

Bruxelles,  
C/2011/5105

29 JUL. 2011

Dear President,

*The Commission would like to thank the Portuguese Parliament for its opinion concerning the Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1234/2007 as regards marketing standards {COM(2010) 738} and takes note of the comments raised therein.*

*As regards the Portuguese Parliament's remarks on subsidiarity, I would like to confirm that the proposal is inspired by the contents of the legislation in force and that the delegations envisaged in the Commission proposal do not aim to call into question competences of the Member States but to supplement or modify the future legislative act.*

*Article 290 TFEU makes it possible for the Legislator to delegate to the Commission the power to supplement or amend certain non-essential elements of the legislative act. The Commission, in its proposal, took into account the fact that the possibility of adopting modifications, derogations and exceptions to Council Regulations exists in the present formulation of the single CMO. In particular article 121 of Regulation (EC) n° 1234/2007 gives the Commission the power to adopt rules on: additional marketing standards; derogations or exemptions from the application of the standards; indication of particulars required by the standards as well as on marketing and labelling; the application of the standards to products imported into, or exported from, the Community. For that reason the Commission proposes to the Legislator to adopt a coherent approach across sectors, while keeping the necessary flexibility to treat specificities.*

*Moreover, I would like to draw your attention to the fact that the delegations proposed in the Commission proposal are delimited by many guarantees for the European Parliament and the Council. In addition, the two Institutions retain control of the delegated power through the possibility to oppose a delegated act adopted by the Commission or to revoke the delegation of powers to the Commission.*

*I hope that these explanations address the concerns raised in the opinion of the Portuguese Parliament and look forward to continuing our constructive dialogue.*

*Yours faithfully,*

Mrs Assunção Esteves  
President of Assembleia da República  
of Portugal  
Lisbon  
PORTUGAL