



## EUROPEAN COMMISSION

Brussels, 28.8.2014  
C(2014) 6224 final

*Dear President,*

*The Commission would like to thank the Riksdag for its Opinion concerning the Commission's Communication "The EU Justice Agenda for 2020 – Strengthening Trust, Mobility and Growth within the Union" {COM (2014) 144 final}.*

*This Opinion has been a timely contribution to the debate on the future guidelines for legislative and operational planning within the area of freedom, security and justice which were adopted by the European Council on 27 June 2014.*

*The Commission welcomes that the Riksdag shares the Commission's view that the focus of EU justice policy in the coming years should be on consolidating, codifying and complementing existing legislation. The Commission also appreciates that the Riksdag shares the view expressed in the Communication that emphasis should be laid on the implementation and effective application of already existing Community legislation and that the development of this policy area has to be based on real needs.*

*The Commission subscribes to the Riksdag's view that it is important to respect the diverse legal systems and traditions of the Member States as well as the principles of subsidiarity and proportionality. The Commission made clear in the EU Justice Agenda for 2020 that when applying any of the methods to address the identified challenges, the EU should fully take account of the fact that the diversity of the legal systems in the EU has to be preserved and that the principles of subsidiarity and proportionality have to be respected.*

*Regarding the Riksdag's objections from the point of view of subsidiarity to the proposal for a Regulation on the establishment of a European Public Prosecutor's Office and the proposed Data Protection Directive for police and criminal justice authorities, the Commission would like to refer to the Communication {COM (2013) 851 final} of 27 November 2013 and the Commission's reply C(2012)7330 final of 19 October 2012 to the Riksdag.*

*Mr Per WESTERBERG  
Speaker of the Riksdag  
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Sweden*

*Over the past years and in particular since the entry into force of the Lisbon Treaty, EU justice policy has evolved and developed into a mature and common EU policy. The Commission reflected this process in its Communication, and the European Council took this view up by providing general and concise orientations in its strategic guidelines of 27 June 2014 which do not resemble the detailed programme approach of the past.*

*The Commission welcomes the fact that the Riksdag shares the view that mutual trust between the Member States is a bedrock on which judicial cooperation in the EU must build. The Commission subscribes especially to the notion that knowledge of and trust in the diverse legal systems of the Member States is necessary for smooth cooperation, among other things with regard to mutual recognition and enforcement of judgments.*

*The Commission takes account of the Riksdag's demand to strengthen the rights of same-sex couples in family law. In this context, the Commission would like to stress that, as laid down in the Communication, it is of the view that the EU should remain exemplary as regards the application of the Charter of Fundamental Rights, which contains the prohibition of discrimination, including on the grounds of gender or sexual orientation. The Commission adopted two legislative proposals which are currently under negotiation laying down harmonised rules for jurisdiction, applicable law and recognition and enforcement of judgments relating to the property consequences of marriages and registered partnerships in cross-border cases. These proposals are gender neutral.*

*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,*

*Tonio Borg  
Member of the Commission*