



EUROPEAN COMMISSION

*Brussels, 02 X 2014  
C(2014) 7077 final*

*Dear President,*

*The Commission would like to thank the Riksdag for its Reasoned Opinion on the proposal for a Directive on the Union legal framework for customs infringements and sanctions {COM(2013) 884 final}.*

*The Commission takes note of the Riksdag's concerns in relation to the compatibility of the proposal with the principle of subsidiarity, in particular in relation to the common formulation of sanctions and their varying levels. However, the Commission would like to emphasise that harmonised customs legislation cannot be effectively enforced if there are widely diverging rules on customs infringements and sanctions in Member States, as is currently the case. This divergence can be overcome by creating a common list of customs infringements and approximating relevant sanctions. Such action cannot be done by individual Member States and therefore the action at the EU level is more appropriate in this area.*

*The Commission remains of the view that Article 33 TFEU is the correct legal basis for the proposed measure. An approximation of customs infringements and sanctions will make the cooperation between customs authorities more efficient and a common list of customs infringements and the approximation of customs sanctions would create customs sanctioning systems which are more comparable. Given the divergence of rules among Member States, such comparable systems currently do not exist.*

*Concerning the view of the Riksdag that the proposal contains features that are reminiscent of criminal law, which are normally found in legislative acts based on Article 83 TFEU, the Commission would like to clarify that the proposed Directive does not put forward any measures in the area of judicial cooperation in criminal matters at EU level and therefore there is no need to add Article 83 TFEU as a legal basis.*

*The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council at which your government is represented.*

*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*

*Mr Per WESTERBERG  
Speaker of the Riksdag  
SE — 100 12 STOCKHOLM*