



EUROPEAN COMMISSION

Brussels, 25.11.2011
C(2011) 8336 final

COMMISSION IMPLEMENTING DECISION

of 25.11.2011

on derogations from the specific emissions targets for niche manufacturers of passenger cars pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council

(Only the English text is authentic)

COMMISSION IMPLEMENTING DECISION

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on derogations from the specific emissions targets for niche manufacturers of passenger cars pursuant to Article 11 of Regulation (EC) No 443/2009 of the European Parliament and of the Council

(Only the English text is 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 CO₂ emissions from light-duty vehicles¹, and in particular the fourth subparagraph of Article 11 thereof,

Whereas:

- (1) The following two manufacturers have submitted applications for derogations from their specific emissions targets calculated in accordance with Annex I to Regulation (EC) No 443/2009:

No	Applicant
1	Fuji Heavy Industries Ltd
2	Tata Motors Jaguar Cars Land Rover

- (2) Additional information was requested by the Commission from applicant no 2. Both applicants have provided the necessary information and the applications were considered complete in both cases.
- (3) Both applicants have demonstrated that they meet the eligibility criteria specified in Article 11 (4) of Regulation (EC) No 443/2009.
- (4) Applicant no1 has made an application in respect of itself. The application was sent by Subaru Europe NV/SA on behalf of Fuji Heavy Industries Ltd, Subaru Europa NV/SA being the legal representative of Fuji Heavy Industries in the EU.

¹ OJ L 140, 5.6.2009, p. 1–15

- (5) Applicant no 2 has made an application in respect of itself together with its connected undertakings, i.e. Tata Motors Limited, Jaguar Cars Limited & Land Rover .
- (6) The Commission is satisfied that both applicants are each respectively responsible for between 10 000 and 300 000 new passenger cars registered in the Community per calendar year.
- (7) The Commission is satisfied that the specific emissions target specified in the application no 1 is consistent with a 25% reduction of the average specific emissions of CO₂ in 2007, and that the specific emissions target specified in the application no 2 is consistent with 25% reduction on the average of those undertakings' average specific emissions of CO₂ in 2007; and therefore finds that all applicants have demonstrated that the criteria for a derogation in accordance with Article 11(4) of Regulation (EC) No 443/2009 are met.
- (8) Against that background, the Commission finds that the applications for derogations from both applicants should be granted.
- (9) In order to be consistent with the objectives of Regulation (EC) No 443/2009, i.e. the continuous reduction of CO₂ emissions from passenger cars, and to ensure legal certainty for the manufacturers concerned, the derogations should remain the exception and thus apply for a definite time period. The derogations for small volume manufacturers are provided for a maximum period of five years. It is therefore appropriate to provide for the same period of maximum five calendar years for the derogations for niche manufacturers,

HAS ADOPTED THIS DECISION:

Article 1

The manufacturers listed in Annex to this decision are granted derogations from the specific emission targets calculated in accordance with Annex I to Regulation (EC) No 443/2009.

Article 2

The specific emissions targets specified for each manufacturer in the Annex shall apply for the five calendar years from 1 January 2012 to 31 December 2016.

This Decision shall expire on 1 January 2017.

Article 3

This Decision is addressed to:

1.

Fuji Heavy Industries Ltd
1-7-2 Nishishinjuku,
Shinjuku-ku,
Tokyo 160-8316

Japan
Represented in the EU by
SUBARU EUROPE NV/SA
Leuvensesteenweg 555 B/8
1930 Zaventem
Belgium
Keisuke Ueda
2.
Tata Motors Jaguar Cars Land Rover
W/4/031
Abbey Road
Whitley
Coventry
UK-CV3 4LF
Dr David Cuttler
Done at Brussels, 25.11.2011

For the Commission
Connie HEDEGAARD
Member of the Commission

CERTIFIED COPY
For the Secretary - General

Jordi AYET PUIGARNAU
Director of the Registry

ANNEX

No	Applicant	Specific emissions targets in g CO ₂ /km
1	Fuji Heavy Industries Ltd	164.616
2	Tata Motors Jaguar Cars Land Rover	178.025