



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 March 2011

7481/11

**Interinstitutional File:
2010/0385 (COD)**

**AGRI 198
AGRIORG 55
CODEC 375
INST 134
PARLNAT 76**

COVER NOTE

from: Anne-Marie Meldgaard, Chair of the European Affairs Committee of Denmark
date of receipt: 7 March 2011
to: José Manuel Barroso, President of the European Commission

Subject: 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) [5084/11 AGRI 4 AGRIORG 2 CODEC 12 - COM(2010) 799 final]
- Opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find in Annex the reasoned opinion of the Danish Parliament¹.

¹ This opinion is available in English on the Interparliamentary EU information exchange Internet site (IPEX) at the following address:
<http://www.ipex.eu/ipex/cms/home/Documents/pid/10>

FOLKETINGET



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Reasoned opinion as regards Commission proposal for a regulation establishing a common organization of agricultural markets and on specific provisions for certain agricultural products (Single CMO)

07 March 2011

Dear M. Barosso

Ref. 11-000212-1

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On 21 December 2010 the Commission tabled a proposal for a regulation establishing a common organization of agricultural markets and on specific provisions for certain agricultural products. The proposal includes provisions regarding distribution of food products to the most deprived persons in the Union – COM (2010) 799.

The European Affairs Committee of the Danish Parliament conducted a subsidiarity check of the proposal at its meeting on 4 March 2011. Here a majority of the Committee agreed on adopting the opinion below, which concludes that the proposal is in breach of the subsidiarity principle. On 15 November 2010 the Danish Parliament submitted a similar opinion to the Commission's previous proposal (COM (2010) 486), which also included provisions regarding the distribution of food products to the most deprived persons.

Opinion:

"The Danish Parliament finds that the scheme has changed from having been a means of making use of intervention stocks to a scheme for the supply of nutritious food products for the most deprived persons in the Union. The measures have thus shifted from having been agricultural policy measures to social policy measures. The Danish Parliament considers that the proposal does not fulfil the objectives of the common agricultural policy. This means that the legal basis cited by the Commission in the proposal is incorrect (Article 43(2) TFEU).

Furthermore, The Danish Parliament finds that the proposal could, in principle, have been based on Article 352 TFEU. However, the Danish Parliament finds that the proposed measures cannot in any way be

considered necessary for achieving any of the Treaty's goals. On the contrary, the proposal conflicts with the subsidiarity principle since the goals of the scheme can be better achieved by the Member States, at the central, regional or local levels.

Finally the Commission has not - as it is obliged to - properly justified the proposal with regard to its compliance with the subsidiarity principle. The proposal neither contains a detailed statement making it possible to appraise compliance with the principle of subsidiarity and proportionality, nor has it been substantiated by qualitative or quantitative indicators making it possible to conclude whether the objectives of the proposal can be better achieved at EU level than at national level.

Best regards



Anne-Marie Meldgaard
Chair of the European Affairs Committee