

Brussels, 15.04.2011  
C/2011/2672

Dear Marshal,

*On behalf of the Commission, I would like to thank the Senate of the Republic of Poland for its opinion on 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)537final}.*

*Let me assure you that the Commission has taken careful note of the concerns expressed in the above-mentioned opinion, namely about the Senate's statement that certain parts of the proposal do not comply with the principle of subsidiarity.*

*In reply to the Senate's opinion, allow me to offer the following clarifications concerning the articles you highlight particularly:*

**Article 5(2)**

*As it results clearly from the wording of Art. 1(1)(a) of the Commission Proposal, Article 5(2) relates to the consistency between support from the EAFRD and other Union support instruments. Consequently, the power delegated to the Commission is the power to define with which specific Union measures the consistency is to be ensured, not the conditions for support under these Union measures.*

**Article 5(6)**

*If the specific circumstances under which an exception of the rule of Article 5(6) may be adopted by the Commission were defined - as the Polish Senate requests - this would lead to a limitation of this possibility. This is because it will probably not be possible for the Commission to foresee in advance all cases in the various regions of all Member States that may require such an exception. In any event, it should also be noted that the only task that is delegated to the Commission by means of Article 5(6) is, exactly, to define exceptions and not any other unspecified tasks that may best be performed at Member State level.*

**Articles 20a, 36a, 52a, and 63a**

*The purpose of the new Articles 20a, 36a, 52a and 63a is to provide, in line with the provisions of the Lisbon Treaty, the legal basis within Regulation (EC) No 1698/2005 for rules already existing in Commission Regulation (EC) No 1974/2006 that supplement the content of the various measures of the four Axes by providing - for example - definitions of non-essential terms used in the description of the measures, additional eligibility conditions, or provisions that affect the rights of individuals. It does not aim to alter the division of powers between the Commission and the Member States with regard to the implementation of rural development policy.*

Mr Bogdan BORUSEWICZ  
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**Article 71(5)**

*The provision of Article 71(5) does not concern the level of the co-financing of support but rather the adoption of specific conditions for the use and operation of interest rate subsidies and other financial engineering instruments.*

*Once again, I would like to thank the Polish Senate for this Opinion and hope that these clarifications address the concerns raised in its opinion. The Commission looks forward to continuing the policy dialogue in future on this and other subjects.*

*Yours faithfully,*

*/-/ Maroš Šefčovič*