



EUROPEAN COMMISSION

Brussels, 20 OCT. 2011
C(2011)/7357

Dear Marshall,

The Commission would like to thank you for transmitting the reasoned Opinion of the Sejm 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 Sejm in its reasoned Opinion, and in particular of its conclusion that the proposal would not respect the principle of subsidiarity, and in reply would like to provide the following clarifications:

As regards the Sejm's comments on the principle of subsidiarity, and as stated in the explanatory memorandum of the proposal, agricultural policy is of shared competence between the EU and the Member States and the proposal is limited to adapting the current Single CMO to new requirements introduced by the Lisbon Treaty. It does not introduce substantial changes to the existing Single CMO. Thus, the existing Union approach is not affected by the proposal.

As regards the comments on Article 310 and others cited in the opinion, they concern the so called "milk package", which is a separate proposal for modification of Council Regulation (EC) No 1234/2007, already submitted by the Commission to the European Parliament and the Council and included in the Single CMO proposal for the sake of completeness and in order to improve the comprehensibility and accessibility of the Single CMO for all stakeholders – as noted in the explanatory memorandum.

As regards the declarations made by processors on monthly deliveries, it is necessary to confer delegated powers upon the Commission in order to determine the details of the information system which is put in place. This is imperative in order to secure the equal quality of provided data needed for market management purposes and the non-discriminatory treatment of processors in the different Member States.

With regard to the criteria to determine whether the Commission power is of a delegated or of an implementing nature, the demarcation of the already existing Commission powers has been done on the basis of a thorough screening of the basic act and the

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relevant Commission implementing acts. The delegated or implementing character of these powers has been decided on the basis of objective legal criteria in accordance with Articles 290 and 291 of the TFEU. The delegated acts provided for in the proposal, in accordance with Article 290 of the TFEU, are non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative acts. For every delegated act, the objective, content and scope must be determined.

The Commission hopes that these clarifications address the questions and concerns mentioned in the reasoned opinion of the Sejm and looks forward to continuing the policy dialogue in future on this and other issues.

Yours faithfully,

*Maroš Šefčovič
Vice-President*