

COMMISSION IMPLEMENTING DECISION

of 20 December 2011

confirming the provisional calculation of average specific CO₂ emissions and specific emissions targets for manufacturers of passenger cars for the calendar year 2010 pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council

(Text with EEA relevance)

(2011/878/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 443/2009 of the European Parliament and of the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO₂ emissions from light-duty vehicles⁽¹⁾, and in particular the second subparagraph of Article 8(5) and Article 10(1) thereof,

Whereas:

(1) The Commission is required, pursuant to Article 8(5) of Regulation (EC) No 443/2009, to confirm each year, the average specific emissions of CO₂ and the specific emissions target for each manufacturer of passenger cars in the Union as well as for each pool of manufacturers formed in accordance with Article 7(7) of that Regulation. On the basis of that confirmation, the Commission is to determine whether manufacturers and pools have complied with the requirements of Article 4 of that Regulation. Where it is clear that a manufacturer or a pool has failed to meet its specific emissions target, the Commission is required, pursuant to Article 9(1) of that Regulation, to issue excess emissions premiums by way of individual decisions addressed to the manufacturers or pool managers concerned.

(2) Pursuant to Article 4 of Regulation (EC) No 443/2009, the targets are binding on manufacturers and pools with effect from 2012. For the calendar years 2010 and 2011, the Commission should however calculate indicative targets and, pursuant to Article 8(6) of that Regulation, notify those manufacturers or pools whose average specific emissions exceed their indicative targets. As those targets for 2010 and 2011 will serve as indicators to manufacturers of the effort required to reach the mandatory target in 2012, it is appropriate to determine the average specific emissions of manufacturers for 2010 and 2011 in accordance with requirements set out in the second paragraph of Article 4 of that Regulation and take into account only the 65 % lowest emitting vehicles of each manufacturer.

(3) The data to be used for the calculation of the average specific emissions and the specific emissions targets is set out in Part C of Annex II to Regulation (EC) No 443/2009 and is based on Member States' registrations of new passenger cars during the preceding calendar year. The data is taken from the certificates of conformity issued by the manufacturers or from documents providing equivalent information in accordance with Article 3(1) of Commission Regulation (EU) No 1014/2010 of 10 November 2010 on monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council⁽²⁾.

(4) The data for 2010 was transmitted to the Commission by the deadline of 28 February 2011 specified in Article 8(2) of Regulation (EC) No 443/2009 by a majority of the Member States. The complete datasets for all Member States were only, however, finally made available to the Commission by mid April and were subsequently provisionally verified.

(5) Where, as a result of the initial verification, it was evident that certain data were missing or manifestly incorrect, the Commission contacted the Member States concerned and, subject to the agreement of those Member States, adjusted or completed the data accordingly. Where no agreement could be reached with a Member State, the provisional data of that Member State was not adjusted.

(6) On 29 June 2011, the Commission published, in accordance with Article 8(4) of Regulation (EC) No 443/2009, the provisional data and notified 89 manufacturers of the provisional calculations of their average specific emissions in 2010 and their specific emissions targets. Manufacturers were asked to verify the data and to notify to the Commission any errors within 3 months of receipt of the notification in accordance with the first subparagraph of Article 8(5) of that Regulation.

(7) On 12 August, guidelines for the notification of errors in the CO₂ data from cars were published on the Commission website. The guidelines provide a format for notification and indicate the information required from the manufacturers to enable the Commission to take those errors into account.

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

⁽²⁾ OJ L 293, 11.11.2010, p. 15.

- (8) Fifteen manufacturers submitted notifications of errors within the 3-month deadline. One manufacturer submitted a complete notification after the expiry of the deadline. Seven manufacturers out of those 15 submitted notifications that included detailed information on the errors and justifications for the corrections proposed. The remaining eight manufacturers submitted summary notifications that only partially complied with the Commission's recommendations as to the format and contents of the notifications. In addition to those manufacturers that submitted notifications of error, eight manufacturers informed the Commission that there were errors in the datasets without providing any further information or evidence as to the nature or reasons for those errors.
- (9) In the case of the 73 manufacturers that did not notify any errors in the datasets or only informed the Commission of errors in the datasets without providing the necessary evidence, the provisional data and provisional calculations of the average specific emissions and the specific emissions targets should be confirmed without adjustments.
- (10) Where manufacturers have provided the necessary information and evidence supporting the existence of errors in the datasets, the Commission should consider those notifications and, where appropriate, amend the provisional calculations of the average specific emissions and the targets.
- (11) Member States' registration authorities are solely responsible for the number of registrations reported to the Commission. As manufacturers' sales data do not necessarily accurately reflect the number of registrations in a given Member State for a given period of time, it is not possible to consider errors in the number of registrations for the calculation of the average specific emissions. Only errors relating to the contents of the datasets for registered vehicles should therefore be considered. However, in some cases, manufacturers have notified that registrations should be attributed to another manufacturer. Those re-attributions should be reflected in the final confirmed datasets.
- (12) It results from the complete notifications that the manufacturers were able to identify a part of the datasets as correct and proposed corrections to those parts of the datasets that could be verified. Between 4 and 15 per cent of the datasets consist, however, of registrations referring to unidentifiable vehicles for which values such as CO₂ emissions or mass cannot be verified by the manufacturer. This is usually due to missing information that is required in order for the manufacturer to identify the individual vehicles, more precisely the identification code composed of the type, variant and version of the vehicles concerned. In a small number of cases, registrations could be attributed to manufacturers, however, key data on CO₂ emissions and mass were not available.
- (13) The Commission has verified the corrections proposed by the manufacturers and the supporting evidence. Where entries have been corrected either by inserting a missing value or by replacing an incorrect value for those registrations that can be verified by the manufacturer and the corrected values are consistent with values resulting from reference data sources, such as data from type approval documents, such corrections are justified. However, where a manufacturer has notified errors but not proposed corrections, notwithstanding that those errors could have been verified and corrected and has not sufficiently demonstrated that those corrections could not be made within the 3-month verification period, those errors should not be considered for the final calculation.
- (14) In the case of registrations that can be attributed to, but not verified by the manufacturers, the values for CO₂ emissions and mass included in those registrations should still be used to calculate the average CO₂ emissions and specific emissions target. It is however necessary to take into account the fact that manufacturers cannot verify those values and ensure that the inclusion does not have a negative impact on the final values determined for the manufacturers concerned. Accordingly, an error margin should be applied to that calculation reflecting the individual situation of the manufacturer as described and justified in the notification of errors. More precisely, an error margin should be calculated for the average specific emissions and the average mass, since those two parameters determine the distance to the specific emissions target of each manufacturer, i.e. how close a manufacturer is to achieving its specific emission target.
- (15) The error margin should be determined as the difference between the distances to the specific emission target expressed as the average emissions subtracted from the specific emissions targets calculated including and excluding those registrations that cannot be verified by the manufacturers. Regardless of whether that difference is positive or negative the error margin should always reduce the distance to the target of the manufacturer.
- (16) In the case of registrations where the values on CO₂ emissions or mass are missing as well as the identification code, those registrations should not be taken into account for the final calculation of the average emissions.
- (17) Since the 2010 data verification exercise is the first to be carried out pursuant to Regulation (EC) No 443/2009, it is appropriate to exceptionally consider also those notifications that did not include all the information required by the Commission for fully taking into account the errors. The error margins to be applied to the final calculations referred to in those notifications should however

be calculated on the basis of the Commission's own assessment of the number of registrations that cannot be verified by those manufacturers. It is also appropriate, exceptionally, to take into account, for the confirmation of 2010 data, the notification of errors that was submitted shortly after the expiry of the deadline.

- (18) The average specific emissions of CO₂ from new passenger cars registered in 2010, the specific emissions targets and the difference between those two values should be confirmed accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following values specified in the Annex are confirmed for each manufacturer of passenger cars and for each pool of manufacturers in respect of the 2010 calendar year:

- (a) the specific emissions target;
- (b) the average specific emissions of CO₂, where appropriate adjusted by the relevant error margin;

(c) the difference between the values referred to in points (a) and (b);

(d) the average specific emissions of CO₂ for all new passenger cars;

(e) the average mass for all new passenger cars in the Union.

Article 2

This Decision shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

Done at Brussels, 20 December 2011.

For the Commission

The President

José Manuel BARROSO

ANNEX

Table 1

Values relating to the performance of manufacturers confirmed in accordance with Article 10(1) of Regulation (EC) No 443/2009

A	B	C	D	E	F	G	H	I
Manufacturer Name	Pools and Derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emission target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Alpina Burkard Bovensiepen GmbH + Co. KG		173	187,795	147,429	40,366	40,366	1 753,38	210,341
Artega Automobil GmbH & Co. KG		2	220,000	132,194	87,806	87,806	1 420,00	220,000
Aston Martin Lagonda Ltd	D	1 415	333,482	320,000	13,482	12,657	1 860,72	348,372
Audi AG		589 855	133,883	140,365	- 6,482	- 6,557	1 598,80	151,832
Automobiles Citroën		815 936	118,764	127,361	- 8,597	- 8,597	1 314,26	131,418
Automobiles Peugeot		974 248	119,208	127,704	- 8,496	- 8,496	1 321,76	131,021
Autovaz		3 911	212,171	126,410	85,761	85,761	1 293,44	219,516
Bayerische Motoren Werke AG		640 021	129,253	137,409	- 8,156	- 8,210	1 534,13	146,355
Bentley Motors Ltd		1 187	391,423	181,363	210,060	210,060	2 495,92	395,925
BMW M GmbH		77 120	133,513	142,836	- 9,323	- 13,535	1 652,88	156,242
Bugatti Automobiles SAS		8	584,600	159,225	425,375	425,375	2 011,50	589,250
Caterham Cars Limited	D	135	166,920	210,000	- 43,080	- 43,080	712,15	179,826
Chevrolet Italia		25 442	113,042	116,356	- 3,314	- 3,359	1 073,45	117,607
Chrysler Group LLC		31 121	192,081	157,480	34,601	34,601	1 973,32	215,200
CNG Technik	P1	583	225,000	134,782	90,218	89,953	1 476,64	226,252
Automobile Dacia SA		251 938	133,865	123,831	10,034	9,631	1 237,01	144,989
Daihatsu Motor Co. Ltd		18 972	128,351	117,975	10,376	10,376	1 108,86	145,374
Daimler AG, Stuttgart	P2	646 067	137,762	137,323	0,439	0,349	1 532,24	160,166
DR Motor Company SRL		4 943	122,413	120,642	1,771	1,771	1 167,22	138,566
Ferrari	D	2 361	300,718	303,000	- 2,282	- 2,282	1 751,12	322,468
FIAT Group Automobiles SpA		975 822	115,285	119,240	- 3,955	- 3,955	1 136,56	125,013

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Manufacturer Name	Pools and Derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emission target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Ford-Werke GmbH	P1	1 076 887	121,128	126,226	- 5,098	- 5,605	1 289,42	136,552
Fuji Heavy Industries Ltd	ND	30 655	165,182	164,616	0,566	0,520	1 608,03	179,332
Geely Europe Ltd		918	115,916	140,077	- 24,161	- 24,161	1 592,50	131,466
General Motors Company		1 490	270,134	151,750	118,384	113,988	1 847,93	296,400
GM Daewoo Auto u. Tech. Comp.		146 117	125,759	124,606	1,153	1,138	1 253,96	143,544
GM Italia SRL		37 670	119,750	125,467	- 5,717	- 5,717	1 272,82	124,405
Great Wall Motor Company Limited	D	344	222,000	195,000	27,000	27,000	1 919,52	224,314
Gumpert Sportwagenmanufaktur GmbH		2	310,000	132,879	177,121	177,121	1 435,00	310,000
Honda Automobile China CO	P3	20 876	125,023	119,099	5,924	5,911	1 133,46	126,094
Honda Automobile Thailand CO	P3	1 444	142,000	120,816	21,184	21,184	1 171,03	142,615
Honda Motor CO	P3	102 890	124,841	128,710	- 3,869	- 4,083	1 343,77	143,823
Honda of the UK Manufacturing	P3	47 840	145,932	133,391	12,541	12,234	1 446,21	162,280
Honda Turkiye AS	P3	1 587	155,953	125,560	30,393	30,393	1 274,84	156,624
Hyundai Motor Europe GmbH		325 603	120,858	126,725	- 5,867	- 5,867	1 300,33	134,244
Iveco SpA		49	213,548	180,265	33,283	33,283	2 471,90	216,694
Jaguar Cars Ltd	D	23 740	178,656	178,025	0,631	0,631	1 900,33	199,016
Kia Motors Europe GmbH		253 706	126,251	131,248	- 4,997	- 4,997	1 399,30	143,272
KTM-Sportmotorcycle AG	D	57	173,432	200,000	- 26,568	- 26,568	882,89	179,000
Automobili Lamborghini SpA		265	323,977	141,293	182,684	182,506	1 619,11	357,362

A	B	C	D	E	F	G	H	I
Manufacturer Name	Pools and Derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emission target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Land Rover	D	65 534	209,295	178,025	31,270	31,270	2 351,43	231,494
Lotus Cars Limited	D	825	189,108	280,000	- 90,892	- 90,892	1 159,21	196,596
The London Taxi Company		1 662	225,087	154,227	70,860	70,860	1 902,13	227,739
Magyar Suzuki Corporation Ltd		87 204	130,004	121,130	8,874	8,843	1 177,91	136,665
Mahindra Europe SRL		48	246,839	160,042	86,797	86,797	2 029,38	251,500
Maruti Suzuki India Ltd		19 577	103,000	109,908	- 6,908	- 6,908	932,36	104,287
Maserati SpA		1 626	353,473	159,119	194,354	194,354	2 009,18	362,557
Mazda Motor Corporation		170 007	133,729	128,523	5,206	4,831	1 339,67	149,458
Mercedes-AMG GmbH, Affalterbach	P2	1 503	308,000	144,857	163,143	163,138	1 697,10	308,000
MG Motor UK Limited	D	264	184,871	184,000	0,871	0,871	1 180,16	184,717
Micro-Vett SpA		4	0,000	133,507	- 133,507	- 133,507	1 448,75	0,000
Mitsubishi Motors Corporation (MMC)	P4	72 594	145,036	138,601	6,435	6,377	1 560,20	165,144
Mitsubishi Motor R & D Europe GmbH	P4	16 530	119,878	114,793	5,085	5,084	1 039,25	127,284
Morgan Motor Co. Ltd	D	415	164,342	180,000	- 15,658	- 15,658	1 113,67	189,278
Nissan International SA		389 818	132,131	128,875	3,256	3,256	1 347,39	147,197
O.M.C.I. SRL		46	156,862	120,759	36,103	36,103	1 169,78	167,848
Adam Opel AG		935 499	126,920	130,483	- 3,563	- 3,767	1 382,56	139,529
OSV — Opel Special Vehicles GmbH		67	135,512	140,208	- 4,696	- 4,696	1 595,36	136,836
Perodua Manufacturing Sdn Bhd		690	136,480	113,634	22,846	22,846	1 013,88	140,230
Pgo Ingegnerie		29	185,000	115,657	69,343	69,343	1 058,14	189,828
Dr. Ing. h.c. F. Porsche AG		34 512	220,872	152,089	68,783	68,783	1 855,34	238,859

A	B	C	D	E	F	G	H	I
Manufacturer Name	Pools and Derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emission target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Potenza Sports Cars		31	178,000	99,975	78,025	78,025	715,00	178,000
Proton Cars United Kingdom Ltd	D	792	143,315	185,000	- 41,685	- 41,685	1 394,89	153,557
Quattro GmbH		2 596	279,097	154,102	124,995	124,766	1 899,39	299,034
Renault		1 125 141	120,700	127,045	- 6,345	- 6,378	1 307,33	133,824
Rolls-Royce Motors Cars Ltd		413	315,616	181,297	134,319	133,038	2 494,48	332,063
Saab Automobile AB		19 979	156,561	143,922	12,639	12,639	1 676,64	175,341
Santana Motor SA		382	168,351	135,765	32,586	32,586	1 498,15	204,921
SEAT		288 629	120,162	125,722	- 5,560	- 5,647	1 278,38	131,162
Secma		26	155,000	97,370	57,630	57,630	658,00	155,000
Shijiazhuang Shuanghuan Automobile Company		44	266,357	152,951	113,406	113,406	1 874,20	267,682
SKODA auto a.s.		420 718	127,869	127,225	0,644	0,571	1 311,28	139,193
Sovab		94	227,066	166,119	60,947	60,947	2 162,34	230,138
Ssangyong Motor Company	D	4 785	203,851	180,000	23,851	23,851	2 023,10	215,728
Suzuki Motor Corporation		85 177	124,055	121,050	3,005	2,981	1 176,15	144,109
Tata Motors Limited	D	3 582	137,754	178,025	- 40,271	- 40,271	1 293,00	151,987
Tesla Motors Ltd		40	0,000	128,309	- 128,309	- 128,309	1 335,00	0,000
Think		144	0,000	120,248	- 120,248	- 120,248	1 158,61	0,000
Toyota Motor Europe NV/SA		564 633	112,241	128,349	- 16,108	- 16,273	1 335,87	129,056
Volkswagen AG		1 469 419	125,987	130,715	- 4,728	- 4,763	1 387,65	140,352
Volvo Car Corporation		204 926	134,492	143,273	- 8,781	- 8,781	1 662,43	156,948
Westfield Sports Cars		3	178,000	99,975	78,025	78,025	715,00	178,000
Wiesmann GmbH	D	8	253,000	274,000	- 21,000	- 21,000	1 409,88	257,250

Explanatory notes to Table 1:

Column B

'D' means that a derogation relating to a small volume manufacturer has been granted in accordance with Commission Implementing Decision C(2011) 8334 final;

'ND' means that a derogation relating to niche manufacturer has been granted in accordance with Commission Implementing Decision C(2011) 8336 final;

'P' means that the manufacturer is member of a pool (listed in table 2) formed in accordance with Article 7 of Regulation (EC) No 443/2009.

Column D

'Average specific emissions (65 %) corrected' means the average specific emissions of CO₂ calculated in accordance with the first indent of the second subparagraph of Article 4 of Regulation (EC) No 443/2009 and section 4 of Commission Communication COM(2010) 657 based on the corrections notified to the Commission by the manufacturer concerned. That figure considers all vehicles with both a valid value for mass and CO₂ emissions, including vehicles that cannot be verified by the manufacturers.

Column E

'Specific emissions target' means the emission target based on the average mass of all vehicles attributed to a manufacturer (100 % of all vehicles to be taken into account from 2015 onwards) after applying the formula set out in Annex I to Regulation (EC) No 443/2009.

Column F

'Distance to target' means the difference between the values in column D and column E.

Column G

'Distance to target adjusted' means the distance to target as indicated under Column F adjusted to take into account the error margin. The error is due to the unidentifiable vehicles (vehicles where the identification code for type, variant and version is missing) and it is calculated in accordance with the following formula:

$$\text{Error} = \text{absolute value of } [(AC1 - TG1) - (AC2 - TG2)]$$

AC1 = the average specific emissions of CO₂ including the unidentifiable vehicles (as set out in column D);

TG1 = the specific emission target including the unidentifiable vehicles (as set out in column E);

AC2 = the average emissions of CO₂ excluding the unidentifiable vehicles;

TG2 = the specific emission target excluding the unidentifiable vehicles.

Table 2

List of pools and values confirmed in accordance with Article 10(1) of Regulation (EC) No 443/2009

A	B	C	D	E	F	G	H	I
Pool Name	Pool	Number of registrations	Average CO ₂ (65 %) corrected	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
FORD-WERKE GMBH	P1	1 077 470	121,143	126,231	- 5,088	- 5,182	1 162,42	127,80
DAIMLER AG	P2	647 570	137,834	137,340	0,494	- 0,016	1 167,88	140,91
HONDA MOTOR EUROPE LTD	P3	174 637	128,612	128,750	- 0,138	- 0,365	1 344,64	146,87
MITSUBISHI MOTORS	P4	89 124	137,055	134,185	2,870	2,840	1 463,58	158,12