



EUROPEAN COMMISSION

*Brussels, 13.12.2012
C(2012) 9177 final*

Dear President,

The Commission would like to thank the Swedish Riksdag for its reasoned Opinions on the Commission's proposals for a directive on public procurement {COM(2011) 896 final}, and for a directive on procurement by entities operating in the water, energy, transport and postal services sectors {COM(2011) 895 final}, and apologizes for the delay in replying.

The Swedish Riksdag is of the opinion that the provisions of the proposal dealing with supervision, education, guidance and support for procurers and economic operators are in conflict with the principle of subsidiarity. More specifically, the Riksdag considers that measures relating to supervision and knowledge centres for support and guidance fall under national competence and should therefore not be regulated at EU level.

The Commission would like to make the following observations on this matter.

The evaluation of Directives 2004/17/EC and 2004/18/E, currently in force, showed that not all Member States are consistently and systematically monitoring the implementation and functioning of public procurement rules. As a result, the efficient and uniform application of EU law is compromised affecting the good functioning of the internal market. The Commission is thus convinced that a single body with oversight and coordination in each Member State would be in the best position to suggest appropriate remedies to structural shortfalls, to carry out continuous and systematic monitoring of the functioning of public procurement practice and potential weaknesses in national legislation and, ultimately, to contribute to the quick identification of solutions and the improvement of the procurement procedures. According to the proposal, the function of this body could be limited to coordination tasks, monitoring and oversight; and support structures or mechanisms already existing at national level could be used to carry out the required tasks (see recital 52 of the proposal for a Directive on public procurement).

The Commission is also noting, however, that this issue which is currently under discussion in the Council, was in particular debated in the Competitiveness Council of 30 May.

In this context the Commission will take into account the position of the Swedish Riksdag, and contribute to finding suitable solutions.

*Mr Per WESTERBERG
President of the Riksdag
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The Commission hopes that these clarifications address the concerns raised by the Swedish Riksdag and looks forward to continuing our dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*