



EUROPEAN PARLIAMENT

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Committee on Legal Affairs

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NOTICE TO MEMBERS

(58/2013)

Subject: Reasoned opinion by the Swedish Parliament on the proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks
(COM(2013)0147 - C7-0082/2013 - 2013/0080(COD))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, any national parliament may, within eight weeks from the date of transmission of a draft legislative act, send the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity.

Under Parliament's Rules of Procedure the Committee on Legal Affairs is responsible for compliance with the subsidiarity principle.

Please find attached, for information, a reasoned opinion by the Swedish Parliament on the above-mentioned proposal.

Reasoned opinion by the Swedish Parliament

The information society is nowadays a fundamental part of our society, and a well-developed broadband infrastructure is an important prerequisite for everyone to have access to, and be part of, the information society. The Swedish Parliament (Riksdag) does therefore welcome, first of all, the Commission's efforts to strengthen the digital single market. Like the Commission, the Riksdag considers that measures to promote comprehensive broadband coverage are of great importance for the development of a single digital market, and it believes that they can help to create smart, sustainable and inclusive growth in the European Union. The Riksdag also welcomes the fact that the Commission proposal was influenced by some of the solutions adopted in Sweden, such as those regarding the openness and transparency of the existing infrastructure.

In the light of the assessment of the application of the principle of subsidiarity in the Commission's proposal for a Regulation of the European Parliament and of the Council on measures to reduce the cost of deploying high-speed electronic communications networks (COM(2013)0147), as presented in Report 2012/13:TU20 of its Transport Committee, the Riksdag would like to express the following concerns.

The Riksdag considers that the measures proposed in the Commission proposal are necessary at the level of the Union to improve the conditions for the establishment and functioning of the internal market. The Riksdag can thus endorse the Commission's assessment with respect to the subsidiarity principle. Many of the proposals in the regulation are, however, complex and the Riksdag notes that these would both affect and require changes in a number of provisions. The government's explanatory memorandum in response to the Commission proposal (2012/13: FPM92) identifies areas such as the Land Law (1970:994), the Law on Electronic Communications (2003:389), the Rights of Way Act (1973:1144), the Joint Facilities Act (1973:1149), the Expropriation Act (1972:719) and the Planning and Building Act (2010:900). In this context, the Riksdag questions the appropriateness of the Commission's choice of legal instrument. A regulation is by definition directly applicable in the Member States – as noted above, however, the Commission's proposal seems to imply the need for a number of changes to national legislation. It thus appears more appropriate to the Riksdag that the proposed EU rules take the form of a directive form rather than a regulation.

The Riksdag also considers that some elements of the proposed regulation are extensive and far-reaching, especially as regards landowners' rights and the protection of property rights. The Riksdag believes that this may raise doubts as to whether the measures are proportionate for achieving the objectives of the proposal.