

*Dear President,*

*I would like to thank you for forwarding the Opinion of the Italian Senate on the Commission proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (COM (2010) 537 final).*

*The Italian Senate raises in essence two points with regard to the proposed regulation.*

*First, it considers that the delegations in Articles 20a, 36a, 52a and 63a as well as that of Article 5(2) are phrased in terms that are too general in order to assess whether the powers that they concern are non-essential. In what concerns Articles 20a, 36a, 52a and 63a, the purpose of these Articles is to provide a legal basis in Regulation (EC) No 1698/2005 for a series of implementing provisions already existing in Regulation (EC) No 1974/2006. The term "specific conditions" is used in order to capture all these provisions of varying natures (e.g. definitions of non-essential terms, additional eligibility conditions or provisions which have an impact on the rights of individuals and need therefore to be adopted by means of a quasi legislative delegated act) without resorting to a long list enumerating one by one all of these provisions. With respect to the provisions of Article 5(2) it would not be possible to be more specific as this could only be achieved by inserting in the basic act the list of other Union measures with which consistency may need to be ensured. This would render the delegation superfluous. In both cases it should be noted that the delegations intend to provide the legal basis for powers that are exercised under the pre-Lisbon system by means of Commission implementing acts.*

*Second is the question of duration. In this respect it should be noted that Article 290 of the Treaty provides that the duration of a delegation must be "explicitly defined". It does not require that this duration must be limited. Consequently, an indeterminate period of time is accepted by the Treaty as duration for a delegation, subject to this being explicitly mentioned in the basic act. This interpretation has also been confirmed in the Common Understanding between the Commission, the European Parliament and the Council, which has recently been concluded. The European Parliament and the Council in any case retain the right to revoke the power delegated to the Commission (article 290 paragraph 2 of the Treaty).*

*The Commission thanks the Italian for its Opinion and looks forward to continuing the policy dialogue in future on this and other subjects.*

*Yours sincerely,*

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