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COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

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To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject: 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) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending directive 2003/35/EC and repealing Directive 2001/81/EC

Delegations will find attached document COM(2026) 126 final.

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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) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending directive 2003/35/EC and repealing Directive 2001/81/EC

1. Introduction

Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants (the Directive) is one of the legislative instruments that contribute to achieving the air quality objectives set out in Union legislation and progress towards the Union's long-term objective of achieving levels of air quality in line with the air quality guidelines of the World Health Organisation. The Directive also supports the Union's biodiversity and ecosystem objectives and contributes to reaching the air pollution objectives set by the zero pollution action plan⁽¹⁾.

This Directive sets national emission reduction commitments for each EU Member State for the period 2020 to 2029 and more ambitious ones as of 2030. It targets five air pollutants responsible for significant negative impacts on human health and the environment: sulphur dioxide (SO₂), nitrogen oxides (NO_x), non-methane volatile organic compounds (NMVOC), ammonia (NH₃) and fine particulate matter (PM_{2.5}). The emission reduction commitments for 2020 to 2029 transpose Member State obligations under the revised Gothenburg Protocol⁽²⁾ to the UNECE Convention on Long-range Transboundary Air Pollution (Air Convention)⁽³⁾, to which the EU Member States and the EU are parties.

The Directive also establishes monitoring and reporting requirements for national emissions of the above-mentioned pollutants as well as of other pollutants, to be monitored and reported on also under the respective protocols to the Air Convention. These emissions are to be reported according to the methodologies laid down in the Air Convention.

The Directive requires Member States to adopt a national air pollution control programme (NAPCP), which constitutes a central governance instrument that allows them to agree and coordinate policies and measures to meet national emission reduction commitments. Furthermore, the Directive requires Member States to monitor negative impacts of air pollution on ecosystems.

Directive (EU) 2016/2284 empowers the Commission to adopt delegated acts to amend the Directive to adapt its Annexes I, III Part 2, IV and V to technical or scientific progress or developments under the Air Convention.

Article 6(8) of the Directive lays down that the Commission is empowered to adapt Part 2 of Annex III to developments, including technical progress, within the framework of the Air Convention. Annex III Part 2 sets out emission reduction measures, including references to the UNECE Framework Code for Good Agricultural Practice for Reducing Ammonia Emissions of 2014 and UNECE guidance on nitrogen budgets, to be considered for inclusion in the national air pollution control programmes.

¹ COM/2021/400 final.

² [1999 Protocol to Abate Acidification, Eutrophication and Ground-level Ozone to the Convention on Long-range Transboundary Air Pollution, as amended on 4 May 2012 \(amended Gothenburg Protocol\)](#).

³ [1979 Convention on Long-Range Transboundary Air Pollution \(Air Convention\)](#).

Article 8(7) of the Directive lays down that the Commission is empowered to adapt Annex I and Annex IV to developments, including technical and scientific progress, within the framework of the Air Convention. Annex I sets out the pollutant emissions that Member States must monitor and corresponding reporting requirements which are largely aligned with the requirements under the Air Convention. Annex IV sets out the methodologies that must be used for the preparation of national emission inventories and projections, informative inventory reports and adjusted national emission inventories.

Article 9(3) of the Directive lays down that the Commission is empowered to adapt Annex V on optional indicators for monitoring air pollution impacts on ecosystems, to technical and scientific progress and to developments within the framework of the Air Convention.

2. Legal basis

Article 16(2) of Directive (EU) 2016/2284 requires the Commission to report on the exercise of the power to adopt delegated acts referred to Articles 6(8), 8(7) and 9(3).

Pursuant to this provision, the power to adopt delegated acts is conferred on the Commission for a period of five years from 31 December 2016 and is automatically extended for a period of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of that period.

The Commission submitted a first report on the delegation of power to adopt delegated acts in accordance with Article 16 of the Directive to the European Parliament and the Council⁽⁴⁾ in 2021. Subsequently, the delegation of power was tacitly extended for another five years until 31 December 2026.

3. Exercise of the delegation

The empowerment was deemed necessary to complement or adapt provisions set out in Annexes I, III Part 2, IV and V to the Directive to take account of technical and scientific progress or developments within the framework of the Air Convention. The Commission adopted:

- **Commission Delegated Directive (EU) 2024/299 on the methodology for the reporting of projected emissions of certain atmospheric pollutants⁽⁵⁾** based on Article 8(7) of the Directive.

This Commission Delegated Directive amends Annexes I and IV of the Directive to align with the increased level of detail for reporting emission projections required by the Guidelines for Reporting Emissions and Projections Data under the Convention on Long-range Transboundary

⁴ COM(2021) 451 final.

⁵ [Commission Delegated Directive \(EU\) 2024/299 of 27 October 2023 amending Directive \(EU\) 2016/2284 of the European Parliament and of the Council on the methodology for the reporting of projected emissions of certain atmospheric pollutants](#), OJ L, 17.1.2024, p.1.

Air Pollution as revised by the Executive Body of the Air Convention at its 42nd session, 12-16 December 2022⁽⁶⁾⁽⁷⁾.

The ongoing revision of the Gothenburg Protocol to the Air Convention and of the UNECE Ammonia Guidance Document⁽⁸⁾ may lead to additional needs to adapt the annexes to the Directive to changes within the framework of the Air Convention⁽⁹⁾.

4. Conclusion

The Commission has exercised the delegated powers conferred to it under Directive (EU) 2016/2284 once since its entry into force on 31 December 2016, to adopt Commission Delegated Directive (EU) 2024/299.

The Commission considers that all delegations of power should be retained, as adaptations of Annexes I, III Part 2, IV and V to technical and scientific progress or developments in the framework of the Air Convention may be needed in the future.

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

⁶ https://unece.org/sites/default/files/2022-08/ECE_EB.AIR_GE.1_2022_20-2210473E.pdf

⁷ https://unece.org/sites/default/files/2023-06/Revised_Decision%202022_1%20%28E%29.pdf

⁸ [ECE/EB.AIR/120](https://unece.org/sites/default/files/2023-06/ECE_EB.AIR/120)

⁹ [ECE/EB.AIR/154](https://unece.org/sites/default/files/2023-06/ECE_EB.AIR/154)