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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Directive (EU)2015/2193 on the limitation of emissions of certain pollutants into air from medium combustion plants

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1. INTRODUCTION

Directive (EU)2015/2193[1] of the European Parliament and of the Council of 25 November 2015 has put in place a regulatory framework to limit emissions of sulphur dioxide (SO_2), nitrogen oxides (NOx) and dust into the air from medium combustion plants, with a view to reduce the related risks to human health and the environment. This Directive also lays down rules to monitor emissions of carbon monoxide (CO). Its Article 13 empowers the Commission to adopt delegated acts to adjust the provisions on assessment of compliance set out in point 2 of Part 2 of its Annex III to scientific and technical progress.

2. LEGAL BASIS

This report is required under Article 14(2) of Directive (EU) 2015/2193, pursuant to which the power to adopt delegated acts shall be conferred on the Commission for a period of five years from 18 December 2015. It also requires the Commission to draw up a report in respect of the delegation of power. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council oppose such extension no later than three months before the end of each period. Article 14(3) states that the delegation of power may be revoked at any time by the European Parliament or the Council.

3. EXERCISE OF THE DELEGATION

The Commission reports that it has not adopted delegated acts, given (i) the dates of application of Directive (EU) 2015/2193 and (ii) the absence of information on technical and scientific progress linked to the relevant provisions of the Directive 2010/75/EU on industrial emissions (IED), i.e. point 1 of Part 4 of Annex V[2].

More particularly, whilst Directive (EU)2015/2193 applies since 20 December 2018 to 'new'[3] plants, it will only be applicable to 'existing'[4] plants as from 2025 or 2030, depending on their rated thermal input. Hence, since the existing compliance assessment rules have de facto only been implemented for a few 'new' plants, i.e. those installed since 20 December 2018, there is no sufficient information on the implementation of the current compliance rules to enable an assessment as to whether there is a need for a possible adaptation of the existing provisions.

[1] OJ L 313, 28.11.2015, p.1.
[2] OJ L 334, 17.12.2010, p.17
[3] A 'new' combustion plant under Directive (EU) 2015/2193 is defined as '*a combustion plant other than an existing combustion plant'.*
[4] An 'existing' medium combustion plant under Directive (EU) 2015/2193 is defined as '*a combustion plant put into operation before 20 December 2018 or for which a permit was granted before 19 December 2017 pursuant to national legislation, provided that the plant is put into operation no later than 20 December 2018*'.

In addition, whereas the provisions for compliance assessment set out in point 2 of Part 2 of Annex III to Directive (EU) 2015/2193 refer to the compliance assessment provisions set out in point 1 of Part 4 of Annex V to the IED, these IED provisions have not been updated since the IED came into effect.

4. CONCLUSION

The Commission has, over the past five years, not exercised the delegated powers conferred to it under Directive (EU)2015/2193. It invites the European Parliament and the Council to take note of this report.