



EUROPEAN COMMISSION

Brussels, 28 SEP. 2011
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Dear President,

The Commission would like to thank you for the opinion of the Italian Senate on the Commission's proposal for a Regulation of the European Parliament and of the Council establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) {COM(2010) 799}.

The Commission has taken note of the different comments made by the Senate in its opinion, in particular as regards the delegation of powers to the Commission, and would like to provide the following clarifications.

As already pointed out in earlier replies to opinions adopted by the Italian Senate, the division of the already existing Commission powers has been done on the basis of a thorough screening of the basic act and the relevant Commission implementing acts. The delegated or implementing character of the Commission's powers stipulated there has been decided on the basis of objective legal criteria in accordance with Articles 290 and 291 of the TFEU.

Furthermore, the Commission would like to underline that the delegation of powers to the Commission in the proposal are delimited by many guarantees for the European Parliament and the Council. Moreover, the Legislator (the European Parliament and the Council) keeps the control of the delegated power having the possibility to oppose a delegated act adopted by the Commission or even to revoke the delegation of powers to the Commission.

As regards the comments of the Senate related to the qualification of "non-essential elements", the Commission would like to emphasise that the confines of this concept have to be defined in each policy area by the legislator, and that the case law of the Court of Justice has defined the concept of 'essential elements' as "rules which (...) are essential to the subject-matter envisaged" and "which are intended to give concrete shape to the fundamental guidelines of Community policy".

*Mr. Renato Schifani
President of the Italian Senate
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Concerning the duration of the delegation of powers, the Commission would like indeed to recall its reply of 17 February 2011, to which the Senate also refers in its opinion, and which mentions the recent Common Understanding between the Commission, the European Parliament and the Council on delegated acts. The Commission welcomes the Senate's announcement to review its position on delegated acts after having examined in more detail the Common Understanding. Please see below a link to the Common Understanding which is publicly available through the Council's register:

<http://register.consilium.europa.eu/pdf/en/11/st08/st08753.en11.pdf>

The Commission hopes that these clarifications address the questions mentioned in the Opinion of the Senate of the Italian Republic and looks forward to continuing the policy dialogue in future on this and other issues.

Yours faithfully,

*Maroš Šefčovič
Vice-President*