

Subsidiarity check of the Commission's proposal on a Union Legal Framework for Customs Infringements and Sanctions

Summary of statement – 2013/14:SkU35

In this statement, the Committee examines Commission's Proposal for a Directive of the European Parliament and the Council on a Union Legal Framework for Customs Infringements and Sanctions (COM(2013) 884).

The Committee considers that certain parts of the Commission's proposal are not compatible with the principle of subsidiarity, and therefore proposes that the Riksdag submit a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission.

The Committee considers that the proposed legal basis, article 33 on the Treaty on the Functioning of the European Union (TFEU), is not correct and that the Commission has not shown that a regulation of common scales of sanctions is necessary to achieve strengthened customs cooperation. It is also problematic that the proposal contains features that are reminiscent of criminal law, which normally occur in legal instruments for which the legal basis is article 83 in the TFEU.

It is doubtful whether parts of the proposed measures would be better regulated at EU level rather than by the member states, for example the proposal that a common formulation should be established in the directive concerning sanctions and levels for these, as well as certain parts of the proposal which would normally be found in legislative acts for which the legal basis is article 83 (minimum rules on the constituent elements of criminal acts and penalties) in the TFEU.