



EUROPEAN COMMISSION

Brussels, 8.8.2013
C(2013) 5265 final

Mr Per WESTERBERG
President of the Riksdag
SE – 100 12 STOCKHOLM

Dear President,

The Commission would like to thank the Riksdag for its Reasoned Opinion concerning the Proposal for a Council Directive implementing enhanced cooperation in the area of financial transaction tax {COM(2013) 71 final}.

First of all, the Commission considers that by authorising the enhanced cooperation in the area of financial transaction tax (Council Decision 2013/52/EU), the Council has judged that this cooperation respects the competences, rights and obligations of non-participating Member States, in accordance with Article 327 TFEU. Moreover, in accordance with Article 330 TFEU all Member States (including those that do not participate in enhanced cooperation) may participate in the deliberations on the implementation of the enhanced cooperation.

The Commission is of the opinion that this proposal¹ does not go beyond what is needed to ensure the good functioning of the Single Market. The Commission has taken great care to ensure that the proposal fully respects the principles of subsidiarity and proportionality. The reasoning is set out in detail in the explanatory memorandum and recitals to the proposed Directive.

The Commission has proposed a tax design which avoids as much as possible relocation of taxable transactions from taxing jurisdictions, while at the same time respecting international public law and in particular territoriality principles.

The Commission has clearly defined the scope of the proposed tax. Sufficient links to the territory of a participating Member State are provided for in each of the tax configurations envisaged. Furthermore, a general rule is proposed which allows the person liable to pay the FTT to prove the absence of a sufficient link between the transaction and that territory ("economic substance clause").

¹ Similarly to its first proposal {COM(2011) 594 final}

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

Yours faithfully,

*Maroš Šefčovič
Vice-President*