

Brussels, 17 FEB. 2011
C/2011/1003

Dear President,

The European Commission welcomes the interest of the Italian Senate in the proposal for a Regulation relating to the control by Member States of implementing powers conferred on the Commission and in the Commission communication on the implementation of Article 290 of the Treaty on the Functioning of the European Union concerning delegated acts {COM(2010) 83} and thanks you for having transmitted the Italian Senate's resolution.

The Commission takes note of the comments made on different points of the above proposal, including those regarding the appeal committee, anti-dumping and countervailing measures. Those measures are, at present, submitted to the rule of simple majority and adopted by the Council. Their inclusion in the scope of implementing acts represents therefore a fundamental change in the area of trade defence and implies that, after the adoption of the regulation, all the basic acts on trade defence have to be formally modified to refer to the new regime. Against this background, the transition period of 18 months during which the simple majority rule will still apply to the definitive anti-dumping and countervailing measures will in fact have a very limited impact.

The compromise text of the draft Regulation has been approved by the European Parliament during its December 2010 session and will enter into force on the 1st of March 2011.

The Commission also takes note of the position of the Italian Senate on the implementation of delegated acts, with special regard to the principle of subsidiarity and proportionality. Regarding the duration of delegation of power, the Commission considers that, when determining the temporal limit of delegation of power, it is necessary to strike a balance between the need to establish a framework for the delegated power and the need to ensure continuity of implementation of EU policies. In this context, delegations of powers of indefinite duration can be regarded as providing for more stability and efficiency of the framework.

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The Commission, the European Parliament and the Council have negotiated a common understanding on the modalities of their cooperation as regards delegation of power under Article 290 of the Treaty on the Functioning of the European Union. This memorandum builds further on the Commission communication of 9 December 2009 and streamlines the practice established thereafter by the European Parliament and the Council with a view to a smooth exercise and an effective control of delegated power. It should entry into application soon. This common understanding contains in particular practical arrangements concerning the duration of the delegations of power and the possibility to provide for tacit extension of delegations of a determined period.

The Commission remains available to provide any further information on these issues if needed.

Yours sincerely,