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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 of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the 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 put in place a regulatory framework to limit emissions of sulphur dioxide (SO_2), nitrogen oxides (NO_x) and dust into the air from medium combustion plants. The aim is to reduce the related risks to human health and the environment. That Directive also lays down rules to monitor emissions of carbon monoxide (CO). Article 13 of that Directive allows the Commission to adopt delegated acts in order to adapt the provisions on assessment of compliance set out in point 2 of Part 2 of Annex III to scientific and technical progress. Article 14 addresses the procedure and conditions under which the Commission is granted the authority to adopt delegated acts.

2. LEGAL BASIS

This report is required under Article 14(2) of Directive (EU) 2015/2193, whereby the power to adopt delegated acts is conferred on the Commission for a period of five years from 18 December 2015 and that requires the Commission to draw up a report in respect of that delegation of power. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council oppose such an 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.

The Commission adopted the previous report ([2]) on the exercise of the delegation of power conferred on it with regard to Directive (EU) 2015/2193 on 3 August 2020. It reported that it had not adopted any delegated acts and invited the European Parliament and the Council to take note of that report.

3. EXERCISE OF THE DELEGATION

The Commission reports that over the past five years (2020 – 2025), it has not adopted delegated acts given (i) the recent dates of application of Directive (EU) 2015/2193 for some of its provisions ([3]); and (ii) the absence of information on technical and scientific progress linked to the provisions laid down in point 2 of Part 2 of Annex III related to the assessment of

([1]) OJ L 313, 28.11.2015, p.1.
([2]) eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0351.
([3]) Emission limit values laid down in Annex II of the Directive are to be complied with from 1 January 2025 for existing plants with a rated thermal input greater than 5 MW and from 1 January 2030 for plants with a rated thermal input equal to or greater than 1 MW and less than or equal to 5 MW.

compliance of measured emission values with emission limit values in the case of continuous measurements.

4. CONCLUSION

Over the past five years (2020 – 2025), the Commission has not exercised the delegated powers conferred on it under Directive (EU) 2015/2193. It invites the European Parliament and the Council to take note of this report.