

EN

E-000011/2026

Answer given by Mr Šefčovič
on behalf of the European Commission
(7.10.2026)

1. In line with Article 290 of the Treaty on the Functioning of the European Union (TFEU)¹, the Commission can only adopt delegated acts if the power to do so has been delegated to it by the co-legislators in a legislative act. The Commission's power to adopt delegated acts is subject to strict limits. The act cannot go beyond amending or supplementing non-essential elements of the legislative act which must define the objectives, content, scope and duration of the delegation.
2. The legal framework applicable for the preparation of delegated acts gives full consideration to any potential national issue, notably through the systematic involvement of Member States' experts. It does not grant direct scrutiny right to national Parliaments, but it gives scrutiny powers to both the European Parliament and the Council. However, as stipulated in Article 3 of Protocol No 1 to the Treaties, national Parliaments have the right to scrutinise the basic legislative act, including the empowerments there stipulated, for its compliance with the principle of subsidiarity, and to issue opinions, including also views on delegated acts, in the framework of the political dialogue with the Commission established by the former President of the Commission in 2006.
3. The rights and competences of Member States are fully respected in the process. The scrutiny mechanisms granted to the co-legislators are clearly defined² and allow effective and systematic control. The duration of scrutiny periods is decided in each case by the co-legislators, in light of the complexity of the subject matter, and can be extended if any of them requires more time.

¹ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF>.

² Notably in Article 290(2) of the TFEU and in Annex I of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making, OJ L 123, 12.5.2016, pp. 1–14.