

Letter dated:
Rome, 8 March 2011

From:
[illegible signature]
The President of the Senate of the Italian Republic

To:
Mr José Manuel Barroso

Ref.: Prot. No 511/UC

I am pleased to enclose the resolution adopted by the Committee for European Union Policies of the Senate of the Italian Republic following examination of the proposal for a Regulation of the European Parliament and of the Council establishing the technical requirements for credit transfers and direct debits in euros and amending Regulation (EC) No 924/2009 (COM(2010) 775 final).

The resolution contains comments on the compliance of this act with the principles of subsidiarity and proportionality.

Enclosure: 1

Mr José Manuel Barroso
President of the European Commission

1049 BRUSSELS

SENATE OF THE REPUBLIC

XVI SESSION

Doc.XVIII-bis No 32

RESOLUTION OF STANDING COMMITTEE 14

(European Union Policies)

(Drafted by FONTANA)

approved at the sitting of 2 March 2011

ON THE

**PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL ESTABLISHING TECHNICAL REQUIREMENTS FOR CREDIT
TRANSFERS AND DIRECT DEBITS IN EUROS AND AMENDING REGULATION
(EC) NO 924/2009 (COM(2010) 775 FINAL)**

in accordance with Article 144(1),(5), and (6) of the Regulation

Communicated to the Presidency on ____ March 2011

The 14th Standing Committee, having examined act COM (2010) 775 final,

Whereas the act sets a legally binding end-date for final migration to SEPA payment instruments (credit transfers and direct debits) common to all Member States, fostering the creation of a Single Euro Payments Area;

Whereas a common ‘clear, appropriate and binding end-date (...) for the migration to SEPA instruments’ is also considered desirable by the European Parliament in resolutions P6 TA(2009)0139 of 12 March 2009 and P7 TA(2010)0057 of 10 March 2010;

Having regard to the results of the public consultation held between June and August 2009;

Hoping that the migration will contribute to reassure the operators about the transition to the new SEPA standards, do away with a fragmented European payments market and encourage increased competition, mainly benefiting end-users (consumers and businesses),

welcomes the proposal within the area of its remit adding the following comments:

The legal basis for the proposed Regulation has correctly been identified in Article 114 of the Treaty on the Functioning of the European Union, according to which the European Parliament and the Council shall, acting in compliance with the ordinary legislative procedure and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by the laws, regulations, and administrative actions in Member States which have as their object the establishment and functioning of the internal market;

The proposal complies with the principles of subsidiarity insofar as only the Union’s intervention can guarantee uniform standards, regulations, and procedures necessary for adopting common payment methods;

The proposal is consistent with the objectives sought as well as with the principle of proportionality;

With regard in particular to Article 12 *et seq.* of this act, regulating the conferral and exercise of powers delegated to the European Commission ‘in order to take account of technical progress and market development’ (Article 5):

1) We call upon the European Commission to reflect on the suitability of limiting its role in the payments market to what is necessary to ensure the migration to SEPA instruments, subsequently leaving the market free to define and implement new functionalities;

2) We reiterate our firm opposition to delegations of indefinite duration, which not only constitute a defect of legitimacy of the act under Article 290 of the TFEU but also undermine the prerogatives of national parliaments. We would hope to see a provision whereby the delegated powers are limited in time (e.g. five years) and possibly renewed automatically, unless a notification from the Commission requires their withdrawal. A requirement to provide a report is moreover provided for by Article 16 of this proposal three years after its entry into force;

3) We note that, for delegated acts adopted using an emergency procedure (Article 15) and that are intended to enter into force without delay, there is all the more reason to provide for

power of revocation, similar to that provided for by Article 13 for acts that are not subject to these specific arrangements.