ministern tvingats avvika från utskottets gemensamt överenskomna

ståndpunkt ska han eller hon omedelbart lämna en redogörelse till utskottet.

Inför Europeiska rådets möten (för stats- och regeringschefer) redogör statsministern för förberedelserna och Finlands ståndpunkter i stora utskottet. Efter ett möte med Europeiska rådet redovisar statsministern mötesresultatet för utskottet eller hela riksdagen.

Offentlighet

Utskottens sammanträden är inte öppna för allmänheten. Sammanträdesdokument och protokoll blir i normala fall offentliga efter ett sammanträde. Informationsenheten gör en sammanfattning av diskussionstemana och lägger ut den på riksdagens webbsida under «Nyhetsrutan».

På regeringens begäran kan stora utskottet besluta att ett visst ärende ska vara hemligt. Oftast handlar det då om att regeringen inte vill avslöja hur mycket rörelsefrihet den har vid förhandlingar. Det hör också till saken att man inte yppar andra medlemsstaters förhandlingspositioner. När ett ärende hemligstämplas i utskottet antecknas det att handlingarna och utskottets ställningstaganden är hemliga. De läggs då inte till de offentliga handlingarna.

Utrikesutskottet och EU

Utrikesutskottet är utskottet för EU:s utrikes- och säkerhetspolitik. Typiskt för de här politikområdena är att med-

lemsstaterna ska fatta enhälliga beslut. Utrikesutskottet har likadan rätt att få information och yttra sig i riksdagens namn när det gäller beslut om EU:s utrikes- och säkerhetspolitik som stora utskottet har i övriga EU-frågor.

I likhet med stora utskottet behandlar utrikesutskottet EU-ärenden som faller inom utskottets behörighet och kallar in ministrar för att höras. Det slår också fast riksdagens ståndpunkt. Utrikesutskottet förbereder riksdagens beslut om att anta och sätta i kraft ändringar i fördragen. Det behandlar också anknyttande redogörelser och meddelanden från regeringen till riksdagen.

Fackutskottens roll

Det är speciellt för Finland jämfört med parlamenten i många andra EU-medlemsstater att fackutskotten spelar en viktig roll i behandlingen av EU-ärenden. Fackutskotten lämnar utlåtanden till stora utskottet om EU-frågor som faller inom deras behörighet. Stora utskottet omfattar i regel fackutskottens syn.

Fackutskotten kan på eget initiativ begära utredningar av regeringen om aktuella unionsärenden som hör till deras fackområde.

EU-ärenden i plenum

När ett beslut har fattats i EU tar riksdagen upp det till behandling i plenum, om det kräver riksdagens samtycke eller att riksdagen vidtar lagstiftningsåtgärder på grund av det. EU:s rättsakter, framför allt direktiven, kräver i många fall ändringar i vår nationella lagstiftning. Det sker i normalt lagstiftningsförfarande. Internationella överenskommelser, inbegripet ändringar i gemenskaps- och unionsfördragen, kräver godkännande i riksdagens plenum.

Riksdagens talmanskonferens kan besluta om en aktuell debatt i plenum om någon fråga som har med EU att göra. Regeringen kan också lämna ett meddelande eller en redogörelse om ett EU-ärende till riksdagen för behandling i plenum.



OVAN Stora utskottet vid sitt sommarmöte 2004.

BILD: Lehtikuva/Pekka Sakki/Riksdagen

NEDAN Debatt om aktuella EU-frågor i riksdagens plenum.

BILD: Lehtikuva/Matti Björkman/Riksdagen

