

COMMISSION IMPLEMENTING DECISION

of 11 December 2012

confirming the average specific emissions of CO₂ and specific emissions targets for manufacturers of passenger cars for the calendar year 2011 pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council

(Text with EEA relevance)

(2012/770/EU)

THE EUROPEAN COMMISSION,

paragraph of Article 4 of that Regulation and take into account only the 65 % lowest emitting vehicles of each manufacturer.

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

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

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

Whereas:

(1) The Commission is required, pursuant to Article 8(5) of Regulation (EC) No 443/2009, to confirm each year the average specific emissions of CO₂ and the specific emissions target for each manufacturer of passenger cars in the Union as well as for each pool of manufacturers formed in accordance with Article 7(7) of that Regulation. On the basis of that confirmation, the Commission is to determine whether manufacturers and pools have complied with the requirements of Article 4 of that Regulation. Where it is clear that a manufacturer or a pool has failed to meet its specific emissions target, the Commission is required, from 2013 onwards, pursuant to Article 9(1) of that Regulation, to issue excess emissions premiums by way of individual decisions addressed to the manufacturers or pool managers concerned.

- (4) The data for 2011 was transmitted to the Commission by the deadline of 28 February 2012 specified in Article 8(2) of Regulation (EC) No 443/2009 by a majority of the Member States. Due to the late delivery of the data by three Member States the complete dataset was, however, only available to the Commission by the end of May.

- (5) 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, the provisional data of that Member State was not adjusted.

(2) Pursuant to Article 4 of Regulation (EC) No 443/2009, the targets are binding on manufacturers and pools with effect from 2012. For the calendar years 2010 and 2011, the Commission should however calculate indicative targets and, pursuant to Article 8(6) of that Regulation, notify those manufacturers and pools whose average specific emissions of CO₂ exceed their indicative targets. As the targets for 2010 and 2011 will serve as indicators to manufacturers of the effort required to reach the mandatory target in 2012, it is appropriate to determine the average specific emissions of manufacturers for 2010 and 2011 in accordance with the second

- (6) In September 2012, Germany informed the Commission that approximately 200 000 registrations for 2011 had been omitted from the dataset submitted to the Commission in February 2012. In view of the strict timetable for confirming the data, there was not sufficient time for the Commission to allow manufacturers to verify those missing registrations. As a consequence, the records relating to those registrations cannot be included in the final dataset and cannot be taken into account for the calculation of the average specific emissions of the manufacturers concerned or their specific emissions targets.

⁽¹⁾ OJ L 140, 5.6.2009, p. 1.

⁽²⁾ OJ L 293, 11.11.2010, p. 15.

- (7) On 20 June 2012, the Commission published the provisional data and notified 84 manufacturers of the provisional calculations of their average specific emissions of CO₂ in 2011 and their specific emissions targets in accordance with Article 8(4) of Regulation (EC) No 443/2009. Manufacturers were asked to verify the data and to notify the Commission of any errors within three months of receipt of the notification in accordance with the first subparagraph of Article 8(5) of that Regulation.
- (8) Thirty eight manufacturers submitted notifications of errors within the three-month deadline. Two manufacturers informed the Commission that there were errors in the datasets but did not notify corrections in accordance with Article 9(3) of Regulation (EU) No 1014/2010.
- (9) In the case of the 46 manufacturers that did not notify any errors in the datasets or did not notify in accordance with Article 9(3) of Regulation (EU) No 1014/2010 the provisional data and provisional calculations of the average specific emissions and the specific emissions targets should be confirmed without adjustments.
- (10) The Commission has verified the corrections notified by the manufacturers and the respective justifications as expressed through the error codes specified in Article 9(3) of Regulation (EU) No 1014/2010 and the dataset has been adjusted as appropriate.
- (11) In the case of records that have been identified by manufacturers with the error code B as set out in Article 9(3) of Regulation (EU) No 1014/2010, it is necessary to take into account the fact that manufacturers cannot verify or correct those records appropriately due to missing or incorrect identification parameters. Accordingly, an error margin should be applied to the CO₂ emission and mass values in those records.
- (12) The error margin should be calculated as the difference between the distances to the specific emissions target expressed as the average emissions subtracted from the specific emissions targets calculated including and excluding those registrations that cannot be verified by

the manufacturers. Regardless of whether that difference is positive or negative, the error margin should always improve the distance to the target of the manufacturer.

- (13) The average specific emissions of CO₂ from new passenger cars registered in 2011, the specific emissions targets and the difference between those two values should be confirmed accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following values specified in the Annex are confirmed for each manufacturer of passenger cars and for each pool of manufacturers in respect of the 2011 calendar year:

- (a) the specific emissions target;
- (b) the average specific emissions of CO₂, where appropriate adjusted by the relevant error margin;
- (c) the difference between the values referred to in points (a) and (b);
- (d) the average specific emissions of CO₂ for all new passenger cars in the Union;
- (e) the average mass for all new passenger cars in the Union.

Article 2

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

Done at Brussels, 11 December 2012.

For the Commission
The President
José Manuel BARROSO

ANNEX

Table 1

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

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Alpina Burkard Bovensiepen GmbH + Co. KG		572	177,439	147,733	29,706	29,706	1 760,03	203,024
Aston Martin Lagonda Ltd	D	1 306	293,478	320,000	- 26,522	- 26,522	1 778,25	320,737
Audi AG	P8	617 058	126,995	139,414	- 12,419	- 13,108	1 578,00	144,669
Audi Hungaria Motor KFT	P8	14 853	136,758	133,273	3,485	3,344	1 443,62	148,573
Automobiles Citroën		741 890	112,738	127,624	- 14,886	- 14,886	1 320,01	125,666
Automobiles Dangel		45	145,103	137,974	7,129	7,129	1 546,49	148,267
Automobiles Peugeot		871 307	115,971	129,369	- 13,398	- 13,398	1 358,19	128,318
Avtovaz JSC		2 877	206,591	125,487	81,104	81,104	1 273,25	214,379
Bayerische Motoren Werke AG		723 001	129,243	139,011	- 9,768	- 9,768	1 569,17	144,289
Bentley Motors Ltd	P8	1 281	385,470	181,852	203,618	203,618	2 506,62	389,560
BMW M GmbH		32 688	128,168	141,763	- 13,595	- 13,595	1 629,39	153,267
Caterham Cars Limited	D	146	164,936	210,000	- 45,064	- 45,064	707,19	182,973
Chongqing Lifan Passenger Vehicle CO Ltd		41	174	123,282	50,718	50,718	1 225,00	174,000
Chevrolet Italia		11 747	110,522	117,194	- 6,672	- 6,672	1 091,78	113,295
Chrysler Group LLC		40 418	172,738	158,926	13,812	13,812	2 004,95	192,096
CNG Technik	P1	126	114,000	118,073	- 4,073	- 4,073	1 111,01	114,000
Automobile Dacia SA		235 036	132,368	126,693	5,675	5,674	1 299,64	142,774
Daihatsu Motor Co. Ltd	P7	9 603	128,506	118,136	10,370	10,370	1 112,40	145,796

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Manufacturer name	Pools and derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Daimler AG Stuttgart	P2	626 079	132,125	139,031	- 6,906	- 6,985	1 569,61	152,765
Dr Motor Company SRL		2 783	121,075	118,756	2,319	2,319	1 125,95	134,736
Ferrari	D	2 318	299,849	303,000	- 3,151	- 3,151	1 721,13	321,016
Ford Motor Company	P1	651	117,104	120,917	- 3,813	- 3,858	1 173,24	123,097
Fiat Group Automobiles SpA		836 642	109,885	119,406	- 9,521	- 9,593	1 140,19	118,279
Ford-Werke GmbH	P1	1 004 863	119,012	127,825	- 8,813	- 8,895	1 324,41	131,951
Fuji Heavy Industries Ltd	ND	26 702	158,145	164,616	- 6,471	- 6,471	1 582,48	170,332
General Motors Company		958	224,111	153,828	70,283	70,283	1 893,39	293,342
GM Korea Company		156 775	125,945	127,643	- 1,698	- 1,698	1 320,43	142,195
GM Italia SRL		1 497	113,238	121,524	- 8,286	- 8,286	1 186,53	117,716
Great Wall Motor Company Limited	D	1 734	219,029	195,000	24,029	24,029	1 894,19	220,578
Honda Automobile China CO	P3	20 699	123,950	119,659	4,291	4,279	1 145,71	125,329
Honda Automobile Thailand CO	P3	203	146,221	120,814	25,407	25,407	1 171,00	150,567
Honda Motor CO	P3	80 194	123,371	130,019	- 6,648	- 6,970	1 372,42	142,092
Honda of the UK Manufacturing	P3	37 627	146,211	133,571	12,640	12,409	1 450,15	161,127
Honda Turkiye AS	P3	1 051	151,798	125,595	26,203	26,203	1 275,60	155,955
Hyundai Motor Company		363 165	118,966	126,578	- 7,612	- 7,612	1 297,12	132,139
Iveco SpA		51	213,636	179,988	33,648	33,648	2 465,84	220,510
Jaguar Cars Ltd	ND P6	21 980	169,666	178,025	- 8,359	- 8,359	1 899,75	189,103
KIA Motors Corporation		279 401	122,048	129,147	- 7,099	- 7,099	1 353,33	136,944

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Manufacturer name	Pools and derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
KTM-Sportmotorcycle AG	D	31	181,7	200,000	- 18,300	- 18,300	875,00	184,161
Automobili Lamborghini SpA	P8	270	322,109	141,622	180,487	179,992	1 626,30	341,804
Land Rover	ND P6	68 080	188,659	178,025	10,634	10,634	2 291,53	210,911
Lotus Cars Limited	D	522	179,209	280,000	- 100,791	- 100,791	1 280,82	198,571
Magyar Suzuki Corporation Ltd	P5	96 175	118,469	120,435	- 1,966	- 1,966	1 162,71	127,816
Mahindra & Mahindra Ltd	D	12	236	205,000	31,000	31,000	2 012,50	238,000
Maruti Suzuki India Ltd	P5	22 813	102,997	109,967	- 6,970	- 6,970	933,65	104,430
Maserati SpA		1 330	351,103	158,453	192,650	192,650	1 994,61	360,656
Mazda Motor Corporation		125 367	131,622	130,645	0,977	0,724	1 386,11	146,625
McLaren Automotive Ltd	D	76	279,000	285,000	- 6,000	- 6,000	1 514,20	282,342
Mercedes-AMG GmbH, Affalterbach	P2	1 507	307,578	145,071	162,507	162,494	1 701,79	307,768
MG Motor UK Limited	D	426	183,156	184,000	- 0,844	- 0,844	1 513,43	183,667
MIA Electric SAS		249	0	108,388	- 108,388	- 108,388	899,09	0,000
Micro-Vett SpA		4	0	129,772	- 129,772	- 129,772	1 367,00	0,000
Mitsubishi Motors Corporation (MMC)	P4	78 039	128,395	139,904	- 11,509	- 12,224	1 588,71	153,864
Mitsubishi Motor Europe BV (MME)	P4	19 270	117,472	115,081	2,391	2,387	1 045,55	120,139
Morgan Motor Co. Ltd	D	452	155,382	180,000	- 24,618	- 24,618	1 113,11	176,626
Nissan International SA		443 400	127,348	130,153	- 2,805	- 2,805	1 375,34	142,469
O.M.C.I. SRL		51	156,061	119,537	36,524	36,524	1 143,04	169,431

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Adam Opel AG		952 117	122,860	132,649	- 9,789	- 9,790	1 429,97	134,205
OSV — Opel Special Vehicles GmbH		2	133	136,581	- 3,581	- 3,581	1 516,00	135,500
Perodua Manufacturing Sdn Bhd		526	136,941	114,004	22,937	22,937	1 021,98	141,848
PGO Automobiles		66	184,738	113,598	71,140	71,140	1 013,09	188,015
Dr.Ing.h.c.F. Porsche AG	P8	37 201	202,993	152,904	50,089	50,089	1 873,19	221,560
Potenza Sports Cars		22	178	99,975	78,025	78,025	715,00	178,000
Perusahaan Otomobil Nasional Sdn Bhd	D	442	144,78	185,000	- 40,220	- 40,220	1 394,86	154,495
Quattro GmbH	P8	3 307	232,028	149,311	82,717	81,792	1 794,57	258,705
Renault		1 004 850	114,816	126,391	- 11,575	- 11,580	1 293,02	128,566
Rolls-Royce Motors Cars Ltd		409	316,238	182,073	134,165	134,165	2 511,46	334,760
Saab Automobile AB		12 570	134,632	144,930	- 10,298	- 10,298	1 698,70	155,341
Santana Motor SA		22	217,929	149,065	68,864	68,864	1 789,18	245,591
Seat	P8	293 241	114,132	126,196	- 12,064	- 12,110	1 288,76	124,878
Secma		43	131,000	97,370	33,630	33,630	658,00	137,140
Shanghai Maple Automobile Co Ltd		15	212	154,130	57,870	57,870	1 900,00	216,200
Shijiazhuang Shuanghuan Automobile Company		51	269,242	153,977	115,265	115,265	1 896,67	269,510
Skoda Auto AS	P8	448 804	122,323	127,444	- 5,121	- 5,453	1 316,07	134,649
Sovab		9	211,8	163,955	47,845	47,845	2 115,00	215,000
Ssangyong Motor Company	D	6 258	165,95	180,000	- 14,050	- 14,050	1 820,03	184,144
Suzuki Motor Corporation	P5	58 442	129,792	124,059	5,733	5,733	1 241,99	148,166
Tata Motors Limited	ND P6	2 075	132,499	178,025	- 45,526	- 45,526	1 323,63	145,692

A	B	C	D	E	F	G	H	I
Manufacturer name	Pools and derogations	Number of registrations	Average CO ₂ (65 %) corrected	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Tesla Motors Ltd		76	0	128,354	- 128,354	- 128,354	1 335,99	0,000
Think		224	0	119,830	- 119,830	- 119,830	1 149,47	0,000
Toyota Motor Europe NV SA	P7	522 865	109,293	128,141	- 18,848	- 18,905	1 331,32	126,194
Volkswagen AG	P8	1 574 053	121,739	131,971	- 10,232	- 10,399	1 415,14	134,918
Volvo Car Corporation		225 326	132,245	145,021	- 12,776	- 12,776	1 700,69	151,452
Wiesmann GmbH	D	5	270,333	274,000	- 3,667	- 3,667	1 434,60	277,000

Table 2

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

A	B	C	D	E	F	G	H	I
Pool name	Pool	Number of registrations	Average CO ₂ (65 %) corrected	Specific emissions target	Distance to target	Distance to target adjusted	Average mass	Average CO ₂ (100 %)
Ford Werke GMBH	P1	1 005 640	119,007	127,82	- 8,813	- 8,893	1 324,29	131,943
Daimler AG	P2	627 586	132,189	139,045	- 6,856	- 6,933	1 569,93	153,137
Honda Motor Europe Ltd	P3	139 774	127,001	129,394	- 2,393	- 2,703	1 358,75	144,850
Mitsubishi Motors	P4	97 309	123,768	134,988	- 11,220	- 11,651	1 481,15	147,185
Suzuki	P5	177 430	116,184	120,283	- 4,099	- 4,099	1 159,37	131,512
Tata Motors Ltd, Jaguar Cars Ltd, Land Rover	P6	92 135	177,629	178,025	- 0,396	- 0,396	2 176,27	204,240
Toyota-Daihatsu Group	P7	532 468	109,496	127,96	- 18,464	- 18,506	1 327,37	126,547
VW Group PC	P8	2 990 068	121,99	132,57	- 10,580	- 10,707	1 428,23	137,316

Explanatory notes to Tables 1 and 2

Column A:

In 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.

In 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 with effect from 2012;

'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 with effect from 2012;

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

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 both mass and CO₂ are missing and those records which the manufacturer does not recognise (identified in the error notification with error code C as set out in Article 9(3) of Regulation (EU) No 1014/2010). The number of registrations reported by Member States may otherwise not be changed.

Column D:

'Average CO₂ (65 %) corrected' means the average specific emissions of CO₂ that have been calculated on the basis of the 65 % lowest emitting vehicles in the manufacturer's fleet in accordance with the first indent of the second subparagraph of Article 4 of Regulation (EC) No 443/2009 and point 4 of Commission Communication COM(2010) 657 final. Where appropriate, the average specific emissions have been adjusted to take into account the corrections notified to the Commission by the manufacturer concerned. The records used for the calculation include those that contain a valid value for mass and CO₂ emissions.

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 specified in column D and the specific emissions target in column E. Where the value in column F is preceded by '-' it means that the average emissions are lower than the 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. An error margin applies for those records that are included in the calculation of the average specific emissions and the target but the manufacturer cannot verify whether those values are correct due to the lack of appropriate identifiers. The error margin only applies if the manufacturer has notified the Commission of any records with the error code B as set out in Article 9(3) of Regulation (EU) No 1014/2010. The error margin is calculated in accordance with the following formula:

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

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

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

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

TG2 = the specific emissions target excluding the unidentifiable vehicles.

Column I:

'Average CO₂ (100 %)' means the average specific emissions of CO₂ that have been calculated on the basis of 100 % of the vehicles attributed to the manufacturer. Where appropriate, the average specific emissions have been adjusted to take into account the corrections notified to the Commission by the manufacturer concerned. The records used for the calculation include those that contain a valid value for mass and CO₂ emissions.
