

Statement 2017/18:NU28

## Subsidiarity check of the Commission's proposal for a regulation on a mechanism to resolve legal and administrative obstacles in a cross-border context

### Summary

The Committee proposes that the Riksdag submit a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission in accordance with Chapter 10, Section 3 of the Riksdag Act.

The Committee notes that the current proposal is complex and unclear on a number of points. This lack of clarity applies to such aspects as to what extent recourse to the mechanism set up under this regulation to resolve obstacles arising in border areas is voluntary. The Committee further considers that the proposal is unclear regarding the powers of cross-border coordination points in relation to national law, administrative structure and legal systems. Nor is it clear to the Committee which aspects of infrastructure projects and services of general economic interest are intended to fall under the scope of the regulation or whether the proposal aims to focus on national differences in, for example, labour law and taxation matters. Here, the Committee wishes to recall that labour market policy and taxation policy belong to the national competence of the member states. Since it cannot clearly be ascertained whether the proposal in its present form could potentially encroach on this competence, it cannot be said that the proposal is compatible with the principle of subsidiarity.

In view of the above, the Committee therefore considers that the proposal in its current form is not in compliance with the principle of subsidiarity.

### *The examined proposals*

The Commission's proposal for a regulation of the European Parliament and the Council on a mechanism to resolve legal and administrative obstacles in a cross-border context (COM(2018) 373).