

APPENDIX 2

Reasoned opinion from the Swedish Parliament

The Riksdag welcomes the Commission's proposal for a single market emergency instrument, which should also ensure free movement for persons, goods and services even in times of crisis. In the opinion of the Riksdag it is especially important during times of crisis that free movement is safeguarded. The Riksdag therefore sees the added value of creating mechanisms for a rapid and structured communication between the member states and the Commission and for coordination and exchange of information in crisis situations similar to those that arose during the COVID-19 pandemic or as a result of Russia's war in Ukraine.

The Riksdag notes that the legal foundation behind the proposed regulation according to the Commission is Articles 21, 45 and 114 in the Treaty on the Functioning of the European Union. As far as the parts of the proposal aimed at ensuring that the internal market also runs smoothly in times of crisis are concerned, the Riksdag makes no assessment other than that of the Commission. The proposal also contains provisions to ensure access to goods and services of strategic importance. Goods and services of strategic importance are defined in the proposal as goods and services which are absolutely necessary when it comes to ensuring the smooth functioning of the internal market in strategically important areas and which cannot be replaced or diversified. As regards goods and services of strategic importance, the Riksdag believes, as does the Government, that there is a need to clarify how these provisions relate to the legal basis stated. In a situation where it is not clear how provisions for ensuring access to goods and services of strategic importance relate to the legal basis stated, the Riksdag considers that there is a risk that certain parts of the proposal may encroach on the national competence of the member states. The Riksdag therefore considers that it cannot be regarded with certainty that the proposal complies with the principle of subsidiarity. The Riksdag wishes therefore to underline how important it is that the Commission clarifies the relation between the legal basis of the proposal and provisions for ensuring access to goods and services of strategic importance. The Riksdag also considers that the proposal's compatibility with the principle of proportionality should be clarified with regard to the consequences for the member states and the effects on competition.

The Riksdag thus considers that the Commission's proposal is not compatible with the principle of subsidiarity in all its parts.