



EUROPEAN COMMISSION

Brussels, 17.9.2012  
C(2012) 6414 final

Mr Vasile BLAGA  
President of the Senate  
Calea 13 Septembrie, Nr 1-3  
Intrarea A1, sector 5  
RO - BUCHAREST

Dear President,

The Commission would like to thank the Senate of Romania for its Opinion on the Commission's proposal for a Regulation of the European Parliament and of the Council establishing a common organisation of agricultural markets in agricultural products (Single CMO Regulation)<sup>1</sup> and apologises for the delay in replying. This is one of the proposals that the Commission has made in the context of the reform of the Common Agricultural Policy post-2013.

The Commission has taken note of the comments made by the Senate in its Opinion and would like to provide the following clarifications.

As is noted in the Senate's Opinion, the principle of subsidiarity and the principle of proportionality referred to in the Treaty on European Union (TEU) have been complied with in the proposal.

The proposal follows the approach of the Commission's earlier proposal to align Council Regulation (EC) No. 1234/2007 (the "Single CMO Regulation") with the Lisbon Treaty<sup>2</sup>, in particular, the distinction of Commission powers between delegated and implementing acts on the basis of objective legal criteria in accordance with Articles 290 and 291 Treaty on the Functioning of the European Union (TFEU). In this regard the proposal maintains the empowerment, should it be necessary, for the Commission to establish the marketing years for the fruit and vegetables and processed fruit and vegetables sectors by means of delegated acts.

In its proposal, the Commission has undertaken a thorough evaluation of the provisions of the Single CMO to determine on the one hand the provisions that should be categorised as "essential" to the subject matter envisaged and therefore included in the basic act, and those on the other hand that are of a "quasi legislative" nature intended to

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<sup>1</sup> COM(2011) 626 final

<sup>2</sup> COM(2010) 799 final

*give concrete shape to the "essential" provisions. Whilst this concept is not new, the Commission's approach in the proposal for a new Single CMO Regulation is for a more consistent, systematic approach so that in accordance with Article 290 TFEU, delegated acts have been provided for in cases of provisions that supplement, amend or generally shape the essential provisions of the legislative act. This is the case, for example, in terms of the conditions under which the Commission may decide to grant private storage aid for specified products and the specific measures that Member States may include in their apiculture programmes.*

*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 co-legislators (the European Parliament and the Council) keep 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.*

*Finally, whilst the previously established timetable for the expiry of sugar quotas by 30 September 2015 is unchanged, the Commission has proposed that white sugar should remain as an eligible product for private storage aid and that the terms for buying sugar beet and cane shall be governed by written agreements between Union growers and Union sugar undertakings. For both measures, it is proposed that specific provisions are adopted by means of delegated acts. Moreover, the sugar sector will be covered by the exceptional measures provisions – Articles 154 to 156 of the proposal.*

*The Commission hopes that these clarifications address the concerns raised in the Opinion of the Romanian Senate and looks forward to continuing the political dialogue in future on this and other issues.*

*Yours sincerely,*

*Maroš Šefčovič  
Vice-President*