



EUROPEAN COMMISSION

Brussels, 14.03.2014
C(2014) 1438 final

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Regulation of the European Parliament and of the Council adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny {COM(2013) 751 final}.

The Commission would like to clarify that the relevant proposal is strictly limited to procedural adaptation. This adaptation is done on the basis of the decision taken originally by the legislator: the substance of the existing empowerments remains untouched, while the regulatory procedure with scrutiny is being transformed into the appropriate procedure under the post-Lisbon legal framework.

The Commission appreciates the Bundesrat's general comments on the issue of delegated and implementing acts and would like to make the following remarks:

The Commission agrees with the opinion of the Bundesrat on the importance of democratic scrutiny of delegated and implementing acts. The Commission would however like to underline that, when developing legislative proposals, it considers carefully whether to propose empowerments for delegated or implementing acts. The decision is made on a case-by-case basis. Empowerments are proposed only when they are in line with the Treaties and when they are necessary for the efficient implementation of a policy, in accordance with the principles of smart regulation.

The Commission has repeatedly committed to gathering all the necessary expertise before adopting delegated acts, notably through the consultation of experts from the Member States. This commitment and the principles governing the consultation are confirmed in several publicly available documents (in particular, in the Commission Communication on Article 290 TFEU (COM(2009) 673 of 9.12.2009), and in the Guidelines for Commission services, (SEC(2011) 855 of 24.6.2011). This consultation always involves experts from all the Member States. To this end, the Commission uses existing expert groups (listed in a public register: <http://ec.europa.eu/transparency/regexpert/index.cfm>), creates new expert groups, or organises ad hoc meetings of experts. In practice, invitations to meetings to prepare delegated acts are sent to the Permanent Representations, as Member States are responsible for the designation of the experts who will represent their interests in this regard.

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Bundesrat
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The Commission hopes that these clarifications address the comments raised by the Bundesrat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*