

The Swedish Law-Making Process

FACT SHEET

Ministry of Justice

Ju 07.06e June 2007

Parliament (the Riksdag) is the sole legislator. This means that the responsibility for approving all new or amended legislation lies with Parliament. The fundamental laws are the supreme laws of the land. Certain matters can only be regulated by act of law, while others may be regulated in the form of secondary legislation (ordinances), provided the Government has regulatory authority based either directly on the Constitution or on delegation from Parliament.

Initiative for a legislative change

It is the Government that initiates most legislative proposals presented to Parliament, though Members of Parliament and the various parliamentary committees also have a right to submit new legislative proposals to Parliament.

The inquiry stage

Before the Government can draw up a legislative proposal, the matter in question must be analysed and evaluated. The task may be assigned to officials at the ministry concerned, but the Government often chooses to appoint a special expert or group – an inquiry – to take a closer look at the issues involved.

Such government inquiries examine and report on matters in accordance with terms of reference laid down by the Government. These instructions identify the issue to be investigated and define the problems to be addressed.

Inquiry committees operate independently of the Government, but the minister concerned appoints the members of the committee. The members may include experts in different fields, public officials and politicians.

In this context, the parliamentary opposition and different interest groups are given an opportunity to follow reform work from an early stage.

A committee of inquiry presents its proposals in an inquiry report. The terms

of reference and the reports are published and are available to the public.

The consultation process

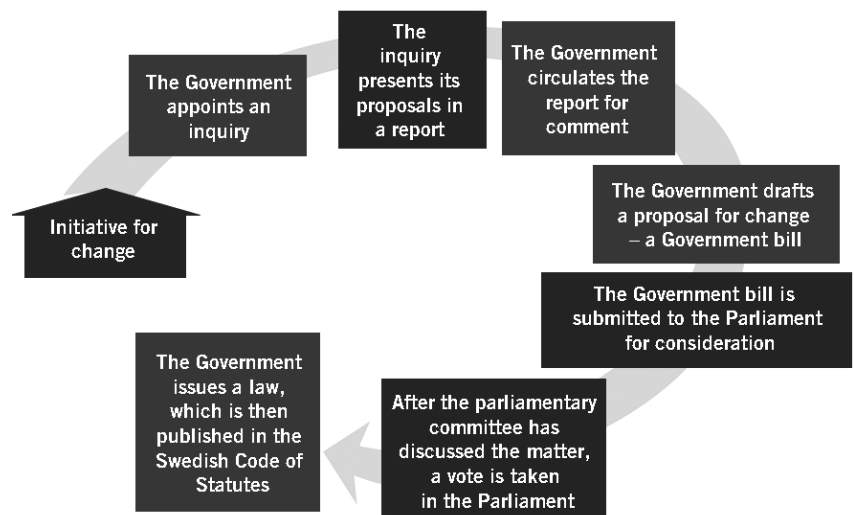
Before the Government deals with the recommendations of an inquiry, its report is circulated for comment to relevant consultation bodies. These bodies may be central government agencies, local government authorities or other bodies, including non-governmental organisations, whose activities may be affected by the proposals.

The Council on Legislation and Government bills

When the consultation bodies have submitted their comments, the ministry responsible drafts the bill that will be submitted to Parliament. The inquiry report and the comments from the consultation bodies provide the basis of this process. The Government works as a collective, and thus the members of the Government must have reached consensus before a bill is decided on.

The Government is obliged – in principle – to refer major items of draft legislation to the Council on Legislation. This is a body whose members are judges drawn from the Supreme Court and the Supreme Administrative Court.

The process leading to a new law



The consultation of the Council on Legislation is intended, above all, to ensure conformity with the legal system and compatibility of a statute with constitutional law.

The Council is, however, a consultative and not a decision-making body.

The parliamentary process

When the Government has submitted a bill to Parliament, the bill is dealt with by one of the standing committees. Any Member of Parliament can table a counter-proposal (or amendment) to a bill introduced by the Government.

If a counter-proposal is formally adopted by Parliament, the Government is bound to implement its provisions.

When the committee has completed its deliberations, it submits a report which is put to the Cham-

ber for debate and approval. If adopted, the bill becomes law.

Laws, other than fundamental laws, are normally enacted by a single majority decision of Parliament.

A fundamental law must be adopted or amended by way of two identically worded simple majority decisions by Parliament. Between the two decisions an election to Parliament must have taken place and it is the newly elected Parliament that makes the second decision. A qualified majority is not required.

Promulgation

When Parliament has adopted a proposed law, the Government formally issues the law. All laws – and also all ordinances – are published in the Swedish Code of Statutes.



REGERINGSKANSLIET

Ministry of Justice

SE-10333 STOCKHOLM

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Fact sheet produced by the Ministry of Justice. Printing and Graphic Reproduction Centre, Stockholm, Sweden, June 2007. Article no. Ju 07.06e