



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 14 December 2009

17512/09

LIMITE

**JUR 554
INST 245**

"A" ITEM NOTE

from : Permanent Representatives Committee (Part 2) *ASTU n*
to : Council

Ref. : Commission Communication on Article 290 of the Treaty on the Functioning of
the European Union COM (2009) 673 final

Subject : Implementation of the Treaty of Lisbon
- Article 290 TFEU
= **Approval by the Council**

1. On 9 December 2009 the Commission presented to the European Parliament and the Council a communication on Article 290 of the Treaty on the Functioning of the European Union.
2. Following the discussions on the Communication, the Permanent Representatives Committee examined, on 14 December 2009, a draft unilateral Council declaration on delegated acts.
3. The Committee invites the Council to approve, under part A of its agenda, the declaration set out in the annex.

COUNCIL DECLARATION

The Council welcomes the Commission's communication on the implementation of Article 290 of the Treaty on the functioning of the European Union as well as the standard models attached to it in view of their insertion into legislative proposals adopted under the ordinary legislative procedure, when these confer delegated powers to the Commission on the basis of Article 290 of the TFEU.

The Council attaches particular importance to the Commission's commitment to, in the preparatory phase, systematically consult experts from the national authorities of all the Member States, which will be responsible for implementing the delegated acts once they have been adopted. The Council emphasises that the communication constitutes guidelines for the Commission's future exercise of powers delegated under Article 290. The Council notes further that the Commission will carry out the consultations in plenty of time, to give the experts an effective possibility to make a useful and effective contribution.

The Council also notes with satisfaction the Commission's commitment to inform the experts of the conclusions it believes should be drawn from the discussions, its preliminary reactions and how it intends to proceed. In addition, the Council regards as relevant and necessary the Commission's commitment to accompany delegated acts by explanatory memoranda setting out in a detailed manner the grounds for the act and providing information about the preparatory work undertaken by the Commission.

The Council draws the Commission's attention to the fundamental importance of the immediate implementation of the above mentioned commitments in order to create confidence in the new procedure foreseen under Article 290 of the TFEU and to ensure a smooth and fruitful operation of the delegation of powers.

In the light of the importance of the new procedure foreseen under Article 290 TFEU and once sufficient experience has been gained, the Council intends to assess how efficiently the consultation of experts is functioning.