



## EUROPEAN COMMISSION

*Brussels, 18.7.2016  
C(2016) 4651 final*

*Dear President,*

*The Commission would like to thank the Riksdag for its Opinion concerning the Commission's Annual Report 2014 on subsidiarity and proportionality {COM(2015) 315 final} and the Annual Report 2014 on relations between the Commission and national Parliaments {COM(2015) 316 final}.*

*The Commission is well aware that the Riksdag sees the political dialogue with the Commission as being first and foremost a matter between the Commission and the Swedish Government, which is accountable to the Riksdag. The Commission however appreciates the Riksdag's active participation in the subsidiarity control mechanism as well as its Opinions submitted in the pre-legislative phase of EU decision making, in response to consultation documents and other non-legislative documents.*

*The Commission highly values all input provided by national Parliaments. We see the political dialogue with national Parliament as an important tool for connecting with citizens through their national Parliaments. However, it is for each national Parliament to decide how it wishes to use the political dialogue with the Commission in accordance with its own constitutional requirements.*

*Furthermore, the Commission would like to note that the written part of the dialogue with national Parliaments goes hand in hand with the oral part of the dialogue, where Commissioners visit and meet with national Parliaments to discuss legislative proposals and initiatives. Upon taking office, this Commission under the Presidency of Jean-Claude Juncker decided to strengthen its partnership with national Parliaments by visiting them more often to discuss topics of interest to them. In that regard, I recall the very fruitful dialogue I had with members of the European Affairs Committee of the Riksdag in Brussels in March 2015, discussing a variety of topics from institutional issues to pending legislative files, and my visit to the Riksdag at the beginning of June. The Commission highly appreciates the value of these meetings and wishes to maintain the frequency of visits and meetings with national Parliaments observed in 2015.*

*Mr Urban AHLIN  
President of the Riksdag  
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*The Commission has taken good note of the Riksdag's observations concerning the justifications in the explanatory memoranda relating to Commission proposals' compliance with the subsidiarity principle. Providing clear and comprehensible reasoning on subsidiarity is something to which this Commission attaches particular importance. The Better Regulation Package adopted in May 2015 contains improved and more operational guidance for Commission services on how to prepare the subsidiarity reasoning in Commission proposals and includes a specific tool (nr 3) dedicated to proportionality and subsidiarity. In that regard, impact assessments always include a section dedicated to the analysis of subsidiarity and proportionality issues in addition to the subsidiarity reasoning in the explanatory memorandum. Having established the existence of a problem, its scale and its causes, the impact assessment will verify whether Member States alone could resolve it sufficiently and whether the EU has the competence to act, and would be best placed to do so.*

*The Commission also notes the Riksdag's concerns with regard to the Commission Communication responding to the "yellow card" procedure on the proposal for the establishment of the European Public Prosecutor's Office {COM(2013) 851 final}. The Commission would like to recall that according to the procedure set out in Protocol No 2 to the Treaties, when the threshold for the "yellow card" procedure is reached, the Commission is obliged to review the proposal and may decide to maintain, amend or withdraw the draft, after having given reasons. The Protocol leaves the choice among these three options to the discretion of the Commission. As explained in the Communication, the Commission, after careful examination of all Reasoned Opinions, found that the proposal complied with the principle of subsidiarity. Furthermore, for arguments not related to subsidiarity, the Commission replied to each of the chambers that had submitted Reasoned Opinions in the framework of the wider political dialogue. As the Riksdag is also aware, the legislative process on this file is still ongoing.*

*To conclude, the Commission would like to reassure the Riksdag that it takes all views expressed by national Parliaments in their Reasoned Opinions into account whether or not they trigger the "yellow card" procedure.*

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

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*