

Brussels, 6/04/2011
C/2011/2402

Renato SCHIFANI
President of the Senate
of the Republic of Italy
Palazzo Madama
IT-00100 ROMA

Dear President,

The Commission would like to thank the Italian Senate for its favourable Opinion on the amended proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 708/2007 of 11 June 2007 concerning use of alien and locally absent species in aquaculture {COM(2010) 393}.

Regarding the comments on Article 2(5) of the amended proposal, conferring legislative powers upon the European Commission for "an indeterminate period of time", the Commission services would like to comment as follows.

As already replied to the comments made by the Italian Senate on other legislative proposals, the Commission has a preference for "an indeterminate period of time" as duration for the delegation of powers. The Commission believes that the institutions' workload should not be increased by a binding system of short-term delegations as stated in communication COM (2009) 673 concerning implementation of Article 290 of the TFEU. Indeed, "an indeterminate period of time" contributes to the objectives of efficiency and speed that justify the use of delegated acts.

Furthermore, the Commission does not share the view that the lack of temporal limit for the delegation of powers does not comply with the provisions of Article 290 of the TFEU. Indeed, the European Parliament and the Council have already adopted a legislative act which includes "an indeterminate period of time" as duration for the delegation of powers¹. Regarding the comment on the impossibility to exercise control on the work of the European Commission as well as on the delegation of powers itself, the Commission would like to point out that according to Article 290 (2) delegated acts may enter into force only if no objection has been expressed by the European Parliament or the Council within a period set by the legislative act. Moreover, both the European Parliament and the Council may decide at any moment to revoke the delegation of powers. These provisions ensure the adequate control of the exercise of the delegated powers by the Commission.

¹ Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC. OJ L 165, 30.06.2010, p. 18

Nevertheless, the Commission would like to inform the Italian Senate that in this particular instance, the Commission is ready to accept a five-year period for the duration of the delegation of powers with a mechanism for an automatic renewal for periods of identical duration.

I am looking forward to further develop our political dialogue.

Yours faithfully,

/-/ Maroš Šefčovič