

Brussels, 13 AVR. 2011  
C/2011/2493

*Dear President,*

*The European Commission would like to thank the Italian Senate for its analysis of the proposal for a Directive establishing a Single European Railway Area {COM(2010) 475}. It notes that the analysis is based on a reading of both the legislative proposal and the Communication from the Commission concerning the development of a Single European Railway Area {COM(2010)474}. The Commission points out that the opening of domestic railway passenger markets is indeed an objective that will be addressed in 2012.*

*The Commission is pleased to note that the Italian Senate concludes that the proposal in question complies with the principles of subsidiarity and proportionality.*

*The Commission also welcomes that the Italian Senate considers favourably the extension of the market monitoring activities proposed in Article 15 of the legislative proposal of the Commission.*

*Regarding the delegation of powers to the Commission under Article 60, the Commission proposal is indeed based on a standard model, as proposed by the Commission in its Communication on the Implementation of Article 290 (COM(2009) 673) and as also generally accepted by the Council and the European Parliament. Article 60(1) and the Articles it mentions stipulate explicitly the objectives, content, scope and duration of the delegation of power in compliance with Article 290 of Treaty on the Functioning of the European Union (TFEU).*

*In particular, concerning the duration of the delegation, and as highlighted by the Commission in previous replies to opinions adopted by the Italian Senate, it is a common understanding of the European Parliament, of the Council and of the Commission itself that the basic act may empower the Commission to adopt delegated acts for either an undetermined or a determined period of time. While acknowledging the concerns raised by the Italian Senate, the Commission believes that the objectives of efficiency and speed that justify the use of delegated acts in the first place should prevail. The Commission will take into consideration possible comments received by national Parliaments on the delegation of powers in the context of the political dialogue.*

*The Commission also considers that Annex II on the essential functions of an infrastructure manager contains elements of the legislative acts which should be supplemented or amended in the light of experience. Delegated acts provided under Article 290 of TFEU constitute*

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*therefore an appropriate instrument to allow this subject to scrutiny by both the European Parliament and the Council.*

*I hope that these explanations address the comments raised by the Italian Senate in its Opinion.*

*Yours faithfully,*