



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank you for transmitting the opinion of the Assembly of the Portuguese Republic 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 concerns raised by the Assembly in its opinion, in particular as regards delegated acts and subsidiarity, and would like to provide the following clarifications.

As recalled in the Assembly's opinion, the objective 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.

The Commission respected in its proposal the existing distribution of competences between the EU and the national level. 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. As rightly recalled in the Assembly's opinion, the principle of subsidiarity and the principle of proportionality referred to in the Treaty on European Union have been explicitly complied with in the proposal.

The division 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 the Commission's powers stipulated there has been decided on the basis of objective legal criteria in accordance with Articles 290 and 291 of the TFEU.

Furthermore, the Commission would like to underline that the delegation 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

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delegated act adopted by the Commission or even to revoke the delegation of powers to the Commission.

The Commission hopes that these clarifications address the questions raised in the Opinion of the Assembly of the Portuguese Republic and looks forward to continuing the policy dialogue in future on this and other issues.

Yours faithfully,

*Maroš Šefčovič
Vice-President*