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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 2010/75/EU on industrial emissions (integrated pollution prevention and control)

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1. INTRODUCTION

Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)[1] seeks to prevent and control air, water and soil pollution caused by emissions from industrial installations.

Articles 48(5) and 74 of Directive 2010/75/EU empower the Commission to adopt delegated acts in view of

(i) setting a date from which continuous measurements of emissions into the air of certain pollutants are to be carried out
and
(ii) adjusting to scientific and technical progress several emission monitoring and compliance assessment methods referred to in its Annexes.

2. LEGAL BASIS

Article 76(1) of Directive 2010/75/EU requires the Commission to report on the exercise of the power to adopt relevant delegated acts referred to in Articles 48(5) and 74.

Pursuant to this provision, the power to adopt delegated acts is conferred on the Commission for a period of five years from 6 January 2011, which shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 77 of the Directive.

In accordance with Article 76(1), the Commission is required to prepare a report in respect of the delegation of power at the latest six months before the end of the five-year period.

Accordingly, the Commission issued the first report on 12 June 2015 covering the 6 January 2011 - 5 January 2016 five-year period. Since the delegation of power was not revoked under Article 77, a second empowerment five-year period started on 6 January 2016 to last until 5 January 2021.

Accordingly, and based upon Article 76(1), this report covers this second five-year period.

[1] OJ L 334, 17.12.2010, p.17

3. EXERCISE OF THE DELEGATION

The exercise of the empowerment was deemed necessary for complementing or adapting several provisions foreseen by the Directive based on technical and scientific progress, if any.

The Commission reports that it has not yet adopted relevant delegated acts.

Indeed, whilst measurement techniques and standards for continuous measurements of air emissions as required under Article 48 of Directive 2010/75/EU are still under development, no scientific or technical progress related to methods on emission monitoring and compliance assessment, referred to in Annexes V-VII of that Directive has taken place.

The reasons for missing progress relate to:

(i) the absence of European (EN) standards for techniques for the continuous measurement of air emissions of heavy metals, dioxins and furans (Article 48(5)) and

(ii) the absence of significant progress in the revision of existing EN standards for other pollutants covered by the Directive (Article 74).

Accordingly, the Commission has not been in the position to adopt delegated acts to set a date from which the continuous measurements of the relevant emissions are to be carried out and to adapt relevant Parts of Annexes V, VI or VII to Directive 2010/75/EU.

4. CONCLUSION

The Commission has not exercised the delegated powers conferred to it under Directive 2010/75/EU over the past five years.

The Commission invites the European Parliament and the Council to take note of this report.