



EUROPEAN COMMISSION

*Brussels, 19.7.2018
C(2018) 4757 final*

Dear Speaker,

The Commission would like to thank the Riksdag for its Reasoned Opinion on the proposal for a Regulation of the European Parliament and of the Council laying down rules and procedures for compliance with and enforcement of Union harmonisation legislation on products {COM(2017) 795 final}.

By proposing this measure as part of the ‘Goods Package’, the Commission is keeping its promise of the Single Market Strategy to strengthen the Single Market for goods.

The Commission welcomes the Riksdag’s support for the aims of the proposal and the fact that it agrees that market surveillance authorities should be given uniform and appropriate powers covering global and e-commerce supply chains. The Commission takes seriously the concerns expressed by the Riksdag as regards the specific power to close down a website, as well as the powers to make purchases under a cover identity and to order the restitution of profits.

The Commission would like to emphasise that the proposal specifies that market surveillance authorities exercise their powers in accordance with the principle of proportionality, including the three powers referred to by the Riksdag. As indicated in recital 47 of the proposal, the proposal must be interpreted and applied respecting fundamental rights and observing the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the freedom of expression and information. In addition, the proposal specifies that, when conferring such powers, Member States may provide for the power to be exercisable, for example by recourse to other public authorities or by application to courts competent to grant the necessary decision to approve the exercise of that power. The Commission is of the opinion that the option to apply to the competent courts allows for a careful judicial test of the principle of proportionality in light of rights to freedom of the press and expression.

*Mr Urban AHLIN
Speaker of the Riksdag
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Furthermore, the power to suspend or restrict access to a website can only be exercised in cases of serious risk and where no other effective means is available to prevent that serious risk. The power to make purchases under a cover identity is one that many market surveillance authorities already have. The power to order the restitution of profits is an important deterrent to unscrupulous businesses, and beneficial to consumers, where the consumers concerned can be identified.

Discussions between the Commission and the co-legislators concerning the proposal are now underway. The Commission looks forward to continuing the political dialogue with the Riksdag in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Elżbieta Bieńkowska
Member of the Commission*