

I would like to inform that the Senate, at the 66th session held on 25 November 2010, examined the 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 (EAFRD) COM(2010)537 and decided that the proposal did not comply with the subsidiarity principle, referred to in Article 5 para. 3 of the Treaty on European Union.

Pursuant to the procedure provided for in Protocol No. 2 of the Treaty on European Union and the Treaty on the Functioning of the European Union as regards the application of the principles of subsidiarity and proportionality, I hereby submit the Senate's justified opinion stating that the above proposal does not comply with the principle of subsidiarity.

Bogdan Borusewicz

**OPINION
OF THE SENATE OF THE REPUBLIC OF POLAND**

of 25 November 2010

**concerning the incompatibility with the principle of subsidiarity of the 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 (EAFRD)
COM(2010) 537**

Having examined the 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 (EAFRD), COM(2010)537, the Senate has concluded that the said proposal is not compatible with the principle of subsidiarity referred to in Article 5(3) of the Treaty on European Union. The principle of subsidiarity has been breached in the following provisions of the proposal for a regulation:

- 1) Article 5(2), insofar as it envisages granting the European Commission the power to lay down, by means of delegated acts, the specific Union measures with which consistency of the assistance from the European Agricultural Fund for Rural Development with other Union support instruments is to be ensured – since the nature and scope of such EU measures have not been precisely defined and so they could refer to the criteria for access to such support; – such criteria should be laid down by the Member States, as they have a better knowledge of the local conditions and needs as regards support;
- 2) Article 5(6), which envisages granting the European Commission the power to adopt, by means of delegated acts, exceptions from the rule of not granting support to schemes eligible for support under common market organisations, and such exceptions would be introduced in order to take into account the specific circumstances in programming areas – since the nature of such specific circumstances has not been defined, raising fears that the European Commission would deal with tasks which the Member States can perform more efficiently and effectively as they know the local conditions of particular agricultural markets;