



EUROPEAN COMMISSION

*Brussels, 27.7.2018
C(2018) 5136 final*

Dear President,

The Commission would like to thank the Senat for its Opinion on the proposal for a Regulation of the European Parliament and of the Council on persistent organic pollutants (recast) {COM(2018) 144 final}.

The Commission welcomes the Senat's overall support for the proposal. It has taken good note of the Senat's comments regarding the update of monitoring/reporting activities, the new role proposed for the European Chemicals Agency and the scope of the delegation of powers and would like to make the following comments.

With regard to the proposed update of monitoring/reporting activities, the Commission notes that these changes are based on the results from the Fitness Check evaluation on Reporting and Monitoring of environmental legislation that was published in 2017 – see in that regard the Commission's Report on Actions to Streamline Environmental Reporting {COM(2017) 312 final} – and that, although the approach to monitoring has been modified in the proposal, the vast majority of the information that Member States are required to provide remains exactly the same as required under the current Regulation. Therefore, the Commission believes that the updated process would not give rise to additional administrative burdens for authorities.

As regards the new role proposed for the European Chemicals Agency, the Commission would like to inform the Senat that it consulted the Agency in the preparation of the proposal, including as regards the proposed allocation of financial and human resources as explained in the legislative financial statement accompanying the proposal.

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With regard to the Senat's comments on the proposed delegation of powers, the Commission would like to recall that delegated powers are an integral tool of better law-making, contributing to simple and up-to-date legislation and its efficient and swift implementation. The Commission would only propose empowerments for delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union where this is justified, namely when it is not possible or less efficient or effective to include the relevant elements directly in the basic legislative act. In this particular case, it is necessary for the Commission to be able to amend the Annexes to the Regulation in order to adapt them to any change to the list of substances set out in the Annexes to the Stockholm Convention or the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants, as well as to adapt the Annexes to scientific and technical progress. As these measures are of a supplementary nature, the Commission considers that they should be adopted by means of delegated acts. Nevertheless, the final decision on the nature and the content of the empowerment is to be taken by the legislator.

Discussions between the Commission and the co-legislators concerning the proposal are now underway and the Commission remains hopeful that an agreement will be reached in the near future.

The Commission hopes that the above clarifications address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Věra JOUROVÁ
Member of the Commission*