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COVER NOTE

From: The Swedish Parliament
date of receipt: 15 June 2018
To: The President of the Council of the European Union

Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on unfair trading practices in business-to-business relationships in the food supply chain
[doc. 7809/18 - COM(2018) 173 final]
- Reasoned opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find attached the above-mentioned document followed by a courtesy English translation.

Europaparlamentets ordförande
Ordförande för Europeiska unionens råd
Europeiska kommissionens ordförande

Med överlämnande av riksdagens motiverade yttrande enligt bilaga 2 i det bifogade utlåtandet får jag anmäla att riksdagen denna dag bifallit miljö- och jordbruksutskottets förslag till riksdagsbeslut i utlåtande 2017/18:MJU25 Otillbörliga handelsmetoder mellan företag i livsmedelskedjan.

Stockholm den 14 juni 2018


Urban Ahlin


Claes Mårtensson

BILAGA 2**Motiverat yttrande från Sveriges riksdag**

I miljö- och jordbruksutskottets utlåtande 2017/18:MJU25 redovisas prövningen av subsidiaritetsprincipens tillämpning i kommissionens förslag till Europaparlamentets och rådets direktiv om otillbörliga handelsmetoder mellan företag i livsmedelskedjan (COM(2018) 173). Mot bakgrund av denna prövning anser riksdagen att direktivet strider mot subsidiaritetsprincipen. Skälen till riksdagens bedömning är följande.

Riksdagen anser att frågan om otillbörliga handelsmetoder som företag använder sig av i livsmedelskedjan ska tas på stort allvar, men att dessa bäst motverkas på nationell nivå. Skälen för detta är flera. Så sent som år 2016 menade EU-kommissionen att det inte var motiverat med en reglering på EU-nivå. Riksdagen menar att det är viktigt att värna den svenska avtalsfriheten. Dessutom kan det enligt riksdagen ifrågasättas att otillbörliga handelsmetoder inom livsmedelssektorn skulle vara nödvändiga att stävja genom EU-reglering. Dessutom anser riksdagen att kommissionen och regeringen inte tillräckligt tydliggjort på vilket sätt förslaget syftar till att lösa gränsöverskridande problem på den inre marknaden.

COURTESY TRANSLATION OF SUMMARY

Statement 2017/18: MJU25 Unfair trading practices in business-to-business relationships in the food chain

Summary

The Committee on Environment and Agriculture considers that the proposal is not compliant with the principle of subsidiarity. The Committee therefore 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, Art. 3 of the Riksdag Act.

The overall purpose of the proposal is to reduce the occurrence of unfair trading practices in the food chain. In short, the proposal entails the introduction of a joint minimum level of protection throughout the EU, which includes a short list of special prohibited trading practices.

The statement contains one reservation from the Social Democrats, the Green Party and the Left Party.

The examined proposals

The Commission's proposal to the European Parliament and Council for a directive on unfair trading practices in business-to-business relationships in the food chain (COM(2018) 173).

Reasoned opinion of the Swedish Parliament

The statement by the Committee on Environment and Agriculture 2017/18: MJU25 presents the Committee's examination of the application of the principle of subsidiarity to the Proposal for a Directive of the European Parliament and of the Council on unfair trading practices in business-to-business relationships in the food chain (COM(2018) 173). In the light of this examination, the Riksdag considers that the directive conflicts with the principle of subsidiarity. The reasons for the Riksdag's assessment are as follows.

The Riksdag considers that the question of unfair trading practices being used by businesses in the food chain should be taken seriously, but that such practices are best combated at the national level. There are a number of reasons for this. As recently as 2016, the European Commission said that it believed that a regulation at EU level was not warranted. The Riksdag believes that it is important that freedom of contract in Sweden is safeguarded. In addition to this, in the opinion of the Riksdag, it can be questioned as to whether unfair trading practices in the food sector need to be curbed by means of EU regulation. The Riksdag also considers that the Commission and the Government have not sufficiently clarified in what way the proposal aims to solve cross-border problems in the internal market.