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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 Regulation (EU) No 517/2014 on fluorinated gases and repealing Regulation
(EC) No 842/2006**

1. INTRODUCTION

Regulation (EU) No 517/2014 of the Council and of the European Parliament of 16 April 2014 on fluorinated gases and repealing Regulation (EC) No 842/2006¹ (the F-gas Regulation) lays down rules to protect the environment by reducing emissions of fluorinated greenhouse gases.

To this end the Regulation notably establishes rules regarding:

- containment, use, recovery and destruction of fluorinated greenhouse gases;
- conditions for the placing on the market of specific products and equipment that contain or whose function relies upon- fluorinated gases;
- conditions for the use of fluorinated gases; and
- quantitative limits for the placing on the market of hydrofluorocarbons.

Articles 12(15) and 21(1) of the F-gas Regulation empowers the Commission to adopt delegated acts.

In Article 12(15) the empowerment concerns *"amending the labelling requirements set out in paragraphs 4 to 12 where appropriate in the view of commercial or technological development."*

In Article 21(1) the empowerment concerns *"updating of Annexes I, II and IV on the basis of New Assessments Reports adopted by the Intergovernmental Panel on Climate Change or new reports of the Scientific Assessment Panel (SAP) of the Montreal Protocol on the global warming potential of the listed substances."* Annex I lists hydrofluorocarbons covered by the Regulation, Annex II lists other fluorinated gases that are subject to reporting under Article 19 of the Regulation and Annex IV establishes the method of calculating the global warming potential of a mixture (a fluid composed of two or more substances, at least one of which is listed in Annex I or in Annex II).

2. LEGAL BASIS

The present report is required under Article 22(2) of the F-gas Regulation. Under this Article the Commission has the power to adopt delegated acts for a period of five years from 10 June 2014. The Commission is also required to prepare a report in respect of the delegation of power not later than nine months before the end of the five year period. Article 22(2) also stipulates that the delegation of power to adopt delegated acts *"shall be tacitly extended for further periods of five years, unless the Parliament or the Council opposes such extension not later than three months before the end of each such period."*

3. EXERCISE OF THE DELEGATION

Since the entry into force of the Regulation (EU) No 517/2014 on fluorinated gases and the period covered by this report, the Commission has not made use of the power to adopt

¹ OJ L 150, 20.5.2014, p. 195-230.

delegated acts referred to in Articles 12(15) and 21(1). However, the reasons that led the co-legislators to confer the power to adopt delegated acts on the Commission remain valid.

As regards the empowerment in Article 12(15) concerning labelling, the need to possibly update these requirements in view of commercial or technological development still apply. The exact timing of any such developments and the impact on labelling is not predictable or time-limited. Similarly, the empowerment in Article 21(1) concerning updates of Annexes I, II and IV relies on developments at UN level that are neither predictable nor time-limited.

4. CONCLUSION

The Commission believes that despite the fact that the Commission to date has not adopted any delegated acts, as the requested developments for the Commission's use of the conferred power to adopt delegated acts has not yet materialised, it is likely that it will in the future.

Therefore the delegation of powers referred to in both Article 12(15) and in Article 21(1) should be extended tacitly for a further period of five years as foreseen by Article 22(2) of the Regulation.