



EUROPEAN COMMISSION

Brussels, 17.7. 2013
C(2013) 4517 final

Dear President,

The Commission would like to thank the Riksdag for its Reasoned Opinion on the proposal for a Directive on the fight against fraud to the Union's financial interests by means of criminal law {COM (2012) 363 final} and apologises for the delay in replying.

*The protection of the EU's financial interest is a very specific policy area which concerns the internal interests of the Union. This is expressed in Article 325 of the Treaty on the Functioning of the European Union, which sets out the scope of Union action, including "necessary measures need to be taken in the fields of the prevention of and fight against fraud". The Commission views this provision as a clear case of *lex specialis* in relation to the general criminal law provisions of the Treaty, which means that the use of the aforementioned legal basis for the text is fully justified.*

The Commission has closely examined the arguments regarding subsidiarity put forward by the Riksdag, but remains convinced that the provisions of its proposal are fully justified. As regards the concrete provisions (regarding sanction levels and prescription periods), which the Riksdag has highlighted, the Commission notes that only the Union is in a position to develop a level playing field through binding legislation with effect throughout the Member States, and thus to create a legal framework which would contribute to overcoming the weaknesses of the current situation (as described in the impact assessment report accompanying the proposal). The proposed provisions as regards sanction levels and prescription periods do not go beyond what is necessary to establish a sufficient level of protection of the Union's financial interests. It is therefore in the Commission's opinion fully consistent with the principle of subsidiarity.

The Commission hopes that these clarifications address the concerns raised by the Riksdag and looks forward to continuing our dialogue in the future.

Yours faithfully,

Maroš Šefčovič
Vice-President

Mr Per WESTERBERG
President of the Riksdag
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