



EUROPEAN COMMISSION

Brussels, 18.3.2014  
C(2014) 1603 final

*Dear President,*

*The Commission would like to thank the Riksdag for its Reasoned Opinion concerning the proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office {COM (2013) 534 final} and apologises for the delay in replying.*

*In its Communication of 27 November 2013 (COM (2013) 851) the Commission carefully analysed the arguments presented by the Riksdag from the perspective of the principle of subsidiarity. As a result of the analysis of the different arguments, the Commission concluded that its proposal of 17 July 2013 complies with the principle of subsidiarity and decided to maintain it. The Commission stressed, however, that during the legislative process it will take due account of the Reasoned Opinions of the national Parliaments.*

*This letter addresses the arguments submitted by the Riksdag which according to the Commission's assessment do not relate to the principle of subsidiarity and hence fall outside the scope of the subsidiarity control mechanism and therefore of the Communication of the Commission.*

*In respect of these issues, the Commission would like to provide the following comments:*

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*1) The Riksdag is of the view that the proposal exceeds what is necessary in order to achieve the objectives of the Union as other, less comprehensive alternatives, both at Union and at national level are available, e.g. crime prevention measures, or provision of additional resources and imposition of additional reporting requirements.*

*As set out in the Communication, the Commission considered alternative measures, such as efforts undertaken at national level or the strengthening of existing mechanisms at Union level, leading to the conclusion that they would not achieve the objectives in an effective fashion.*

*Similar considerations apply to other alternatives, such as preventive measures, additional resources or enhanced reporting requirements. The proposed European Public Prosecutor's Office would complement these measures and would be one element of the overall efforts to combat crimes affecting the financial interests of the Union.*

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

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*The proposal, therefore, does not go beyond what is necessary in order to achieve its objectives and is fully respectful of the principle of proportionality.*

*2) The Riksdag is further of the opinion that the proposal is extremely far-reaching as it would establish a new, supra-national body impacting greatly on Swedish legislation and Swedish authorities' operations.*

*The Union's competence to establish an investigatory and prosecutorial body by way of a Regulation is provided for in Article 86 of the Treaty on the Functioning of the European Union.*

*The proposed decentralised and integrated model is based on respect for the national legal traditions and judicial systems of the Member States. This is reflected in particular in the fact that European Delegated Prosecutors would be national prosecutors, familiar with their domestic jurisdiction and embedded in the national prosecutorial system thereby ensuring close links to and cooperation with the national authorities. Enforcement of investigative measures as well as judicial review would remain at national level in national hands. Equally, accused persons would be tried on the basis of national substantive law by national judges.*

*Accordingly, the Commission considers that its proposal strikes a fair balance between the objective to have a more efficient protection of the Union's financial interests by creating the European Public Prosecutor's Office and the impact this may have on national jurisdictions.*

*The Commission will take due account of the views expressed by the national Parliaments during the legislative process.*

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

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*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*