

Brussels, 30/08/2011  
C/2011/4862

Dear President,

*The Commission welcomes the opinion of the Italian Senate concerning the Commission proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers {COM(2010)539 final}, which is in general favourable to the proposal.*

*The Commission takes note that the Italian Senate considers that the delegations granted to the Commission by the above-mentioned proposal include in some cases essential elements which are beyond the definition of delegated acts contained in Article 290 of the TFEU which allows the delegation of powers to the Commission to complete or modify non essential elements of a legislative act. The Opinion also underlines that delegations should have a limited duration.*

*The Commission would like to clarify that the aim of the alignment exercise is to adapt the Commission powers included in Council Regulation (EC) No 73/2009, and which are already implemented in Commission Regulations (EC) No 1120/2009, No 1121/2009 and No 1122/2009, to the differentiation introduced by the Lisbon Treaty between delegated and implementing powers. This division of existing Commission powers has been determined on the basis of a thorough screening of the basic act and the relevant Commission implementing acts. Their delegated or implementing character has been decided on the basis of objective legal criteria on the basis of the definitions in Articles 290 and 291 of the TFEU.*

*Delegated acts have been provided in all cases of "quasi legislative acts" in the sense that they regulate non essential elements of the legislative act, are of general application and amend or complete the legislative act. Implementing acts have been provided for all acts of an "executive" nature in the sense that Member States are responsible for the implementation and there is a need for a uniform application.*

*Regarding the issue of the duration of the delegated powers 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*

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*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 hopes that these explanations satisfy the expectations of the Italian Senate as expressed in its opinion.*

*Yours faithfully,*

*/-/ Maroš Šefčovič*