

# Official Journal of the European Union

# L 25



English edition

## Legislation

Volume 61

30 January 2018

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<sup>(1)</sup> Text with EEA relevance.

# EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) 2018/137

of 29 January 2018

**implementing Regulation (EU) No 101/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 101/2011 of 4 February 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Tunisia <sup>(1)</sup>, and in particular Article 12 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 4 February 2011 the Council adopted Regulation (EU) No 101/2011.
- (2) On the basis of a review of the list in Annex I to Regulation (EU) No 101/2011, the entry for one person should be amended.
- (3) Annex I to Regulation (EU) No 101/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex I to Regulation (EU) No 101/2011 is amended as set out in the Annex to this Regulation.

*Article 2*

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 January 2018.

*For the Council*  
*The President*  
R. PORODZANOV

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<sup>(1)</sup> OJ L 31, 5.2.2011, p. 1.

## ANNEX

The entry for the following person set out in Annex I to Regulation (EU) No 101/2011 is replaced by the entry below:

	Name	Identifying information	Grounds
'5.	Fahd Mohamed Sakher Ben Moncef Ben Mohamed Hfaiez MATERI	Tunisian, born in Tunis 2 December 1981, son of Naïma BOUTIBA, married to Nesrine BEN ALLI, holder of NIC No 04682068	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of Tunisian public monies by a public office-holder, complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder ex-President Ben Ali with a view to obtaining directly or indirectly an advantage for another person, and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.'

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/138****of 16 January 2018****entering a name in the register of protected designations of origin and protected geographical indications ('Traditional Welsh Caerphilly'/'Traditional Welsh Caerffili' (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the United Kingdom's application to register the name 'Traditional Welsh Caerphilly'/'Traditional Welsh Caerffili' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Traditional Welsh Caerphilly'/'Traditional Welsh Caerffili' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Traditional Welsh Caerphilly'/'Traditional Welsh Caerffili' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.3. – Cheeses, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 January 2018.

*For the Commission,  
On behalf of the President,  
Phil HOGAN  
Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 317, 23.9.2017, p. 10.

<sup>(3)</sup> Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

**COMMISSION IMPLEMENTING REGULATION (EU) 2018/139**  
**of 29 January 2018**  
**amending Regulation (EC) No 1033/2006 as regards references to ICAO provisions**  
**(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European air traffic management network (the interoperability Regulation) <sup>(1)</sup>, and in particular Article 3(5) thereof,

After consulting the Single Sky Committee,

Whereas:

- (1) Point (16) of Article 2(2) of Commission Regulation (EC) No 1033/2006 <sup>(2)</sup> refers to definitions laid down in Volume 1 of the International Civil Aviation Organisation (ICAO) Procedures for Air Navigation Services — Aircraft Operations (PANS-OPS, Doc 8168) and more specifically to its fifth edition of 2006 incorporating Amendment No 6. On 10 November 2016, the ICAO amended Doc 8168, incorporating Amendment No 7.
- (2) Point 2 of the Annex to Regulation (EC) No 1033/2006 refers to provisions laid down in the ICAO Procedures for Navigation Services — Air Traffic Management (PANS-ATM, Doc 4444), and more specifically to the 15<sup>th</sup> edition of 2007 incorporating Amendment No 6. On 10 November 2016, the ICAO amended Doc 4444, incorporating Amendment No 7A.
- (3) The references in Regulation (EC) No 1033/2006 to Doc 8168 and Doc 4444 should be updated to enable the Member States to meet their international legal obligations and to ensure consistency with the ICAO's international regulatory framework.
- (4) Regulation (EC) No 1033/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EC) No 1033/2006 is amended as follows:

- (1) in Article 2(2), point 16 is replaced by the following:

‘16. ‘terminal area procedures’ means the standard instrument departures and the standard instrument arrivals as defined in the ICAO procedures for Air Navigation Services — Aircraft Operations (PANS-OPS, Doc 8168 — Volume 1 — fifth edition — 2006, incorporating all amendments up to No 7);

- (2) in the Annex, point 2 is replaced by the following:

‘2. Chapter 4, Section 4.4 (Flight plans) and Chapter 11, Paragraph 11.4.2.2 (Movement messages) of ICAO PANS-ATM Doc. 4444 (16<sup>th</sup> Edition — 2016 incorporating all amendments up to No 7A)‘.

<sup>(1)</sup> OJ L 96, 31.3.2004, p. 26.

<sup>(2)</sup> Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the single European sky (OJ L 186, 7.7.2006, p. 46).

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*Article 2*

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 January 2018.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2018/140****of 29 January 2018****imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of certain cast iron articles originating in the People's Republic of China and terminating the investigation on imports of certain cast iron articles originating in India**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union <sup>(1)</sup> ('the basic Regulation'), and in particular Article 9(2) and (4) thereof,

After consulting the Member States,

Whereas:

**1. PROCEDURE****1.1. Provisional measures**

- (1) On 16 August 2017 the European Commission ('the Commission') imposed a provisional anti-dumping duty on imports into the European Union ('the Union') of certain articles of lamellar graphite cast iron (also known as grey iron) or spheroidal graphite cast iron (also known as ductile cast iron), and parts thereof, originating in the People's Republic of China ('the PRC') by Commission Implementing Regulation (EU) 2017/1480 <sup>(2)</sup> ('the provisional Regulation').
- (2) The Commission initiated the investigation on 10 December 2016 by publishing a Notice of Initiation in the *Official Journal of the European Union* ('the Notice of Initiation') following a complaint lodged on 31 October 2016 by seven Union producers, namely Fondatel Lecompte SA, Ulefos Niemisen Valimo Oy Ltd, Saint-Gobain PAM SA, Fonderies Dechaumont SA, Heinrich Meier Eisengießerei GmbH & Co. KG, Saint-Gobain Construction Products UK Ltd and Fundiciones de Odena SA ('the complainants'), representing more than 40 % of the total Union production of certain cast iron articles.
- (3) As stated in recital (33) of the provisional Regulation, the investigation of dumping and injury covered the period from 1 October 2015 to 30 September 2016 ('the investigation period') and the examination of trends relevant for the assessment of injury covered the period from 1 January 2013 to the end of the investigation period ('the period considered').

**1.2. Subsequent procedure**

- (4) Following the disclosure of the essential facts and considerations on the basis of which a provisional anti-dumping duty was imposed ('provisional disclosure'), the complainants, the China Chamber of Commerce for Import and Export of Machinery and Electronic Products ('the CCCME'), the *ad hoc* association of unrelated importers Free Castings Imports ('FCI'), two unrelated importers, the Indian exporting producers, and seven Chinese exporting producers made written submissions making known their views on the provisional findings.
- (5) The parties who so requested were granted an opportunity to be heard. Hearings took place with the CCCME, FCI, and the complainants. Two hearings were held with the CCCME chaired by the Hearing Officer in trade proceedings.
- (6) The Commission considered the comments submitted by the interested parties and addressed them below.

<sup>(1)</sup> OJ L 176, 30.6.2016, p. 21.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2017/1480 of 16 August 2017 imposing a provisional anti-dumping duty on imports of certain cast iron articles originating in the People's Republic of China (OJ L 211, 17.8.2017, p. 14).



(7) The Commission continued seeking and verifying all information it deemed necessary for its final findings. In order to verify the questionnaire replies of unrelated importers, verification visits were carried out at the premises of the following parties:

- Hydrotec Technologies AG, Wildeshausen, Germany
- Mario Cirino Pomicino SpA, Naples, Italy

(8) The Commission informed all parties of the essential facts and considerations on the basis of which it intended to impose a definitive anti-dumping duty on imports into the Union of cast iron articles originating in the PRC and definitively collect the amounts secured by way of provisional duty, and terminate the investigation on imports into the Union of cast iron articles originating in India ('final disclosure').

(9) All parties were granted a period within which they could make comments on the final disclosure. The CCCME, FCI, the Union industry and three exporting producers made their comments in written submissions following final disclosure and at hearings. The comments submitted by the interested parties were considered and taken into account.

### 1.3. Provisional disclosure

(10) The CCCME and Botou City Wangwu Town Tianlong Casting Factory submitted that the Commission's provisional disclosure was insufficient, thus affecting their rights of defence and asked the Commission to make further clarifications and disclosure.

(11) With regard to the dumping calculations, these parties requested additional information concerning the specific methodology followed for each product type, the normal value obtained based on those methodologies by product type, the dumping margins resulting from the different methodologies, the amounts used for SG&A and profit and the sales volume of the different product types sold on the Indian market with the proportion of profitable transactions.

(12) The CCCME also asked the Commission to provide a list of product types with the total volume of exports by all sampled Chinese exporting producers per product type and the total volume of domestic sales by the Indian producers.

(13) In addition, the CCCME claimed that the Commission failed to disclose information concerning the specific product types of the analogue country producers and that the Chinese exporting producers and the CCCME were not in a position to identify whether there were differences that merited an adjustment, as they did not know the kind of products that were used to determine the normal value.

(14) The methodology followed to calculate the dumping margin was described in detail in recitals (61) to (98) of the provisional Regulation. In order to protect the commercially sensitive information of the cooperating Indian producers and the sampled exporting Chinese producers, detailed dumping calculations were disclosed only to the sampled exporting producers, including the methodology used to calculate the normal value for each product type.

(15) However, because the data used to determine the normal values pertained to only two groups of companies in the analogue country, it was not possible to provide aggregated figures concerning the normal value without disclosing commercially sensitive data relating to these parties. The normal value was therefore disclosed in ranges.

(16) The Commission did not perform overall aggregated calculations per product type sold by all sampled Chinese exporting producers. Rather, the Commission performed calculations per product type per exporting producer. In addition, the aggregated data requested by the CCCME for all sampled Chinese exporting producers and the analogue Indian producers concerning sales volumes per product type constitutes commercially sensitive information within the meaning of Article 19 of the basic Regulation. Therefore, the Commission rejected this request.

(17) Nevertheless, a document detailing the technical characteristics of the full range of the product types sold in the analogue market and in the Union market by the sampled Indian producers was included in the non-confidential file before provisional disclosure.

- (18) In order to support its request for further disclosure, the CCCME questioned the consistency of the undercutting and dumping margins published in the provisional Regulation and reiterated the same concerns following the final disclosure. It claimed that, since India had been chosen as analogue country and since Chinese and Indian exporting producers had similar undercutting margins, a logical corollary was that the exporting producers of both countries should have equally similar dumping margins. The CCCME argued that the information available to it was not sufficient to understand and comment on the Commission's findings in this regard.
- (19) The Commission noted that, as explained in recital (179) of the provisional Regulation, the differences in the undercutting margins of the Indian and the Chinese exporting producers is explained by the difference of the product mix of the Chinese and Indian exports to the Union. The Commission recalled that the undercutting margins result from a comparison of the products exported by Chinese exporting producers with similar products sold by the Union industry, while the dumping margins of the Chinese exporting producers result from the comparison of the products exported from the PRC to the Union with similar products sold on the Indian domestic market. As such, and as recognised by the CCCME itself, a discrepancy between these two margins is a possible outcome.
- (20) In addition, during the hearing held with the CCCME chaired by the Hearing Officer, on 8 September 2017, the Commission explained why the adjustment for non-refundable VAT on the dumping margin established for the Chinese exporting producers affected the comparison between the Indian and Chinese results. This adjustment was also subject to comments from the CCCME addressed below.
- (21) With regard to the injury calculations the CCCME claimed that the Commission has disregarded the CCCME's request for full access to the volume and price effects, injury margin and injury indicators calculations, and any other confidential information on which those calculations were based. The CCCME stated in this respect that the Commission's obligation to respect confidentiality is not absolute and should be balanced against the rights of defence of the interested parties. As an example the CCCME noted that the Commission did not disclose to it the product characteristics that were used to compare prices on the Union industry side.
- (22) The CCCME further suggested ways the Commission could strike what it claimed to be the required balance between confidentiality and rights of defence. This included, for instance, proposals to provide 'aggregated disclosures'. The CCCME suggested that the Commission could provide the price undercutting calculations with the consolidated data of all sampled Chinese exporting producers and the consolidated data of all sampled Union producers. The CCCME considered that by providing such compiled data to interested parties that are not active themselves as economic actors on the market, the Commission would duly respect the confidentiality of the underlying data.
- (23) The CCCME criticised the fact that the Commission has consistently prioritised confidentiality over the rights of defence of the CCCME, without any assessment of the specific circumstances, the position of the CCCME with respect to the information at stake and, more generally, without due regard for the importance of the rights of defence.
- (24) The Commission did not agree with this assessment. It analysed individually each piece of information requested by the CCCME and on 25 August 2017 it provided all the information to the CCCME with the exception of information which was not existent, not part of the file, or was confidential. Where information was not part of the file, or confidential, the Commission appropriately reasoned its rejection to disclose. In particular, the Commission did not perform overall aggregated undercutting calculations and undercutting calculations per product control number ('PCN' or 'product type'). Rather, it performed undercutting calculations per product type and per exporting producer. Therefore aggregated information was not used in the investigation and was therefore not part of the file.
- (25) With respect to confidential information, the Commission recalled that it was under obligation to protect such information under Article 19 of the basic Regulation. Furthermore the Commission considered that the open file of the case made available to parties, including to the CCCME, contained all the information relevant for the presentation of their cases and used in the investigation. If the information was deemed confidential, the open file contained meaningful summaries thereof. All the interested parties, including the CCCME, had access to the open file and could consult it. With regard to the CCCME, is the Commission observed that although it represents, among others, the Chinese castings industry, it was not authorised by any individual sampled exporting producer to have access to its confidential information. Thus, the confidential disclosure sent to the individual sampled Chinese exporting producers could not be provided to the CCCME.

- (26) In light of the above, the Commission considered that the CCCME and the exporting producer had been given the opportunity to fully exercise their rights of defence and rejected their claims.
- (27) Following the final disclosure, the CCCME repeated its claim that it had not been placed in a position that fully allowed it to exercise its rights of defence. The CCCME did not ask for new information nor did it bring new arguments. In particular, the CCCME did not reply to the disclosure letter where the Commission addressed in details the questions it had submitted to the Hearing Officer on 15 September 2017. The Commission rejected this claim because, as set out in recitals (10) to (26) of this Regulation, it provided the CCCME with full access to non-confidential information and duly justified its rejection to disclose confidential information or information which was not part of the file.

#### 1.4. Sampling

- (28) The list of Chinese exporting producers included in the Annex to this Regulation was modified to include the names of two exporting producers which had been either omitted or misspelled in the provisional Regulation.
- (29) During the investigation, a non-sampled Chinese exporting producer informed the Commission that it had changed its name. The Commission was satisfied with the evidence submitted. The list of Chinese exporting producers was modified accordingly.

#### 1.5. Individual examination

- (30) The CCCME called on the Commission to grant individual examination to the 18 non-sampled Chinese exporting producers who had formally requested such an examination in accordance with Article 17(3) of the basic Regulation.
- (31) As explained in recital (27) of the provisional Regulation, the examination of such a high number of requests would have been unduly burdensome and would not have allowed the completion of the investigation within the time period established in the basic Regulation. The Commission therefore did not grant any requests for individual examination.

#### 1.6. Market economy treatment ('MET')

- (32) Throughout this investigation, the CCCME and two Chinese exporting producers reiterated the claim that since Section 15 of the Protocol of Accession of the PRC to the WTO had lapsed after 11 December 2016, the choice of an analogue country was no longer warranted and the existence of dumping should be established on the basis of the domestic prices and costs of the Chinese exporting producers.
- (33) The Commission applied the legislation currently in force. Article 2(7)(a) and (b) of the basic Regulation provides for the application of an analogue country methodology for establishing the normal value in the case of exporting producers in the PRC.

#### 1.7. Investigation period and period considered

- (34) FCI reiterated the claim that the period considered is too short to make any meaningful determination, especially on the volume of imports from the PRC, and a period that is shorter than four years runs counter to the established practice of the Commission, which usually selects a period of at least four years.
- (35) The Commission noted that the period considered was established at initiation in line with the Commission's standard practice. As explained in recital (35) of the provisional Regulation, the period considered covers three full calendar years and the investigation period. There was no reason for the Commission to depart from its standard practice and select a different period. The claim was therefore rejected.
- (36) In any event, even if the Commission would follow FCI in including 2012 in the injury analysis, the import volume from the PRC would still show an increase of around 10 % over the entire period.
- (37) In the absence of other comments concerning the investigation period and period considered, recital (33) of the provisional Regulation is confirmed.

## 2. PRODUCT CONCERNED AND LIKE PRODUCT

### Claims regarding the product scope

- (38) Recital (36) of the provisional Regulation set out the provisional definition of the product concerned.
- (39) Recitals (39) to (60) of the provisional Regulation set out the claims of the Indian exporting producers, one Chinese exporting producer, FCI, and two separate unrelated importers and their assessment by the Commission regarding the product scope.
- (40) Following the imposition of provisional measures the two unrelated importers and FCI submitted requests for clarification and further claims arguing that certain product types should be excluded from the product scope. The exclusion requests concerned the following product types:
- cast tops subject to standard EN 1433,
  - step irons and lifting keys,
  - Gatic components with a dimension exceeding 1 000 mm,
  - surface boxes,
  - stop tap boxes subject to standard EN 1563, and
  - gratings subject to standard EN 124.
- (41) With regard to the request of one importer to confirm the product exclusion of cast tops and channel gratings subject to standard EN 1433, the Commission confirmed that channel gratings are subject to standard EN 1433 and are therefore excluded from the product concerned in line with recitals (44) and (60) of the provisional Regulation. With regards to cast tops the Commission noted that they have the same physical characteristics and applications and are subject to the same standard as channel gratings. Therefore the Commission excluded cast tops from the product concerned.
- (42) With regard to the request of FCI to confirm the product exclusion of step irons and lifting keys, the Commission established that such step irons and lifting keys are not considered to be part of the product scope of this investigation, because they have a different function than the ones described in the definition of the product concerned. They are accessories to the product concerned, but do not have the same technical characteristics as the product concerned or the parts thereof. Indeed, step irons and lifting keys are not used to cover ground or sub-surfaces systems or to give access or provide view to ground or sub-surface systems.
- (43) The importer mentioned in recital (41) submitted additional information regarding its product exclusion request referred to in recitals (45) to (53) of the provisional Regulation on Gatic components with a dimension exceeding 1 000 mm. Such components do not fall within the scope of standard EN 124 and are more than twice as expensive as traditional manholes covers.
- (44) As components with a dimension smaller than 1 000 mm can be part of a product with a dimension exceeding 1 000 mm, they cannot be distinguished from the product concerned in any of the physical and technical characteristics of the product. This has been addressed by the Commission in recital (51) to (53) of the provisional Regulation. The difference in the price of the product is therefore not relevant.
- (45) Following final disclosure, Gatic maintained its claim that access cover components with an individual clear opening/clear area greater than 1 000 mm should be excluded from the product scope, because such large components do not fall within standard EN124. Moreover, Member States' customs authorities can easily distinguish components with a clear opening of more than 1 000 mm (not subject to measures) from components with a clear opening of less than 1 000 mm (subject to measures). There is therefore no valid reason for not excluding components with a clear opening of more than 1 000 mm from the scope of the measures.
- (46) Recitals (52) and (53) of the provisional Regulation set out that all physical and technical characteristics of the product concerned do also apply to Gatic components, regardless of the dimension of the product's clear opening. These characteristics are not changed by the fact that Gatic components with an individual clear opening greater than 1 000 mm do not fall under standard EN 124. Indeed the product concerned is not defined by the standard and includes a broader range of product types than those falling under standard EN 124. The Commission therefore rejected this claim.

- (47) Another importer submitted a request to explicitly exclude from the product concerned products subject to standard EN 1253.
- (48) For the reasons set out in recitals (54) to (56) of the provisional Regulation, the Commission confirmed that such products are not part of the product scope of this investigation and adjusted the product definition in the operative part accordingly.
- (49) FCI submitted that no production of surface boxes in accordance with German standards in the Union exists and that ductile surface boxes will no longer be available in the Union if definitive anti-dumping measures were to be imposed on imports of surface boxes from the PRC.
- (50) The Commission noted that there is production of surface boxes, also in accordance with German standards, by the sampled Union producers.
- (51) Furthermore, the Commission recalled that definitive anti-dumping measures are not imposed to close the market for the product concerned to imports from the PRC. If no production of certain types of surface boxes in accordance with German standards in the Union exists, users still have the possibility to source this product from third countries, including the PRC.
- (52) FCI submitted a request to exclude stop tap boxes, as they do not fall under standard EN 124, but are subject to standard EN 1563. Stop tap boxes are a category of surface boxes. The latter had already been subject to an exclusion request which was rejected in recital (59) of the provisional Regulation. Therefore, the Commission also rejected the request to exclude stop tap boxes from the product concerned.
- (53) FCI submitted a request to further exclude gratings subject to standard EN 124, as these perform exactly the same functions as channel gratings subject to standard EN 1433. They fall under different standards because channel gratings subject to standard EN 1433 are tested together with the channel underneath, whilst gratings subject to standard EN 124 are tested by themselves, similar to gully tops and manhole covers.
- (54) The Commission noted that the technical characteristics for such gratings and gully tops and manhole covers are the same, as they are all subject to standard EN 124. They cannot easily and directly be distinguished from other types of the product concerned and therefore the request to exclude gratings subject to standard EN 124 from the product concerned was rejected.
- (55) Following final disclosure, FCI reiterated its claim that that the grating component of channels subject to standard EN 1433 and gratings subject to standard EN124 share the same physical and material characteristics and the same production process. Hence, they are in fact identical products. Furthermore, FCI claimed that the Commission's allegation that standalone channel gratings cannot be easily and directly distinguished from other types of the product concerned is blatantly contradicted by the facts of the case.
- (56) The Commission noted that the scope of standard EN 124 is limited to manhole tops and gully tops. Gratings subject to standard EN 124 are thus considered part of these products. Therefore, the grating component of channels subject to standard EN 1433 and gratings subject to standard EN 124 cannot be considered identical products.
- (57) By stating that such gratings subject to standard EN 124 cannot be easily visually distinguished from other types of the product concerned, the Commission meant that such gratings cannot be easily visually distinguished from gratings to be used as a cover in a manhole top or a gully top which permits the passage of water through itself into the gully or manhole, which fall under the product concerned as a part thereof. Thus, the claim was rejected.

### 3. DUMPING

#### 3.1. The PRC

##### 3.1.1. *Analogue country*

- (58) The complainants reiterated their opposition to the choice of India as analogue country on grounds of distortions resulting from export subsidies, an export tax and a dual freight policy affecting the price of iron ore.
- (59) The Commission addressed these claims in recitals (80) and (81) of the provisional Regulation. No new argument was brought forward and this claim was therefore dismissed.

### 3.1.2. Normal value

- (60) As set out in recital (88) of the provisional Regulation, for calculating the normal value for the provisional dumping margins, for each product type exported by the sampled Chinese exporting producers, a normal value was first determined for each Indian analogue producer and then these normal values per product type were weighted together using the quantity produced by each Indian producer.
- (61) Following provisional disclosure, the Commission received comments from several interested parties alleging that the use of constructed values may have inflated the normal value established in the analogue country.
- (62) In particular, the CCCME submitted that the Commission had discretion when calculating normal value in an analogue country as to the level of 'sufficient quantities' under the terms of Article 2(2) of the basic Regulation.
- (63) The CCCME also argued that if one Chinese exporting producer met the representativity test, then the same normal value based on price should be used for all other Chinese exporting producers for the same product type.
- (64) The Commission accepted both technical arguments regarding the sufficient quantity test and the use of normal value based on price and revised the calculation of normal value accordingly.
- (65) Given the fact that more than one sampled producer in the analogue country was cooperating with the investigation, the Commission reconsidered the establishment of the normal value in order to reduce the use of constructed normal values as much as possible.
- (66) In this respect, where there was a normal value based on the price of domestic sales in India made in the ordinary course of trade and in sufficient quantities, this price was used rather than using an average normal value derived from this price and a constructed normal value from other producers. This is in line with Article 2(7) according to which the normal value should be calculated by preference to the domestic prices of the like product in the analogue country.
- (67) Where a product type was not sold on the domestic market by any of the sampled Indian producers but at least one sampled Indian producer produced this product type, the normal value was constructed using the cost of manufacturing, plus the SG&A expenses and profit of domestic sales in the ordinary course of trade made by this Indian producer. Expressed as a percentage of turnover, the sum of SG&A expenses and profit used in these instances were comprised in a range of 1 % to 10 % for grey iron products and of 10 % to 20 % for ductile iron products.
- (68) Where there was no match at the level of the product type, the Commission used a normal value based on the domestic sales in the ordinary course of trade of all product types which used the same raw materials. For four of the five sampled Chinese exporting producers, this situation concerned less than 1,2 % of the total volume of exports. For one sampled Chinese exporter, it represented more than 50 % of the volume of exports. This Chinese exporter sold relatively expensive niche products which could not be matched with the product types manufactured and sold by the sampled producers in the analogue country and for which it was not possible to quantify an upward adjustment to the normal value. The use of an average normal value of all product types of the same raw material did not increase the dumping margin of this exporting producer.
- (69) The CCCME and Botou City Wangwu Town Tianlong Casting Factory also expressed their disagreement with the methodology used by the Commission when constructing the normal value for product types sold in insufficient quantities. After the changes set out in recitals (64) to (68) above, this claim was no longer relevant since no such situation to construct normal value arose.
- (70) Following final disclosure, the CCCME submitted that the Commission should use the SG&A expenses and profit of domestic sales in the ordinary course of trade made by all Indian producers when constructing the normal value.
- (71) In the circumstances described in recital (67) and pursuant to the clear wording of Article 2(6) of the basic Regulation, the Commission was obliged to use the amounts for SG&A expenses and profit of domestic sales of the like product in the ordinary course of trade made by the Indian producer which manufactured the product type in question.

- (72) The claim of the CCCME that the Commission should choose various SG&A expenses and profit from other companies that did not manufacture the product type concerned and average them together in some form, was therefore rejected.
- (73) Following final disclosure, the CCCME asked the Commission to confirm that indirect taxes were not included in the costs of production of Indian producers, did not impact the profitability test and were not included in the domestic prices used to determine the normal value.
- (74) The Commission confirmed that neither the prices nor the costs which were used to determine the normal value included indirect taxes and that indirect taxes did not have any impact on the profitability test.

#### 3.1.3. *Export price*

- (75) In the absence of any comments regarding the export price, recital (89) of the provisional Regulation was confirmed.

#### 3.1.4. *Comparison*

- (76) One exporting producer claimed that the normal value should be adjusted under Article 2(10) of the basic Regulation to reflect that the Chinese exporting producers did not design the product concerned. The design was provided by the unrelated importer.
- (77) Since the sampled Indian producers designed the like product sold on their domestic market, the Commission accepted this claim. The relative quantification of the adjustment was made on the basis of relevant data of the sampled Union producers.
- (78) The CCCME submitted that the adjustment for indirect taxes was illegal and not mentioned in recital (91) of the provisional Regulation in the adjustments made under Article 2(10). The CCCME claimed that the adjustment for the partial refund of the VAT is based on the Commission's assessment of the non-market economy status of the PRC.
- (79) The Commission rejected these claims. The Commission made an adjustment under Article 2(10)(b) for the difference in indirect taxes between export sales from the PRC to the Union (where a 17 % tax is charged on export and 5 % of it is then refunded) and the indirect taxes on domestic sales in India (where taxes have been excluded from the domestic price). This adjustment is not related in any way to the application of the analogue country methodology to the PRC. Recital (91) of the provisional Regulation did not mention this adjustment, which was omitted in error. However, the adjustment was reported in the specific provisional disclosure given to the sampled exporting producers. None of them commented on this adjustment.
- (80) Following final disclosure, the CCCME reiterated its objection to the fact that the Commission made use of Article 2(10)(b) of the basic Regulation in order to ensure comparability between the export price from the PRC and the normal value from India. The CCCME claimed that as the export VAT system was one of the reasons why the PRC is not a market economy country, it could not be used to make an adjustment for price comparison. This argument was rejected. Article 2(7)(a) of the basic Regulation requires the Commission to find an alternative source of normal value when a country is not a market economy and when a company does not claim to be granted Market Economy Treatment ('MET'). Once the normal value has been determined, the Commission is obliged to ensure a fair and reasonable comparison, in line with the provisions of Article 2(10) of the basic Regulation.
- (81) As specified in recital (79) above, exports of castings from the PRC are subject to a partly refundable export VAT, whereas domestic sales in India have all taxes refunded. Therefore to ensure a fair comparison and in line with settled case law <sup>(1)</sup>, the Commission was obliged to adjust the normal value under Article 2(10)(b) of the basic Regulation, just as the Commission had also done for other differences affecting comparison under other provisions of Article 2(10) of the basic Regulation.

<sup>(1)</sup> Judgment of 19 September 2013, Case C-15/12 P *Dashiqiao Sanqiang Refractory Materials v Council*, EU:C:2013:572, paragraphs 34-35 thereof.

- (82) If a company in the PRC had been granted MET, then the same adjustment to the normal value would have been applied, as the same difference in tax would have been found.
- (83) The CCCME and two Chinese exporting producers claimed that the Commission should make further disclosure for the reasoning on using the shortened PCN identifying the different product types for the calculations and its impact on fair comparison.
- (84) In this respect, the Commission noted that it has complied with its obligation to ensure a fair comparison and that the shortened PCN allowed it to compare the totality of the volume of exports with the most closely resembling types of the like product taking into account their basic physical characteristics. The Commission did not establish any difference in the market value of the product characteristics omitted in the shortened PCN. Furthermore, no Chinese exporting producer made a quantified claim to request an adjustment for differences in the physical characteristics.
- (85) Following final disclosure, the CCCME and two Chinese exporting producers reiterated that the Commission failed to ensure price comparability. The CCCME claimed that the Commission should make adjustments for product differences reflected or not by the original PCN characteristics. The CCCME claimed that it did not have access to the technical characteristics of the product sold by the Indian producers and that the disclosure of the full PCN of the product produced by the Indian producers was not sufficient.
- (86) The Commission rejected these claims. The Commission recalled that in June 2017, it made available to all interested parties the classification of the products manufactured in the analogue country under the 15 technical characteristics of the original PCN. Outside of product catalogues, which the Indian producers did not have, the Commission did not possess any alternative source of technical information which was not confidential by nature or could be summarised meaningfully for review by other interested parties.
- (87) Furthermore, while the 15 characteristics of the product manufactured by the Indian producers in the original PCN were perfectly known to the CCCME, it did not make any specific claims as to what kind of adjustment should be done, not only beyond the PCN, but even within the PCN. In addition, the Commission did not identify the need for such adjustment during its verification visits. It is noted that the CCCME itself stressed in its submission of 22 December 2016 concerning the choice of analogue country that ‘using India would also address issues with matching product types, again because the data would be more representative [...]. By using India as the analogue country, the source data will be significantly larger and it is accordingly far more likely that the Commission will have sufficient data to match the product types.’ The claim was therefore rejected.
- (88) The CCCME submitted that the Commission should make adjustments to the cost of production of the Indian producers for alleged irregularities resulting from the low volume of production of ductile iron products. The CCCME did not provide any evidence to support this statement.
- (89) Since the sales of ductile iron products in India were found to be representative, the Commission found that such adjustment was not warranted. In any case, this claim being unsubstantiated, it had to be dismissed.
- (90) Following final disclosure, the CCCME reiterated this claim and submitted that it had explained to the Commission that the alleged irregularities resulted in unreasonably high cost of production. The CCCME added that in the absence of the disclosure of the cost information pertaining to the Indian producers, it was not in a position to make a substantiated claim for adjustment.
- (91) The Commission did not receive any detailed explanations regarding this claim. In its comments on the provisional disclosure, the CCCME submitted that ‘there may be irregularity in the production or overconsumption of various cost factors that results in a unit production cost that is erroneously high’. CCCME remained vague or silent as to which cost of production was affected, against which benchmark the alleged irregularity should be established and how the adjustment should be calculated.
- (92) The Commission disagreed that such claim could not be made in the absence of disclosure of the cost of production of the Indian producers.
- (93) First, the cost data of the Indian producers were confidential by nature and they could not be summarised for inspection by other interested party in a way which is both meaningful for the purpose pursued by the CCCME and protect the business sensitive data of the Indian producers.



- (94) Second, the production processes in India and the PRC are very similar. This was confirmed in recital (79) of the provisional Regulation and in the submission of the CCCME of 22 December 2016 concerning the choice of India as analogue country. The CCCME stated that 'the majority of Chinese producers are small foundries and the production process is not automated, but more manual'. It also noted that 'it is common knowledge that India and China are similar in their levels of development and size' and 'with respect to other elements affecting costs and prices', that the PRC and India are 'more similar to one another than China and any of the other countries.' Hence, the CCCME, which claims to represent a high number of Chinese producers of all sizes, could have made its claims without the need to access the confidential data of the Indian producers. Based on its own industry knowledge, it should have been able to specify the manufacturing patterns and production ratios that lead to the alleged unreasonable unit cost of production and to substantiate the adjustment claimed.
- (95) The Commission did not find any element which would warrant an adjustment to the cost of production of the Indian producers in relation with the determination of the normal value in the analogue country. Considering that the sales volume of the Indian producers had been found representative and in the absence of any specific and substantiated claim by the CCCME, the Commission rejected the claim that the cost of production of the Indian producers should be adjusted.
- (96) One Chinese exporting producer claimed that the Commission had unduly adjusted its export prices for credit costs since it did not incur such costs.
- (97) The Commission rejected this claim. In order to ensure a fair comparison of prices, allowances for credit costs were applied to the export price of all Chinese exporting producers who gave payment terms to their customers, since any credit granted is a factor taken into account in the determination of the prices charged. This exporting producer was found to grant credit to its customers and therefore an adjustment for credit costs was warranted, even though the company did not borrow money to cover the time between shipment and payment by the customer.
- (98) Following final disclosure, the CCCME submitted that the Commission should make an adjustment to the normal value when it is based on prices to account for indirect taxes borne by materials physically incorporated in the like product.
- (99) However, given that in this instance, the materials incorporated in the like product did not include import charges or non-refunded taxes, the suggestion of the CCCME that it should have led to a price adjustment was irrelevant.

### 3.1.5. Dumping margins

- (100) As detailed in the above recitals, the Commission took into account certain comments from interested parties and recalculated the dumping margin of the Chinese exporting producers.
- (101) The definitive dumping margins expressed as a percentage of the CIF Union frontier price, duty unpaid, are as follows:

Table 1

#### Definitive dumping margins

Company	Definitive dumping margin
Botou City Wangwu Town Tianlong Casting Factory	15,5 %
Botou Lisheng Casting Industry Co., Ltd	31,5 %
Fengtai (Handan) Alloy Casting Co., Ltd	38,1 %
Hong Guang Handan Cast Foundry Co., Ltd	21,3 %
Shijiazhuang Transun Metal Products Co., Ltd	25,0 %
Other cooperating companies	25,4 %
All other companies	38,1 %

### 3.2. India

- (102) Following the disclosure, the Commission received no other comments concerning India.
- (103) The Commission therefore confirmed its provisional findings of establishing no dumping for the sampled groups of exporting producers in India.
- (104) Consequently, the Commission confirmed that it established no dumping for the cooperating exporting producers outside the sample, in accordance with Article 9(6) of the basic Regulation, and no dumping for all other exporting producers in India since the exports of the Indian cooperating exporting producers represent a very high volume (around 85 %) of the total Indian exports to the Union.

## 4. INJURY

### 4.1. Definition of the Union industry and Union production

- (105) In the absence of any comments with respect to the Union industry and Union production, the Commission confirmed its conclusions set out in recitals (108) to (111) of the provisional Regulation.

### 4.2. Union consumption

- (106) In the absence of any comments with respect to the Union consumption, the Commission confirmed its conclusions set out in recitals (112) to (114) of the provisional Regulation.

### 4.3. Imports from the PRC

- (107) The CCCME reiterated its concerns of its submission of 23 January 2017 regarding the reliability of the import data of the product concerned. It questioned the method used by the complainants to arrive at the import data limited to the product concerned using adjusted Eurostat data and accepted by the Commission, and argued that the Commission should base its injury examination in an objective manner on positive evidence and not on unsubstantiated assumptions from the complainants. The CCCME further claimed that the burden to obtain reliable import data lies on the Commission.
- (108) In support of its claim that the import data used by the Commission were allegedly not reliable and could not qualify as positive evidence, on 6 November 2017 the CCCME submitted for the first time export volume figures for the product concerned from the PRC which it claimed were based on PRC customs export statistics for the product concerned that it collected on a transaction-by-transaction and confidential basis. The CCCME further claimed that it could identify from the product description which products were not product concerned and, as a result, could calculate the actual volume of the product concerned exported from the PRC.
- (109) The Commission noted that the CCCME had calculated itself the exported volume of the product concerned, even on a transaction-by-transaction basis, by using PRC customs data, thereby excluding certain product descriptions. The Commission considered the export data provided by the CCCME and found that this data could not alter its findings on trends of market share, import volume and Union consumption during the period considered. The Commission further noted that the CCCME has not provided any evidence on the exhaustiveness and accuracy of its data collection. The Commission also noted that the CCCME did not specify which official database from the PRC customs authorities it had used that would have allowed a transaction-by-transaction collection of data and identification of the product description. Finally, the Commission noted that export statistics from the PRC are not necessarily identical to the import statistics collected by Eurostat because of the lead time between the exportation from the PRC and the actual importation into the Union. The Commission analysed the export data provided by the CCCME and found that this data could not alter its findings on trends of market share, import volume and Union consumption during the period considered. Consequently, the Commission rejected the claim that the import data used by it were unreliable.
- (110) The Commission noted that the method used by the complainants to arrive at the import data related to the product concerned during the period considered was based on Eurostat data. This method included for 2013 the totals of CN codes 7325 10 50 and 7325 10 92, a percentage of 30 % of CN code 7325 10 99, and CN code 7325 99 10 minus a fixed volume. Following a change in CN codes the complainants used for 2014 until the investigation period a percentage of 60 % of CN code 7325 10 00 with regards imports from the PRC and CN code 7325 99 10 minus a fixed volume.

- (111) As the Commission found no other alternative source of information that would more accurately reflect the import data for the product concerned, it considered the method based on Eurostat data as the most appropriate one. Therefore, it rejected the claim from the CCCME.
- (112) Both FCI and the CCCME submitted that the methodology used to assess the imports from the PRC incorrectly included all products imported under CN code 7325 99 10 minus a fixed volume, as proposed by the complainants, since this code was not typically used for the product concerned before the imposition of anti-dumping measures in 2005 and the complainants have not provided evidence that this CN code was used for imports of the product concerned after 2009. Therefore, FCI requested the exclusion or taking into account a ratio of this CN code for the calculation of the import volume of the product concerned.
- (113) The Commission noted that an analysis of the imports under this CN code since the imposition of provisional measures until the beginning of October 2017 has shown significant imports of 6 796 tonnes under the TARIC code 7325 99 10 51 from the PRC which exclusively refers to the product concerned. Therefore, it is clear that the product concerned is imported also under CN code 7325 99 10. However, the Commission did not have any evidence that imports of other products under this CN code have followed the same trend as the product concerned since 2005. Consequently, using a percentage over the period considered would be unreliable.
- (114) Therefore the Commission decided to not adjust the volume of imports from the PRC. The Commission furthermore noted that even if it would exclude this CN code from its analysis, the volume of imports would still show a comparable increase in market share over the period considered.
- (115) The CCCME submitted that neither the complainants nor the Commission have explained the percentage estimated of the import volume of the product concerned under CN codes 7325 10 99 and the reason why the percentage of the import volume under code 7325 10 99 has been stable during the period considered.
- (116) As addressed in recital (122) of the provisional Regulation, the Commission based the determination of the import volume of the product concerned from the PRC on the method proposed by the complainants because it considered it reliable and objective. No other more reliable method was proposed by any party. For the exclusion of channel gratings, the Commission took the average sales of channel gratings of the sampled Chinese exporting producers in the investigation period, amounting to 10 % of total imports. This percentage has been used for the period considered. As the CCCME has not provided any alternative data for the import volume of channel gratings from the PRC, the claim was rejected.
- (117) FCI submitted that no significant increase in imports can be established in this case, when considering all years since the expiry of the anti-dumping measures in 2010, imports only increased between 2013 and 2014 and while imports in the investigation period were above 2013 levels, they were well below the import levels of 2010 and 2011.
- (118) The Commission found the period considered to be reasonable and in line with the standard Commission practice to examine the trends relevant for the assessment of injury. It therefore did not take into consideration the years before, as suggested by FCI.
- (119) With regard to undercutting, FCI submitted that the provisional calculations are misleading, as they compared the prices of the products sold by the Chinese foundries to importers in the Union with that of products sold by the Union industry to final customers and did not take into account expenses borne exclusively by the unrelated importers. Such costs include R & D costs, costs for the creation of patterns and prototypes, certification costs, homologation costs, quality checks and conformity checks, warehouse costs, and sales costs.
- (120) The Commission verified this data and decided to adjust the undercutting margins for such costs. The Union industry's ex-works prices were adjusted downwards by the weighted average R & D costs of the sampled Union producers which covered all relevant costs mentioned in the previous recital. The adjustment was 2,2 % of the turnover of the sampled Union producers.
- (121) Furthermore, an adjustment of around 33 EUR per tonne was made on the import price for importation costs on the basis of the data of the two unrelated importers verified after the imposition of the provisional measures.

- (122) The CCCME requested more details on the undercutting margins per sampled exporting producer. For the purposes of determination of injury, the effect of the dumped imports on prices is analysed as one of the injury indicators and Article 3(3) of the basic Regulation requires the undercutting to be significant. In this case the undercutting in the range of 31,6 % to 39,2 % could be considered significant. For such a finding it is not necessary that each and every transaction shows undercutting. This is so because the effect and the impact of the dumped imports on the Union industry is analysed as a whole; this includes the undercutting by the dumped imports. In any event, for information, the undercutting margins of the sampled exporting producers are as follows:

Table 2

**Undercutting margins**

Company	Undercutting margin
Botou City Wangwu Town Tianlong Casting Factory	35,9 %
Botou Lisheng Casting Industry Co., Ltd	31,6 %
Fengtai (Handan) Alloy Casting Co., Ltd	39,2 %
Hong Guang Handan Cast Foundry Co., Ltd	38,4 %
Shijiazhuang Transun Metal Products Co., Ltd	37,0 %

- (123) Following final disclosure, the complainants objected to the methodology used by the Commission in adjusting their ex-works prices downwards rather than adjusting the import prices upwards, while most of the R & D costs are not borne by importers at all but are incurred by the producers in the PRC. Further, the complainants considered that the post-importation costs were too high and may include costs related to imports of channel gratings and an incorrect import duty of 2,7 % instead of 1,7 % for all ductile iron products.
- (124) The adjustment of R & D costs to the undercutting margin and injury elimination level was based upon, on the one hand, verified data of the sampled Union producers, and on the other hand, evidence shown during the verification visits to the unrelated importers that they incur such costs for the production of the product concerned in the PRC. As the complainants did not provide evidence to their claim that those costs are not incurred by the unrelated importers, the Commission rejected their claim.
- (125) The calculation of post importation costs is based upon verified data of the two sampled unrelated importers. These data were solely for the product concerned, so did not include the excluded products (e.g. channel gratings). Therefore, the Commission rejected this claim.
- (126) Regarding the adjustment for import duties, the Commission used the rate of customs duty applicable to imports of ductile iron products. It did not take into account possible misdeclarations to avoid paying the correct level of import duties. Therefore, this claim was also rejected.
- (127) Following final disclosure, FCI provided the results of two recent tenders launched by Italian public bodies, which were won by (a reseller of) Union producers, offering a lower price for the like product than the unrelated importers for the product concerned that was much lower than what was declared by the complainants and reported in the provisional Regulation.
- (128) The Commission noted that such recent anecdotal evidence is not sufficient to conclude that its verified data for the investigation period should be considered unreliable. Furthermore the product mix of these tenders diverts from the average production product mix and its corresponding cost of production. Therefore, the Commission rejected this claim.
- (129) In the absence of any other comments with respect to the imports from the PRC and further to the revision of the undercutting calculations set out in recitals (119) to (122), the Commission confirmed all other conclusions set out in recitals (115) to (128) of the provisional Regulation.

#### 4.4. Economic situation of the Union industry

##### 4.4.1. General remarks

- (130) The CCCME noted that the Commission based its analysis of macroeconomic data on actual data with respect to the complainants and supporting industry and estimates provided by the complainants for the rest of the Union industry. It claimed that these estimates could not be considered as positive evidence as their amounts and sources had not been disclosed to interested parties. Following final disclosure the CCCME reiterated its claim.
- (131) The Commission stressed that it did not break down its analysis of the Union industry into complainants versus non-complainants and noted that it had requested the macro economic data from the Union industry and had made this data which it has used in the investigation available in the file open for inspection by interested parties. As specified in recital (32) of the provisional Regulation, it had also verified on-spot at the complainants' premises the sources and process followed by the latter for compiling the data for the rest of the industry. In addition, the verified data coming from the sampled companies covered a significant part of the overall macroeconomic data, i.e. 48 % of the total production volume and 43 % of total sales of the Union industry. Therefore, the Commission rejected the claim from the CCCME.
- (132) Following final disclosure, FCI claimed that the Commission contradicts itself, because recital (132) of the provisional Regulation reports that the Commission evaluated macroeconomic indicators related to *all Union producers*. However, it is stated at recital (131) above that macroeconomic data are based on verified data coming from the sampled companies covering 48 % of the total production volume and 43 % of total sales of the Union industry. Clearly, data covering less than 50 % of the total output are not representative of the Union industry as a whole. Based on the foregoing, the Commission's findings on macroeconomic indicators are based on partial and misleading data which do not permit a proper evaluation of the overall situation of the Union industry.
- (133) The Commission noted that it has verified the macroeconomic data regarding the whole Union industry on-spot at the complainants' premises. On top of this, the Commission verified profoundly the sampled companies, which cover a large part of the production volume of the Union industry. Thus the macroeconomic data is not solely based on the sampled companies.
- (134) Furthermore, FCI claimed that the data on macroeconomic indicators are problematic as shown by the fact that the Commission had to verify the original sources of the data at the premises of the complainants' lawyers on more than one occasion. In addition, the complainants submitted different versions of the data on the macroeconomic indicators, every time with different figures. This fact alone shows that the methodology followed by the complainants is irremediably flawed.
- (135) In addition, FCI noted that the data on which the Commission's findings are based are partial. In fact, the data only refer to the complainants and only to one of the two supporters. In total, the data account for less than 50 % of the total production of the like product in the Union.
- (136) Following final disclosure, the complainants also clarified that to compile the data, they used detailed injury indicators data from questionnaire responses, signed by responsible officers within the companies in question, which were supplied by the complainants and one of the supporting producers in the complaint and subsequently brought up to date to cover the investigation period. Estimates were made by complainants for the data concerning other Union producers based on their market intelligence. In the absence of hard data regarding some of the Union producers complainants have taken a conservative approach, by assuming 100 % capacity utilisation and a constant sales figure across the period considered.
- (137) The fact that the complainants have updated the macroeconomic data during the investigation did not have any implications on the reliability of the final data they compiled. The final data have been verified and found reliable by the Commission. Therefore, the Commission rejected this claim by FCI.
- (138) The CCCME also claimed that the Commission failed to do a segmented analysis per Member State, resulting in a split between Member States with mainly ductile iron or grey iron markets.
- (139) The Commission referred to recital (199) of the provisional Regulation where it stressed that the Union market is a single market and ductile and grey iron products are interchangeable products. It therefore dismissed the claim made by the CCCME.

- (140) The CCCME first claimed that import data for the year 2013 could not be compared to import data for the subsequent years and the investigation period because of changes in the customs codes for the product concerned that occurred in 2014. Second, the CCCME claimed that the use of non-comparable datasets does not allow the Commission to draw conclusions on the evolution of the import volumes. The CCCME finally claimed that if the Commission would have analysed the volume effects with respect to the data based on the same methodology, i.e. for the period from 2014 to the investigation period, it would have concluded that there is no increase in imports.
- (141) The Commission noted that the period for the examination of trends relevant for the assessment of injury covered the period from 2013 until the investigation period. For its import trend analysis the Commission accepted the method of the complainants to arrive at the import data of the product concerned using Eurostat data and which it verified and accepted as reasonable. No alternative sources of information were available. The Commission therefore dismissed the CCCME's claim.

#### 4.4.2. Macroeconomic indicators

##### 4.4.2.1. Production, production capacity and capacity utilisation

- (142) FCI and the CCCME submitted that the Commission's finding in recital (139) of the provisional Regulation is not supported by the facts, as the volume of imports of the product concerned from the PRC decreased between 2014 and the investigation period, contrary to what is stated at recital (139) of the provisional Regulation.
- (143) The Commission accepted these submissions. The decrease in production volume between 2014 and the investigation period was predominantly driven by the drop in consumption as reported in Table 3 of recital (113) of the provisional Regulation. However, during the period considered even though the consumption decreased by 8 %, the dumped imports from the PRC increased by 16 % and the production volume by the Union industry decreased by 4 %.
- (144) FCI submitted that the complainants calculated their capacity utilisation as reported in Table 6 of recital (137) of the provisional Regulation on the basis of three shifts. According to FCI, it is common knowledge in the market for cast iron products that a foundry is in a good position if it works with two shifts, whereas a third shift of production is costly and works with a lower production capacity.
- (145) The argument of FCI was not supported by any evidence and in any event did not preclude the possibility of a third shift. The Commission also noted that even if the capacity utilisation were to be calculated based on two shifts, the trend would remain the same as given in Table 6 of the provisional Regulation and a substantial spare capacity would still remain. Assuming that production remains stable over all shifts, the capacity utilisation based on two shifts would amount to around 80 %.
- (146) In the absence of any other comments with respect to production, production capacity and capacity utilisation and further to the correction of recital (139) of the provisional Regulation as set out in recitals (142) and (143), the Commission confirmed all other conclusions set out in recitals (137) to (142) of the provisional Regulation.

##### 4.4.2.2. Sales volume and market share

- (147) FCI and the CCCME submitted that the finding in recital (145) of the provisional Regulation is not supported by the facts, as the volume of imports of the product concerned from the PRC decreased between 2014 and the investigation period, contrary to what is stated at recital (145) of the provisional Regulation.
- (148) The Commission accepts the wrong reference to increasing imports between 2014 and the investigation period in recital (145) of the provisional Regulation and notes that the decrease in sales volume took place during the full period considered and can therefore be attributed to the drop in consumption as reported in Table 3 of recital (113) of the provisional Regulation as well as the increasing volume of dumped imports from the PRC over the entire period considered. However, during the period considered even though the consumption decreased by 8 %, the dumped imports from the PRC increased by 16 % which resulted in a much more significant increase of market share of the latter, that is by 26 %.

- (149) In the absence of any other comments with respect to sales volume and market share and further to the correction of recital (145) of the provisional Regulation as set out in recitals (147) and (148), the Commission confirms all other conclusions set out in recitals (143) to (146) of the provisional Regulation.

#### 4.4.2.3. Growth

- (150) In the absence of any comments with respect to growth, the Commission confirmed its conclusions set out in recital (147) of the provisional Regulation.

#### 4.4.2.4. Employment and productivity

- (151) FCI submitted that the finding in recital (149) of the provisional Regulation is not supported by the facts, as the reduced level of employment cannot be linked to increasing quantities of imports from the PRC, as the only year during which imports increased (from 2013 to 2014), employment of the Union industry also increased. In the years that employment decreased, imports from the PRC also decreased.
- (152) The Commission noted that the trend over the full period considered has shown a decreased number of employees, which was mainly the result of decreased production. The reduced production was in turn due to decreased sales in the Union because of both the decreased demand and the increased dumped imports during the period considered. This sequence of events is reflected in the analysis of the entire period considered and not by comparing year to year developments. Thus, the argument of FCI cannot be accepted.
- (153) FCI submitted that the employment and productivity levels do not support a finding of material injury. Employment levels remained relatively stable, especially taken into account that four companies stopped production of the product under investigation during the period considered. Productivity levels increased.
- (154) The Commission noted that the decrease in employment can furthermore be attributed to the Union industry's efforts to reduce production costs and gain efficiency in view of the increasing competition from dumped imports from the PRC. These efficiency gains resulted in an increased productivity by 3 %. Thus, the argument of FCI was rejected.
- (155) In the absence of any other comments with respect to employment and productivity, the Commission confirmed its conclusions set out in recital (149) of the provisional Regulation.

#### 4.4.2.5. Magnitude of the dumping margin and recovery from past dumping

- (156) FCI submitted that the situation of the Union industry during the investigation period is similar to the situation at the time measures against certain castings originating in the PRC were repealed in 2011, because the construction industry has not yet recovered from the economic crisis and several Member States in the Union have considerably reduced their budget for infrastructure projects.
- (157) However, FCI refers to Eurostat statistics that do not support these claims. The statistics of the production in the construction and civil engineering sector show an increase over the period considered. The Union consumption of cast iron articles did not profit from this growth, as shown in Table 3 of the provisional Regulation. Therefore the Commission rejects this submission. Thus, the argument of FCI cannot be accepted.
- (158) Following final disclosure, FCI stated that recital (157) above wrongly concludes that the statistics on the construction and civil engineering sector show an increase since anti-dumping measures were repealed in 2011. Looking at the evolution of the construction industry since the end of the investigation period of the expiry review investigation mid-2010, FCI claims that this sector has not yet recovered from the 2008/2009 economic crisis.
- (159) The Commission noted that the construction and civil engineering sector show an upward trend since 2013, indicating a slow recovery from the previous downward trend. This contradicts the claim of FCI that the current situation of the Union industry is the same as it was up to 2011, since the construction and civil engineering sector showed a downward trend in that period. Therefore, the claim was rejected.

(160) In the absence of any other comments with respect to the magnitude of the dumping and the recovery from past dumping, the Commission confirms its conclusions set out in recital (150) and (151) of the provisional Regulation.

#### 4.4.3. *Microeconomic indicators*

##### 4.4.3.1. Prices and factors affecting prices

(161) FCI submitted that no significant decrease in sales prices can be found when taking into account the decrease in production costs and therefore the decrease in sales price cannot be considered to be a sign of material injury.

(162) As addressed in recital (153) of the provisional Regulation, the average sales prices of the sampled Union producers have continuously decreased by 5 %, while the average unit cost of production decreased by only 3 % over the period considered. Since the price decrease exceeded the decrease in production costs, this claim was rejected.

##### 4.4.3.2. Labour costs

(163) Following the imposition of provisional measures, no comments with respect to labour costs of the sampled Union producers were submitted.

##### 4.4.3.3. Inventories

(164) Following the imposition of provisional measures, no comments with respect to inventories of the sampled Union producers were submitted.

##### 4.4.3.4. Profitability, cash flow, investments, return on investments and ability to raise capital

(165) The CCCME questioned the conclusion of the Commission that there is a gradual decrease in profitability since 2006 by referring to the expiry review request of 2010.

(166) The Commission confirmed that on the basis of verified data provided by the sampled Union producers and available on the file its conclusion set out in recital (162) of the provisional Regulation is correct. The Commission therefore dismissed the claim made by the CCCME.

(167) In the absence of any other comments on the microeconomic indicators, the conclusion set out in recitals (152) to (166) of the provisional Regulation are confirmed.

#### 4.4.4. *Conclusion on injury*

(168) The CCCME claimed that the Commission has not investigated the situation of Union producers in the central and eastern part of the Union and thus could not conclude on injury for the Union industry as a whole.

(169) The Commission rejected this claim as it has investigated the whole Union market for the macroeconomic injury indicators. The Commission considers the sample of Union producers to be sufficiently representative for the purpose of its injury analysis of the microeconomic indicators and confirms the existence of intra-Union trade of the like product.

(170) In the absence of any further comments the Commission confirmed its conclusions set out in recitals (167) to (170) of the provisional Regulation.

## 5. CAUSATION

### 5.1. **Effects of the dumped imports**

(171) FCI submitted that the provisional Regulation does not reflect the fact that the volume of imports from the PRC initially increased and then constantly declined from 2014 until the investigation period, while the sales volume in the Union decreased during the whole period considered and the market share of the Union industry remained stable.



- (172) The Commission noted that while the sales volume and market share of the Union industry decreased over the period considered by respectively 11 % and 3 %, the volume and the market share of imports from the PRC increased by 16 % and 26 % over the same period. This shows a clear link between an increase of imports from the PRC and a decreased market for the Union industry. Therefore the Commission rejected this claim.
- (173) Following final disclosure FCI requested the Commission to explain the divergent trends between the decrease in imports from the PRC of 8 % (with increasing prices) between 2014 and the investigation period and decreasing sales of the Union industry even during that period.
- (174) Although in terms of volume the sales by the Union industry do not show a parallel trend with the import volume from the PRC throughout the period considered, in terms of market shares the trends are similar. Furthermore, the production volume of the Union industry has developed in line with the import volume from the PRC, showing an increase from 2013 to 2014 and a drop afterwards. This shows that the Union industry followed the trend of Chinese imports. Moreover, the trend taken over the whole period considered supports the existence of a causal link, both in terms of volumes and market shares. Therefore, the Commission concluded that there was an overall coincidence in time between the upward movement in Chinese imports and the downward movement in the injury indicators regarding the Union industry.
- (175) FCI submitted that the sales prices of the Union producers have constantly declined between 2013 and the investigation period even when prices of Chinese imports increased by 4 % between 2013 and the investigation period. The two trends are clearly divergent and, as a result, no impact on the sales prices of the Union producers can be attributed to the pricing strategy of the Chinese exporting producers.
- (176) Furthermore, FCI submitted that the fact that Union producers have not increased the profitability of their sales even though the prices for Chinese products increased, is a clear demonstration that any material injury during the period considered cannot be attributed to imports from the PRC.
- (177) The Commission rejected these submissions, because the dumped imports from the PRC, even after the price increase over the period considered, undercut significantly the prices of Union producers and therefore caused material injury to the Union industry.
- (178) Following final disclosure, FCI returned to this issue requesting the Commission to explain the causal link despite a divergent trend from 2014 onwards as imports from the PRC decreased (- 8 %) whereas prices for Chinese products increased (+ 1 %) and the Union industry's market share remained stable (58,8 %).
- (179) The Commission noted that to avoid the effects of normal economic fluctuations it looks at the whole period considered in order to establish a trend. Furthermore, even during a downward trend in Union consumption over the period considered, the imports from the PRC showed an increase in market share.
- (180) The CCCME claimed that the Commission failed to ensure price comparability in its price undercutting analysis by not taking into account certain characteristics of the product concerned. It claimed further that the Commission has taken different product characteristics into account for the dumping margin determination.
- (181) The Commission stressed that it had considered the main characteristics of the product under investigation in its price comparison and has ensured comparability between the product concerned and the like product produced in the Union on the basis of the information available. The claim from the CCCME was therefore rejected.
- (182) The CCCME claimed that neither the CCCME nor the Chinese exporting producers have had the possibility to identify differences between the Chinese products exported and the products sold by the Union producers that impact price comparability and to claim adjustments for the purpose of the price undercutting determination.
- (183) The Commission noted that it disclosed the specific price undercutting calculations and the methodology used to the Chinese exporting producers and confirmed that on the basis of the main characteristics of the product under investigation it had ensured comparability between the product concerned and the like product produced and sold in the Union. No need for any specific adjustment for difference in physical characteristics had been demonstrated. The claim from the CCCME was therefore rejected.

- (184) Following final disclosure, the CCCME claimed that the Chinese exporting producers and it had not had the opportunity to review the Commission's calculation of the volume and value of sales per PCN by the sampled Union producers, and thus could not assess whether mistakes had been made in this respect. Therefore, the CCCME claimed that the factual basis for the undercutting analysis is questionable, and does not amount to positive evidence.
- (185) The Commission noted that in the final disclosure to the CCCME it explained the reason why this data should be kept confidential. It therefore rejected the claim from the CCCME.
- (186) The CCCME claimed that the Commission has failed to assess the significance of the price undercutting in relation to the proportion of the domestic sales of the sampled Union producers for which no undercutting was found and therefore questioned the Commission's objectivity in its examination of the effect of the dumped imports on the sales prices of the Union producers. The CCCME reiterated its claim following final disclosure.
- (187) The Commission established that 62,6 % of the sampled Union producers' total sales in the Union had been undercut by the dumped imports from the sampled exporting producers from the PRC. The Commission found that all product types imported were comparable to product types sold by the sampled Union producers. The Commission noted further that the prices of all product types imported had undercut the sales prices of the comparable types sold by the sampled Union producers. The Commission thus concluded that this demonstrates sufficiently the injurious effects of Chinese import prices on the Union industry sales.
- (188) Following final disclosure, FCI reiterated that figures on employment level and productivity do not support a finding of material injury caused by imports from the PRC. In addition, the increasing efficiency of automated production lines requires a decreasing number of working units.
- (189) The Commission noted that the decrease in employment can be attributed to the reduction in production volume caused by increasing quantities of dumped imports from the PRC over the period considered and the Union industry's efforts to reduce production costs and gain efficiency in view of the increasing competition from dumped imports from the PRC. The decrease in employment is larger than the gain in productivity, showing injury, caused by imports from the PRC.
- (190) In the absence of any other comments, the Commission confirmed its conclusions set out in recitals (173) and (174) of the provisional Regulation.

## 5.2. Effects of other factors

### 5.2.1. Imports from third countries

- (191) As the Commission had addressed in recitals (179) and (180) of the provisional Regulation, the Indian imports did not break the causal link between the dumped imports from the PRC and the injury suffered by the Union industry, and could not have had more than a marginal impact on the injury of the Union industry.
- (192) However, the CCCME claimed that Indian imports might break the causal link between the dumped imports from the PRC and the injury suffered by the Union industry as there is no evidentiary basis for the Commission to conclude that exporting producers from the PRC gained market share from the Union industry, the respective increase and decrease of the Indian and Union market share is identical, the evolution from 2014 to the investigation period of the import volume from India evolved more in line with the evolution of the production and sales volume of the Union industry than the import volume from the PRC, and the price undercutting from India is higher than the price undercutting from the PRC which showed that any price effects would more likely be a result from the imports from India, rather than from the imports from the PRC.
- (193) The CCCME claimed further that the Commission should separate and distinguish in detail all the different effects of the Indian imports, and separate each one of these from the allegedly injurious effects of Chinese imports by means of a segmented analysis by Member State and by grey iron, the Indian product, and ductile iron, the Chinese product.
- (194) The Commission considered that for the reasons already explained in recital (199) of the provisional Regulation there is no need for a segmented analysis for the examination whether the dumped imports from the PRC caused material injury to the Union industry.

- (195) The Commission noted that the relative increase of the share of the Union market held by imports from India is slightly higher than for the PRC over the period considered but in absolute terms import volumes and market share of India are much lower than import volumes and market share of the PRC over the same period and during the investigation period.
- (196) The Commission noted that on the basis of absolute volumes it cannot conclude that the decrease in market share of the Union industry is entirely due to the increase in market share of Indian imports.
- (197) The Commission further noted that the claim of the CCCME concerning the evolution of import volumes from 2014 to the investigation period is contradicted by the facts. Import volumes from both India and the PRC evolved in the same way as compared to the evolution of production and sales volume of the Union industry.
- (198) Furthermore, the Commission recognised the price undercutting from India and confirmed its conclusion in recital (179) of the provisional Regulation that average price differences are not indicative since the product mix between the imports from India and the PRC differed.
- (199) Following final disclosure the CCCME claimed that it lacked the information that would allow it to comment on price differences that would be indicative according to the Commission and therefore disagreed with the Commission's conclusion.
- (200) The Commission confirmed that when considering the evolution of import volumes, market share and prices, the Indian imports may have contributed to the injury suffered by the Union industry. However, it cannot be assumed that the imports from India were the only cause of the Union industry's worsening situation. If, hypothetically, the effect of the imports from India were to be eliminated, the imports from the PRC would still be an independent cause of injury in their own right. In particular, the level of imports from the PRC during the investigation period is much more significant (more than three times higher) than the level of imports from India during the same period.
- (201) Therefore, the Commission concluded that it is likely that the imports from India may have contributed to the material injury suffered by the Union industry. However, these imports did not break the causal link between the injury suffered by the Union industry and the dumped imports from the PRC because of their lower volumes and market share. Moreover, the Commission noted that any effects from the imports from India are not attributed to the PRC, as the injury elimination level calculated for the implementation of the lesser duty rule takes into account only the effects of the dumped imports from the PRC.
- (202) The Commission confirmed its conclusions set out in recitals (175) to (182) of the provisional Regulation for the reasons mentioned above and hereby rejects the claims made by the CCCME.

#### 5.2.2. *Export performance of the Union industry*

- (203) FCI submitted that the profitability of the Union industry was negatively affected by increased exports from the Union industry to third countries at prices below their unit cost of production.
- (204) The Commission noted that exports to third countries only account for approximately 10 % of the sales of the sampled Union producers over the period considered. The Commission therefore concluded that the exports to third countries could only have had a marginal effect on the injurious situation of the Union industry in the investigation period, and therefore could not break the causal link between the Chinese dumped imports and the material injury suffered by the Union industry.
- (205) Following final disclosure, FCI requested an explanation from the Commission on how the combination of increased exports with very low prices is not able to break the causal link between the alleged injury suffered by the Union industry and imports of the product concerned from the PRC. FCI claimed that if the Union industry had not sold its products to third markets and had instead sold that part of the output domestically, at average Union prices, it could have improved its profit margin by 17,20 %.

- (206) The Commission noted that the assumption of FCI that the Union producers could sell the products they had exported on the Union market for the same price at which they sell in the Union is not based on any evidence and is a mere speculation. First of all, the prices within the Union industry are under pressure because of the dumped imports from the PRC. Secondly, following the fundamental economic law of supply and demand, an increase in supply will lower the price of the product. Moreover, the product mix of products exported by the sampled Union producers may diverge from their average production and corresponding cost of production. Therefore, the Commission rejected the claim of FCI that the Union producers could have improved their profit margin by selling their exports in the Union market.

#### 5.2.3. *Contraction in demand*

- (207) FCI submitted evidence according to which the closure of the foundries mentioned in recital (190) of the provisional Regulation should be attributed to factors other than the increase in imports of the product concerned from the PRC.
- (208) The Commission notes that regarding ACO publicly available information indicated that the price pressure and competition from the PRC was one of the reasons to close the Union foundry. Regarding the other closures FCI did not give any conclusive evidence on the reasons for closure. In any event, it is not these closures which drove the sampled Union producers' sales prices and profitability downwards as they reflect a loss in competition on the intra-Union market. The Commission therefore rejects this submission and stays of the opinion that these closures coincided with the injury suffered by the Union and therefore do not break the causal link between the Chinese dumped imports and the material injury suffered by the Union industry.
- (209) The CCCME claimed that the Commission should have separated and distinguished the injurious effect of the drop in consumption from the allegedly injurious effects of the imports from the PRC as it is clear that when considering the evolution of sales and production volumes of the Union industry this drop cannot be attributed to imports from the PRC.
- (210) Furthermore, the CCCME claimed that as the increase in imports from the PRC does not coincide with the decreasing sales volume of the Union industry, there is no factual basis for the Commission's allegation that since the increase in imports from the PRC is higher than the decrease in consumption and sales of the Union industry the contraction in demand cannot break the causal link between the dumped imports from the PRC and the material injury suffered by the Union industry.
- (211) The Commission notes that contrary to what the CCCME claimed the increase in imports from the PRC does coincide with the decreasing sales volume of the Union industry when the whole period for the assessment of injury is considered.
- (212) The Commission therefore rejects this claim and confirms its conclusions set out in recitals (189) to (191) of the provisional Regulation.

#### 5.2.4. *Segmentation in the Union market*

- (213) FCI submitted that national standards and different requirements at Member States level segment the Union in various national markets for cast iron articles.
- (214) The Commission noted that notwithstanding the existence of national standards for different product types, Union producers and exporting producers alike can fulfil these national requirements related to product certification. Therefore, this claim was rejected.

#### 5.2.5. *Technical evolution of the product under investigation*

- (215) FCI further submitted that the weight of the items sold has decreased and therefore an equivalent production volume in tonnes reveals an increased number of items sold. According to FCI, a lack of increase in profits and market share should be attributed to a structural change in technology and production processes rather than to the competition with products manufactured in the PRC.

- (216) The Commission notes that based on the sampled Union producers' data, it could not establish any significant weight decrease during the period considered. The claim is therefore rejected.
- (217) Following final disclosure, FCI alleged that there has been a general reduction in the weight of cast iron articles. The fact that production volumes in the Union during the investigation period were equivalent to the situation prevailing in 2013 (96 %) reveals that the Union industry has necessarily increased the number of items sold. Any injury should therefore be attributed to a structural change in technology and production processes rather than to the competition with products manufactured in the PRC.
- (218) The Commission had requested the sampled Union producers not only all data in tonnes produced, but also in pieces produced. This verified data did not show any significant decrease in weight of the like product. Therefore the Commission did not agree with the FCI in its claim that the Union industry had necessarily increased the number of items sold. Therefore, the claim was rejected.

### 5.3. Conclusion on causation

- (219) The CCCME claimed that despite alleged price undercutting in the investigation period the Union industry was able to keep its market share which is difficult to reconcile with a finding of a causal link.
- (220) The Commission noted that the Union industry lost market share over the period considered whereas the market share of imports from the PRC increased considerably. It also found significant undercutting. It therefore rejected this claim.
- (221) Following final disclosure, the CCCME reiterated its claim that there is no coincidence in time between imports from the PRC and the alleged injury suffered by the Union industry. The CCCME pointed out that the data showed that there is a coincidence in time between the injury indicators in question and the consumption evolution, which it claimed appeared to be the actual cause of any alleged injury. It further claimed that this in turn has had an impact on other injury indicators such as profitability. The CCCME finally claimed that in its injury and causation analyses the Commission should have considered the trends in imports over the period considered rather than just comparing the end points as held by the Appellate Body <sup>(1)</sup>.
- (222) By contrast to the Appellate Body Report, where no analysis of the trends were made but only a comparison between the starting and the end point of the period considered, in the case at hand the Commission carried out a thorough analysis of the prevailing trends taking place during the entire period considered, including between each and every year of that period. On that basis, the Commission found a coincidence in time between imports from the PRC and the injury suffered by the Union industry on the basis of that period. Therefore, the claim was rejected.
- (223) Following the publication of the provisional Regulation, the CCCME claimed for the first time during the investigation that the injury suffered by the Union industry might have been self-inflicted as several Union producers started replacing their own sales of the like product by sales of composite products, which they also produce, and suggested that competition by these products should have been taken into account, as it was able to break the alleged causal link between dumped imports from the PRC and the injury allegedly suffered by the Union industry.
- (224) The Commission rejected this claim as the CCCME, apart from a mere product brochure from one of the Union producers, did not substantiate it with any conclusive evidence. Most importantly, the Commission's findings are based on the data related to the product under investigation.
- (225) Following final disclosure, the complainants further reiterated that sales of composite products are minimal and represent less than 1 % of their business. The claims were therefore rejected.
- (226) In the absence of any further comments the Commission confirmed its conclusions set out in recitals (202) to (205) of the provisional Regulation.

<sup>(1)</sup> Report of the Appellate Body in *United States — Measures Affecting Imports of Certain Passenger Vehicle and Light Truck Tyres from China*, WT/DS/399/AB/R, paragraph 220.

## 6. UNION INTEREST

### 6.1. Interest of the Union industry

- (227) FCI submitted that imports from the PRC in the period considered did not have the effect of depressing domestic prices for the product under investigation of the Union industry, as Chinese prices have remarkably increased during the period considered, while average sales prices of the Union industry have progressively decreased in the period considered and this trend followed a general decrease in the unit cost of production, which was in the interest of the Union industry.
- (228) The Commission rejected this submission, because the imports from the PRC, even after the price increase over the period considered, were significantly undercutting the Union industry prices and therefore depressing prices in the Union. This is supported by the decrease in sales prices of the Union industry, which was higher than the decrease in the unit cost of production. It is therefore, in the Union industry's interest to stop such price decrease due to dumped low-priced Chinese imports.
- (229) Following final disclosure, FCI submitted that Union producers do source part of their product range from the PRC. As a result, the imposition of a provisional duty on the PRC is causing problems also to Union producers.
- (230) In addition, one of the Union producers has recently made a large investment for the development of a new foundry in the United States ('US'); the imposition of a definitive duty will lead to an increase in imports from the US and to the consolidation of the dominant position of this Union producer in the Union market for cast iron articles to the detriment of free and fair competition.
- (231) The Commission noted that imposition of anti-dumping measures may affect all players in the Union market, including the Union producers. However, following final disclosure the complainants and a supporting producer submitted that it is in the interest of the Union industry to impose a definitive duty that will contribute to the creation of a level playing field on the market.
- (232) During the verification visit at the producer mentioned in recital (230), the company has informed the Commission that the investment in the US is made to replace an already existing plant. As FCI has not brought any supportive evidence for its claim that this producer will use this investment to increase imports from the US to the Union, the Commission has rejected this claim.
- (233) The complainants claimed that if the definitive duty rates are reduced to the levels proposed in the final disclosure, they will not be able to compete with the dumped imports, as importers of the product concerned from the PRC are still able to undercut Union industry's prices in spite of the imposition of the provisional duty of on average 33 %.
- (234) The anti-dumping measures are set at the level necessary to remove the effect of injurious dumping. Therefore, it is possible that import prices are still competitive with the price of the like product sold by the Union industry, in particular since the provisional anti-dumping duty imposed is based on the dumping margins which were found lower than the injury elimination level. The Commission therefore rejected this claim.

### 6.2. Interest of unrelated importers

- (235) FCI submitted that the Commission underestimated the role played and the employment created by a large consortium of European SMEs in the market for the product concerned.
- (236) The Commission noted that it has found in the investigation that the unrelated importers bear certain costs for the design, certification and R & D of the product concerned and therefore decided to adjust the undercutting and injury elimination level calculations accordingly as indicated in recitals (119) to (122) above. However, even after such adjustment the undercutting and the injury elimination level remain significant.
- (237) FCI submitted that the Commission is not taking account of the importance of the certifications for the product concerned and the presence of long-term contracts.

- (238) The Commission noted that it did not find any evidence of the existence of such long-term contracts during the investigation. The costs for the certifications for the product concerned are integrated in the adjustment made for R & D costs in the undercutting and injury elimination calculations.
- (239) The total number of employees of the FCI member companies is estimated at around 1 200 for imports from all countries, so measures on imports from just the PRC will have a potential impact on a smaller number of employees.
- (240) FCI submitted that whilst the Union industry could still keep its actual levels of employment even in presence of imports of the product concerned from the PRC, most FCI member companies will be forced to close down or to lay off workers if the Commission decides to impose a definitive anti-dumping duty.
- (241) The Commission rejected this argument as FCI failed to substantiate its claim with any evidence or analysis that forced closures or reductions in employment would take place. To the contrary, given the significant level of undercutting, despite the effect of any definitive duty Chinese import prices will remain competitive with the Union industry prices, and not lead to such closures and reduction in employment.
- (242) FCI submitted that the unrelated importers cannot easily and in a short period of time find alternative sources of supply and Union producers will not sell the product under investigation to the unrelated importers, as they are in direct competition with each other.
- (243) Concerning the arguments that the imposition of measures would lead to a shortage of supply of the product under investigation, the Commission first noted that the objective of anti-dumping measures is not to close off the Union market from any imports, but to restore fair trade by removing the effect of injurious dumping. Imports from the PRC should therefore not come to an end, but to continue, albeit at fair prices.
- (244) At the same time, it cannot be excluded in practice that measures against the PRC could not have an effect. However, as addressed in recital (220) of the provisional Regulation, unrelated importers could potentially turn to imports from other third countries. In this regard, the Commission established that the unrelated importers are not exclusively dependent on imports from the PRC, but also purchased during the period considered the product under investigation from producers in other third countries, such as India, Turkey and Brazil. The Commission noted further imports from Vietnam, Egypt and Ukraine.
- (245) Furthermore, the Commission found during the investigation that the Union industry has spare capacity available, as it has been running on a capacity utilisation level of around 50 %. FCI failed to submit any evidence to support the allegation that the Union industry will not sell the product under investigation to the unrelated importers.
- (246) Following final disclosure, FCI returned to the issue of security of supply, stating that Union producers have never agreed and will never agree to produce castings on behalf of FCI member companies. FCI member companies contacted several foundries in the Union and they all refused to supply materials produced according to their patterns or they declared that they are not available to produce cast iron articles for all the requested dimensions.
- (247) Regarding a possible switch to other third countries FCI claimed that none of the countries mentioned in this Regulation represent a viable alternative to the PRC. India and Turkey are not reasonable alternatives. They exported only limited quantities of the product concerned during the investigation period. In particular, the producers in India almost exclusively produce grey cast iron, whilst the producers in the PRC mostly produce ductile cast iron. Only 30 000 tonnes of cast iron articles were imported from third countries other than India during the investigation period, therefore it is according to FCI unthinkable to start producing sufficient volumes of castings in a reasonable period of time in countries other than the PRC. Furthermore, any switch in the source of imports for the product concerned will entail additional costs for the unrelated importers. All investment in the patterns owned by the producers in the PRC cannot be used anywhere else and thus will lose their value if a definitive duty is imposed. In addition, any switch of production will require time and this delay will cause unrelated importers to leave the Union market.

- (248) The Commission noted that FCI has not provided any evidence supporting the claim that Union producers will never agree to produce castings on behalf of FCI member companies.
- (249) On the other hand, following final disclosure the complainants have submitted that they are willing to supply the importers and have provided evidence that they already do so. Therefore, this claim was rejected.
- (250) The fact that only limited imports during the investigation period existed from third countries other than the PRC, does not exclude the possibility to shift production to other third countries. Furthermore, the measures do not have the objective to close off the Union market from Chinese imports, but to restore fair trade by removing the effect of injurious dumping. As the definitive duty rates are below the injury elimination level and even below the undercutting margins for all sampled Chinese exporting producers, they are not expected to have a prohibitive effect on imports from the PRC. This is supported by the import statistics since the imposition of provisional anti-dumping measures, which still show significant imports from the PRC.
- (251) The implicated additional costs linked to a potential switch in production are therefore mainly suggestive and not inherently linked to the imposition of anti-dumping measures.
- (252) In light of the above, the Commission rejected all the claims made by FCI regarding the security of supply.

### 6.3. Interest of users

- (253) FCI submitted that measures would be against the different needs and specificities requested by public authorities and private entities that are dependent on imports by unrelated importers, especially in regions not sufficiently close to the Union producers.
- (254) The Commission reiterated that end users cannot rely on dumped prices at the expense of the Union industry. Furthermore, the investigation has shown that there is already intra-Union trade of the product concerned and the like product, including to regions that are not located close to the Union producers.

### 6.4. Conclusion on Union interest

- (255) In summary, none of the arguments put forward by interested parties demonstrate that there are compelling reasons against the imposition of measures on imports of the product concerned from the PRC.
- (256) Any negative effects on the unrelated importers cannot be considered disproportionate and are mitigated by the availability of alternative sources of supply, whether from third countries or from the Union industry. The positive effects of the anti-dumping measures on the Union market, in particular on the Union industry, outweigh the potential negative effect on the other interest groups.
- (257) In the absence of any further comments, the Commission confirms its conclusions set out in recital (226) of the provisional Regulation.

## 7. TERMINATION AND DEFINITIVE ANTI-DUMPING MEASURES

- (258) Given the fact that no dumping had been established, the proceeding with regard to imports originating in India shall be terminated.

### 7.1. Injury elimination level for the PRC

- (259) The complainants submitted that they disagreed with a profitability of 5,3 % used in the injury elimination level assessment. They claimed that the profitability of the Union producers amounted to around 10 % in 2006. However the profitability used in the injury assessment is the one achieved by the sampled Union producers in 2013.



- (260) As addressed in recital (231) of the provisional Regulation, the 2013 level of profit reflects what could be reasonably achieved under normal conditions of competition, i.e. in the absence of dumped imports. This target profit is furthermore in line with the percentage proposed by the complainants for the underselling calculations in their complaint.
- (261) FCI submitted that the provisional injury elimination level assessment is misleading, as it compares the prices of the products sold by the Chinese foundries to importers in the Union with that of products sold by the Union industry to final customers and does not take into account expenses borne exclusively by the unrelated importers. Such costs include R & D costs, costs for the creation of patterns and prototypes, certification costs, homologation costs, quality checks and conformity checks, warehouse costs, and sales costs.
- (262) The Commission has verified this data and has decided to adjust the undercutting margin (see recitals (119) to (122) above) and the injury elimination level for such costs, by adjusting the Union industry's ex-works prices downwards taking the weighted average R & D costs on turnover of the sampled Union producers. Further, an adjustment to the import price was made for verified post-importation costs.

## 7.2. Definitive measures for the PRC

- (263) In view of the conclusions reached with regard to dumping, injury, causation and Union interest, and in accordance with Article 9(4) of the basic Regulation, definitive anti-dumping measures should be imposed on the imports of the product concerned at the level of the dumping margin, in accordance with the lesser duty rule.
- (264) On the basis of the above, the rates at which the definitive anti-dumping duty will be imposed are set as in Table 3 below:

Table 3

### Dumping margin, injury elimination level and duty rate

Company	Dumping margin	Injury elimination level	Duty
Botou City Wangwu Town Tianlong Casting Factory	15,5 %	63,5 %	15,5 %
Botou Lisheng Casting Industry Co., Ltd	31,5 %	52,8 %	31,5 %
Fengtai (Handan) Alloy Casting Co., Ltd	38,1 %	72,8 %	38,1 %
Hong Guang Handan Cast Foundry Co., Ltd	21,3 %	70,3 %	21,3 %
Shijiazhuang Transun Metal Products Co., Ltd	25,0 %	66,2 %	25,0 %
Other cooperating companies	25,4 %	64,8 %	25,4 %
All other companies	38,1 %	72,8 %	38,1 %

- (265) The individual company anti-dumping duty rates specified in this Regulation were established on the basis of the findings of the present investigation. Therefore, they reflect the situation found during that investigation with respect to these companies. These duty rates (as opposed to the country-wide duty applicable to 'all other companies') are thus exclusively applicable to imports of the product concerned originating in the PRC and produced by the companies and thus by the specific legal entities mentioned. Imported product concerned produced by any other company not specifically mentioned in the operative part of this Regulation with its name and address, including entities related to those specifically mentioned, cannot benefit from these rates and shall be subject to the duty rate applicable to 'all other companies'.

- (266) Any claim requesting the application of these individual company anti-dumping duty rates (e.g. following a change in the name of the entity or following the setting up of new production or sales entities) should be addressed to the Commission <sup>(1)</sup> with all relevant information, in particular any modification in the company's activities linked to production, domestic and export sales associated with, for example, that name change or that change in the production and sales entities. If appropriate, the Regulation will accordingly be amended by updating the list of companies benefiting from individual duty rates.
- (267) To minimise the risks of circumvention due to the high difference in duty rates, special measures are needed to ensure the application of the individual anti-dumping duties. The companies with individual anti-dumping duties must present a valid commercial invoice to the customs authorities of the Member States. The invoice must conform to the requirements set out in Article 1(3) hereof. Imports not accompanied by that invoice should be subject to the anti-dumping duty applicable to 'all other companies'.
- (268) In order to ensure a proper enforcement of the anti-dumping duty, the 'all other companies' duty rate should not only apply to the non-cooperating exporting producers but also to those producers which did not have any exports to the Union during the investigation period unless the latter comply with the conditions set out in Article 3.
- (269) A group of cooperating exporting producers, together with the CCCME offered a joint price undertaking in accordance with Article 8(1) of the basic Regulation. This undertaking offer is under evaluation.
- (270) In view of the recent case-law of the Court of Justice <sup>(2)</sup>, it is appropriate to provide for the rate of default interest to be paid in case of reimbursement of definitive duties, because the relevant provisions in force concerning customs duties do not provide for such an interest rate, and the application of national rules would lead to undue distortions between economic operators depending on which Member State is chosen for customs clearance.

### 7.3. Price undertaking offer

- (271) Following final disclosure, the CCCME and 64 exporting producers submitted a price undertaking offer in accordance with Article 8 of the basic Regulation.
- (272) The Commission evaluated this offer and concluded that acceptance of such undertaking would be impractical within the meaning of Article 8 of the basic Regulation on the basis of the following elements:
- (i) the difficulty for the customs authorities of the Member States to visually distinguish between the two different product groups submitted to the proposed undertaking;
  - (ii) the high number of exporting producers included in the offer;
  - (iii) the low reliability of their accounting records;
  - (iv) the exports of other products by the exporting producers not subject to measures also allowing price compensation; and
  - (v) the fact that a similar undertaking covering a much smaller number of exporting producers was subject to repeated breaches and was eventually withdrawn in the past.
- (273) The CCCME and the exporting producers concerned as well as the Union industry were informed of the reasons why the Commission intended to reject the undertaking offer. The Union industry expressed its agreement with the rejection.
- (274) The CCCME submitted certain comments and suggestions in reaction to the Commission's evaluation of the undertaking offer. The CCCME offered to use one average minimum import price based on the most expensive product types, to limit the exports of other products and to define some eligibility criteria in order to reduce the number of exporting producers participating in the undertaking. However, although these suggestions could alleviate somehow certain monitoring risks, those concerning the reduction of the number of exporting producers and the inherent risk attached to the reliability of their accounting records could not be assessed by the Commission since they were not sufficiently precise to form a revised offer. In addition, the restriction of participating exporting producers could lead to channelling of exports of non-participating exporting producers via those participating. Finally, the Commission recalled that a similar undertaking covering a much smaller number of exporting producers was subject to repeated breaches and eventually withdrawn in the past. Thus, overall, the comments and suggestions of the CCCME did not change the Commission's assessment.

<sup>(1)</sup> European Commission, Directorate-General for Trade, Directorate H, 1049 Brussels, Belgium.

<sup>(2)</sup> Judgment in *Wortmann*, C-365/15, EU:C:2017:19, paragraphs 35 to 39.

#### 7.4. Definitive collection of the provisional duties

- (275) In view of the dumping margins found and given the level of the injury caused to the Union industry, the amounts secured by way of the provisional anti-dumping duty, imposed by the provisional Regulation, should be definitively collected.
- (276) The definitive duty rates are lower than the provisional duty rates. Thus, the amounts secured in excess of the definitive anti-dumping duty rate should be released.
- (277) The Committee established by Article 15(1) of Regulation (EU) 2016/1036 did not deliver an opinion,

HAS ADOPTED THIS REGULATION:

#### Article 1

1. A definitive anti-dumping duty is imposed on imports of certain articles of lamellar graphite cast iron (grey iron) or spheroidal graphite cast iron (also known as ductile cast iron), and parts thereof currently falling within CN codes ex 7325 10 00 (TARIC code 7325 10 00 31) and ex 7325 99 10 (TARIC code 7325 99 10 51) and originating in the People's Republic of China.

These articles are of a kind used to:

- cover ground or sub-surface systems, and/or openings to ground or sub-surface systems, and also
- give access to ground or sub-surface systems and/or provide view to ground or sub-surface systems.

The articles may be machined, coated, painted and/or fitted with other materials such as but not limited to concrete, paving slabs, or tiles.

The following product types are excluded from the definition of the product concerned:

- channel gratings and cast tops subject to standard EN 1433, to be fitted as a component on channels in polymer, plastic, galvanised steel or concrete allowing surface water to flow into the channel,
- floor drains, roof drains, cleanouts and covers for cleanouts, subject to standard EN 1253,
- step irons, lifting keys, and fire hydrants.

2. The rates of the definitive anti-dumping duty applicable to the net, free-at-Union-frontier price, before duty, of the product described in paragraph 1 and produced by the companies listed below shall be as follows:

Company	Duty (%)	TARIC additional code
Botou City Wangwu Town Tianlong Casting Factory	15,5	C221
Botou Lisheng Casting Industry Co., Ltd	31,5	C222
Fengtai (Handan) Alloy Casting Co., Ltd	38,1	C223
Hong Guang Handan Cast Foundry Co., Ltd	21,3	C224
Shijiazhuang Transun Metal Products Co., Ltd	25,0	C225
Other cooperating companies listed in Annex	25,4	See Annex
All other companies	38,1	C999

3. The application of the individual duty rates specified for the companies mentioned in paragraph 2 shall be conditional upon presentation to the Member States' customs authorities of a valid commercial invoice, on which shall appear a declaration dated and signed by an official of the entity issuing such invoice, identified by his/her name and function, drafted as follows: 'I, the undersigned, certify that the (volume) of certain castings sold for export to the European Union covered by this invoice was manufactured by (company name and address) (TARIC additional code) in the People's Republic of China. I declare that the information provided in this invoice is complete and correct.' If no such invoice is presented, the duty applicable to all other companies shall apply.

4. Unless otherwise specified, the relevant provisions in force concerning customs duties shall apply. The default interest to be paid in case of reimbursement that gives rise to a right to payment of default interest shall be the rate applied by the European Central Bank to its principal refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the deadline falls, increased by one percentage point.

#### Article 2

The amounts secured by way of the provisional anti-dumping duty under Implementing Regulation (EU) 2017/1480 shall be definitively collected. The amounts secured in excess of the definitive rates of the anti-dumping duty shall be released.

#### Article 3

Where any new exporting producer in the People's Republic of China provides sufficient evidence to the Commission that:

- it did not export to the Union the product described in Article 1(1) during the investigation period (1 October 2015 to 30 September 2016),
- it is not related to any of the exporters or producers in the People's Republic of China which are subject to the measures imposed by this Regulation,
- it has actually exported to the Union the product concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Union,

Article 1(2) shall be amended, after giving all interested parties the possibility to comment, by adding the new exporting producer to the cooperating companies not included in the sample and thus subject to the weighted average duty rate.

#### Article 4

The anti-dumping proceeding concerning imports of the product mentioned in Article 1(1) originating in India is hereby terminated.

#### Article 5

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 January 2018.

For the Commission  
The President  
Jean-Claude JUNCKER

## ANNEX

Chinese cooperating exporting producers not sampled:

Name	TARIC additional code
Baoding City Maikesaier Casting Ltd	C226
Baoding GB Metal Products Co., Ltd	C232
Baoding Hualong Casting Co., Ltd	C233
Baoding Shuanghu Casting Co., Ltd	C234
Bo Tou Chenfeng Casting Co., Ltd	C235
Botou City Minghang Casting Co., Ltd	C236
Botou City Qinghong Foundry Co., Ltd and the related company Cangzhou Qinghong Foundry Co., Ltd	C237
Botou City Simencun Town Bai Fo Tang Casting Factory	C238
Botou Dongli Foundry Co., Ltd	C239
Botou GuangTai Precision Casting Factory	C240
Botou Mancheng Foundry Co., Ltd	C241
Botou Okai Foundry Co., Ltd	C242
Botou Sanjiang Casting Co., Ltd	C243
Botou TongYang Casting Factory	C244
Botou Weili Precision Casting Co., Ltd	C245
Botou Xinrong Foundry Co., Ltd	C246
Botou Zhengxin Foundry Co., Ltd	C247
Cangzhou Hongyuan Machinery & Foundry Co., Ltd	C248
Cangzhou Yadite Casting Machinery Co., Ltd	C249
Changsha Jinlong Foundry Industry Co., Ltd	C250
Changyi City ChangZhan Casting Co., Ltd	C251
China National Minerals Co., Ltd	C252
Dingxiang Sitong Forging and Casting Industrial	C253
Dingzhou Dongyu Foundry Co., Ltd	C254
Handan City Jinzhu Foundry Co., Ltd	C255
Handan Haolin Casting Co., Ltd	C256
Handan Qunshan Foundry Co., Ltd	C257

Name	TARIC additional code
Handan Yanyuan Machinery Foundry Co., Ltd	C258
Handan Yuanyang Foundry Co.,Ltd	C259
Handan Zhangshui Pump Manufacturing Co., Ltd	C260
Hebei Cheng'An Babel Casting Co., Ltd	C261
Hebei Feixiang East Foundry Products Co., Ltd	C262
Hebei Jinghua Casting Co., Ltd	C263
Hebei Shunda Foundry Co., Ltd	C264
Hebei Tengfeng Metal Products Co., Ltd	C265
Hebei Zhonghe Foundry Co., Ltd	C266
Hengtong Valve Co.,LTD	C267
Heping Cast Co., Ltd Yi County	C268
Jiaocheng County Honglong Machinery Manufacturing Co., Ltd	C269
Jiaocheng County Xinlei Machinery Manufacturing Co., Ltd	C270
Jiaocheng County Xinxing Casting Co., Ltd	C271
Laiwu City Haitian Machinery Plant	C272
Laiwu Xinlong Weiye Foundry Co., Ltd	C273
Lianyungang Ganyu Xingda Casting Foundry	C274
Lingchuan County Rainbow Casting Co., Ltd	C275
Lingshou County Boyuan Foundry Co., Ltd	C276
Pingyao County Master Casting Co., Ltd	C277
Qingdao Jiatailong Industrial Co.,Ltd	C278
Qingdao Jinfengtaike Machinery Co., Ltd	C279
Qingdao Qitao Casting Co., Ltd	C280
Qingdao Shinshu Casting Co., Ltd	C281
Qingyuanxian Yueda Fountry Co., Ltd	C282
Rockhan Technology Co., Ltd	C283
Shahe City Fangyuan Casting Co., Ltd	C284
Shandong Heshengda Machinery Technology Co., Ltd	C298
Shandong Hongma Engineering Machinery Co., Ltd	C285
Shandong Lulong Group Co., Ltd	C286

Name	TARIC additional code
Shanxi Ascent Industrial Co., Ltd	C310
Shanxi Associated Industrial Co., Ltd	C287
Shanxi Jiaocheng Xinglong Casting Co., Ltd	C288
Shanxi Solid Industrial Co., Ltd	C289
Shanxi Yuansheng Casting and Forging Industrial Co., Ltd	C290
Shaoshan Huanqiu Castings Foundry	C291
Tang County Kaihua Metal Products Co., Ltd	C292
Tangxian Hongyue Machinery Accessory Foundry Co., Ltd	C293
Tianjin Jinghai Chaoyue Industrial and Commercial Co., Ltd	C294
Tianjin Yu Xing Da Casting Co., Ltd	C295
Wangdu Junrong Foundry Co., Limited	C296
Weifang Nuolong Machinery Co., Ltd	C297
Weifang Weikai Casting Co., Ltd	C299
Wen Shui Hengli Nature of the Company	C300
Wuhan RedStar Agro-Livestock Machinery Co. Ltd	C301
Zibo Joy's Metal Co., Ltd	C302

# DECISIONS

## COUNCIL DECISION (CFSP) 2018/141

of 29 January 2018

### amending Decision 2011/72/CFSP concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 January 2011 the Council adopted Decision 2011/72/CFSP <sup>(1)</sup>.
- (2) The restrictive measures set out in Decision 2011/72/CFSP apply until 31 January 2018. On the basis of a review of that Decision, the restrictive measures should be extended until 31 January 2019. The entry for one person should be amended.
- (3) Decision 2011/72/CFSP should therefore be amended accordingly.

HAS ADOPTED THIS DECISION:

#### *Article 1*

Decision 2011/72/CFSP is amended as follows:

- (1) Article 5 is replaced by the following:

#### *'Article 5*

This Decision shall apply until 31 January 2019. It shall be kept under constant review. It may be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.;

- (2) the Annex is amended as set out in the Annex to this Decision.

#### *Article 2*

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

Done at Brussels, 29 January 2018.

*For the Council*  
*The President*  
R. PORODZANOV

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<sup>(1)</sup> Council Decision 2011/72/CFSP of 31 January 2011 concerning restrictive measures directed against certain persons and entities in view of the situation in Tunisia (OJ L 28, 2.2.2011, p. 62).



## ANNEX

The entry for the following person set out in the Annex to Decision 2011/72/CFSP is replaced by the entry below:

	Name	Identifying information	Grounds
'5.	Fahd Mohamed Sakher Ben Moncef Ben Mohamed Hfaiez MATERI	Tunisian, born in Tunis 2 December 1981, son of Naïma BOUTIBA, married to Nesrine BEN ALLI, holder of NIC No 04682068	Person subject to judicial investigations by the Tunisian authorities for complicity in the misappropriation of Tunisian public monies by a public office-holder, complicity in the misuse of office by a public office-holder (ex-President Ben Ali) to procure an unjustified advantage for a third party and to cause a loss to the administration, exerting wrongful influence over a public office-holder ex-President Ben Ali with a view to obtaining directly or indirectly an advantage for another person, and for complicity in the offence of the receipt by a public official of public funds which he knew were not due, and used for the personal benefit of himself or members of his family.'

**COMMISSION IMPLEMENTING DECISION (EU) 2018/142****of 15 January 2018****amending Implementing Decision 2014/762/EU laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism***(notified under document C(2018) 71)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 1313/2013/EU of the European Parliament and the Council of 17 December 2013 on a Union Civil Protection Mechanism <sup>(1)</sup>, and in particular Article 32(1) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/762/EU <sup>(2)</sup> defines the capacity goals, the quality and interoperability requirements, and the registration and certification procedure of the European Emergency Response Capacity (EERC) as well as the general requirements for civil protection modules.
- (2) The acute shortage of emergency medical teams and other health-related intervention teams during the Ebola crisis in West Africa led to the concept of a European Medical Corps, which describes the part of the EERC that may be mobilised for response operations in case of disease outbreaks and emergencies with health consequences. The aim is to strengthen the Union's capacity as a whole to respond to disease outbreaks and emergencies with health consequences which overwhelm the coping capacities of the affected countries alone, both inside and outside the Union.
- (3) The requirements for civil protection modules need to take acknowledged international processes into account, such as the initiative of the World Health Organisation to classify Emergency Medical Teams and the guidelines established by the International Search and Rescue Advisory Group (Insarag).
- (4) Implementing Decision 2014/762/EU tasks the Commission, in cooperation with Member States, to assess the suitability of the capacity goals, the quality and interoperability requirements as well as the certification and registration procedure for resources in the EERC at least every 2 years and to revise them if necessary. The certification process for resources should be adjusted to take into account the experience gained during the initial period.
- (5) Implementing Decision 2014/762/EU should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Implementing Decision 2014/762/EU is amended as follows:

- (1) In Article 2, the following point (6) is added:

'(6) "European Medical Corps" means the part of the EERC available for response operations under the Union Mechanism in case of acute health emergencies.'

- (2) In Article 16, paragraph 8 is replaced by the following:

'8. The certification of a module, technical assistance and support team, other response capacity, or expert should be reassessed at the latest after 5 years, if the asset is submitted for reregistration into the EERC.'

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 924.

<sup>(2)</sup> Commission Implementing Decision 2014/762/EU of 16 October 2014 laying down rules for the implementation of Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism and repealing Commission Decisions 2004/277/EC, Euratom and 2007/606/EC, Euratom (OJ L 320, 6.11.2014, p. 1.).

- (3) Annex II is amended as set out in Annex I to this Decision.
- (4) Annex III is replaced by the text set out in Annex II to this Decision.
- (5) Annex V is amended as set out in Annex III to this Decision.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 15 January 2018.

*For the Commission*  
Christos STYLIANIDES  
*Member of the Commission*

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## ANNEX I

Annex II to Commission Implementing Decision 2014/762/EU is amended as follows:

(1) The following Section 18 is added:

**'18. Emergency medical team (EMT) type 1 (fixed): Outpatient Emergency Care**

Tasks	Outpatient initial emergency care of injuries and other significant health care needs, including the following services: <ul style="list-style-type: none"> <li>— Triage, assessment, first aid,</li> <li>— Stabilisation and referral of severe trauma and non-trauma emergencies,</li> <li>— Definite care for minor trauma and non-trauma emergencies.</li> </ul>
Capacities	Daytime services for at least 100 outpatient consultations/day.
Main components	Team and staff requirements: <ul style="list-style-type: none"> <li>— Management: staff to cover the functions of Team Leader, Deputy Team Leader, Liaison Officer (link to Reception/Departure Centre, On-Site Operations Coordination Centre or other coordinating mechanism as appropriate, local emergency management authority), Safety &amp; Security Officer,</li> <li>— Health Professionals: as defined in the minimum standards of the WHO,</li> <li>— Logistics: one Logistics Team Manager + logistics team in compliance with self-sufficiency requirements.</li> </ul> <p>The team shall comply with the "Classification and minimum standards for foreign medical teams in sudden onset disasters" and subsequent or additional guidelines issued by the World Health Organisation (WHO).</p>
Self-sufficiency	The team should ensure self-sufficiency during the entire deployment time. Article 12 applies and, in addition, the minimum standards of the WHO.
Deployment	Availability for departure in maximum 24-48 hours after the acceptance of the offer. Ability to be operational for at least 14 days.'

(2) The following Section 19 is added:

**'19. Emergency medical team (EMT) type 1 (mobile): Outpatient Emergency Care**

Tasks	Outpatient initial emergency care of injuries and other significant health care needs, including the following services: <ul style="list-style-type: none"> <li>— Triage, assessment, first aid,</li> <li>— Stabilisation and referral of severe trauma and non-trauma emergencies,</li> <li>— Definite care for minor trauma and non-trauma emergencies.</li> </ul>
Capacities	Daytime services for at least 50 outpatient consultations/day.
Main components	Team and staff requirements: <ul style="list-style-type: none"> <li>— Management: staff to cover the functions of Team Leader, Deputy Team Leader, Liaison Officer (link to Reception/Departure Centre, On-Site Operations Coordination Centre or other coordinating mechanism as appropriate, local emergency management authority), Safety &amp; Security Officer,</li> </ul>

	<ul style="list-style-type: none"> <li>— Health Professionals: as defined in the minimum standards of the WHO,</li> <li>— Logistics: one Logistics Team Manager + logistics team in compliance with self-sufficiency requirements.</li> </ul> <p>The team shall comply with the “Classification and minimum standards for foreign medical teams in sudden onset disasters” and subsequent or additional guidelines issued by the World Health Organisation (WHO).</p>
Self-sufficiency	The team should ensure self-sufficiency during the entire deployment time. Article 12 applies and, in addition, the minimum standards of the WHO.
Deployment	Availability for departure in maximum 24-48 hours after the acceptance of the offer. Ability to be operational for at least 14 days.’

(3) The following Section 20 is added:

**‘20. Emergency medical team (EMT) type 2: Inpatient Surgical Emergency Care**

Tasks	<p>Inpatient acute care, general and obstetric surgery for trauma and other major conditions, including the following services:</p> <ul style="list-style-type: none"> <li>— Intake/Screening of new and referred patients, counter-referral,</li> <li>— Surgical triage and assessment,</li> <li>— Advanced life support,</li> <li>— Definitive wound and basic fracture management,</li> <li>— Damage control surgery,</li> <li>— Emergency general and obstetric surgery,</li> <li>— Inpatient care for non-trauma emergencies,</li> <li>— Basic anaesthesia, X-ray, sterilisation, laboratory and blood transfusion,</li> <li>— Rehabilitation services and patient follow-up.</li> </ul> <p>Capacity to receive and integrate specialised care teams to work within their facility, if some of the services above cannot be provided by the team.</p>
Capacities	<p>Day and night services (covering 24/7 if necessary), including as a minimum:</p> <ul style="list-style-type: none"> <li>— One operating theatre with one operating room; at least 20 inpatient beds per operating table,</li> <li>— Capability to treat seven major or 15 minor surgical cases per day.</li> </ul>
Main components	<p>Team and Staff requirements:</p> <ul style="list-style-type: none"> <li>— Management: one Team Leader; one Deputy Team Leader; one Liaison Officer (link to Reception/Departure Centre, On-Site Operations Coordination Centre or other coordinating mechanism as appropriate, local emergency management authority); one Safety &amp; Security Officer,</li> <li>— Health Professionals: as defined in the minimum standards of the World Health Organisation (WHO),</li> <li>— Logistics: one Logistics Team Manager + logistics team for the EMT and its inpatients.</li> </ul> <p>The team shall comply with the “Classification and minimum standards for foreign medical teams in sudden onset disasters” and subsequent or additional guidelines issued by the WHO.</p>
Self-sufficiency	The team should ensure self-sufficiency during the entire deployment time. Article 12 applies and, in addition, the minimum standards of the WHO.

Deployment	<p>Availability for departure in maximum 48-72 hours after the acceptance of the offer, and ability to be operational on site within 24-96 hours.</p> <p>Ability to be operational for at least 3 weeks outside the Union, and for at least 14 days inside the Union.'</p>
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(4) The following Section 21 is added:

**'21. Emergency medical team (EMT) type 3: Inpatient Referral Care**

Tasks	<p>Complex inpatient referral surgical care including intensive care capacity, and including the following services:</p> <ul style="list-style-type: none"> <li>— Capacity to provide EMT type 2 services,</li> <li>— Complex reconstructive wound and orthopaedic care,</li> <li>— Enhanced X-ray, sterilisation, laboratory and blood transfusion,</li> <li>— Rehabilitation services and patient follow-up,</li> <li>— High-level paediatric and adult anaesthesia,</li> <li>— Intensive care beds with 24 h monitoring and ability to ventilate,</li> <li>— Acceptance and referral services from EMTs types 1 and 2, and from the national health system.</li> </ul> <p>Specialised services may be included, such as: burn care; dialysis and care of crush syndrome; maxillofacial surgery; orthoplastic surgery; intensive rehabilitation; maternal health; neonatal and paediatric care; transport and retrieval.</p>
Capacities	<p>Day and night services (covering 24/7 if necessary), including as a minimum:</p> <ul style="list-style-type: none"> <li>— One operating theatre with at least two operating tables in two separate rooms within the theatre area, at least 40 inpatient beds (20 per table), and four–six intensive care beds. Additional operating tables will require extra 20 inpatient beds each, to ensure adequate post-operative capacity,</li> <li>— Capability to treat 15 major or 30 minor surgical cases per day.</li> </ul>
Main components	<p>Team and Staff requirements:</p> <ul style="list-style-type: none"> <li>— Management: one Team Leader; one Deputy Team Leader; one Liaison Officer (link to Reception/Departure Centre, On-Site Operations Coordination Centre or other coordinating mechanism as appropriate, Local Emergency Management Authority); one Safety &amp; Security Officer,</li> <li>— Health Professionals Team: as defined in the minimum standards of the World Health Organisation (WHO),</li> <li>— Logistics Team: one Logistics Team Manager + logistics team for the EMT and its inpatients.</li> </ul> <p>The team shall comply with the “Classification and minimum standards for foreign medical teams in sudden onset disasters” and subsequent or additional guidelines issued by the WHO.</p>
Self-sufficiency	<p>The team should ensure self-sufficiency during the entire deployment time. Article 12 applies and, in addition, the minimum standards of the WHO.</p>
Deployment	<p>Availability for departure in maximum 48-72 hours after the acceptance of the offer, and ability to be operational on site within 5-7 days.</p> <p>Ability to be operational for at least 8 weeks outside the Union, and for at least 14 days inside the Union.'</p>

## ANNEX II

Annex III to Implementing Decision 2014/762/EU is amended as follows:

## ‘ANNEX III

## CAPACITY GOALS OF THE EERC

## Modules

Module	Number of modules simultaneously available for deployment <sup>(1)</sup>
<b>HCP</b> (High capacity pumping)	6
<b>MUSAR</b> (Medium urban search and rescue — one for cold conditions)	6
<b>WP</b> (Water purification)	2
<b>FFFP</b> (Aerial forest fire fighting module using planes)	2
<b>AMP</b> (Advanced medical post)	2 <sup>(2)</sup>
<b>ETC</b> (Emergency Temporary Camp)	2
<b>HUSAR</b> (Heavy urban search and rescue)	2
<b>CBRNDET</b> (CBRN detection and sampling)	2
<b>GFFF</b> (Ground forest fire fighting)	2
<b>GFFF-V</b> (Ground forest fire fighting using vehicles)	2
<b>CBRNUSAR</b> (USAR in CBRN conditions)	1
<b>AMP-S</b> (Advanced medical post with surgery)	1 <sup>(2)</sup>
<b>FC</b> (Flood containment)	2
<b>FRB</b> (Flood rescue using boats)	2
<b>MEVAC</b> (Medical aerial evacuation of disaster victims)	1
<b>FHOS</b> (Field hospital)	1 <sup>(2)</sup>
<b>FFFH</b> (Aerial forest firefighting module using helicopters)	2
<b>EMT type 1 fixed</b> (Emergency medical team type 1: Outpatient Emergency Care — fixed)	5
<b>EMT type 1 mobile</b> (Emergency medical team type 1: Outpatient Emergency Care — mobile)	2
<b>EMT type 2</b> (Emergency medical team type 2: Inpatient Surgical Emergency Care)	3
<b>EMT type 3</b> (Emergency medical team type 3: Inpatient Referral Care)	1

**Technical Assistance and Support Teams**

Technical Assistance and Support Team	Number of TAST simultaneously available for deployment (!)
<b>TAST</b> (Technical Assistance and Support Team)	2

**Other response capacities**

Other response capacity	Number of other response capacities simultaneously available for deployment (!)
Teams for mountain search and rescue	2
Teams for water search and rescue	2
Teams for cave search and rescue	2
Teams with specialised search and rescue equipment, e.g. search robots	2
Teams with unmanned aerial vehicles	2
Teams for maritime incident response	2
Structural engineering teams, to carry out damage and safety assessments, appraisal of buildings to be demolished/repared, assessment of infrastructure, short-term shoring	2
Evacuation support: including teams for information management and logistics	2
Firefighting: advisory/assessment teams	2
CBRN decontamination teams	2
Mobile laboratories for environmental emergencies	2
Communication teams or platforms to quickly re-establish communications in remote areas	2
Medical Evacuation Jets Air Ambulance and Medical Evacuation Helicopter separately for inside Europe or worldwide	2
Additional Shelter Capacity: units for 250 persons (50 tents); incl. self-sufficiency unit for the handling staff	100
Additional Capacity Shelter-kit: units for 2 500 persons (500 tarpaulins); with toolkit possibly to be procured locally	6
Water pumps with minimum capacity to pump 800 l/min	100
Power generators of 5-150 kW	100
Power generators above 150 kW	10
Marine pollution capacities	as necessary
Emergency medical teams for specialised care	8
Mobile biosafety laboratories	4



Other response capacity	Number of other response capacities simultaneously available for deployment <sup>(1)</sup>
Standing engineering capacity	1
Other response capacities necessary to address identified risks	as necessary

(<sup>1</sup>) To ensure this availability, the option of registering a higher number of capacities in the EERC (e.g. in case of rotation) shall be possible. Likewise, in case Member States make more capacities available, a higher number may be registered in the EERC.

(<sup>2</sup>) For this type of module, the option of registering a higher number of capacities in the EERC shall not be possible. The capacity goal for this type of module shall expire by 31 December 2019 at the latest.'

## ANNEX III

Annex V to Implementing Decision 2014/762/EU is amended as follows:

(1) The title of the annex is replaced by the following:

**‘CERTIFICATION AND REGISTRATION PROCEDURE FOR THE EERC’**

(2) The table at the end of the annex is replaced by the following text:

‘CERTIFICATION STEPS

1. The certification process shall include a consultative visit, a table-top exercise, and a field exercise. The field exercise may be waived for fire-related modules, emergency temporary camps, medical aerial evacuation modules, and certain other response capacities on a case-by-case basis.
  2. Urban search and rescue teams (medium and heavy) are considered certified if they have undergone the Insarag External Classification. No separate certification process for urban search and rescue teams shall be created under the EERC.
  3. Emergency medical teams (types 1, 2, 3 and specialised care) are considered certified if they have undergone the verification process of the World Health Organisation (WHO). The registration and certification procedure of emergency medical teams in the EERC shall complement the WHO verification process.’
-

**COMMISSION IMPLEMENTING DECISION (EU) 2018/143****of 19 January 2018****confirming or amending the provisional calculation of the average specific emissions of CO<sub>2</sub> and specific emissions targets for manufacturers of new light commercial vehicles for the calendar year 2016 pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council***(notified under document C(2018) 184)***(Only the Dutch, English, Estonian, French, German, Italian, Spanish and Swedish texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles <sup>(1)</sup>, and in particular Article 8(6) thereof,

Whereas:

- (1) In accordance with Regulation (EU) No 510/2011, the Commission is required to calculate each year the average specific emissions of CO<sub>2</sub> and the specific emissions target for each manufacturer of light commercial vehicles in the Union. On the basis of that calculation, the Commission is to determine whether manufacturers and pools of manufacturers have complied with their specific emissions targets.
- (2) Pursuant to Article 4 of Regulation (EU) No 510/2011 the average specific emissions of manufacturers for 2016 are calculated in accordance with the third paragraph of that Article and take into account 80 % of the manufacturer's new light commercial vehicles registered in that year.
- (3) The detailed data to be used for the calculation of the average specific emissions and the specific emissions targets are based on Member States' registrations of new light commercial vehicles during the preceding calendar year. Where light commercial vehicles are type-approved in a multi-stage process, the manufacturer of the base vehicle take responsibility for the CO<sub>2</sub> emissions of the completed vehicle.
- (4) All Member States submitted the 2016 data the Commission in accordance with Article 8(2) of Regulation (EU) No 510/2011. Where, as a result of the verification of the data by the Commission, 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 were not adjusted.
- (5) On 18 May 2017, the Commission published the provisional data and notified 62 manufacturers of the provisional calculations of their average specific emissions of CO<sub>2</sub> and their specific emissions targets in 2016. Manufacturers were asked to verify the data and to notify the Commission of any errors within three months of receipt of the notification. 23 manufacturers submitted notifications of errors.
- (6) For the remaining 39 manufacturers that did not notify any errors in the datasets or respond otherwise, the provisional data and provisional calculations of the average specific emissions and the specific emissions targets should be confirmed.
- (7) The Commission has verified the errors notified by the manufacturers and the respective reasons for their correction and the dataset has been confirmed or amended.
- (8) In the case of records without matching vehicle identification numbers and with missing or incorrect identification parameters, such as type, variant, version code or type-approval number, the fact that manufacturers cannot verify or correct those records should be taken into account. As a consequence, it is appropriate to apply an error margin to the CO<sub>2</sub> emissions and mass values in those records.

<sup>(1)</sup> OJ L 145, 31.5.2011, p. 1.

- (9) The error margin should be calculated as the difference between the distances to the specific emissions target expressed as the specific emissions targets subtracted from the average specific emissions 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 improve the manufacturer's position with regard to its specific emissions target.
- (10) In accordance with Article 10(2) of Regulation (EU) No 510/2011, a manufacturer should be considered as compliant with its specific emissions target referred to in Article 4 of that Regulation where the average emissions indicated in this Decision are lower than the specific emissions target, expressed as a negative distance to target. Where the average emissions exceed the specific emissions target, an excess emission premium are to be imposed, unless the manufacturer concerned benefits from an exemption from that target or is a member of a pool and the pool complies with its specific emissions target.
- (11) On 3 November 2015 the Volkswagen Group made a statement to the effect that irregularities had been found when determining type approval CO<sub>2</sub> levels of some of their vehicles. While that issue has been thoroughly investigated, the Commission nevertheless finds that further clarifications are needed from the Volkswagen pool as a whole as well as a confirmation by the relevant national type approval authorities of the absence of any such irregularities. As a consequence the values for the Volkswagen pool and its members (Audi AG, Dr. Ing. h.c.F. Porsche AG, Quattro GmbH, Seat S.A., Skoda Auto A.S., and Volkswagen AG) cannot be confirmed or amended.
- (12) The Commission reserves the right to revise the performance of a manufacturer as confirmed or amended by this Decision, should the relevant national authorities confirm the existence of irregularities in the CO<sub>2</sub> emission values used for the purpose of determining the manufacturer's compliance with the specific emissions target.
- (13) The provisional calculation of the average specific emissions of CO<sub>2</sub> from new light commercial vehicles registered in 2016, the specific emissions targets and the difference between those two values should be confirmed or amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The values relating to the performance of manufacturers, as confirmed or amended for each manufacturer of light commercial vehicles and for each pool of manufacturers of light commercial vehicles in respect of the 2016 calendar year in accordance with Article 8(6) of Regulation (EU) No 510/2011, are specified in the Annex to this Decision.

#### *Article 2*

This Decision is addressed to the following individual manufacturers and pools formed in accordance with Article 7 of Regulation (EU) No 510/2011:

- (1) Alfa Romeo SpA  
C.so Giovanni Agnelli 200  
10135 Torino  
Italy
- (2) Automobiles Citroen  
Route de Gizy  
78943 Vélizy-Villacoublay Cedex  
France
- (3) Automobiles Peugeot  
7, rue Henri Sainte-Claire Deville  
92500 Rueil-Malmaison  
France

## (4) AVTOVAZ JSC

Represented in the Union by:

LADA France S.A.S.  
13, Route Nationale 10  
78310 Coignieres  
France

## (5) BLUECAR SAS

31-32 quai de Dion Bouton  
92800 Puteaux  
France

## (6) Bayerische Motoren Werke AG

Petuelring 130  
80788 München  
Germany

## (7) BMW M GmbH

Petuelring 130  
80788 München  
Germany

## (8) FCA US LLC

Represented in the Union by:

Fiat Chrysler Automobiles  
Building 5 – Ground floor - Room A8N  
C.so Settembrini, 40  
10135 Torino  
Italy

## (9) CNG-Technik GmbH

Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany

## (10) COMARTH ENGINEERING S.L.

Carril Alejandro 79  
ES-30570 Beniajan – Murcia  
Spain

## (11) Automobile Dacia S.A.

Guyancourt  
1 avenue du Golf  
78288 Guyancourt Cedex  
France

## (12) Daimler AG

Mercedesstr 137/1 Zimmer 229  
HPC F403  
70327 Stuttgart  
Germany

## (13) DFSK MOTOR CO., LTD.

Represented in the Union by:

Giotti Victoria Srl  
Sr.l. Pissana Road 11/a 50021  
Barberino Val D' Elsa (Florence)  
Italy

## (14) Esagono Energia S.r.l.

Via Puecher 9  
20060 Pozzuolo Martesana (MI)  
Italy

## (15) FCA Italy S.p.A.

Building 5 – Ground floor - Room A8N  
C.so Settembrini, 40  
10135 Torino  
Italy

## (16) Ford Motor Company of Australia Ltd.

Represented in the Union by:

Ford Werke GmbH  
Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany

## (17) Ford Motor Company

Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany

## (18) Ford Werke GmbH

Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany

## (19) Fuji Heavy Industries Ltd.

Represented in the Union by:

Subaru Europe NV/SA  
Leuvensesteenweg 555 B/8  
1930 Zaventem  
Belgium

## (20) Mitsubishi Fuso Truck &amp; Bus Corporation

Represented in the Union by:

Daimler AG,  
Mercedesstr 137/1 Zimmer 229  
HPC F403  
70327 Stuttgart  
Germany

## (21) Mitsubishi Fuso Truck Europe SA

Represented in the Union by:

Daimler AG,  
Mercedesstr 137/1 Zimmer 229  
HPC F403  
70327 Stuttgart  
Germany

## (22) LLC Automobile Plant Gaz

Poe 2  
Lähte Tartumaa  
60502  
Estonia

## (23) General Motors Company

Represented in the Union by:

Adam Opel GmbH  
Bahnhofsplatz 1 IPC 39-12  
65423 Rüsselsheim  
Germany

## (24) GAC Gonow Auto Co. Ltd.

Represented in the Union by:

AUTORIMESSA MONTE MARIO SRL  
Via della Muratella, 797  
00054 Maccarese (RM)  
Italy

## (25) Goupil Industrie S.A.

Route de Villeneuve  
47320 Bourran  
France

## (26) Great Wall Motor Company Ltd.

Represented in the Union by:

Great Wall Motor Europe Technical Center GmbH  
Otto-Hahn-Str. 5  
63128 Dietzenbach  
Germany

## (27) Honda Motor Co., Ltd.

Represented in the Union by:

Aalst Office  
Wijngaardveld 1 (Noord V)  
B-9300 Aalst  
Belgium

## (28) Honda of the UK Manufacturing Ltd.

Aalst Office  
Wijngaardveld 1 (Noord V)  
B-9300 Aalst  
Belgium

## (29) Hyundai Motor Company

Represented in the Union by:

Hyundai Motor Europe GmbH  
Kaiserleipromenade 5  
63067 Offenbach  
Germany

## (30) Hyundai Assan Otomotiv Sanayi Ve Ticaret A.S.

Represented in the Union by:

Hyundai Motor Europe GmbH  
Kaiserleipromenade 5  
63067 Offenbach  
Germany

## (31) Hyundai Motor Manufacturing Czech s.r.o.

Kaiserleipromenade 5  
63067 Offenbach  
Germany

## (32) Isuzu Motors Limited

Represented in the Union by:

Isuzu Motors Europe NV  
Bist 12  
2630 Aartselaar  
Belgium

## (33) IVECO S.p.A.

Via Puglia 35  
10156 Torino  
Italia

## (34) Jaguar Land Rover Limited

Abbey Road  
Whitley  
Coventry  
CV3 4LF  
United Kingdom

## (35) KIA Motors Corporation

Represented in the Union by:

Kia Motors Europe GmbH  
Theodor-Heuss-Allee 11  
60486 Frankfurt am Main  
Germany

## (36) KIA Motors Slovakia s.r.o.

Theodor-Heuss-Allee 11  
60486 Frankfurt am Main  
Germany

## (37) LADA Automobile GmbH

Erlengrund 7-11  
21614 Buxtehude  
Germany



(38) Magyar Suzuki Corporation Ltd.  
Legal Department Suzuki-Allee 7  
64625 Bensheim  
Germany

(39) Mahindra & Mahindra Ltd.  
  
Represented in the Union by:  
  
Mahindra Europe S.r.l.  
Via Cancelliera 35  
00040 Ariccia (Roma)  
Italy

(40) Mazda Motor Corporation  
  
Represented in the Union by:  
  
Mazda Motor Europe GmbH  
European R&D Centre  
Hiroshimastr 1  
D-61440 Oberursel/Ts  
Germany

(41) M.F.T.B.C.  
  
Represented in the Union by:  
  
Daimler AG,  
Mercedesstr 137/1 Zimmer 229  
HPC F403  
70327 Stuttgart  
Germany

(42) Mitsubishi Motors Corporation MMC  
  
Represented in the Union by:  
  
Mitsubishi Motors Europe B.V. MME  
Mitsubishi Avenue 21  
6121 SG Born  
The Netherlands

(43) Mitsubishi Motors Thailand Co., Ltd. MMTh  
  
Represented in the Union by:  
  
Mitsubishi Motors Europe BV MME  
Mitsubishi Avenue 21  
6121 SG Born  
The Netherlands

(44) Nissan International SA  
  
Represented in the Union by:  
  
Renault Nissan Representation Office  
Av des Arts 40  
1040 Bruxelles  
Belgium

- (45) Adam Opel GmbH  
Bahnhofsplatz 1 IPC 39-12  
65423 Rüsselsheim  
Germany
- (46) Piaggio & C S.p.A.  
Viale Rinaldo Piaggio 25  
56025 Pontedera (PI)  
Italy
- (47) Renault S.A.S.  
Guyancourt  
1 avenue du Golf  
78288 Guyancourt Cedex  
France
- (48) Renault Trucks  
99 Route de Lyon TER L10 0 01  
69802 Saint Priest Cedex  
France
- (49) Romanital Srl  
Via delle Industrie, 107  
90040 Isola delle Femmine PA  
Italy
- (50) SAIC MAXUS Automotive Co. Ltd.  
Represented in the Union by:  
  
SAIC Luc, S.a.r.l.  
President Building  
37A avenue J.F. Kennedy  
1855 Luxembourg  
Luxembourg
- (51) SsangYong Motor Company  
Represented in the Union by:  
  
SsangYong Motor Europe Office  
Herriotstrasse 1  
60528 Frankfurt am Main  
Germany
- (52) StreetScooter GmbH  
Jülicher Straße 191  
52070 Aachen  
Germany
- (53) Suzuki Motor Corporation  
Represented in the Union by:  
  
Suzuki Deutschland GmbH  
Legal Department Suzuki-Allee 7  
64625 Bensheim  
Germany

- (54) Tata Motors Limited  
Represented in the Union by:  
Tata Motors European Technical Centre Plc.  
Internal Automotive Research Centre  
University of Warwick  
Coventry  
CV4 7AL  
United Kingdom
- (55) Toyota Motor Europe NV/SA  
Avenue du Bourget 60  
1140 Brussels  
Belgium
- (56) Univers Ve Helem  
14 rue Federico Garcia Lorca  
32000 Auch  
France
- (57) Volvo Car Corporation  
VAK building Assar Gabrielssons väg  
SE-405 31 Göteborg  
Sweden
- (58) Pool for: Daimler AG  
Mercedesstr 137/1  
Zimmer 229  
70546 Stuttgart  
Germany
- (59) Pool for: FCA Italy S.p.A.  
Building 5 – Ground floor - Room A8N  
C.so Settembrini, 40  
10135 Torino  
Italy
- (60) Pool for: Ford-Werke GmbH  
Neihl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany
- (61) Pool for: General Motors  
Bahnhofsplatz 1 IPC 39-12  
65423 Rüsselsheim  
Germany
- (62) Pool for: Kia  
Theodor-Heuss-Allee 11  
60486 Frankfurt am Main  
Germany
- (63) Pool for: Hyundai  
Kaiserleipromenade 5  
63067 Offenbach  
Germany

(64) Pool for: Mitsubishi Motors  
Mitsubishi Avenue 21  
6121 SG Born  
The Netherlands

(65) Pool for: Renault  
1 Avenue du Golf  
78288 Guyancourt Cedex  
France

Done at Brussels, 19 January 2018.

*For the Commission*  
Miguel ARIAS CAÑETE  
*Member of the Commission*

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## ANNEX

Table 1

**Values relating to the performance of manufacturers confirmed or amended in accordance with Article 8(6) of Regulation (EU) No 510/2011**

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO <sub>2</sub> (80 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
ALFA ROMEO SPA		3	108,000	145,302	- 37,302	- 37,302	1 386,67	114,333
AUTOMOBILES CITROEN		147 450	132,337	167,907	- 35,570	- 35,570	1 629,73	145,920
AUTOMOBILES PEUGEOT		152 426	133,395	170,220	- 36,825	- 36,825	1 654,60	147,718
AVTOVAZ JSC	P8	30	216,000	135,847	80,153	80,153	1 285,00	216,000
BLUECAR SAS	DMD	173	0,000				1 325,00	0,000
BAYERISCHE MOTOREN WERKE AG	DMD	324	143,344				1 894,74	148,988
BMW M GMBH	DMD	291	127,203				1 756,75	135,955
FCA US LLC	P2	163	202,208	204,098	- 1,890	- 1,890	2 018,88	215,356
CNG-TECHNIK GMBH	P3	2	108,000	152,541	- 44,541	- 44,541	1 464,50	115,000
COMARTH ENGINEERING SL	DMD	5	0,000				860,20	0,000
AUTOMOBILE DACIA SA	P8	23 928	118,662	135,482	- 16,820	- 16,820	1 281,07	124,061
DAIMLER AG	P1	141 780	177,473	215,538	- 38,065	- 38,065	2 141,89	187,766
DFSK MOTOR CO LTD	DMD	503	172,291				1 143,26	174,684
ESAGONO ENERGIA SRL	DMD	6	0,000				1 314,17	0,000
FCA ITALY SPA	P2	158 552	143,505	172,123	- 28,618	- 28,619	1 675,06	153,099
FORD MOTOR COMPANY OF AUSTRALIA LIMITED	P3	31 598	207,251	221,102	- 13,851	- 13,854	2 201,72	212,811
FORD MOTOR COMPANY	P3	512	202,836	218,576	- 15,740	- 15,740	2 174,56	209,527
FORD-WERKE GMBH	P3	243 326	158,071	192,422	- 34,351	- 34,397	1 893,33	168,603
FUJI HEAVY INDUSTRIES LTD	DMD	86	155,735				1 673,84	160,267
MINITUBISHI FUSO TRUCK & BUS CORPORATION	P1	543	235,756	253,909	- 18,153	- 18,153	2 554,48	238,066
LLC AUTOMOBILE PLANT GAZ	DMD	4	285,000				2 091,25	285,000

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO <sub>2</sub> (80 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
GENERAL MOTORS COMPANY	P4	11	269,750	250,558	19,192	19,192	2 518,45	280,455
GONOW AUTO CO LTD	DMD	44	191,314				1 535,91	203,455
GOUPIL INDUSTRIE SA	DMD	60	0,000				1 095,83	0,000
GREAT WALL MOTOR COMPANY LIMITED	DMD	183	196,610				1 800,49	202,377
HONDA MOTOR CO LTD	DMD	38	108,500				1 382,16	113,842
HONDA OF THE UK MANUFACTURING LTD	DMD	89	134,817				1 686,36	143,281
HYUNDAI MOTOR COMPANY	P5	3 489	207,827	225,072	- 17,245	- 17,245	2 244,41	211,070
HYUNDAI ASSAN OTOMOTIV SANAYI VE	P5	32	99,600	125,504	- 25,904	- 25,904	1 173,78	102,313
HYUNDAI MOTOR MANUFACTURING CZECH SRO	P5	461	154,310	186,196	- 31,886	- 31,886	1 826,39	167,994
ISUZU MOTORS LIMITED		12 658	197,733	208,994	- 11,261	- 11,261	2 071,53	203,634
IVECO SPA		30 686	210,302	232,423	- 22,121	- 22,121	2 323,45	215,944
JAGUAR LAND ROVER LIMITED	D	7 435	247,609	272,000	- 24,391	- 24,391	2 147,75	257,094
KIA MOTORS CORPORATION	P6	498	115,834	147,327	- 31,493	- 31,493	1 408,44	123,169
KIA MOTORS SLOVAKIA SRO	P6	436	124,736	158,336	- 33,600	- 33,600	1 526,82	133,766
LADA AUTOMOBILE GMBH	DMD	15	216,000				1 242,07	216,000
MAGYAR SUZUKI CORPORATION LTD	DMD	25	117,350				1 357,24	119,920
MAHINDRA & MAHINDRA LTD	DMD	386	208,808				1 986,97	212,370
MAZDA MOTOR CORPORATION	DMD	556	138,385				1 622,53	152,570
MFTBC	P1	162	235,806	258,513	- 22,707	- 22,707	2 603,99	238,136
MITSUBISHI MOTORS CORPORATION MMC	P7/D	955	166,357	195,000	- 28,643	- 28,643	1 894,06	178,721
MITSUBISHI MOTORS THAILAND CO LTD MMTH	P7/D	16 429	175,873	195,000	- 19,127	- 19,127	1 934,71	179,395
NISSAN INTERNATIONAL SA		52 940	135,342	191,107	- 55,765	- 55,765	1 879,19	164,242
ADAM OPEL AG	P4	92 815	150,202	179,531	- 29,329	- 29,329	1 754,72	160,762

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO <sub>2</sub> (80 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
PIAGGIO & C SPA	D	2 966	130,872	155,000	- 24,128	- 24,128	1 101,58	149,553
RENAULT SAS	P8	216 516	133,477	175,639	- 42,162	- 42,162	1 712,87	152,141
RENAULT TRUCKS		9 111	196,829	229,655	- 32,826	- 32,826	2 293,69	206,718
ROMANITAL SRL	DMD	20	155,000				1 268,25	160,450
SAIC MAXUS AUTOMOTIVE CO LTD	DMD	447	249,994				2 184,42	249,996
SSANGYONG MOTOR COMPANY	DMD	795	195,692				2 069,26	198,153
STREETSCOOTER GMBH		1 669	0,000	145,715	- 145,715	- 145,715	1 391,11	0,000
SUZUKI MOTOR CORPORATION	DMD	119	159,063				1 160,96	160,286
TATA MOTORS LIMITED		6	196,000	210,015	- 14,015	- 14,015	2 082,50	196,000
TOYOTA MOTOR EUROPE NV SA		30 760	170,839	197,565	- 26,726	- 27,747	1 948,63	179,279
UNIVERS VE HELEM	DMD	2	0,000				1 008,00	0,000
VOLVO CAR CORPORATION		1 216	113,332	171,938	- 58,606	- 58,606	1 673,08	121,022

Table 2

**Values relating to the performance of pools confirmed or amended in accordance with Article 8(6) of Regulation (EU) No 510/2011**

A	B	C	D	E	F	G	H	I
Pool name	Pool	Number of registrations	Average specific emissions of CO <sub>2</sub> (80 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
DAIMLER AG	P1	142 486	177,673	215,733	- 38,060	- 38,060	2 143,99	188,015
FCA ITALY SPA	P2	158 718	143,536	172,155	- 28,619	- 28,620	1 675,41	153,162
FORD-WERKE GMBH	P3	275 438	162,277	195,760	-33,483	- 33,522	1 929,23	173,750
GENERAL MOTORS	P4	92 826	150,205	179,539	- 29,334	- 29,334	1 754,81	160,776
HYUNDAI	P5	3 982	200,556	219,771	- 19,215	- 19,215	2 187,41	205,209

A	B	C	D	E	F	G	H	I
Pool name	Pool	Number of registrations	Average specific emissions of CO <sub>2</sub> (80 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
KIA	P6	934	119,137	152,466	- 33,329	- 33,329	1 463,7	128,116
MITSUBISHI MOTORS	P7/D	17 384	174,897	195,000	- 20,103	- 20,103	1 932,48	179,358
RENAULT	P8	240 474	131,072	171,638	- 40,566	- 40,566	1 669,85	149,355

*Explanatory notes to Tables 1 and 2:*

Column A:

Table 1: 'Manufacturer name' means the name of the manufacturer as notified to the Commission by the manufacturer concerned or, where no such notification has taken place, the name registered by the registration authority of the Member State.

Table 2: 'Pool name' means the name of the pool declared by the pool manager.

Column B:

'D' means that a derogation relating to a small volume manufacturer has been granted in accordance with Article 11(3) of Regulation (EU) No 510/2011 for the calendar year 2016.

'DMD' means that a *de minimis* exemption applies in accordance with Article 2(4) of Regulation (EU) No 510/2011, i.e., a manufacturer which together with all its connected undertakings was responsible for fewer than 1 000 new registered vehicles in 2016 does not have to meet a specific emissions target.

'P' means that the manufacturer is a member of a pool (listed in table 2) formed pursuant to Article 7 of Regulation (EU) No 510/2011 and the pooling agreement is valid for the calendar year 2016.

Column C:

'Number of registrations' means the total number of new light commercial vehicles registered by Member States in a calendar year, not counting those registrations that relate to records where the values for mass or CO<sub>2</sub> are missing and those records which the manufacturer does not recognise. The number of registrations reported by Member States may otherwise not be changed.

Column D:

'Average specific emissions of CO<sub>2</sub> (80 %)' means the average specific emissions of CO<sub>2</sub> that have been calculated on the basis of the 80 % lowest emitting vehicles in the manufacturer's fleet in accordance with the third paragraph of Article 4 of Regulation (EU) No 510/2011. Where appropriate, the average specific emissions of CO<sub>2</sub> take into account the errors notified to the Commission by the manufacturer concerned. The records used for the calculation include those that contain a valid value for mass and CO<sub>2</sub> emissions. The average specific emissions of CO<sub>2</sub> include emission reductions resulting from the provisions on super-credits in Article 5 of Regulation (EU) No 510/2011 or eco-innovations in Article 12 of that Regulation.

Column E:

'Specific emissions target' means the emissions target calculated on the basis of the average mass of all vehicles attributed to a manufacturer applying the formula set out in Annex I to Regulation (EU) No 510/2011.

Column F:

'Distance to target' means the difference between the average specific emissions of CO<sub>2</sub> specified in column D and the specific emissions target in column E. Where the value in column F is positive, the average specific emissions of CO<sub>2</sub> exceed the specific emissions target.



## Column G:

'Distance to target adjusted' means that where the values in this column are different from those in column F, the values in that column have been adjusted to take into account an error margin. The error margin is calculated in accordance with the following formula:

Error = absolute value of  $[(AC1 - TG1) - (AC2 - TG2)]$

AC1 = the average specific emissions of CO<sub>2</sub> including the unidentifiable vehicles (as set out in column D);

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

AC2 = the average specific emissions of CO<sub>2</sub> excluding the unidentifiable vehicles;

TG2 = the specific emissions target excluding the unidentifiable vehicles.

## Column I:

'Average CO<sub>2</sub> emissions (100 %)' means the average specific emissions of CO<sub>2</sub> that have been calculated on the basis of 100 % of the vehicles attributed to the manufacturer. Where appropriate, the average specific emissions of CO<sub>2</sub> take into account the errors notified to the Commission by the manufacturer concerned. The records used for the calculation include those that contain a valid value for mass and CO<sub>2</sub> emissions but exclude emission reductions resulting from the provisions on super-credits in Article 5 of Regulation (EU) No 510/2011 or eco-innovations in Article 12 of that Regulation.

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**COMMISSION IMPLEMENTING DECISION (EU) 2018/144****of 19 January 2018****confirming or amending the provisional calculation of the average specific emission of CO<sub>2</sub> and specific emissions targets for manufacturers of passenger cars for the calendar year 2016 pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council***(notified under document C(2018) 186)***(Only the Bulgarian, Dutch, English, French, German, Italian, and Swedish texts are authentic)**

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 CO<sub>2</sub> emissions from light-duty vehicles <sup>(1)</sup>, and in particular the second subparagraph of Article 8(5) thereof,

Whereas:

- (1) In accordance with Regulation (EC) No 443/2009, the Commission is required to calculate each year the average specific emissions of CO<sub>2</sub> and the specific emissions target for each manufacturer of passenger cars in the Union as well as for each pool of manufacturers. On the basis of that calculation, the Commission is to determine whether manufacturers and pools have complied with their specific emissions targets.
- (2) The detailed data to be used for the calculation of the average specific emissions of CO<sub>2</sub> and the specific emissions targets is based on Member States' registrations of new passenger cars during the preceding calendar year.
- (3) All Member States submitted the 2016 data to the Commission. Where, as a result of the verification of the data by the Commission, 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.
- (4) On 20 April 2017, the Commission published the provisional data and notified 95 manufacturers of the provisional calculations of their average specific emissions of CO<sub>2</sub> and their specific emissions targets in 2016. Manufacturers were asked to verify the data and to notify the Commission of any errors within 3 months of receipt of the notification. 40 manufacturers submitted notifications of errors within the given time limit.
- (5) For the remaining 55 manufacturers that did not notify any errors in the datasets or respond otherwise, the provisional data and provisional calculations of the average specific emissions and the specific emissions targets should be confirmed. For three manufacturers all vehicles reported in the provisional dataset were outside the scope of Regulation (EC) No 443/2009.
- (6) The Commission has verified the errors notified by the manufacturers and the respective reasons for their correction, and the dataset has been confirmed or amended.
- (7) In the case of records with missing or incorrect identification parameters, such as the type, variant, version code or the type approval number, the fact that manufacturers cannot verify or correct those records should be taken into account. As a consequence, it is appropriate to apply an error margin to the CO<sub>2</sub> emissions and mass values of those records.
- (8) The error margin should be calculated as the difference between the distances to the specific emissions target expressed as the specific emissions target subtracted from the average specific emissions 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 improve the manufacturer's position with regard to its specific emission target.

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<sup>(1)</sup> OJ L 140, 5.6.2009, p. 1.

- (9) In accordance with Article 10(2) of Regulation (EC) No 443/2009, a manufacturer should be considered as compliant with its specific emissions target referred to in Article 4 of that Regulation where the average emissions indicated in this Decision are lower than the specific emissions target, expressed as a negative distance to target. Where the average emissions exceed the specific emissions target, an excess emission premium are to be imposed, unless the manufacturer concerned benefits from an exemption from that target or is a member of a pool and the pool complies with its specific emissions target.
- (10) On 3 November 2015 the Volkswagen Group made a statement to the effect that irregularities had been found when determining type approval CO<sub>2</sub> levels of some of their vehicles. While that issue has been thoroughly investigated, the Commission nevertheless finds that further clarifications are needed from the Volkswagen pool as a whole as well as a confirmation by the relevant national type approval authorities of the absence of any such irregularities. As a consequence the values for the Volkswagen pool and its members (Audi AG, Audi Hungaria Motor Kft., Bugatti Automobiles S.A.S., Dr Ing. h.c. F. Porsche AG, Quattro GmbH, Seat S.A., Skoda Auto A.S., and Volkswagen AG) cannot be confirmed or amended.
- (11) The Commission reserves the right to revise the performance of a manufacturer as confirmed or amended by this Decision, should the relevant national authorities confirm the existence of irregularities in the CO<sub>2</sub> emission values used for the purpose of determining the manufacturer's compliance with the specific emissions target.
- (12) The provisional calculation of the average specific emissions of CO<sub>2</sub> from new passenger cars registered in 2016, the specific emissions targets and the difference between those two values should be confirmed or amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The values relating to the performance of manufacturers, as confirmed or amended for each manufacturer of passenger cars and for each pool of such manufacturers in respect of the 2016 calendar year in accordance with Article 8(5) of Regulation (EC) No 443/2009, are specified in the Annex to this Decision.

#### *Article 2*

This Decision is addressed to the following individual manufacturers and pools formed in accordance with Article 7 of Regulation (EC) No 443/2009:

- (1) Adidor Voitures SAS  
2/4 Rue Hans List  
78290 Croissy-sur-Seine  
France
- (2) ALFA Romeo S.P.A.  
C.so Giovanni Agnelli 200  
10135 Torino  
Italy
- (3) Alpina Burkard Bovensiepen GmbH & Co., KG  
Alpenstraße 35-37  
86807 Buchloe  
Germany
- (4) Anhui JiangHuai Automobile Co Ltd  
Via Lanzo 27  
10071 Borgaro Torinese  
Italy

- (5) Aston Martin Lagonda Ltd  
Gaydon Engineering Centre  
Banbury Road  
Gaydon Warwickshire  
CV35 0DB  
United Kingdom
- (6) Automobiles Citroen  
7, rue Henri Sainte-Claire Deville  
92500 Rueil-Malmaison  
France
- (7) Automobiles Peugeot  
7, rue Henri Sainte-Claire Deville  
92500 Rueil-Malmaison  
France
- (8) AVTOVAZ JSC  
Represented in the Union by:  
LADA France S.A.S.  
13, Route Nationale 10  
78310 Coignieres  
France
- (9) Bentley Motors Ltd  
Berliner Ring 2  
38436 Wolfsburg  
Germany
- (10) BLUECAR SAS  
31-32 quai de Dion Bouton  
92800 Puteaux  
France
- (11) BLUECAR ITALY S.R.L.  
Foro Bonaparte 54  
20121 Milano (MI)  
Italy
- (12) Bayerische Motoren Werke AG  
Petuelring 130  
80788 München  
Germany
- (13) BMW M GmbH  
Petuelring 130  
80788 München  
Germany
- (14) BYD AUTO INDUSTRY COMPANY LIMITED  
Represented in the Union by:  
BYD Europe B.V.  
's-Gravelandseweg 256  
3125 BK Schiedam  
Netherlands

- (15) Caterham Cars Ltd  
2 Kennet Road Dartford  
Kent  
DA1 4QN  
United Kingdom
- (16) Chevrolet Italia S.p.A.  
Bahnhofplatz 1 IPC 39-12  
65423 Rüsselsheim  
Germany
- (17) FCA US LLC  
Represented in the Union by:  
Fiat Chrysler Automobiles  
Building 5 — Ground floor — Room A8N  
C.so Settembrini, 40  
10135 Torino  
Italy
- (18) CNG-Technik GmbH  
Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany
- (19) Automobile Dacia SA  
Guyancourt  
1 avenue du Golf  
78288 Guyancourt Cedex  
France
- (20) Daimler AG  
Zimmer 229  
Mercedesstr. 137/1  
70546 Stuttgart  
Germany
- (21) Donkervoort Automobielen BV  
Pascallaan 96  
8218 NJ Lelystad  
Netherlands
- (22) Dr Motor Company Srl  
S.S. 85, Venafrana km 37.500  
86070 Macchia d'Isernia  
Italy
- (23) Ferrari S.p.A.  
Via Emilia Est 1163  
41122 Modena  
Italy
- (24) FCA Italy S.p.A.  
Building 5 — Ground floor — Room A8N  
C.so Settembrini, 40  
10135 Torino  
Italy

## (25) Ford India Private Ltd

Represented in the Union by:

Ford Werke GmbH  
Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany

## (26) Ford Motor Company of Australia Ltd

Represented in the Union by:

Ford Werke GmbH  
Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany

## (27) Ford Motor Company of Brazil Ltda.

Represented in the Union by:

Ford Werke GmbH  
Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany

## (28) Ford Motor Company

Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany

## (29) Ford Werke GmbH

Niehl Plant, building Imbert 479  
Henry-Ford-Straße 1  
50735 Köln  
Germany

## (30) Fuji Heavy Industries Ltd

Represented in the Union by:

Subaru Europe NV/SA  
Leuvensesteenweg 555 B/8  
1930 Zaventem  
Belgium

## (31) General Motors Company

Represented in the Union by:

Adam Opel GmbH  
Bahnhofplatz 1 IPC 39-12  
65423 Rüsselsheim  
Germany

## (32) General Motors Holdings LLC

Represented in the Union by:

KnowMotive  
Bouwhuispad 1  
8121 PX Olst  
Netherlands

## (33) GM Korea Company

Represented in the Union by:

Adam Opel GmbH  
Bahnhofplatz 1 IPC 39-12  
65423 Rüsselsheim  
Germany

## (34) Great Wall Motor Company Ltd

Represented in the Union by:

Great Wall Motor Europe Technical Center GmbH  
Otto-Hahn-Str. 5  
63128 Dietzenbach  
Germany

## (35) Honda Automobile (China) Co., Ltd

Represented in the Union by:

Honda Motor Europe Ltd  
Cain Road  
Bracknell  
Berkshire  
RG12 1HL  
United Kingdom

## (36) Honda Motor Co., Ltd

Represented in the Union by:

Honda Motor Europe Ltd  
Cain Road  
Bracknell  
Berkshire  
RG12 1HL  
United Kingdom

## (37) Honda Turkiye A.S.

Represented in the Union by:

Honda Motor Europe Ltd  
Cain Road  
Bracknell  
Berkshire  
RG12 1HL  
United Kingdom

- (38) Honda of the UK Manufacturing Ltd  
Honda Motor Europe Ltd  
Cain Road  
Bracknell  
Berkshire  
RG12 1HL  
United Kingdom
- (39) Hyundai Motor Company  
Represented in the Union by:  
  
Hyundai Motor Europe GmbH  
Kaiserleipromenade 5  
63067 Offenbach  
Germany
- (40) Hyundai Motor Europe GmbH  
Kaiserleipromenade 5  
63067 Offenbach  
Germany
- (41) Hyundai Motor Manufacturing Czech s.r.o.  
Kaiserleipromenade 5  
63067 Offenbach  
Germany
- (42) Hyundai Motor India Ltd  
Represented in the Union by:  
  
Hyundai Motor Europe GmbH  
Kaiserleipromenade 5  
63067 Offenbach  
Germany
- (43) Hyundai Assan Otomotiv Sanayi Ve Ticaret A.S.  
Represented in the Union by:  
  
Hyundai Motor Europe GmbH  
Kaiserleipromenade 5  
63067 Offenbach  
Germany
- (44) Isuzu Motors Limited  
Represented in the Union by:  
  
Isuzu Motors Europe NV  
Bist 12  
B-2630 Aartselaar  
Belgium
- (45) IVECO S.p.A.  
Via Puglia 35  
10156 Torino  
Italy



- (46) Jaguar Land Rover Ltd  
Abbey Road  
Whitley  
Coventry CV3 4LF  
United Kingdom
- (47) KIA Motors Corporation  
Represented in the Union by:  
  
Kia Motors Europe GmbH  
Theodor-Heuss-Allee 11  
60486 Frankfurt am Main  
Germany
- (48) KIA Motors Slovakia s.r.o.  
Kia Motors Europe GmbH  
Theodor-Heuss-Allee 11  
60486 Frankfurt am Main  
Germany
- (49) Koenigsegg Automotive AB  
Valhall Park  
262 74 Ängelholm  
Sweden
- (50) KTM-Sportmotorcycle AG  
Stallhofnerstrasse 3  
5230 Mattighofen  
Austria
- (51) LADA Automobile GmbH  
Erlengrund 7-11  
21614 Buxtehude  
Germany
- (52) LADA France S.A.S.  
  
13, Route Nationale 10  
  
78310 Coignieres  
  
France
- (53) Automobili Lamborghini S.p.A.  
via Modena 12  
40019 Sant'Agata Bolognese (BO)  
Italy
- (54) Litex Motors AD  
3 Lachezar Stanchev Str., 2nd floor,  
1706 Sofia  
Bulgaria
- (55) Lotus Cars Ltd  
Hethel Norwich  
Norfolk  
NR14 8EZ  
United Kingdom

(56) Magyar Suzuki Corporation Ltd  
Legal Department  
Suzuki Allee 7  
64625 Bensheim  
Germany

(57) Mahindra & Mahindra Ltd  
  
Represented in the Union by:  
  
Mahindra Europe S.r.l.  
Via Cancelliera 35  
00040 Ariccia (Roma)  
Italy

(58) Maruti Suzuki India Ltd  
  
Represented in the Union by:  
  
Suzuki Deutschland GmbH  
Legal Department  
Suzuki Allee 7  
64625 Bensheim  
Germany

(59) Maserati S.p.A.  
Viale Ciro Menotti 322  
41122 Modena  
Italy

(60) Mazda Motor Corporation  
  
Represented in the Union by:  
  
Mazda Motor Europe GmbH  
European R & D Centre  
Hiroshimastr 1  
61440 Oberursel/Ts  
Germany

(61) McLaren Automotive Ltd  
Chertsey Road  
Woking  
Surrey GU21 4YH  
United Kingdom

(62) Mercedes-AMG GmbH  
Mercedesstr 137/1  
Zimmer 229 HPC F 403  
70327 Stuttgart  
Germany

(63) MG Motor UK Ltd  
International HQ  
Q Gate  
Low Hill Lane  
Birmingham  
B31 2BQ  
United Kingdom

- (64) Mitsubishi Motors Corporation MMC  
Represented in the Union By:  
Mitsubishi Motors Europe B.V. MME  
Mitsubishi Avenue 21  
6121 SH Born  
Netherlands
- (65) Mitsubishi Motors Thailand Co., Ltd MMTh  
Represented in the Union by:  
Mitsubishi Motors Europe B.V. MME  
Mitsubishi Avenue 21  
6121 SH Born  
Netherlands
- (66) Morgan Technologies Ltd  
Pickersleigh Road Malvern Link  
Worcestershire  
WR14 2LL  
United Kingdom
- (67) National Electric Vehicle Sweden A.B.  
Saabvägen 5  
SE-461 38 Trollhättan  
Sweden
- (68) Nissan International SA  
Represented in the Union by:  
Renault Nissan Representation Office  
Av des Arts 40  
1040 Bruxelles  
Belgium
- (69) Noble Automotive Ltd  
24a Centurion Way  
Meridian Business Park  
Leicester LE19 1WH  
United Kingdom
- (70) Adam Opel GmbH  
Bahnhofplatz 1IPC 39-12  
65423 Rüsselsheim  
Germany
- (71) Pagani Automobili S.p.A.  
Via dell' Artigianato 5  
41018 San Cesario sul Panaro (Modena)  
Italy
- (72) PGO Automobiles  
ZA de la pyramide  
30380 Saint Christol les Alès  
France

- (73) Radical Motorsport Ltd  
24 Ivatt Way Business Park  
Westwood  
Peterborough  
PE3 7PG  
United Kingdom
- (74) Renault S.A.S.  
Guyancourt  
1 avenue du Golf  
78288 Guyancourt Cedex  
France
- (75) Renault Trucks  
99 Route de Lyon TER L10 0 01  
69802 Saint Priest Cedex  
France
- (76) Rolls-Royce Motor Cars Ltd  
Petuelring 130  
80788 München  
Germany
- (77) Secma S.A.S.  
Rue Denfert Rochereau  
59580 Aniche  
France
- (78) Shanghai Maple Automobile Co Ltd  
  
Represented in the Union by:  
  
LTI Vehicles Ltd  
Holyhead Road  
Coventry  
CV5 8JJ  
United Kingdom
- (79) SsangYong Motor Company  
  
Represented in the Union by:  
  
SsangYong Motor Europe Office  
Herriotstrasse 1  
60528 Frankfurt am Main  
Germany
- (80) Suzuki Motor Corporation  
  
Represented in the Union by:  
  
Suzuki Deutschland GmbH  
Legal Department  
Suzuki Allee 7  
64625 Bensheim  
Germany

(81) Suzuki Motor Thailand Co. Ltd

Represented in the Union by:

Suzuki Deutschland GmbH  
Legal Department  
Suzuki Allee 7  
64625 Bensheim  
Germany

(82) Taiqi Electric Vehicle Co Limited

Represented in the Union by:

Quickstart 05/14  
Vermögensverwaltung GmbH  
Ganghoferstraße 33  
80399 München  
Germany

(83) Tata Motors Ltd

Represented in the Union by:

Tata Motors European Technical Centre Plc.  
International Automotive Research Centre  
University of Warwick  
Coventry  
CV4 7AL  
United Kingdom

(84) Tazzari GL S.p.A.

VIA Selice Provinciale 42/E  
40026 Imola  
Bologna  
Italy

(85) Tesla Motors Ltd

Represented in the Union by:

Tesla Motors NL  
7-9 Atlasstraat  
5047 RG Tilburg  
Netherlands

(86) Toyota Motor Europe NV/SA

Avenue du Bourget 60  
1140 Bruxelles  
Belgium

(87) Volvo Car Corporation

VAK building  
Assar Gabrielssons väg  
405 31 Göteborg  
Sweden

(88) Pool for: BMW Group

Petuelring 130  
80788 München  
Germany

- (89) Pool for: Daimler AG  
Mercedesstr 137/1  
Zimmer 229  
70546 Stuttgart  
Germany
- (90) Pool for: FCA Italy S.p.A.  
Building 5 — Ground floor — Room A8N  
C.so Settembrini, 40  
10135 Torino  
Italy
- (91) Pool for: Ford-Werke GmbH  
Niehl Plant, building Imbert 479  
Henry Ford Strasse 1  
50725 Köln  
Germany
- (92) Pool for: General Motors  
Bahnhofsplatz 1 IPC 39-12  
65423 Rüsselsheim  
Germany
- (93) Pool for: Honda Motor Europe Ltd  
470 London Road Slough  
Berkshire SL3 8QY  
United Kingdom
- (94) Pool for: Hyundai  
Hyundai Motor Europe GmbH  
Kaiserleipromenade 5  
63067 Offenbach  
Germany
- (95) Pool for: Kia  
Theodor-Heuss-Allee 11  
60486 Frankfurt am Main  
Germany
- (96) Pool for: Mitsubishi Motors  
Mitsubishi Avenue 21  
6121 SH Born  
Netherlands
- (97) Pool for: Renault  
1 Avenue du Golf  
78288  
Guyancourt Cedex  
France
- (98) Pool for: Suzuki  
Suzuki Allee 7  
64625 Bensheim  
Germany

(99) Pool for: Tata Motors Ltd, Jaguar Cars Ltd, Land Rover  
Abbey Road  
Whitley  
Coventry CV3 4LF  
United Kingdom

Done at Brussels, 19 January 2018.

*For the Commission*  
Miguel ARIAS CAÑETE  
*Member of the Commission*

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## ANNEX

Table 1

**Values relating to the performance of manufacturers confirmed or amended in accordance with the second subparagraph of Article 8(5) of Regulation (EC) No 443/2009**

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO <sub>2</sub> (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
ADIDOR VOITURES SAS	DMD	16	179,000				1 300,00	179,000
ALFA ROMEO SPA	P3	63 120	115,042	128,478	- 13,436	- 13,436	1 359,09	115,042
ALPINA BURKARD BOVENSIEPEN GMBH E CO. KG	DMD	773	172,604				1 873,15	172,604
ANHUI JIANGHUAI AUTOMOBILE	DMD	52	232,692				1 586,92	232,692
ASTON MARTIN LAGONDA LTD	D	1 367	308,661	309,000	- 0,339	- 0,339	1 830,98	308,661
AUTOMOBILES CITROEN		614 686	103,312	122,810	- 19,498	- 19,498	1 235,06	103,312
AUTOMOBILES PEUGEOT		889 051	101,748	123,348	- 21,600	- 21,600	1 246,84	101,748
AVTOVAZ JSC	P10	2 676	180,060	120,367	59,693	59,693	1 181,62	180,060
BENTLEY MOTORS LTD	D	3 260	285,502	294,000	- 8,498	- 8,682	2 499,31	285,502
BLUECAR SAS		1 466	0,000	128,873	- 128,873	- 128,873	1 367,74	0,000
BLUECAR ITALY SRL		8	0,000	133,089	- 133,089	- 133,089	1 460,00	0,000
BAYERISCHE MOTOREN WERKE AG	P1	973 555	121,947	138,104	- 16,157	- 16,218	1 569,72	121,983
BMW M GMBH	P1	15 780	175,968	144,250	31,718	30,524	1 704,21	175,976
BYD AUTO INDUSTRY COMPANY LIMITED	DMD	32	0,000				2 455,00	0,000
CATERHAM CARS LIMITED	DMD	130	150,438				644,54	150,438
CHEVROLET ITALIA SPA	P5	1	116,000	120,293	- 4,293	- 4,293	1 180,00	116,000
FCA US LLC	P3	104 390	146,673	142,421	4,252	4,199	1 664,19	146,673
CNG-TECHNIK GMBH	P4	567	162,695	137,799	24,896	24,896	1 563,05	162,695
AUTOMOBILE DACIA SA	P10	414 892	117,432	121,203	- 3,771	- 3,771	1 199,90	117,432
DAIMLER AG	P2	910 189	124,543	138,640	- 14,097	- 14,236	1 581,46	125,012
DONKERVOORT AUTOMOBIELEN BV	DMD	5	178,000				865,00	178,000



A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO <sub>2</sub> (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
DR MOTOR COMPANY SRL	DMD	490	147,808				1 183,29	147,808
FERRARI SPA	D	2 482	281,007	290,000	- 8,993	- 8,993	1 710,05	281,007
FCA ITALY SPA	P3	768 863	115,961	119,443	- 3,482	- 3,484	1 161,40	115,961
FORD INDIA PRIVATE LIMITED	P4	7 363	113,646	114,583	- 0,937	- 0,955	1 055,05	113,646
FORD MOTOR COMPANY OF AUSTRALIA LIMITED	P4	1	206,000	173,762	32,238	32,238	2 350,00	206,000
FORD MOTOR COMPANY	P4	16 184	216,871	149,108	67,763	67,547	1 810,52	216,871
FORD-WERKE GMBH	P4	1 010 774	118,435	128,663	- 10,228	- 10,241	1 363,15	118,435
FUJI HEAVY INDUSTRIES LTD	ND	30 249	158,756	164,616	- 5,860	- 5,930	1 606,29	158,756
GENERAL MOTORS COMPANY	P5	1 138	265,656	151,235	114,421	114,421	1 857,07	265,656
GENERAL MOTORS HOLDINGS LLC	P5	642	267,399	152,108	115,291	115,291	1 876,16	267,399
GM KOREA COMPANY	P5	378	121,569	124,182	- 2,613	- 2,613	1 265,09	121,577
GREAT WALL MOTOR COMPANY LIMITED	DMD	167	184,964				1 751,60	184,964
HONDA AUTOMOBILE CHINA CO. LTD	P6	5	128,800	118,657	10,143	10,143	1 144,20	128,800
HONDA MOTOR CO. LTD	P6	66 732	116,989	123,400	- 6,411	- 6,411	1 247,98	116,989
HONDA TURKIYE AS	P6	1 081	154,871	125,445	29,426	29,426	1 292,73	154,871
HONDA OF THE UK MANUFACTURING LTD	P6	83 283	134,565	135,144	- 0,579	- 0,579	1 504,95	134,565
HYUNDAI MOTOR COMPANY	P7	78 881	131,212	135,580	- 4,368	- 4,368	1 514,51	131,212
HYUNDAI ASSAN OTOMOTIV SANAYI VE TICARET AS	P7	164 974	112,035	115,761	- 3,726	- 3,726	1 080,83	112,035
HYUNDAI MOTOR MANUFACTURING CZECH SRO	P7	245 611	130,815	133,970	- 3,155	- 3,155	1 479,27	130,815
HYUNDAI MOTOR EUROPE GMBH	P7	840	109,012	116,796	- 7,784	- 7,784	1 103,47	109,012
HYUNDAI MOTOR INDIA LTD	P7	15	114,533	118,194	- 3,661	- 3,661	1 134,07	114,533
ISUZU MOTORS LTD	DMD	9	198,556				2 015,00	198,556
JAGUAR LAND ROVER LIMITED	P12/ND	225 192	149,841	178,025	- 28,184	- 28,184	1 953,39	149,841

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO <sub>2</sub> (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
KIA MOTORS CORPORATION	P8	250 700	119,687	127,681	- 7,994	- 7,994	1 341,65	119,687
KIA MOTORS SLOVAKIA SRO	P8	171 005	132,348	132,789	- 0,441	- 0,441	1 453,42	132,348
KOENIGSEGG AUTOMOTIVE AB	DMD	4	377,750				1 432,75	377,750
KTM-SPORTMOTORCYCLE AG	DMD	30	189,967				895,00	189,967
LADA AUTOMOBILE GMBH	DMD	889	215,847				1 284,97	215,847
AUTOMOBILI LAMBORGHINI SPA	D	856	315,729	318,000	- 2,271	- 2,271	1 693,16	315,729
LITEX MOTORS AD	DMD	51	181,902				1 720,78	181,902
LOTUS CARS LIMITED	DMD	784	207,352				1 199,71	207,352
MAGYAR SUZUKI CORPORATION LTD	P11/ND	137 789	120,610	123,114	- 2,504	- 2,504	1 186,03	120,610
MAHINDRA & MAHINDRA LTD	DMD	396	172,326				1 825,89	172,326
MARUTI SUZUKI INDIA LTD	P11/ND	14 234	100,181	123,114	- 22,933	- 22,934	960,77	100,181
MASERATI SPA	D	7 111	197,005	245,000	- 47,995	- 48,023	2 072,67	197,005
MAZDA MOTOR CORPORATION	ND	219 859	126,740	129,426	- 2,686	- 2,687	1 323,59	126,740
MCLAREN AUTOMOTIVE LIMITED	D	739	262,188	275,000	- 12,812	- 12,812	1 493,83	262,188
MERCEDES-AMG GMBH	P2	2 194	220,390	141,170	79,220	77,774	1 636,83	220,390
MG MOTOR UK LIMITED	D	4 159	126,445	146,000	- 19,555	- 19,555	1 305,57	126,445
MITSUBISHI MOTORS CORPORATION MMC	P9	78 199	125,408	140,027	- 14,619	- 14,619	1 611,81	125,408
MITSUBISHI MOTORS THAILAND CO. LTD MMTH	P9	26 176	96,226	108,560	- 12,334	- 12,334	923,26	96,226
MORGAN TECHNOLOGIES LTD	DMD	473	187,977				1 080,64	187,977
NATIONAL ELECTRIC VEHICLE SWEDEN	DMD	1	161,000				1 910,00	161,000
NISSAN INTERNATIONAL SA		550 090	116,666	129,402	- 12,736	- 12,736	1 379,31	116,666
NOBLE AUTOMOTIVE LTD	DMD	2	333,000				1 416,00	333,000
ADAM OPEL AG	P5	968 401	122,854	127,667	- 4,813	- 4,813	1 341,36	122,854
PAGANI AUTOMOBILI SPA	DMD	1	343,000				1 487,00	343,000
PGO AUTOMOBILES	DMD	26	172,423				1 065,54	172,423
RADICAL MOTORSPORT LTD	DMD	5	319,800				1 088,40	319,800

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average specific emissions of CO <sub>2</sub> (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
RENAULT SAS	P10	1 128 508	105,185	125,246	- 20,061	- 20,063	1 288,38	105,185
RENAULT TRUCKS	DMD	49	172,184				2 172,04	172,184
ROLLS-ROYCE MOTOR CARS LTD	P1	756	334,075	183,226	150,849	148,449	2 557,09	334,075
SECMA SAS	DMD	39	132,846				678,79	132,846
SHANGHAI MAPLE AUTOMOBILE CO. LTD	DMD	1	256,000				1 455,00	256,000
SSANGYONG MOTOR COMPANY	ND	18 228	153,254	167,573	- 14,319	- 14,319	1 633,60	153,254
SUZUKI MOTOR CORPORATION	P11/ND	14 893	156,047	123,114	32,933	32,806	1 111,88	156,047
SUZUKI MOTOR THAILAND CO. LTD	P11/ND	26 427	96,760	123,114	- 26,354	- 26,354	882,11	96,760
TAIQI ELECTRIC VEHICLE CO. LIMITED	DMD	1	0,000				1 313,00	0,000
TATA MOTORS LIMITED	P12/ND	5	149,800	178,025	- 28,225	- 28,225	1 485,00	149,800
TAZZARI GL SPA	DMD	2	0,000				712,00	0,000
TESLA MOTORS LTD		10 829	0,000	169,018	- 169,018	- 169,018	2 246,18	0,000
TOYOTA MOTOR EUROPE NV SA		616 164	105,447	126,835	- 21,388	- 21,834	1 323,15	105,447
VOLVO CAR CORPORATION		270 854	121,166	145,620	- 24,454	- 24,454	1 734,20	121,166

Table 2

**Values relating to the performance of pools confirmed or amended in accordance with the second subparagraph of Article 8(5) of Regulation (EC) No 443/2009**

A	B	C	D	E	F	G	H	I
Pool names	Pool	Number of registrations	Average specific emissions of CO <sub>2</sub> (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
BMW GROUP	P1	990 091	122,970	138,236	- 15,266	- 15,389	1 572,62	123,006
DAIMLER AG	P2	912 383	124,774	138,646	- 13,872	- 14,020	1 581,59	125,241
FCA ITALY SPA	P3	936 373	119,323	122,614	- 3,291	- 3,299	1 230,78	119,323
FORD-WERKE GMBH	P4	1 034 889	119,964	128,888	- 8,924	- 8,938	1 368,07	119,964
GENERAL MOTORS	P5	970 560	123,117	127,710	- 4,593	- 4,593	1 342,29	123,117

A	B	C	D	E	F	G	H	I
Pool names	Pool	Number of registrations	Average specific emissions of CO <sub>2</sub> (100 %)	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO <sub>2</sub> emissions (100 %)
HONDA MOTOR EUROPE LTD	P6	151 101	126,948	129,887	- 2,939	- 2,939	1 389,93	126,948
HYUNDAI	P7	490 321	124,522	128,073	- 3,551	- 3,551	1 350,23	124,522
KIA	P8	421 705	124,821	129,752	- 4,931	- 4,931	1 386,97	124,821
MITSUBISHI MOTORS	P9	104 375	118,090	132,136	- 14,046	- 14,046	1 439,13	118,090
RENAULT	P10	1 546 076	108,601	124,153	- 15,552	- 15,553	1 264,45	108,601
SUZUKI POOL	P11/ND	193 343	118,576	123,114	- 4,538	- 4,542	1 122,19	118,576
TATA MOTORS LTD, JAGUAR CARS LTD, LAND ROVER	P12/ND	225 197	149,841	178,025	- 28,184	- 28,184	1 953,38	149,841

*Explanatory notes to Tables 1 and 2:*

Column A:

Table 1: 'Manufacturer name' means the name of the manufacturer as notified to the Commission by the manufacturer concerned or, where no such notification has taken place, the name registered by the registration authority of the Member State.

Table 2: 'Pool name' means the name of the pool declared by the pool manager.

Column B:

'D' means that a derogation relating to a small volume manufacturer has been granted in accordance with Article 11(3) of Regulation (EC) No 443/2009 for the calendar year 2016;

'ND' means that a derogation relating to a niche manufacturer has been granted in accordance with Article 11(4) of Regulation (EC) No 443/2009 for the calendar year 2016;

'DMD' means that a *de minimis* exemption applies in accordance with Article 2(4) of Regulation (EC) No 443/2009, i.e. a manufacturer which together with all its connected undertakings was responsible for fewer than 1 000 new registered vehicles in 2016 does not have to meet a specific emissions target;

'P' means that the manufacturer is a member of a pool (listed in table 2) formed pursuant to Article 7 of Regulation (EC) No 443/2009 and the pooling agreement is valid for calendar year 2016.

Column C:

'Number of registrations' means the total number of new cars registered by Member States in a calendar year, not counting those registrations that relate to records where the values for mass and/or CO<sub>2</sub> are missing and those records which the manufacturer does not recognise. The number of registrations reported by Member States may otherwise not be changed.

Column D:

'Average specific emissions of CO<sub>2</sub> (100 %)' means the average specific emissions of CO<sub>2</sub> that have been calculated on the basis of 100 % of the vehicles attributed to the manufacturer. Where appropriate, the average specific emissions of CO<sub>2</sub> take into account the errors notified to the Commission by the manufacturer concerned. The records used for the calculation includes those that contain a valid value for mass and CO<sub>2</sub> emissions. The average specific emissions of CO<sub>2</sub> include emission reductions resulting from eco-innovations in Article 12 of Regulation (EC) No 443/2009.

Column E:

'Specific emissions target' means the emissions target calculated on the basis of the average mass of all vehicles attributed to a manufacturer applying the formula set out in Annex I to Regulation (EC) No 443/2009.

Column F:

'Distance to target' means the difference between the average specific emissions of CO<sub>2</sub> specified in column D and the specific emissions target in column E. Where the value in column F is positive the average specific emissions of CO<sub>2</sub> exceed the specific emissions target.

Column G:

'Distance to target adjusted' means that where the values in this column are different from those in column F, the values in that column have been adjusted to take into account an error margin. The error margin only applies if the manufacturer has notified the Commission of records with the error code B as set out in Article 9(3) of Commission Regulation (EU) No 1014/2010 <sup>(1)</sup>. The error margin is calculated in accordance with the following formula:

Error = absolute value of [(AC1 – TG1) – (AC2 – TG2)]

AC1 = the average specific emissions of CO<sub>2</sub> including the unidentifiable vehicles (as set out in column D);

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

AC2 = the average specific emissions of CO<sub>2</sub> excluding the unidentifiable vehicles;

TG2 = the specific emissions target excluding the unidentifiable vehicles.

Column I:

'Average CO<sub>2</sub> emissions (100 %)' means the average specific emissions of CO<sub>2</sub> that have been calculated on the basis of 100 % of the vehicles attributed to the manufacturer. Where appropriate, the average specific emissions of CO<sub>2</sub> take into account the errors notified to the Commission by the manufacturer concerned. The records used for the calculation includes those that contain a valid value for mass and CO<sub>2</sub> emission but exclude emission reductions resulting from eco-innovations in Article 12 of Regulation (EC) No 443/2009.

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<sup>(1)</sup> 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 (OJ L 293, 11.11.2010, p. 15).





ISSN 1977-0677 (electronic edition)  
ISSN 1725-2555 (paper edition)



**Publications Office of the European Union**  
2985 Luxembourg  
LUXEMBOURG

**EN**