



10.5.2019

NATIONAL PARLIAMENT REASONED OPINION ON SUBSIDIARITY

Subject: Reasoned opinion of the Swedish Parliament on the proposal for a Council regulation laying down implementing measures for the system of Own Resources of the European Union
(COM(2018)0327 – C8-XXXX/2018 – 2018/0132(APP))

Under Article 6 of the Protocol (No 2) on the application of the principles of subsidiarity and proportionality, national parliaments may, within eight weeks of 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 they consider that the draft in question does not comply with the principle of subsidiarity.

The Swedish Parliament has sent the attached reasoned opinion on the aforementioned proposal for a regulation.

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

Dear Speaker, dear colleague,

The past two months, an unprecedented number of 87 draft legislative acts subject to subsidiarity control has been referred to the committees of the Riksdag. I have in a letter to First VP Mr. Timmermans drawn to attention of the Commission that such a large number of proposals in such a short time makes a serious assessment of each proposal considerably more difficult. I have pointed out that access to better information on the Commission's planning would be helpful. I have also suggested that, in situations like the present one, an extension of the 8-week deadline could contribute to ensure the high quality of the subsidiarity checks.

Against this backdrop, and in order to strengthen our exchange of best practises on subsidiarity checks, I want to share information of the reasoned opinions adopted by the Riksdag regarding nine of the draft legislative acts.

In a reasoned opinion concerning COM(2018) 218 on the protection of persons reporting on breaches of Union law, the Riksdag considers that parts of the proposal, especially the proposal to establish internal and external reporting channels, appear to go farther than what is necessary and that it should be possible to reach the objective – to strengthen compliance with Union law – by means of solutions that are more adapted to the conditions of each member state.

In a reasoned opinion concerning COM(2018) 184 and COM(2018) 185, on representative actions for the protection of the collective interests of consumers and on better enforcement and modernisation of EU consumer protection rules, the Riksdag has objections regarding the parts of the proposals that contain instructions on how revenues from fines or equivalent financial penalties should be allocated.

In a reasoned opinion concerning COM(2018) 325 and COM(2018) 327, on the system of the Union's own resources, the Riksdag considers the basket of three new own resources, and in particular the one based on a common consolidated corporate tax base (CCCTB), which has not yet been adopted and which the Riksdag has found not to be in line with the principle of subsidiarity, problematic and excessively far-reaching in terms of achieving the aims of the proposal.

In a reasoned opinion concerning COM(2018) 274, on road infrastructure safety management, the Riksdag has misgivings about the proposal in Article 1 to expand the scope of the directive to include roads other than those in the TEN-T, on which there are no cross-border external consequences resulting from road accidents.

In a reasoned opinion concerning COM(2018) 277, on realisation of the trans-European transport network, the Riksdag has objections as regards subsidiarity to the provisions in Articles 4–6 on the introduction of an integrated permit granting procedure for projects on the TEN-T's core network, since the TEN-T basically consists of national transport networks, which are in turn the subject of national planning and permit granting procedures.

In a reasoned opinion concerning COM(2018) 373, on a mechanism to resolve legal and administrative obstacles in a cross-border context, the Riksdag finds the proposal complex

and unclear, for instance to such aspects as to what extent recourse to the proposed mechanism to resolve obstacles arising in border areas is voluntary, and to which problems and which legal areas the regulation should cover.

In a reasoned opinion concerning COM(2018) 380, on the European Globalisation Adjustment Fund (EGF), the Riksdag maintains that member states have the primary instruments for designing and implementing labour market measures that support people during major restructuring processes and, therefore, that the objective of the proposed European Globalisation Adjustment Fund can be achieved to a sufficient extent by the member states.

The reasoned opinions are available on IPEX.

- COM(2018) 218:
<http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20180106/serik.do>
- COM(2018) 184 and COM(2018) 185:
<http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20180089/serik.do>
- COM(2018) 325 and COM(2018) 327:
<http://www.ipex.eu/IPEXL-WEB/scrutiny/CNS20180135/serik.do>
- COM(2018) 274:
<http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20180129/serik.do>
- COM(2018) 277:
<http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20180138/serik.do>
- COM(2018) 373:
<http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20180198/serik.do>
- COM(2018) 380:
<http://www.ipex.eu/IPEXL-WEB/scrutiny/COD20180202/serik.do>

I am looking forward to take part of the results of the subsidiarity checks of the Commission's proposals by your Parliament, and I welcome replies directly to me as well as on IPEX.

Yours sincerely,
Urban Ahlin