

Commission Work Programme 2013

Summary

In this statement, the Committee on Foreign Affairs considers the Commission Work Programme 2013, which was adopted on 23 October 2012, COM(2012) 629. The Committee on Finance and the Committee on Justice have expressed their views on the programme.

In its Work Programme, the Commission sets out the long-term vision of what the EU might look like in key policy areas. In addition, it summarises what is missing today to attain the vision and explains how the Commission will tackle these challenges. The Committee underlines the importance of safeguarding an open Europe – including in times of crisis – and notes that the priorities stated in the Work Programme are largely in line with Swedish priorities. It is a positive feature that growth and competitiveness issues are given extensive scope. The Committee emphasises that openness must be a guiding principle in all areas of EU cooperation and fundamental to all the initiatives and programmes the Commission intends to launch.

The Committee considers that it is clearly in Sweden's interest that the euro area is strong and stable, and that those countries which are affected by serious economic problems are also able to solve these with the help of others. Ultimately, it is a matter of keeping Europe together and avoiding serious social tensions. The Committee concurs with the positions of the Committee on Finance with regard to proposals on the shadow banking sector, a review of the system for financial supervision, e-invoicing in public procurement, an integrated European market for card, internet and mobile payments, and occupational pensions.

The Committee furthermore agrees with the Commission's assessment that, in order to increase its influence on the global stage, the EU must link its internal policy to the other measures. The Committee emphasises in particular the significance of freedom on the internet for people's ability to organise themselves and work for democratic change, and the importance of the EU promoting freedom of expression and media freedom. In the Committee's view, the ability of the EU to act as a security-policy player depends on resources and cohesion, and it is therefore of the greatest importance to counteract new divisions among EU Member States based on economic strength and prosperity. The Union gains in influence and credibility by standing united and acting jointly. The Committee also welcomes the Commission's intention to put forward a coherent EU position that forms a framework for the Millennium Development Goals, the post-2015 development agenda and Rio+20. In this context, the Commission wishes to emphasise in particular the importance of the Commission endeavouring to increase coherence between the EU's different policy areas, clarifying the gender equality perspective and taking active steps to mobilise resources so that the EU's joint development assistance targets can be met.

The Committee concurs with the positions of the Committee on Justice regarding the Stockholm Programme, judicial cooperation in criminal matters and the initiative to establish a European Public Prosecutor's Office. In addition, the Committee welcomes the Commission's intention to set out a new framework for the EU's transition to a low-carbon

economy for the period 2010–2030 and cites the importance of the Union adopting binding emissions targets.

The statement contains one reasoned reservation each from the Swedish Green Party, the Sweden Democrats and the Left Party.

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Stockholm, 24 January 2013

On behalf of the Committee on Foreign Affairs

Hans Wallmark

The following members took part in the decision: Hans Wallmark (Moderate Party), Urban Ahlin (Social Democratic Party), Christian Holm (Moderate Party), Tommy Waidelich (Social Democratic Party), Carin Runeson (Social Democratic Party), Olle Thorell (Social Democratic Party), Kenneth G Forslund (Social Democratic Party), Christer Winbäck (Liberal People's Party), Bodil Ceballos (Swedish Green Party), Julia Kronlid (Sweden Democrats), Hans Linde (Left Party), Ulrik Nilsson (Moderate Party), Désirée Liljevall (Social Democratic Party), Ismail Kamil (Liberal People's Party), Staffan Danielsson (Centre Party), Gustav Blix (Moderate Party) and Robert Halef (Christian Democrats).

Description of the remit

The remit and preparation of it

The European Commission adopted the Communication on the Commission Work Programme 2013 (COM(2012) 629) on 23 October 2012. The Work Programme was received at the Riksdag on 29 October 2012 and was referred to the Committee on Foreign Affairs by the Chamber for review under Chapter 10, Section 5 of the Riksdag Act on 16 November.

The Committee on Foreign Affairs has afforded other committees an opportunity to express their opinions on the Work Programme in relation to their particular remits. Opinions have been received from the Committee on Finance and the Committee on Justice.

The Government has submitted a background brief (2012/13:FPM24). On 26 June (C(2012)4324), through a letter from the Vice-President of the Commission, Maroš Šefčovič, the Commission presented views on some of the issues addressed by the Committee in the statement on the Work Programme 2012 (2011/12:UU4).

The Committee held a public hearing on security policy consequences in the light of the economic crisis on 18 October 2012. The following were invited to speak: Björn Fägersten, Doctor of Political Science, Swedish Institute of International Affairs, Maria Strömvik, Doctor of Political Science, Lund University, and Johannes Malminen, Doctor of Political Science, Swedish Defence Research Agency.

Background

Principal contents of the Communication

The Commission outlines its policy priorities for the coming year in its annual Work Programme. The Work Programme 2013 presents a long-term vision of what the EU might look like in key policy areas, summarises what is missing today to attain that vision and explains how the Commission will tackle these challenges. By prioritising the right type of initiative, the EU can create growth and employment and gradually come closer to its long-term vision.

The programme contains a list of 58 initiatives and 18 proposals aimed at reducing the regulatory burden by simplifying rules. The Commission plans to present these proposals during 2013 and the first half of 2014, i.e. the remainder of the Commission's term of office.

The Committee's review

The Commission's Communication

General issues

The Commission introduces its Work Programme by noting that today's absolute imperative is to tackle the economic crisis and put the EU back on the road to sustainable growth. This is the number one task for this generation of Europeans. It calls for a Europe able to compete in the global economy, reshaped to seize the opportunities of the future. According to the Commission, this requires the stable macroeconomic environment which true economic and monetary union can bring. It needs a step change in the EU economy, to release the many strengths Europe can bring to bear in tomorrow's economy of high innovation and high skills. This demands changes to the business environment in the Single Market; it requires that the huge potential of Europe's networks and of the IT revolution is fully exploited; it calls for new skills and help so that those shut out of the labour market today can make their contribution; and it must be shaped by the needs and opportunities of resource efficiency. These are long-term challenges calling for a concerted effort from all sections of society – but in all cases, the EU contribution is a precondition for success.

Getting the foundations right: towards genuine Economic and Monetary Union

The Commission notes that Europe's strength lies in the interconnection of the Member States' economies. It also points out that much has already been done, or is on the way to being done, to strengthen economic governance in the EU. The Six-Pack legislation and the Two-Pack legislation are emphasised in particular, as is the Europe 2020 Strategy and the European Semester.

The economic crisis, according to the Commission, has shown, however, that a single market for financial services must be complemented by a strong common authority for supervision and regulation. 2013 will therefore see the implementation of many of the more detailed aspects of the common banking supervision mechanisms for the eurozone adopted at the meeting of the European Council in November. In addition, the Commission intends to conduct a review of the EU's entire system of financial supervision (EFSF) and present specific proposals for reducing risks related to non-banks and shadow banking. The as yet unpublished blueprint for the future of EMU will also be followed up.

Other initiatives highlighted are commencement of the fourth European Semester. Growth-enhancing measures and structural reforms brought about in the European semester will be specified in the country-specific and region-specific programmes.

Boosting competitiveness through the Single Market and competitiveness

Innovation and new technology, according to the Commission, have great potential to contribute to sustainable growth and jobs in the EU. However, there is a need to be able to modernise the economy, and an important step in this work will be to develop the Single Market. Against this backdrop, in October the Commission presented the Single Market Act

II with actions to stimulate growth. The Commission intends in the spring to follow up its Communication on industrial policy and intensify the implementation of legislation relating to the actions in Single Market Act I. The Commission points to proposals for a single VAT declaration, electronic invoicing in public procurement, and updating and simplification of rules for trading in goods. As part of Horizon 2020, there will be proposals to promote public-private partnerships in strategic sectors like pharmaceuticals and nanotechnology. In addition, the Commission emphasises that it plans several proposals to modernise the approach to intellectual property rights and legislation on state aid.

The Commission will cooperate with the Member States on the implementation of the Energy Efficiency Directive and the new rules on energy labelling, as well as the action plan already presented for entrepreneurship. When the negotiations on a new multi-year budget framework have been completed, the new priorities of the European Social Fund will mean a focus on the transition from school to work and on knowledge for increased employability.

Connect to Compete: Building tomorrow's networks today

According to the Commission, a fully integrated and interconnected European Single Market covering telecoms, energy and transport is a prerequisite for competitiveness, jobs and growth. Achieving this, according to the Commission, requires affordable, accessible, efficient and secure network infrastructure. Accelerating the roll-out of the digital economy will bring benefits across all sectors, through enhanced productivity, efficiency and innovation. Europe must have state-of-the-art digital networks to retain and build its global competitive position, to be able to handle the explosion in internet use and exchange of data and to fully exploit the efficiency gains and innovative services allowed by major online developments. In energy, significant investments in electricity grids and other energy networks will help make energy supplies more secure, sustainable and competitive. On transport, a fully integrated single market and more efficient networks allowing to switch easily between different modes, would bring huge benefits to citizens and companies, including in urban areas.

National approaches and a variety of barriers hold back competitiveness and prevent the exploitation of networks on a European scale. Investment is not sufficiently galvanised to support projects which will be the bedrock of Europe's future prosperity and is held back by shortcomings in the regulatory environment. This also holds back the potential for innovation in areas like smart grids and meters, and intelligent transport. A lack of interoperability increases costs and holds back the level playing field. Gaps in the regulatory framework hold back business investment and consumer confidence in key areas like payments. Gaps in infrastructure create extra costs and inefficiencies for energy consumers, delay modernisation of logistics, and prevent the full exploitation of broadband.

Growth for jobs: inclusion and excellence

Through its capacity to combine growth and inclusiveness, our social market economy is one of Europe's greatest assets. According to the Commission, the EU's economy and its society face the threat that the grave problems of high unemployment, increased poverty and social exclusion risk becoming structural. The EU dimension must be harnessed to assist Member States to find every opportunity to help people looking for work and to address the mismatch

between labour supply and demand. This starts with an active employment policy to help them to have the right skills to be employed and which uses the potential of mobility to the full. The goal should be to find innovative ways to increase educational attainment and labour market participation. Adequate and sustainable social policies and more accessible social services are needed to promote social inclusion and entry into the labour market. The job creation potential of key growth sectors, such as the green economy, ICT and health and social care sectors needs to be fully tapped. To maintain its workforce in the longer term perspective of an ageing society, European labour markets need to be inclusive, mobilising employees of all ages and at all levels of qualifications.

Public employment services and employers face a major challenge with the scale of unemployment in Europe, in particular among young persons. Boosting the employability levels is key to re-launching growth, taking also into consideration vulnerable groups. The potential for job creation in sectors such as the green economy, ICT, health is not fully exploited. Education and training systems are not keeping up with changing labour market needs – resulting in shortages in key areas like science, mathematics and e-skills. Higher education is not sufficiently connected to research and innovation activities and is slow to build capacity in areas like ICT – which both reflects and contributes to a lack of internationalisation. Life-long learning is still developing, and public policy and business practices do not reflect the need for older workers to extend their working careers. Undeclared work creates an extra challenge. Social protection and social investment should be more effective. Vulnerable groups find it particularly difficult to get into or to return to the labour market. And the potential for labour mobility to fill gaps is held back by problems in the recognition of qualifications, documentation and skills across Member States.

Using Europe's resources to compete better

The Commission emphasises that competitiveness today must be geared to competitiveness tomorrow. There is untapped potential for the EU economy to be more innovative, productive and competitive whilst using fewer resources and reducing environmental damage. Less waste should be produced and more re-used and recycled in line with the practice of the best performing Member States. Greater resource efficiency would contribute to growth, jobs and enhanced competitiveness, with reduced costs for business as well as significant benefits for health and the environment, lower greenhouse gas emissions, contained energy bills and new opportunities created for innovation and investment. The EU is particularly well-placed to give policy the long-term dimension required.

European society and the European economy do not yet exploit the full potential for resource efficiency. Much recyclable waste is either exported or sent to landfill. A lack of long-term frameworks holds back planning and investment, most obviously on a climate and energy framework beyond 2020, but also on long-term sustainable use of key resources such as air, soil, energy, water, fish and biomass. At the same time, such frameworks can help to galvanise the innovation needed to exploit the potential of the transition to a low-carbon economy in areas like transport, energy and agriculture.

Building a safe and secure Europe

The Commission stresses that the EU needs to protect its citizens and their rights from threats and challenges and further remove obstacles to circulation of citizens in Europe. This includes fighting crime and corruption, controlling our external borders and ensuring the respect of the rule of law and of fundamental rights, with the right balance between security and mobility. It also needs a well functioning and efficient justice system to support growth, entrepreneurship and attract investors. Equally, the EU works to proactively reduce risks to health, food and product safety, critical infrastructures and disasters. Safe and sustainable use of nuclear energy is a key element.

Threats to safety and security evolve, and the EU's response needs to reflect this by using technology to tackle safety in food or nuclear energy, by working for the swiftest and most effective disaster response and by deepening cooperation in tackling the increasingly cross-border dimension of crime. Areas like terrorist financing and the cross-border traffic in weapons need particular attention. The EU has a particular responsibility to protect its own financial interests against fraud and corruption, but lacks the full institutional framework required. Mutual trust in areas of safety, security and justice needs to be earned, and the networks and exchanges needed to build this are not always present. Vigilance is also needed to ensure that the fundamental rights of citizens in the EU are protected in full. If people and businesses are to take full advantage of their rights, they need easy access to justice, on equal terms in all countries in cases of cross-border litigation.

Pulling our weight: Europe as a global actor

The EU's interests and commitment to values of democracy, the rule of law and human rights depend heavily on what happens beyond its borders. Promoting our values in our immediate neighbourhood and beyond is a priority, by building partnerships with third countries and promoting multilateral solutions to common problems. Collectively, the EU is the largest donor of funds for development cooperation, climate finance and humanitarian aid in the world. We are also the world's largest trading partner. When we can deploy the Union's and Member States' resources in an effective and consistent way beyond our borders, and bring together the wide range of instruments available, the EU can have greater impact and influence on the world around us. This helps to deliver the goals of growth, stability and democracy and to meet the goals of policies like tackling poverty and boosting peace and security, as well as pursuing policies like addressing climate change, the environment, transport and energy, and optimising the opportunities for international cooperation in areas such as science and technology. In the year of Croatia's accession, the enlargement process and the neighbourhood strategy continue to provide key tools to support positive change in partners on the EU's doorstep.

On the global stage the EU is a key actor; but more can be done to develop a truly unified approach using different strands of policy and different instruments to reinforce each other. The EU should also ensure closer monitoring of the implementation of its commitments, notably as part of the support provided to countries in transition in its neighbourhood.

Opinion of the Committee on Finance

The shadow banking sector

The Committee on Finance welcomes the Commission's intention to propose supplementary legislation on the systemic risks associated with shadow banking with and reiterates its comments in its statement 2011/12:FiU48 A Green Paper on shadow banking.

In its statement, the Committee on Finance welcomes the necessary analysis of the opportunities and risks involved in shadow banking. It does not have any objection to the definition of the shadow banking system proposed by the Commission or the preliminary list of parties and activities to be included in the shadow banking sector. It notes that the shadow banking sector contains important functions and could therefore make a positive contribution to the financial system, but that the shadow banking sector also poses risks. With regard to continued regulation of shadow banking, the Committee feels that it is important to enhance the monitoring of the shadow banking sector. Regulation and other measures ought not to be either solely national or restricted to the EU, and the aim should instead be to attain the broadest international cooperation possible. An issue that needs particular consideration in this context is the risks to consumers that might arise outside the regular banking sector. The option of national regulations should also be considered in this context.

A review of the system for financial supervision

The Committee on Finance welcomes the Commission reviewing the European system of financial supervision. Effective and appropriate financial supervision is imperative for financial stability and a well functioning financial market. Good consumer protection in the financial sector also depends on effective and appropriate supervision. It is also noted in this context that the Commission intends to take initiatives to improve the conditions for long-term financing in the EU through measures to ensure effective financial institutions, markets and competition. This is also viewed positively by the Committee.

However, the opinion of the Committee on Finance is that a review of the European system for financial supervision cannot be limited to assessing whether the activities of the present-day European supervisory authorities are effective and appropriate, and achieve the aims set out in EU legislation. In this context, it is important to consider the effects the proposed new joint mechanism for supervision of banks and credit institutions, COM(2012) 510 and COM(2012) 511, may have on the European system of financial supervision if it is adopted. The announcements in the Communication on a roadmap for banking union, COM(2012) 510, should also be taken into account in the planned overhaul.

The Commission writes in the Work Programme that the crisis has shown that the single market for financial services can only deliver financial stability, economic growth and jobs if it is matched with a strong single regulatory and supervisory authority at EU level. According to the Commission, the next step must be to deepen economic and monetary union with a fully-functioning banking and fiscal union.

The Committee on Finance emphasises that there are many important issues that need to be addressed when establishing a banking union. This applies for instance to questions concerning influence and equal treatment of eurozone countries and non-eurozone countries

in the ECB Council and in the European Banking Authority (EBA). Other issues of significance are the ECB's cooperation with the European and national supervisory authorities and the voting rules in EBA decisions. Another important issue for Sweden is the opportunities for Member States to adapt capital requirements to the circumstances prevailing in each Member State.

The Committee on Finance notes that the finance ministers of the EU Member States at a meeting of the Economic and Financial Affairs Council (ECOFIN) on 12 December 2012 agreed on amendments to the Commission's proposals, including in sections relating to capital requirements and rules on voting in the EBA.

It should be noted in this context that in a reasoned opinion (statement 2012/13:FiU18) to the Commission, the Riksdag considered that the Commission's proposal for the Council Regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, COM(2012) 511, conflicted with the principle of subsidiarity. In the view of the Riksdag, regulatory frameworks, rules on decision-making, and financing of and responsibility for supervision, crisis management and phase-out belonged together. The measures were conditional upon one another. The proposals for European supervision, crisis management and financing of phase-out ultimately ought therefore to be contained in a package even if – as it turned out – the decision had to be taken gradually. According to the Riksdag, the aim of the Commission's proposals could be achieved significantly better if the fundamental capital requirements represented minimum requirements and the Member States retained the possibility of raising the level of capital requirements if they felt this were justified to ensure financial stability at national level. The Riksdag also considered that the Commission's proposal for a regulation conflicted with the principle of proportionality. Member States that are outside the euro cooperation but nevertheless choose to take part in the supervisory mechanism would be obliged to follow the ECB's instructions while at the same time not having voting rights in the body – the ECB Council – that has ultimate responsibility in the supervisory mechanism. According to the Riksdag, this meant a disproportionate restriction of the influence of these countries.

Another issue in this context is the systems for deposit guarantees and investor protection. The Riksdag found in its reasoned opinions (statement 2009/1: FiU42 and 2009/10:FiU43) on the Commission's proposals for deposit guarantee schemes and investor-compensation schemes, COM(2010) 368 and COM(2010) 371, that the objective of the Commission proposals – which is ultimately financial stability – could better, or only, be achieved if responsibility for financing the guarantee systems became an entirely national responsibility. To avoid any moral risk and give the Member States incentives to build up adequately funded guarantee schemes, each Member State ought to have full responsibility for funding. The regulatory frameworks for the Member States' guarantee schemes ought not therefore to contain any intergovernmental financing obligations. On the other hand, Community law, as proposed by the Commission, ought to contain rules on prior funding, etc. that would make the national systems sufficiently similar and robust. The Riksdag felt that the proposals infringed the principle of subsidiarity.

E-invoicing in public procurement

The Committee on Finance welcomes the Commission's plan to take an initiative to facilitate the use of e-invoicing in public procurement, and notes that Sweden is already well advanced

with regard to e-procurement and e-invoicing in public procurement. The Legal, Financial and Administrative Services Agency (*Kammarkollegiet*) has been put in charge of spearheading the development of e-procurement and carrying out standardisation work in the area. The objective is to achieve an uninterrupted electronic purchasing process. The work is aimed at exploiting the efficiency gains available to both procurement agencies and suppliers in the use of e-procurement. The Swedish Financial Management Authority (ESV) is working to improve the efficiency of government procurement, for example by introducing e-procurement and e-invoicing. ESV has a government remit to direct and coordinate the introduction of electronic orders under framework contracts in public administration (ref. No Fi2008/1186). The target is for the system to be fully introduced by the end of 2013.

Towards an integrated European market for card, internet and mobile payments

The Committee on Finance welcomes the Commission's continued work to facilitate cross-border payments in the Single Market. It wishes to emphasise the points addressed in its statement 2011/12:FiU37, in which it considered the Green Paper entitled *Towards an integrated European market for card, internet and mobile payments*, COM(2011) 941.

The Committee considers it important to boost competitiveness with regard to payment services. One way of achieving this is to speed up market integration in the single market. However, it is important for rules and standards to be formulated in a way that, without impinging on the security requirements for payments, makes it easy for new players to enter the market and for oligopolies for payment services at European level to be avoided.

An important issue, according to the Committee on Finance, is to increase transparency with regard to charges. There is no reason to regulate pricing in such a way that price as a competitive tool is eliminated, but it is important for consumers to receive clear information on what charges might accrue at the time of purchase for different forms of payment. The rules ought also to be formulated with a view to the productivity gains from technology development benefiting consumers and the costs not being unilaterally imposed on customers while the gains remain with the payment service companies.

The Committee on Finance further considers there always to be a risk of locking activities in prevailing technical solutions when an area is regulated and standards are established. It sees potential in the technical innovations in the area and therefore feels that it is important to proceed cautiously with regulations and provide scope for self-regulation to the extent that this leads to the desired vision of a borderless payment system. In addition, it is important to monitor development and develop the governance system for the Single Euro Payment Area (SEPA) in such a way as to ensure that the rules and standards can be adapted as technological development takes new, and perhaps unexpected, leaps forward.

In the view of the Committee, it is worth highlighting the points addressed in the Green Paper on aspects of privacy. It states that the payment methods mean that sensitive customer information and other personal data are registered in large communication networks. The Committee agreed with the comment that sensitive customer information must be retained within a secure payment infrastructure, both in processing and in the storage of data.

The Committee welcomes a review of the Occupational Pensions Directive. The management of occupational pensions and the regulatory framework for such pensions and for

occupational pension institutions are of great significance, as is the need for suitable structures to fund the pensions.

Opinion of the Committee on Justice

The Stockholm Programme

The priorities in the area of freedom, security and justice over the period 2010-2014 are based on what is known as the Stockholm Programme, which was adopted by the European Council in December 2009. In the view of the Committee on Justice, the Stockholm Programme is an important strategic programme for measures in this area. The Committee takes a positive view of the overarching priorities of the programme: its focus on the interests and needs of citizens, achieving a better balance between measures to improve security for citizens and measures to strengthen the rights of individuals (statement 2008/08:JuU31).

The Committee considers that now that the half-way point has been passed in the period covered by the Stockholm Programme, it is time for the European Commission to step up the pace in implementing the programme. This is particularly crucial with regard to proposals for judicial cooperation based on the principle of mutual recognition in the area of criminal law.

Mutual recognition of judicial rulings is a fundamental principle of cooperation in criminal law and measures based on the principle are welcomed by the Committee. It is also regrettable in this context that the Commission has not presented a review of the implementation of the Stockholm Programme, which the European Council urged it to submit by June 2012. This is particularly crucial as the Stockholm Programme is the first strategic programme to be based on the fundamental requirements of the Treaty of Lisbon. The Presidency instead presented its own review of what measures in the programme have been implemented to date at the Justice and Home Affairs Council on 6-7 December 2012.

Judicial cooperation on criminal affairs

Mutual recognition of judicial rulings, as outlined above, is a fundamental principle of EU cooperation in criminal affairs. If judicial cooperation is to work well, the Member States need to have confidence in each others' legal systems. Some approximation of the Member States' criminal laws and statutes may be necessary for this purpose within the limits set by the Treaty. The Committee wishes to draw attention at the same time to the trend it believes it can discern with regard to the Commission's choice of legal basis for measures in the area of criminal affairs. This trend means that the Commission presents proposals for legislative acts affecting the Member States' criminal legislation using a legal basis in a different part of the Treaty than the part explicitly concerned with cooperation in criminal matters (Part Three, Title IV, Chapter 4 of the Treaty on the Functioning of the European Union). In this context, the Committee reiterates its statement on the Commission's proposal for a directive on the fight against fraud to the Union's financial interests by means of criminal law, COM(2012) 363. In statement 2012/13:JuU8, the Committee questions the Commission's choice of legal basis as Article 325(4) of the Treaty on the Functioning of the European Union (TFEU) has a broader scope than Article 83(2) TFEU, which explicitly relates to the criminal laws of the Member States. The latter lays down a more restrictive scope for legislation, only allowing legislation on minimum rules, established by directives, which excludes complete harmonisation of criminal law.

A European Public Prosecutor's Office

The Committee on Justice emphasises that the purpose of the opinion is to present general views on those parts of the Commission's Work Programme which concern the area of responsibility of the Committee on Justice. The Committee wishes to wait until the specific proposals are presented before making a more detailed examination of the planned initiatives. However, the Committee wishes now to express a few words on the initiative to establish a European Public Prosecutor's Office to protect the financial interests of the Union (Initiative 48 in the Annex to the Work Programme).

Article 86 of the Treaty on the Functioning of the European Union offers the possibility of establishing a European Public Prosecutor's Office based at Eurojust. Eurojust fulfils an important function in cooperation on criminal matters by supporting and strengthening the coordination between affected authorities in the Member States, and the Committee wishes to stress how important intergovernmental cooperation in Eurojust is. The Committee questions whether the establishment of a joint European Public Prosecutor's Office will resolve any cooperation issues beyond those which are already resolved today in the framework of Eurojust. The establishment of a joint European Public Prosecutor's Office additionally requires mutual trust between the legal systems of the Member States. Although there has been some progress on work aimed at strengthening mutual trust, a great deal still remains to be done. In the Committee's view, today there is therefore neither reason nor a sufficient basis for establishing a joint supranational prosecution authority. Intergovernmental cooperation in Eurojust should continue to be developed instead. If the Commission chooses to go ahead with its plans to establish a European Public Prosecutor's Office through a specific legislative initiative, such a proposal must be preceded by an analysis in which other alternatives are also considered.

Opinion of the Committee on Foreign Affairs

General issues

The Committee on Foreign Affairs has dual tasks with regard to the European Union. The Committee is responsible, for example, if the Riksdag needs to discuss general issues concerning the European Union. Moreover, under the Riksdag Act, the Committee is responsible for monitoring EU issues within its remit as a specialist committee. The Chamber referred the Commission Work Programme 2013 to the Committee for review and a written statement under Chapter 10, Section 5 of the Riksdag Act. The purpose of a statement is to foster debate on an issue at an early stage and to present different views that may be of value in continued consideration of the issue. Statements are to be regarded as preliminary views expressing prevailing opinions in the Riksdag at the time when the statement is considered. The statements are not legally binding as regards either the positions of the Riksdag or the Government's later positions. However, a statement gives the Government the opportunity at an early stage to ascertain whether these positions in EU cooperation are endorsed by the Riksdag.

The Committee, like the Government and the Committee on Finance, notes that the priorities stated in the Work Programme are largely in line with Swedish priorities. It is a positive feature that growth and competitiveness issues are given extensive scope.

The Commission's Work Programme is an important programme for being able to identify early on issues that will appear on the EU agenda in both the short and medium terms. It improves the opportunity of the Member States to plan EU work and contributes to openness on the EU's legislative process. It is therefore also a document that provides a broad picture of which EU issues the Riksdag may have cause to return to in 2013 and in subsequent years. Riksdag committees have presented their views on a number of issues related to the Commission's Work Programme in statements already adopted. Annex 2 to this statement contains a list of a total of 31 statements submitted by Riksdag committees in 2012.

The Committee submits comments below on some of the initiatives the Commission intends to take in 2013 and the first part of 2014, up to the time of the elections to the European Parliament. The specific contents of the future proposals are not, however, known, and the Committee's comments are therefore of a general nature.

Safeguarding an open Europe

The initiatives in the Commission Work Programme are largely focused on managing the economic crisis and boosting European competitiveness.

The Committee on Foreign Affairs wishes to emphasise the importance of safeguarding an open Europe in these times of crisis. Openness must be a guiding principle in all areas of EU cooperation, including migration, free trade and development cooperation. The Union must keep its doors open in its contacts with other countries in the process of enlargement, the Eastern Partnership and the Euro-Mediterranean Cooperation. The principle of safeguarding an open Europe should thus be fundamental to all initiatives and programmes the Commission intends to launch during the remainder of the legislative period.

Economic and Monetary Union

The Committee on Foreign Affairs considers that it is clearly in Sweden's interest that the euro area is strong and stable, and that the countries affected by serious economic problems are also able to solve these with the help of others. Ultimately, this is a matter of keeping Europe together and avoiding serious social tensions.

In a previous statement to the Committee on Finance (2011/12:UU3y), the Committee supported the Government's proposal to approve the decision of the European Council to amend Article 136 of the Treaty on the Functioning of the European Union for the purpose of establishing a permanent stability mechanism for those countries which have the euro as their currency. The Committee feels that future crises of the kind that have occurred in recent years cannot be ruled out despite the preventive measures taken, for example, through the reform of the EU's financial monitoring procedures. In the view of the Committee, the EU must have access to long-term, clear and predictable instruments that are acceptable to all Member States to manage any future crises in the euro area.

The Committee furthermore concurs with the positions of the Committee on Finance with regard to the shadow banking sector, a review of the system for financial supervision, e-invoicing in public procurement, an integrated European market for card, internet and mobile payments, and occupational pensions.

Pulling our weight: Europe as a global actor

The Committee agrees with the Commission's assessment that, in order to increase its influence in the global arena, the EU must link its internal policy to its external actions. In this context, the Committee wishes to stress the importance of the EU's external actions being based on the principles laid down in the Treaty of Lisbon (Article 21(1)), i.e. democracy, human rights, gender equality and solidarity and respect for the principles of the United Nations Charter and international law.

In this context, the Committee wishes to emphasise in particular the significance of freedom on the internet for the ability of people to organise themselves and work for democratic change. The Committee welcomes the fact that the UN Human Rights Council, partly on the initiative of Sweden, has clarified that closing down the internet is an infringement of freedom of expression and freedom of information under Article 19 of the International Covenant on Civil and Political Rights. The Resolution affirms the importance of the internet to global development, and all states are urged to promote access to the internet, in terms of both infrastructure and content.

The Committee also wishes to emphasise the importance of the EU promoting freedom of expression and media freedom. These issues should be given a prominent place in meetings between the EU and partner and candidate countries. The Committee wishes to draw attention in particular to the situation in Turkey, where up to 100 journalists are currently being held in prison, according to the OSCE. The Commission has expressed concern in its progress report over the unsatisfactory situation for media and press freedom in Turkey.

In accordance with the conclusions of the González report submitted by the Reflection Group on the future of the EU to the EU Heads of State or Government in 2010, the Committee wishes to emphasise that the EU is more than a single market. It is also a union of values. In the light of the financial crisis and subsequent market shifts, the Committee considers that the EU needs more than ever to develop global standards and institutions.

The Committee notes that ability and opportunity to exercise power on the international stage is measured to an ever greater extent in terms of economic capacity and strength. European economies and competitiveness therefore need to be strengthened if the EU is to reinforce its position as a global player. There is a clear link between the economic development of Europe and the political influence of the EU globally.

The EU Member States face common challenges and opportunities in a globalised world. The Committee therefore wishes to emphasise the importance of counteracting any trends towards a weakening of common foreign and security policy.

In the view of the Committee, the EU fundamentally exists in order to strengthen peace and security. Reports *inter alia* from the Swedish Institute of International Affairs and the European Council on Foreign Relations have highlighted that managing the financial crisis has, at the same time, meant that EU leaders have had less spare time, energy and commitment to involve themselves in EU foreign and security policy. The Committee wishes to emphasise that only European cooperation guaranteeing the principles of rule of law, the equal worth of all people and democracy can successfully assert these principles in Europe and in relation to other countries.

The ability of the EU to act as a security policy actor depends on resources and cohesion. The Committee therefore considers it very important to counteract new divisions among EU Member States based on financial strength and prosperity. The EU's common challenges should, as far as possible, be discussed, negotiated and decided in forums in which all EU Member States are represented. The Union gains in influence and credibility globally by standing united and acting jointly.

The Committee considers that the EU must be a strong voice for freedom and a strong force for peace. Contributing to democratic development and economic integration on its doorstep is one of the key foreign policy tasks of the EU. An important challenge for the EU is to contribute to a continued open Europe with a special interest in and responsibility for development in countries neighbouring the EU. This includes enhancement of European neighbourhood policy, the Eastern Partnership and the Euro-Mediterranean Partnership. Increased trade, movement across borders and common regulatory frameworks contribute to prosperity and security, and inspire democratic development. In the light of the economic crisis, the Committee wishes to emphasise the need to combat any forces that run counter to openness and cooperation. The EU has a responsibility to be a responsive, democratic, progressive and cohesive organisation that works towards a global order based on international law and that takes responsible and contributes to peace and security, the environment and climate.

The Committee welcomes the Commission's intention to put forward consistent EU positions bringing together the Millennium Development Goals, the post-2015 development agenda and Rio+20. In this context, the Committee wishes to emphasise in particular the need for the Commission to make the EU's different policy areas more coherent, clarify the gender

equality perspective and take active steps to mobilise resources so that the EU's joint development assistance target of 0.7% of gross national income can be achieved in 2015.

It is now only three years until the deadline set by the world's leaders for achieving the Millennium Development Goals. This should, in the view of the Committee, prompt further efforts to achieve these goals, in particular by the EU. The Committee notes that Millennium Development Goal 5 on improving maternal health is the one on which least progress has been made. Greater efforts are needed to reduce the risk of women and girls dying in pregnancy and childbirth. Efforts should be made to promote sexual and reproductive health and rights, for example by including preventive measures in programmes and initiatives.

The Committee also wishes to emphasise that gender equality is both a goal in itself and an imperative for democratic and economic development. It is therefore important that the perspective of gender equality is clarified and integrated into the EU's overall development and external assistance policy.

It is apparent from the Commission's Communication entitled Annual Report 2012 on the European Union's development and external assistance policies and their implementation in 2011 (COM(2012) 444) that official development assistance from the EU and its Member States declined slightly from 0.44% of EU gross national income to 0.42%. The Committee has in various contexts over a number of years emphasised the importance of promoting international development assistance flows and of the European Union and its Member States having to put their commitments on developing funding into practice. The Committee maintains this position.

With regard to the continued implementation of the EU agenda for change (compare Council conclusions of 14 May 2012), which the Committee discussed with the Government in the spring of 2012, the Committee wishes to underline the importance of respect by the partner countries for human rights, democracy and the principles of the rule of law, and emphasising their development results when the focus, the methods of development assistance and the future development activity of the EU are determined. EU bilateral assistance should be concentrated on the poorest countries with the greatest needs. The Committee also wishes to underline the importance of increasing consistency between different policy areas to strengthen the EU's contribution to global development.

Building a safe and secure Europe

The Committee on Foreign Affairs wishes to emphasise, as in its statement on Commission Work Programme 2012 (2011/12:UU4), the importance of improving the implementation of Union policy by making the existing instruments more effective and modernising them to adapt them to the challenges of today and tomorrow. In this context, the Committee also wishes to recall the statement of the Committee on the Constitution in report 2005/06:KU10. The Committee on the Constitution notes in that report that a large proportion of the rules of significance to citizens in Sweden and for economic life in the country now consist of EU law. It considers it particularly crucial for the Swedish position in Union cooperation to argue forcefully for the requirements of simplicity and clarity. The Committee on Foreign Affairs agrees with this assessment.

The Committee also concurs with the positions of the Committee on Justice regarding the Stockholm Programme, cooperation in criminal matters and the initiative to establish a European Public Prosecutor's Office.

Energy issues and efficient use of resources

The Committee welcomes the Commission's intention to lay down a new framework for the EU's transition to a low-carbon economy for the period 2010-2030, as well as a review of legislation on waste and the framework for air quality. The Committee wishes to underline in this context that the EU's long-term energy policy must be formulated so that it is consistent with the target of keeping the global rise in temperature below two degrees and with the EU target of a reduction in emissions of 80-95% by 2050. The Committee takes a positive view of the Government having urged the introduction of more ambitious targets in the EU and of Sweden having been one of the first countries to support the target of reducing emissions by 30% by 2020. The Committee gives its backing to the Government's previously declared line that the EU should decide on binding emissions targets for 2030, 2040 and 2050 (the current target for 2050 is not binding), which include measures outside the EU.

The Committee notes that the EU's increased energy dependence, combined with its own limited energy production, has security policy implications. Calculations suggest that around 2030 the EU will be importing around 75% of its consumption of oil and gas. Energy will become an increasingly important factor in the EU's relationship with certain countries and regions, several of which can be characterised as unstable. The Committee wishes to underline the importance of these implications being taken into account in the development of the EU's future energy policy.

The Committee has previously welcomed the Commission's Communication for a roadmap for a resource-efficient Europe (report 2011/12:UU10). Natural resources are fundamental to our livelihood. Low, efficient and sustainable use of natural resources can increase productivity and improve the financial prospects of companies, e.g. by creating new jobs, and consequently can benefit workers, while at the same time reducing the impact on the climate and the harmful impacts on the environment. The Committee welcomes the fact that the Communication highlights Europe's competitive advantages with regard to environmental products and environmental services and that the environmental challenges can be used as a financial lever.

Other

The Commission Work Programme has not led to any special measures or to any special observations.

Reservations

The Committee's proposal for a decision by the Riksdag and positions resulted in the following reservations.

- 1. Commission Work Programme 2013 – grounds (Swedish Green Party)**
by Bodil Ceballos (Swedish Green Party).

Position

The Swedish Green Party does not share the Committee's positive attitude to the Stockholm Programme. There continue to be great risks of major conflicts of aims between effective law enforcement and personal privacy with regard both to deeper cooperation between the law enforcement agencies of the Member States and to the joint databases for the personal data of EU citizens. The ever tougher border controls and treatment of refugees are not humane. While we welcome the Commission prioritising energy and efficient use of resources, we do not fully share the Committee's favourable view of how the Swedish Government has been proactive in this work. We consider that the Government's aspirations should be higher, both in Sweden and in EU cooperation. We also consider that the security policy aspects that will arise as a result of future EU imports of oil and gas (75% of EU consumption) merit more than a simple observation on the part of the Committee. The Committee ought instead to urge the Government to be genuinely proactive in arguing for a phase-out of fossil fuels in Europe through energy efficiency, clean energy, alternative fuels, etc. On other issues we essentially concur with the position of the Committee majority.

- 2. Commission Work Programme 2013 – grounds (Sweden Democrats)**
by Julia Kronlid (Sweden Democrats)

Position

Safeguarding an open Europe

In its statement, the Committee on Foreign Affairs has expressed its appreciation of European openness, something with which the Sweden Democrats in principle can agree. If we are to safeguard an openness in Europe that is sustainable in the long term and does not jeopardise stability and security in Europe, however, certain requirements and conditions must become more stringent. The conditions for neighbourhood cooperation must be tightened up with regard both to mobility and economic integration and to potential access to the free market. The requirements must be made stricter in particular with regard to the future process of enlargement. We consider, firstly, that conditionality must be stricter, and secondly, that new Member States must not have a GDP that is below the level of the Member States. We also consider that new potential Member States need to resolve any conflicts with neighbouring countries before they accede to the EU. Otherwise, with regard to EU neighbourhood policy, we refer to our separate opinion in statement 2011/12:UU5.

Economic and Monetary Union

The Committee's considerations address the establishment of a permanent stability mechanism, and the Committee expresses the view that the EU must have access to long-term, clear and predictable instruments that are acceptable to all the Member States.

However, the Sweden Democrats feel that there are several problems as regards establishing the European Stability Mechanism (ESM). In accordance with the existing Treaties and as a consequence of its membership of the EU, Sweden has a formal and legal obligation to join the third stage of EMU and introduce the euro as a currency. Unlike the United Kingdom and Denmark, for example, we do not have a formal opt-out from this. The Government's unwillingness to negotiate a formal opt-out means that we must consider possible future membership of the third stage of EMU and we therefore also have to have views on what today are to be regarded as the affairs of the EMU area. The Sweden Democrats strongly oppose Sweden, in a possible future as a euro nation, being forced to lend money following a decision at federal level.

The ESM is governed by a council consisting of the finance ministers of the Member States of the eurozone. Although decisions mostly have to be unanimous, the proposal opens up the possibility of qualified majority voting under certain circumstances. If Sweden becomes a member of the euro cooperation, a Swedish finance minister can thus easily be overruled, while the number of votes is based on each country's share of the ESM's capital, which in turn is based on share of population and gross domestic product. It is obviously unthinkable for the Sweden Democrats to let anyone other than the elected representatives of the Swedish people to have at their disposal such large sums of what, fundamentally, is Swedish tax revenue. Furthermore, it is very unclear whether this type of measure is to be preferred in the long term, and whether it is sustainable in the long term at all.

Those countries that have put themselves in a situation in which they no longer have control of their own monetary policy must obviously solve their particular problems and challenges as they see fit, and the Sweden Democrats do not attach any direct value to that. On the other hand, as long as Sweden is at risk of being dragged deeper into the euro cooperation, Sweden must desist from mutual commitments such as the ESM. However, the euro countries are free to establish bilateral lending agreements between themselves, even though it would probably be preferable for them to regain control over and independence with regard to their monetary policy. What is reasonable from the Swedish point of view at present is for Sweden to negotiate a formal opt-out from introducing the euro as currency, and as long as this is not done we should be critical of the introduction of the ESM. Because of the unclear legal situation and to protect Swedish tax revenue, we also consider that the Government should pursue the line that the EFSM should be abolished.

Pulling our weight: Europe as a global actor

In its statement, the Committee emphasises the importance of counteracting a weakening of the EU's common foreign and security policy. Even we can see that there is added value in cooperating on large overarching issues of common interest, but we wish at the same time to underline the importance of preserving each country's sovereign right to pursue its own foreign and security policy, and this must not be undermined. We therefore cannot support with the Committee's unilaterally positive attitude to stronger development of the EU's

common foreign and defence policy. The Sweden Democrats take the view that this process has both limited endorsement among the Swedish people and in addition gives the Riksdag limited opportunities to exercise influence.

Building a safe and secure Europe

The Sweden Democrats in the main share the views of the Committee on Justice on this aspect but wish nevertheless to comment that the goal of protecting EU citizens – ‘further remove obstacles to circulation of citizens’ – should be rejected by Sweden and deleted from the Work Programme. The Committee on Foreign Affairs’ position should be that the highest priority tools for protecting EU citizens are establishing satisfactory national border protection, strengthening the Union’s common border protection and stepping up efforts to prevent, discover, prosecute and deport illegal immigrants. Furthermore, similar efforts are needed to prevent the smuggling of illegal goods and items into the Union. This should be the EU’s overarching goal for the Commission to work towards in the area of ‘Building a safe and secure EU’.

In order to build a safe and secure Europe, it is also important to safeguard peaceful cooperation on large overarching issues between independent states and counteract the trend whereby the EU, through various instruments and measures, is moving towards an increasingly supranational organisation that is becoming more and more like a federal state. This trend is more likely to encounter protests and fragmentation, which runs directly counter to the opportunities for a secure and safe Europe.

Energy issues and efficient use of resources

The Sweden Democrats are critical of the roadmap for a resource-efficient Europe. The Commission’s Communication is, in several respects, radical, insofar as it repeatedly questions the foundations of the free market economy and economic growth. Few parties have openly questioned whether we should have economic growth. The Commission’s conclusion is based on a number of misconceptions, the most evident of which is that resource efficiency would not be part of the market. Efficient use of resources is, in spite of everything, the definition of a free market economy. The idea of wasting resources being profitable falls on its own implausibility.

The great challenge is to safeguard energy access for the EU and the Member States, cope with both environmental development and security of supply in the long term, ensure secure funding and at the same time preserve competitiveness. We feel that costly investments in European infrastructure and green technology in order to meet climate targets by focusing solely on renewable energy and phasing out nuclear power are economically implausible. Imposing heavy costs on European industry will inhibit economic growth and consequently contribute to reduced resources for research and development.

We believe that there should be a reasonable balance between economics and environmental investments to create a long-term sustainable society. The aim of preserving the competitiveness of industry in the long term must not be disregarded in this context.

3. Commission Work Programme 2013 – grounds (Left Party)

by Hans Linde (Left Party)

Position

The financial and social crisis in the EU is becoming ever deeper. The EU's focus on saving its way out of the crisis has failed. There is therefore a need for a new orientation for economic policy. The Left Party wishes to see a clearer prioritisation of measures to stimulate the economy and achieve full employment.

Sweden must not depend on euro cooperation at any price. It is not reasonable to continue to provide billions of our common assets in support to enable the banks to avoid loan losses. We should instead prepare for a scenario in which the EU and euro cooperation as a result of the crisis no longer exist in their present form. The EU should therefore make it possible for individual Member States to return to national currencies.

Nor does the Left Party regard the plans to transform the EU into a banking and fiscal union as the right response to the present-day economic crisis. This is a decisive step towards broadened supranational cooperation, which we oppose.

The Left Party opposes the trend towards greater coordination of foreign policy in the EU. We uphold the Sweden's opportunities to conduct an independent foreign policy and Sweden's opportunities to decide when and with which other countries we wish to cooperate when it comes to facing up to our great international challenges.

With regard to EU development assistance, the aspiration to reverse the present-day trend towards declining development assistance is good but not sufficient. Beyond the goal of development assistance from the EU and its Member States of 0.7% of the EU's gross national income, the EU should seek to reduce the proportion of tied assistance and improve the quality of development assistance. For example, the very extensive deductions made by a number of EU Member States should be phased out.

The Left Party does not agree that the European Parliament should speed up the implementation of the Stockholm Programme. We instead advocate a review of how existing and future measures affect personal privacy and the protection of personal data.

The militarisation of the control of the EU's external borders has led to more and more refugees choosing ever more dangerous routes into the EU. At the same time, those who have the task of controlling the borders are not complying with the obligation to assist shipwrecked persons. We have seen, for example, in the light of the war in Syria, how border controls have increased between Greece and Turkey to prevent refugees reaching the EU. This is a development that we cannot accept. In the long term, the EU's focus on militarisation of the borders must be replaced by an asylum and refugee policy that respects people's right to seek asylum. In the short term, measures need to be taken to prevent border controls leading to people losing their lives.

In the area of climate, the Left Party regards EU policy as wholly inadequate and considers that a first step towards improvement would be to establish a target of a 30% reduction in greenhouse gas emissions by 2020.

On other issues, we essentially concur with the position of the Committee majority.

ANNEX 1

List of reviewed documents

Commission Communication COM(2012) 629 Commission Work Programme 2013

ANNEX 2

List of statements

Review statements 2012

Statement/Committee	Underlying document	Decision
2012/13 MJ07 Marine knowledge 2020 (Green Paper)	COM(2012) 473	28.11.12
2011/12:FiU48 Green Paper on shadow banking	COM(2012) 102	30.05.12
2011/12:NU20 Energy roadmap 2050 (Communication)	COM (2011) 885	10.05.12
2011/12:FiU37 Statement on the Green Paper Towards an integrated European market for card, internet and mobile payments	COM(2011) 941	11.04.12
2011/12:AU10 GREEN PAPER. Restructuring and anticipation of change	COM(2012) 7	29.03.12
2011/12:AU7 European agenda for the integration of third-country nationals (Communication)	COM(2011) 455	28.03.12
2011/12:JuU17 Smart borders – options and the way ahead	COM(2011) 680	29.02.12
2011/12:SfU8 Right to family reunification of third-country nationals living in the European Union (Green Paper)	COM(2011) 735	29.02.12
2011/12:NU16 Green Paper on Lighting the future	COM(2011) 889	22.02.12
2011/12:UU4 Commission Work Programme 2012	COM(2011) 777	22.02.12
2011/12:KU15 Relations between the European Commission and national parliaments	COM(2011) 345	18.01.12

Examination statements 2012

Statement/Committee	Underlying document	Decision
2011/12:AU14 Subsidiarity examination of the proposal for the Monti II Regulation	COM(2012) 130	10.05.12
2011/12:KU25 EU proposal on General Data Protection Regulation	COM(2012) 11	29.03.12
2011/12:SoU18 Subsidiarity examination of Commission proposal on amendment of regulation as regards information to the general public on medicinal products for human use subject to medical prescription	COM (2012) 49	29.03.12
2011/12:JuU31 Subsidiarity examination of Commission proposal for a directive on protection of personal data in the area of the fight against crime	COM(2012) 10	29.03.12
2011/12:JuU29 Subsidiarity examination of proposal on establishment of a European Border Surveillance System (EUROSUR)	COM(2011) 873	15.03.12
2011/12:FiU50 Subsidiarity examination of proposal for a directive of the European Parliament and Council on public procurement of water etc.	COM(2011) 896	29.02.12
2011/12:FiU45 Subsidiarity examination of proposal for a directive of the European Parliament and Council on public procurement of water, etc.	COM(2011) 895	29.02.12
2011/12:FiU36 Subsidiarity examination of proposal for a directive amending Directive 2003/98/EC on re-use of public sector information	COM(2011) 877	01.02.12
2011/12:NU17 Subsidiarity examination of Commission proposal for a regulation on programme for competitiveness of enterprises and small and medium-sized enterprises	COM(2011) 834	01.02.12
2011/12:CU12 Subsidiarity examination of Commission proposal on auditors and auditing	COM(2011) 778 COM(2011) 779	01.02.12
2011/12:FiU33 Subsidiarity examination of proposal for a regulation on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area	COM(2011) 821	25.01.12
2011/12:FI34 Subsidiarity examination of proposal for a regulation amending Regulation (EC) No 1060/2009 on credit rating agencies	COM(2011) 747	18.01.12
2011/12:FiU12 Subsidiarity examination of proposal for a directive on recovery and resolution of credit institutions and investment firms	COM(2012) 280	17.09.12
2012/13:CU14 Subsidiarity examination of proposal for a directive on improving the gender balance among non-executive directors of companies listed on stock exchanges	COM(2012) 614	19.12.12
2012/13:MJU6 Access to genetic resources etc.	COM(2012) 576	19.12.12

Statement/Committee	Underlying document	Decision
2012/13:SoU8 Subsidiarity examination of Commission proposal on the Fund for European Aid to the Most Deprived	COM(2012) 617	13.12.12
2012/13:FIU18 Subsidiarity examination of proposal for a regulation on the European Central Bank concerning policies relating to the prudential supervision of credit institutions	COM(2012) 511	08.11.12
2012/13:NU5 Subsidiarity examination of Commission proposal for a directive on collective management of rights	COM(2012) 372	24.10.12
2012/13:TU3 Subsidiarity examination of Commission proposal for a regulation on roadworthiness tests for motor vehicles	COM(2012) 380	17.10.12
2012/13:JuU8 Subsidiarity examination of proposal for a directive on the fight against fraud to the Union's financial interests by means of criminal law	COM(2012) 363	17.10.12

ANNEX 3

Opinion of the Committee on Finance
2012/13:FiU8y

Commission Work Programme 2013

To the Committee on Foreign Affairs

The Committee on Foreign Affairs on 6 December 2012 gave the Committee on Finance, among others, an opportunity to express its views on the Commission Work Programme 2013 (COM(2012) 629).

The Committee on Finance includes in its opinion on some of the proposals in the Work Programme relating to the Committee's remit.

The considerations of the Committee

Background

The Commission adopted the Work Programme on 23 October 2012. The programme emphasises in particular that measures need to be taken in view of the economic crisis. The aspiration is to create a stable macroeconomic environment and a competitive EU by establishing a genuine Economic and Monetary Union and through radical changes in the business climate in the Single Market.

Attached to the programme is a list of the initiatives the Commission plans to table in 2013 and the first half of 2014 (before the end of the current term of office) as well as a number of regulatory simplifications aimed at reducing the administrative burden on companies, authorities and private individuals. The Commission highlights seven main areas in its Work Programme:

- getting the foundations right: genuine Economic and Monetary Union
- boosting competitiveness through the Single Market and competitiveness
- Connect to Compete: building tomorrow's networks today
- growth for jobs: inclusion and excellence
- using Europe's resources to compete better
- building a safe and secure Europe
- pulling our weight: Europe as a global actor

Out of the total of 76 initiatives announced for 2013 and the first half of 2014 (up to the time of European Parliament elections), a number have been deemed to fall within the remit of the Committee on Finance. The proposals concerned in each main area are stated below.

Getting the foundations right: towards genuine Economic and Monetary Union

The Commission intends to table initiatives on the following within the remit of the Committee on Finance.

It plans to present the annual growth review at the end of 2013.

It also intends to present a legislative proposal on systemic risks in shadow banking. The initiative will be a follow-up of the Green Paper on shadow banking presented by the Commission in March 2012. The intention is to address the systemic problems concerning shadow banks and shadow banking methods and problems concerning, for example, money market funds, securitisation, and activities such as securities, loans and repurchase agreements.

Furthermore, the Commission intends to draw up a proposal for regulation concerning indicators and benchmarks such as Euribor and Libor. This regulation will cover in particular the compilation and calculation of these benchmarks. The background to the proposal is that various investigations into alleged manipulation of Euribor and Libor have meant that the reliability of these benchmarks has been questioned, as has regulation of them.

The Commission also intends to carry out a review of the European system of financial supervision (ESFS). According to the regulations on the establishment of ESFS (which includes the three European supervisory authorities and the European Systemic Risk Board), the Commission is to carry out an in-depth examination in 2013 aimed at putting forward proposals for changes. This review will cover whether the supervisory structure in use since 2011 is effective and appropriate and achieves the aims stated in the EU legislation.

The Work Programme further states that the Commission intends to take an initiative to improve the conditions for long-term financing in the EU through measures to ensure effective financial institutions, markets and competition. Following the Green Paper that the Commission is due to adopt at the end of 2012 and the subsequent discussion, the Commission will propose political measures to improve the conditions for long-term financing in the EU. The Green Paper is intended to initiate a broad debate on the possibility of the financial system channelling savings to the funding of projects and companies with long planning horizons.

In addition, the Commission intends to take an initiative on common strategic framework funds and economic governance in the EU.

It also intends to present a proposal for a reform of the frameworks for collective investment funds, UCITS VI (focus on long-term investment, product rules and depositories).

Boosting competitiveness through the Single Market and competitiveness

The Commission intends to put forward an initiative on e-invoicing in public procurement within the remit of the Committee on Finance.

It also intends to take a bank account initiative aimed at increasing transparency and comparability between bank account charges and making it easier for consumers to switch banks.

Connect to Compete: building tomorrow's networks today

The Commission intends to present a follow-up to the Green Paper entitled Towards an integrated European market for card, internet and mobile payments (COM(2011) 941).

Growth for jobs: inclusion and excellence

In this area, the Commission intends to put forward a proposal for effective occupational pension institutions. A review of this Directive is required, according to the Commission, in view of how important it is to ensure that there are suitable structures to fund pensions.

The Government's background brief

In its background brief on Commission Work Programme 2013 (2012/13: FPM24), the Government writes that it is in favour of the Commission presenting a work programme with specific initiatives. This makes it easier for the Member States to plan EU work and contributes to openness on the EU's legislative process. The priority areas are mainly in line with the Government's EU policy. In particular, the Government welcomes the fact that considerable scope is given to growth and competitiveness issues. The Government does not respond to the individual initiatives in the background brief as the specific contents of the initiatives are not known.

The position of the Committee

The Committee initially wishes to emphasise that, based on the views to be taken into account by the Committee on Finance, the Committee supports the orientation indicated by the Commission in the Work Programme. The Committee agrees that it is necessary to tackle the economic crisis and to attain sustainable growth in the EU, and welcomes the considerable scope being given to issues of growth and competitiveness. It presents comments below on some of the initiatives the Commission intends to take within the Committee's remit. The specific contents of the future proposals are not, however, known, and the Committee's comments are therefore of a general nature.

The shadow banking sector

The Committee on Finance welcomes the Commission's intention to propose supplementary legislation on the systemic risks associated with shadow banking. The Committee wishes to emphasise the points made in its statement 2011/12:FiU48 A Green Paper on the shadow banking sector.

In its statement, the Committee on Finance welcomes the necessary analysis of the opportunities and risks involved in shadow banking. It does not have any objection to the definition of the shadow banking system proposed by the Commission or the preliminary list of parties and activities to be included in the shadow banking sector. It notes that the shadow banking sector contains important functions and could therefore make a positive contribution to the financial system, but that the shadow banking sector also poses risks. With regard to continued regulation of shadow banking, the Committee feels that it is important to enhance the monitoring of the shadow banking sector. Regulation and other measures ought not to be either solely national or restricted to the EU, and the aim should instead be to attain the broadest international cooperation possible. An issue that needs particular consideration in this context is the risks to consumers that might arise outside the regular banking sector. The option of national regulations should also be considered in this context.

A review of the system for financial supervision

The Committee on Finance welcomes the Commission reviewing the European system of financial supervision. Effective and appropriate financial supervision is imperative for financial stability and a well functioning financial market. Good consumer protection in the

financial sector also depends on effective and appropriate supervision. It is also noted in this context that the Commission intends to take initiatives to improve the conditions for long-term financing in the EU through measures to ensure effective financial institutions, markets and competition. This is also viewed positively by the Committee.

However, the opinion of the Committee on Finance is that a review of the European system for financial supervision cannot be limited to assessing whether the activities of the present-day European supervisory authorities are effective and appropriate, and achieve the aims set out in EU legislation. In this context, it is important to consider the effects the proposed new joint mechanism for supervision of banks and credit institutions, COM(2012) 510 and COM(2012) 511, may have on the European system of financial supervision if it is adopted. The announcements in the Communication on a roadmap for banking union, COM(2012) 510, should also be taken into account in the planned overhaul.

The Commission writes in the Work Programme that the crisis has shown that the single market for financial services can only deliver financial stability, economic growth and jobs if it is matched with a strong single regulatory and supervisory authority at EU level. According to the Commission, the next step must be to deepen economic and monetary union with a fully-functioning banking and fiscal union.

The Committee on Finance emphasises that there are many important issues that need to be addressed when establishing a banking union. This applies for instance to questions concerning influence and equal treatment of eurozone countries and non-eurozone countries in the ECB Council and in the European Banking Authority (EBA). Other issues of significance are the ECB's cooperation with the European and national supervisory authorities and the voting rules in EBA decisions. Another important issue for Sweden is the opportunities for Member States to adapt capital requirements to the circumstances prevailing in each Member State.

The Committee on Finance notes that the finance ministers of the EU Member States at a meeting of the Economic and Financial Affairs Council (ECOFIN) on 12 December 2012 agreed on amendments to the Commission's proposals, including in sections relating to capital requirements and rules on voting in the EBA.

It should be noted in this context that in a reasoned opinion (statement 2012/13:FiU18) to the Commission, the Riksdag considered that the Commission's proposal for the Council Regulation conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions, COM(2012) 511, conflicted with the principle of subsidiarity. In the view of the Riksdag, regulatory frameworks, rules on decision-making, and financing of and responsibility for supervision, crisis management and phase-out belonged together. The measures were conditional upon one another. The proposals for European supervision, crisis management and financing of phase-out ultimately ought therefore to be contained in a package even if – as it turned out – the decision had to be taken gradually. According to the Riksdag, the aim of the Commission's proposals could be achieved significantly better if the fundamental capital requirements represented minimum requirements and the Member States retained the possibility of raising the level of capital requirements if they felt this were justified to ensure financial stability at national level. The Riksdag also considered that the Commission's proposal for a regulation conflicted with the principle of proportionality. Member States that are outside the euro cooperation but nevertheless choose to take part in the supervisory mechanism would be obliged to follow the

ECB's instructions while at the same time not having voting rights in the body – the ECB Council – that has ultimate responsibility in the supervisory mechanism. According to the Riksdag, this meant a disproportionate restriction of the influence of these countries.

Another issue in this context is the systems for deposit guarantees and investor protection. The Riksdag found in its reasoned opinions (statement 2009/1: FiU42 and 2009/10:FiU43) on the Commission's proposals for deposit guarantee schemes and investor-compensation schemes, COM(2010) 368 and COM(2010) 371, that the objective of the Commission proposals – which is ultimately financial stability – could better, or only, be achieved if responsibility for financing the guarantee systems became an entirely national responsibility. To avoid any moral risk and give the Member States incentives to build up adequately funded guarantee schemes, each Member State ought to have full responsibility for funding. The regulatory frameworks for the Member States' guarantee schemes ought not therefore to contain any intergovernmental financing obligations. On the other hand, Community law, as proposed by the Commission, ought to contain rules on prior funding, etc. that would make the national systems sufficiently similar and robust. The Riksdag felt that the proposals infringed the principle of subsidiarity.

E-invoicing in public procurement

The Committee on Finance welcomes the Commission's plan to take an initiative to facilitate the use of e-invoicing in public procurement, and notes that Sweden is already well advanced with regard to e-procurement and e-invoicing in public procurement. The Legal, Financial and Administrative Services Agency (*Kammarkollegiet*) has been put in charge of spearheading the development of e-procurement and carrying out standardisation work in the area. The objective is to achieve an uninterrupted electronic purchasing process. The work is aimed at exploiting the efficiency gains available to both procurement agencies and suppliers in the use of e-procurement. The Swedish Financial Management Authority (ESV) is working to improve the efficiency of government procurement, for example by introducing e-procurement and e-invoicing. ESV has a government remit to direct and coordinate the introduction of electronic orders under framework contracts in public administration (ref. No Fi2008/1186). The target is for the system to be fully introduced by the end of 2013.

Towards an integrated European market for card, internet and mobile payments

The Committee on Finance welcomes the Commission's continued work to facilitate cross-border payments in the Single Market. It wishes to emphasise the points addressed in its statement 2011/12:FiU37, in which it considered the Green Paper entitled Towards an integrated European market for card, internet and mobile payments, COM(2011) 941.

The Committee considers it important to boost competitiveness with regard to payment services. One way of achieving this is to speed up market integration in the single market. However, it is important for rules and standards to be formulated in a way that, without impinging on the security requirements for payments, makes it easy for new players to enter the market and for oligopolies for payment services at European level to be avoided.

An important issue, according to the Committee on Finance, is to increase transparency with regard to charges. There is no reason to regulate pricing in such a way that price as a

competitive tool is eliminated, but it is important for consumers to receive clear information on what charges might accrue at the time of purchase for different forms of payment. The rules ought also to be formulated with a view to the productivity gains from technology development benefiting consumers and the costs not being unilaterally imposed on customers while the gains remain with the payment service companies.

The Committee on Finance further considers there always to be a risk of locking activities in prevailing technical solutions when an area is regulated and standards are established. It sees potential in the technical innovations in the area and therefore feels that it is important to proceed cautiously with regulations and provide scope for self-regulation to the extent that this leads to the desired vision of a borderless payment system. In addition, it is important to monitor development and develop the governance system for the Single Euro Payment Area (SEPA) in such a way as to ensure that the rules and standards can be adapted as technological development takes new, and perhaps unexpected, leaps forward.

In the view of the Committee, it is worth highlighting the points addressed in the Green Paper on aspects of privacy. It states that the payment methods mean that sensitive customer information and other personal data are registered in large communication networks. The Committee agreed with the comment that sensitive customer information must be retained within a secure payment infrastructure, both in processing and in the storage of data.

Occupational pensions

The Committee welcomes a review of the Occupational Pensions Directive. The management of occupational pensions and the regulatory framework for such pensions and for occupational pension institutions are of great significance, as is the need for suitable structures to fund the pensions.

Stockholm, 15 January 2013

On behalf of the Committee on Finance

Anna Kinberg Batra

The following members have taken part in the decision: Anna Kinberg Batra (Moderate Party), Fredrik Olovsson (Social Democratic Party), Pia Nilsson (Social Democratic Party), Peder Wachtmeister (Moderate Party), Jörgen Hellman (Social Democratic Party), Ann-Charlotte Hammar Johnsson (Moderate Party), Carl B Hamilton (Liberal People's Party), Bo Bernhardsson (Social Democratic Party), Per Åsling (Centre Party), Marie Nordén (Social Democratic Party), Staffan Anger (Moderate Party), Per Bolund (Swedish Green Party), Anders Sellström (Christian Democrats), Sven-Olof Sällström (Sweden Democrats), Jörgen Andersson (Moderate Party) and Monica Green (Social Democratic Party).

ANNEX 4

Opinion of the Committee on Justice 2012/13:JuU2y

The European Commission Work Programme 2013

To the Committee on Foreign Affairs

On 22 November 2012 the Committee on Foreign Affairs took a decision to give the Committee on Justice an opportunity to express its views on the European Commission Work Programme 2013, COM(2012) 629, in the sections relating to the remit of the Committee on Justice.

The issues considered by the Committee on Justice come under the heading of 'Building a safe and secure EU' in the Commission Work Programme. As the Committee has both overarching and more detailed views linked to issues under this heading, the Committee decided on 6 December 2012 to present its opinions to the Committee on Foreign Affairs.

The Committee considers that the Commission must speed up the implementation of the Stockholm Programme, particularly with regard to proposals for judicial cooperation based on the principle of mutual recognition in the area of criminal matters. It also draws attention to the Commission's choice of legal basis in the area of criminal law. It otherwise wishes to wait until the specific proposals are presented before making a more detailed examination of the planned initiatives. However, the Committee wishes at this stage to express its doubts over the Commission's plan to establish a European Public Prosecutor's Office to protect EU economic interests.

There are two dissenting opinions (Sweden Democrats and Left Party).

The considerations of the Committee

Commission Work Programme 2013

The Commission Work Programme deals with the issues concerning the remit of the Committee on Justice under the heading of 'Building a safe and secure Europe'. According to the Commission, the EU needs to protect its citizens and their rights from threats and challenges and further remove obstacles to circulation of citizens in Europe. This means that crime and corruption must be controlled, that the EU's external borders must be controlled and that respect for the principle of the rule of law and fundamental rights must be guaranteed with a balance between security and mobility. According to the Commission, measures to face up to the constantly changing threats to protection and safety, for instance through deeper cooperation in the fight against the ever larger cross-border dimension of crime. This applies in particular to the battle against the funding of terrorism and illegal cross-border traffic in weapons. Furthermore, the Commission considers the complete institutional framework required to protect the EU's own economic interests against fraud and corruption to be missing. The mutual trust in areas of safety, security and justice needs to be earned, and the networks and exchanges needed to build this are not always present. The Commission therefore plans to table proposals to establish a European Public Prosecutor's Office to fight crime that affects the EU budget and protect the EU's economic interests, proposals to improve judicial cooperation in criminal and civil matters and proposals aimed at combating illegal traffic in firearms.

The position of the Committee

The priorities in the area of freedom, security and justice over the period 2010-2014 are based on what is known as the Stockholm Programme, which was adopted by the European Council in December 2009. In the view of the Committee on Justice, the Stockholm Programme is an important strategic programme for measures in this area. The Committee takes a positive view of the overarching priorities of the programme: its focus on the interests and needs of citizens, achieving a better balance between measures to improve security for citizens and measures to strengthen the rights of individuals (statement 2008/08:JuU31).

The Committee considers that now that the half-way point has been passed in the period covered by the Stockholm Programme, it is time for the European Commission to step up the pace in implementing the programme. This is particularly crucial with regard to proposals for judicial cooperation based on the principle of mutual recognition in the area of criminal law.

Mutual recognition of judicial rulings is a fundamental principle of cooperation in criminal law and measures based on the principle are welcomed by the Committee. It is also regrettable in this context that the Commission has not presented a review of the implementation of the Stockholm Programme, which the European Council urged it to submit by June 2012. This is particularly crucial as the Stockholm Programme is the first strategic programme to be based on the fundamental requirements of the Treaty of Lisbon. The Presidency instead presented its own review of what measures in the programme have been implemented to date at the Justice and Home Affairs Council on 6-7 December 2012.

Mutual recognition of judicial rulings, as outlined above, is a fundamental principle of EU cooperation in criminal affairs. If judicial cooperation is to work well, the Member States need to have confidence in each others' legal systems. Some approximation of the Member States' criminal laws and statutes may be necessary for this purpose within the limits set by the Treaty. The Committee wishes to draw attention at the same time to the trend it believes it can discern with regard to the Commission's choice of legal basis for measures in the area of criminal affairs. This trend means that the Commission presents proposals for legislative acts affecting the Member States' criminal legislation using a legal basis in a different part of the Treaty than the part explicitly concerned with cooperation in criminal matters (Part Three, Title IV, Chapter 4 of the Treaty on the Functioning of the European Union). In this context, the Committee reiterates its statement on the Commission's proposal for a directive on the fight against fraud to the Union's financial interests by means of criminal law, COM(2012) 363. In statement 2012/13:JuU8, the Committee questions the Commission's choice of legal basis as Article 325(4) of the Treaty on the Functioning of the European Union (TFEU) has a broader scope than Article 83(2) TFEU, which explicitly relates to the criminal laws of the Member States. The latter lays down a more restrictive scope for legislation, only allowing legislation on minimum rules, established by directives, which excludes complete harmonisation of criminal law.

The purpose of the opinion is to present general views on those parts of the Commission's Work Programme which concern the area of responsibility of the Committee on Justice. The Committee wishes to wait until the specific proposals are presented before making a more detailed examination of the planned initiatives. However, the Committee wishes now to express a few words on the initiative to establish a European Public Prosecutor's Office to protect the financial interests of the Union (Initiative 48 in the Annex to the Work Programme).

Article 86 of the Treaty on the Functioning of the European Union offers the possibility of establishing a European Public Prosecutor's Office based at Eurojust. Eurojust fulfils an important function in cooperation on criminal matters by supporting and strengthening the coordination between affected authorities in the Member States, and the Committee wishes to stress how important intergovernmental cooperation in Eurojust is. The Committee questions whether the establishment of a joint European Public Prosecutor's Office will resolve any cooperation issues beyond those which are already resolved today in the framework of Eurojust. The establishment of a joint European Public Prosecutor's Office additionally requires mutual trust between the legal systems of the Member States. Although there has been some progress on work aimed at strengthening mutual trust, a great deal still remains to be done. In the Committee's view, today there is therefore neither reason nor a sufficient basis for establishing a joint supranational prosecution authority. Intergovernmental cooperation in Eurojust should continue to be developed instead. If the Commission chooses to go ahead with its plans to establish a European Public Prosecutor's Office through a specific legislative initiative, such a proposal must be preceded by an analysis in which other alternatives are also considered.

Stockholm, 17 January 2013

On behalf of the Committee on Justice

Morgan Johansson

The following members have taken part in the decision: Morgan Johansson (Social Democratic Party), Johan Linander (C), Krister Hammarbergh (Moderate Party), Ewa Thalén Finné (Moderate Party), Kerstin Haglö (Social Democratic Party), Anti Avsan (Moderate Party), Christer Adelsbo (Social Democratic Party), Jan R Andersson (Moderate Party), Elin Lundgren (Social Democratic Party), Johan Pehrson (Liberal People's Party), Arhe Hamednaca (Social Democratic Party), Patrick Reslow (Moderate Party), Caroline Szyber (Christian Democrats), Richard Jomshof (Sweden Democrats), Lena Olsson (Left Party), Mattias Jonsson (Social Democratic Party) and Agneta Börjesson (Swedish Green Party).

Dissenting opinion

1. Dissenting opinion (Sweden Democrats)

Richard Jomshof (Sweden Democrats) states:

I consider that the goal of protecting EU citizens – ‘further remove obstacles to circulation of citizens’ – should be rejected by Sweden and deleted from the Work Programme. The Committee’s position should be that the highest priority tools for protecting EU citizens are establishing satisfactory national border protection, strengthening the Union’s common border protection and stepping up efforts to prevent, discover, prosecute and deport illegal immigrants. Furthermore, similar efforts are needed to prevent the smuggling of illegal goods and items into the Union. This should be the EU’s overarching goal for the Commission to work towards in the area of ‘Building a safe and secure EU’.

2. Dissenting opinion (Left Party)

Lena Olsson (Left Party) states:

I consider that criminal law should be national and I do not wish there to be harmonisation in this area. There must be intergovernmental cooperation, however. I am also opposed to the principle of mutual recognition.