



EUROPEAN COMMISSION

Brussels, 12 SEP. 2011
C/2011/ 6250

Dear President,

The Commission would like to thank you for transmitting the reasoned opinion of the Chamber of Deputies of Luxembourg on the Commission's proposal for a Regulation of the European Parliament and of the Council establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) {COM(2010)799}.

The Commission has taken note of the different comments made by the Chamber of Deputies in its opinion and in reply would like to provide the following clarifications.

The aim of the proposed alignment of Regulation (EC) No 1234/2007 is to adapt the already existing Commission powers under Single CMO to the differentiation introduced by the Lisbon Treaty between delegated and implementing powers.

In its proposal, the Commission has respected the existing distribution between the European level of competence and the level of national competence. As mentioned in the explanatory memorandum of the proposal, the agricultural policy is of shared competence between the EU and the Member States and the proposal is limited to adapting the current Single CMO to new requirements introduced by the Lisbon Treaty. There is no change in substance in the proposal compared with the current Single CMO.

With regard to the criteria to determine whether the Commission power is of the delegated or of the implementing nature, the demarcation of the already existing Commission powers has been done on the basis of a thorough screening of the basic act and the relevant Commission implementing acts. The delegated or implementing character of these powers has been decided on the basis of the objective legal criteria in accordance with Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU). For every delegated act, the objective, the content and the scope must be determined.

*Mr Laurent Mosar
President of the Chamber of Deputies
of Luxembourg
rue du Marché-aux-Herbes 23
L – 1728 Luxembourg*

Furthermore, the Commission would like to underline that the delegations of powers to the Commission in the proposal are delimited by many guarantees for the European Parliament and the Council. Moreover, the Legislator (the European Parliament and the Council) keeps the control of the delegated power having the possibility to oppose a delegated act adopted by the Commission or even to revoke the delegation of powers to the Commission.

Concerning your comment on deleting some provisions of Annex V (Community scales for the classification of carcasses referred to in Article 42) of Regulation (EC) No 1234/2007, the Commission would like to stress that its general approach was to transfer the Commission powers, distributed throughout the Annexes of Regulation (EC) No 1234/2007, into the body of the Proposal. That was also the case for the provisions referenced in Annex V of Regulation (EC) No 1234/2007 which have been transferred in Article 35 of the Proposal. The exact wording of such provisions is currently being examined in the context notably of the ongoing discussions in the Council.

The Commission hopes that these clarifications address the concerns raised in the reasoned opinion of the Chamber of Deputies of Luxembourg and looks forward to continuing the policy dialogue on this and other issues.

Yours faithfully,

*Maroš Šefčovič
Vice-President*