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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of delegation of powers to the Commission to adopt delegated acts pursuant to Article 18(2) of Directive 2014/45/EU, Article 7(2) of Directive 1999/37/EC and Article 22(2) of Directive 2014/47/EU

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1. Introduction

Article 17 of Directive 2014/45/EU[1], Article 6 of Directive 1999/37/EC[2] as amended by Regulation 2014/46/EU[3], and Article 21 Directive of 2014/47/EU[4] conferred powers on the Commission to adopt delegated acts. These powers have been conferred on the Commission for a period of 5 years from 19 May 2014 and should be tacitly extended for periods of identical duration.

2. Legal basis for the report

Pursuant to Article 18(2), of Directives 2014/45/EU, Article 7(2) of Directive 1999/37/EC and Article 22(2) of Directive 2014/47/EU, respectively, the Commission should draw up a report in respect to the delegation of powers provided in each respective Directive, not later than nine months before the end of the five-year period, thus before 19 August 2018. The Commission fully acknowledges and deeply regrets for the late submission of this report.

3. Exercise of the delegation

The Commission has not exercised yet any empowerments for any of the three Directives. The following table shows the specific measures under the relevant empowerments:

[1] Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC Text with EEA relevance, OJ L 127, 29.4.2014, p. 51.

[2] Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles
OJ L 138, 1.6.1999, p. 57–65

[3] Directive 2014/46/EU of the European Parliament and of the Council of 3 April 2014 amending Council Directive 1999/37/EC on the registration documents for vehicles, OJ L 127, 29.4.2014, p. 129.

[4] Directive 2014/47/EU of the European Parliament and of the Council of 3 April 2014 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC Text with EEA relevance, OJ L 127, 29.4.2014, p. 134.

Empowerments in Directive 2014/45/EU	Delegated act empowerment discription
Article 17	• To update the vehicle category designations as appropriate in the event of changes to the vehicle categories stemming from amendments to type approval legislation, without affecting the scope and frequency of testing. • To update point 3 of Annex I in the event that more efficient and effective test methods become available, without extending the list of items to be tested. • To adapt point 3 of Annex I, following a positive assessment of the costs and benefits involved, in respect of the list of test items, methods, reasons for failure and assessment of deficiencies in the event of a modification of mandatory requirements relevant for type approval in Union safety and enviromental legislation.

Empowerments in Directive 1999/37/EC	Delegated act empowerment discription
Article 6	• To amend Annexes I and II in the event of the enlargement of the Union. • To amend Annex I in relation to non mandatory elements in the event of changes in definitions or of the content of certificates of conformity in the relevant type-approval legislation.

Empowerments in Directive 2014/47/EU	Delegated act empowerment discription
Article 21	• To update Annex IV as appropriate in order to take account of changes to the vehicle categories stemming from amendments to type approval legislation, without affecting the scope of this Directive. • To update point 2 of Annex II in the event that more efficient and effective test methods become available, without extending the list of items to be tested. • To adapt point 2 of Annex II in respect of the list of test items, methods, reasons for failure and assessment of deficiencies in the event of a modification of mandatory requirements relevant for type approval in Union safety or environmental legislation.

The empowerments in Article 17 of Directive 2014/45/EU, as referred above, have not been exercised. However, given the changes in vehicle category designations stemming from amendments in the type approval legislation (Regulation 2018/858/EU), the Commission should exercise this empowerment to adopt a delegated act.

Regarding the test methods, they remained unchanged so there was no need to exercise the empowerment related to this point.

Finally, following a positive assessment of the costs and benefits involved, in respect of the list of test items, methods, reasons for failure and assessment of deficiencies in the event of a modification of mandatory requirements relevant for type-approval in Union safety or environmental legislation, an exercise of empowerment to adapt point 3 of Annex I to Directive 2014/45/EU is to be exercised by the Commission.

Specifically, a study to assess whether it is cost-effective to include eCall within the frame of the periodical inspection scheme of the European Union has been finalized, recommending adding eCall to Annex I and Annex III of Directive 2014/45/EU. In this respect, an expert group is about to be set up by the Commission in order to seek the advice and expertise of Member States and other relevant stakeholders for the preparation of the delegated act.

The empowerments in Article 6 of Directive 1999/37/EC as referred above have not been exercised as neither an enlargement of the Union, nor a change in the content of certificates of conformity in the relevant type-approval legislation (Directive 2007/46/EC) have occurred.

The empowerments in Article 21 of Directive 2014/47/EU as referred above, have not been exercised, however, similarly to Directive 2014/45/EU, an exercise of empowerment to update the vehicle category designation (category T5 vehicles) stemming from amendments in the type approval legislation (Regulation 2019/519/EU) is about to be exercised by the Commission. The above referred expert group is also about to be advised for the preparation of the delegated act for the update of vehicle category designations in both Directives 2014/45/EU and 2014/47/EU. Furthermore, as the testing methods and the list of test items, methods, reasons for failure and assessment of deficiencies remain unchanged, no other empowerments have been exercised.

4. Conclusion

With this report the Commission complies with the reporting obligation pursuant to Article 18(2) of Directive 2014/45/EU, Article 7(2) of Directive 1999/37EC and Article 22(2) of Directive 2014/47/EU.

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