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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 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment

INTRODUCTION

Directive 2014/68/EU[1] lays down requirements on the design, manufacture and conformity assessment of pressure equipment and assemblies with a maximum allowable pressure PS greater than 0,5 bar. Article 45 of the Directive empowers the Commission to adopt delegated acts in order to:

- make an item or family of pressure equipment referred to in Article 4(3) which are designed and manufactured in accordance with the sound engineering practice of a Member State subject to the essential safety requirements set out in Annex I of the Directive as indicated in Article 4(1) of the Directive;

- make an assembly or family of assemblies referred to in Article 4(3) which are designed and manufactured in accordance with the sound engineering practice of a Member State subject to requirements set out in Annex I of the Directive as indicated in Article 4(2) of the Directive;

- classify an item or family of pressure equipment, by way of derogation from the requirements of Annex II of the Directive, in another category.

LEGAL BASIS

This report is required under Article 46(2) of Directive 2014/68/EU. Pursuant to that provision, the power to adopt delegated acts is conferred upon the Commission for a period of five years from 1 June 2015 and the Commission is required to prepare a report in respect of the delegation of that power.

EXERCISE OF THE DELEGATION

Since the entry into force of Directive 2014/68/EU, the Commission has not made use of the empowerment to adopt delegated acts.

However, the reasons, which have led the co-legislators to delegate the power to adopt delegated acts on the Commission, are still valid and the Commission may indeed need to make use of the empowerment in the future. For instance, the market surveillance authorities of the Member States periodically report concerns about the safety of some novel products placed on the market. Reclassification of such products may therefore be required, to subject them to stricter requirements. The Commission might therefore make use of the empowerment with respect to such products.

CONCLUSION

The Commission believes that the delegation of power to adopt the delegated acts described in Articles 45 and 46 of the Directive 2014/68/EU should be extended. Article 46(2) of the Directive provides that the delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

[1] Directive 2014/68/EU of the European Parliament and of the Council of 15 May 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (OJ L 189, 27.6.2014, p. 164–259).