



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank you for transmitting the Opinion of the Swedish Riksdag on the Annual Report 2010 on Relations between the Commission and National Parliaments {COM(2011) 345 final} and apologises for the delay in replying.

In reply to the comments raised in your Opinion, let me provide the following clarifications.

As far as the subsidiarity justifications of our proposals are concerned, I would like to reiterate that the Commission continues to take all necessary steps to ensure that those involved in the preparation of legislation, at both political and administrative level, are fully aware of the Commission's obligations and responsibilities in this respect. I have drawn the attention of my colleagues to the importance of thoroughly explaining in the explanatory memorandum how the Commission arrived at the conclusion that the proposals put forward fully respect the principle of subsidiarity, drawing on the analysis contained in the impact assessment. I believe that improvements have already been made in this regard and I intend to continue to monitor progress in the coming months.

Concerning the scope of the subsidiarity control mechanism, I would like to reiterate that it covers all draft legislative acts, i.e. proposals subject to either the ordinary or a special legislative procedure (as defined in article 289 of the Treaty on the Functioning of the EU), provided they do not fall within the Union's exclusive competence (as listed in article 3 of the Treaty on European Union). The Commission takes the view that in a few exceptional cases certain legislative acts could be considered as falling under exclusive competence by their nature. These mainly concern budgetary and institutional matters where it is clear that only the Union can, or even has to act, as well as codifications.

Finally, let me also emphasise that the Commission fully shares your interpretation according to which reasoned opinions are only those opinions sent by a national Parliament within the deadline of 8 weeks and stating that the Commission proposal does not comply with the principle of subsidiarity. It also agrees that each draft legislative act falling under the scope of the subsidiarity control mechanism should be scrutinised individually, regardless of whether it is part of a "legislative package" or not.

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I hope that these clarifications address the main issues raised in the Riksdag's Opinion and I look forward to continuing our political dialogue on these and other important issues.

Yours faithfully,

*Maroš Šefčovič
Vice-President*