



EUROPEAN COMMISSION

Brussels, 25.11.2011
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COMMISSION IMPLEMENTING DECISION

of 25.11.2011

on derogations from the specific emissions targets for small-volume 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)

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

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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 emissions 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 Article 11(3) thereof,

Whereas:

- (1) The following 17 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	Aston Martin Lagonda Ltd
2	Caterham Cars Ltd
3	Ferrari S.p.A.
4	Great Wall Motor Company Ltd
5	Koenigsegg Automotive AB
6	Lotus Cars Ltd
7	MG Motor UK Ltd
8	Morgan Motor Company Ltd
9	Proton

¹ OJ L 140, 5.6.2009, p. 1–15

10	Ssangyong Motor Company
11	Wiesmann GmbH
12	KTM-Sportmotorcycle AG
13	Litex Motors AD
14	Marussia Motors LLC
15	McLaren Automotive Ltd
16	Noble Automotive Ltd
17	Spyker Automobielen B.V

- (2) Additional information was requested by the Commission from applicants no 7-11, 13 and 17. All applicants have provided the necessary information and the applications were considered complete in all cases.
- (3) Applicants 1, 2, 4, 5, 7, 8, 11-16 have demonstrated that they meet the eligibility criteria specified in Article 11(1) of Regulation (EC) No 443/2009.
- (4) Applicants no 3, 6, 9, 10 and 17 are part of a group of connected manufacturers, but have provided the necessary evidence confirming that they operate their own production facilities and design centres in accordance with Article 11(1)(c) and as a consequence the Commission finds that they are eligible for a derogation.
- (5) All applicants have asked for a derogation period of five calendar years, except applicants no 4, 7 and 9 that have applied for two, three and four year derogations respectively.
- (6) Applicants no 1-5 and no 7-11 have indicated a specific emissions target or yearly specific emission targets that at the expiry of the derogation period will ensure reductions in their average specific CO₂ emissions compared to their emissions in 2007.
- (7) Applicant no 6 has indicated a target that means an increase in CO₂ emissions compared to its average specific emissions in 2007.
- (8) Applicants no 12-17 did not have any registrations in 2007. As a consequence the proposed targets should be compared to the average specific CO₂ emissions of their passenger cars registered in the following calendar year closest to 2007, or if not available, to the level of the targets identified for applicants producing cars with similar market characteristics.
- (9) Applicants no 12, 13, 16 and 17 have indicated a specific emissions target or yearly specific emissions targets that at the expiry of the derogation period will ensure reductions in the CO₂ emissions compared to the average specific CO₂ emissions of its passenger cars registered in the following calendar year closest to 2007.

- (10) Applicants no 14 and 15 should be considered as new market entrants. Their proposed targets should be compared to the level of the targets identified for applicants producing cars with similar market characteristics.
- (11) The specific emissions targets must in accordance with Article 11(3) of Regulation (EC) No 443/2009 be consistent with the reduction potential of the applicant, including the economic and technological potential to reduce the specific emissions of CO₂ and taking into account the characteristics of the market for the type of car manufactured.
- (12) The Commission finds that the targets proposed by applicants no 1-5 and no 7-11 are consistent with their reduction potential, considering the detailed information submitted regarding their economic activities and their reduction programmes that are due to be implemented during the derogation period.
- (13) As regards applicant no 6, the Commission notes that it has demonstrated that the market characteristics of the type of cars that it will produce and place on the market during the derogation period are different from those that applied to its production in 2007. As a consequence, the applicant should be considered as new market entrant and its proposed target should be compared to the level of the targets identified for applicants producing cars with similar market characteristics.
- (14) Applicant no 6 is proposing a target that is consistent with the level of the targets proposed for manufacturers of cars with similar market characteristics, and considering the economic activities and the CO₂ reducing technologies that the applicant is due to implement, the Commission considers that the target is consistent with the reduction potential of the applicant.
- (15) The Commission finds that the targets proposed by applicants 12, 13 and 17 are consistent with their reduction potential, considering the detailed information submitted regarding their economic activities and their reduction programmes that are due to be implemented during the derogation period.
- (16) The Commission finds that the targets proposed by applicants no 14 and 15 are consistent with the level of the targets proposed for manufacturers of cars with similar market characteristics.
- (17) Applicant no 16 is proposing a target that is significantly higher than the targets proposed by the other manufacturers. However, as the reduction proposed during the derogation period is significant, i.e. 40 g CO₂/ km between 2010 and 2016, and taking into account that the proposed target is comparable with the emissions of cars with similar characteristics, the Commission considers that the target is consistent with the reduction potential of the applicant.
- (18) Against that background, the Commission finds that the applications for derogations from applicants no 1-17 should be granted.
- (19) The derogations should apply on the basis that the car types the manufacturers have specified in their applications remain the same or with no significant changes during the derogation period.

- (20) The derogations should apply provided that the manufacturers continue to meet the eligibility criteria in Article 11(1) based on the number of cars registered per calendar year during the derogation period. Where the Commission confirms pursuant to the second subparagraph of Article 8(5) of Regulation (EC) No 443/2009 that the number of registered cars for manufacturer for which a derogation has been granted, exceeds the threshold of 10 000 cars, that derogation should be revoked with effect from 1 January of the next calendar year. The specific emissions target for that calendar year is to be calculated in accordance with Annex I to Regulation (EC) No 443/2009, unless the manufacturer applies and is granted a derogation in accordance with Article 11(4) of Regulation (EC) No 443/2009,

HAS ADOPTED THIS DECISION:

Article 1

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

The specific emissions targets specified for each manufacturer in the Annex shall apply for the calendar years indicated.

2. Without prejudice to Article 11(5) of Regulation (EC) No 443/2009, the manufacturers listed in the Annex to this Decision shall inform the Commission without delay in case of significant changes in the number and types of cars for which the derogation was granted during the derogation period, as compared to the information given in the application. They shall also inform the Commission without delay of any change in their contact details and, where applicable, their EU representatives.
3. Without prejudice to Article 11(6) of Regulation (EC) No 443/2009, a manufacturer shall no longer be considered eligible for a derogation, if the Commission confirms, pursuant to the second subparagraph of Article 8(5) of that Regulation, that the number of registered cars of that manufacturer exceeds the threshold of 10 000 cars. The derogation shall in such case be revoked with effect from 1 January of the next calendar year.

Article 2

This Decision is addressed to the following addressees:

1.
Aston Martin Lagonda Ltd
Gaydon Engineering Centre
Banbury Road, Lighthorne
Warwickshire CV350DB
United Kingdom
Mr Bradley Yorke-Biggs

2.
Caterham Cars Limited
Kennet Road
Dartford
United Kingdom
Mr Mark Edwards

3.
Ferrari S.p.A
Via Abetone Inferiore 4
41053 Maranello MO
Italy
Mr Corrado Cinghi

4.
Great Wall Motor Company Limited
2266 Chaoyang South Ave
Baoding city
Hebei Pro
P.R.China
Liu Yajie
Represented in the EU by
I.M. Group Limited
I.M. House
South Drive Coleshill
B46 1 DF
United Kingdom
Mr.Mark Howard

5.
Koenigsegg Automotive AB
Valhallpark, 262-74,
Ängelholm,
Sweden
Mr Jon Gunner

6.
Lotus Cars Ltd
Potash Lane
Hethel
Norwich
Norfolk, NR14 8EZ
United Kingdom
Mr Simon Wood

7.

MG Motor UK Limited
International HQ
Q Gate, Low Hill Lane
UK- B31 2BQ
United Kingdom
Mr John Tweedy

8.

Morgan Motor Company Limited
Pickersleigh Road
Malvern Link
Worcestershire WR14 2LL
United Kingdom
Mr Matthew Welch

9.

Proton Holdings
HICOM Industrial Estate
Batu.3 PO BOX 7100
40918 Shah Alam
Selangor /Darul Ehsan
Malaysia
Mr M. Najmuddin bin Abdul Razak
Represented in the EU by
Proton Cars United Kingdom Limited
1-3 Crowley Way,
Avonmouth
Bristol, BS11 9YYR,
United Kingdom
Mr Brian Collier

10.

Ssangyong Motor Company
150-3 Chilkoi-dong
Pyungteak-si 459-050
Korea
Mr. K.T.Yoon
Represented in the EU by
Europe Representative Office
Ssangyong Motor Company
C/O'Donnell 4,
Torre de Valencia.
28009 Madrid
Spain

11.
Wiesmann GmbH
An der Lehmkuhle 87
48249 Dülmen
Germany
Mr Ralf Gettler

12.
KTM-Sportmotorcycle AG
Stallhofnerstraße 3
5230 Mattighofen
Austria
Mr Karl Maria Grugl

13.
Executive Director
Litex Motors JCS
10, Banat Str. 1407 Sofia
Bulgaria
Mr Iliya Terziev

14.
Marussia Motors LLC
1 Chernyshevskogo Lane
Moscow
Russia 127473
Mr Andrey Seleznev
Represented in the EU by
Technical Advice Ltd.
Fritton Grange
Hempnall Road
Fritton
Norfolk NR15 2LN
United Kingdom
Mr. Simon Wood

15.
McLaren Automotive Limited
Chertsey Road
Woking
Surrey
GU21 4YH,
United Kingdom
Mr Geoff Grose

16.
Noble Automotive Limited
24a Centurion Way
Meridian Business Park
Leicester
LE19 1WH
United Kingdom
Mr Mark Aston

17.
Spyker Automobielen B.V.
Edisonweg 2
3899 AZ ZEEWOLDE
The Netherlands
Mr Geert Verheul
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				
		2012	2013	2014	2015	2016
1	Aston Martin Lagonda Ltd	320	318	313	310	309
2	Caterham Cars Ltd	210	210	210	210	210
3	Ferrari S.p.A.	303	303	303	295	290
4	Great Wall Motor Company Ltd	195	190	-	-	-
5	Koenigsegg Automotive AB	275	275	275	275	275
6	Lotus Cars Ltd	280	280	280	280	280
7	MG Motor UK Ltd	184	151,6	149,5	-	-
8	Morgan Motor Company Ltd	180	168	170	170	168
9	Proton	185	181	147	137	-
10	Ssangyong Motor Company	180	180	180	180	180
11	Wiesmann GmbH	274	274	274	274	274
12	KTM-Sportmotorcycle AG	200	195	195	190	185
13	Litex Motors AD	168	160	159	156	154
14	Marussia Motors LLC	270	270	270	270	270
15	McLaren Automotive Ltd	285	285	280	275	275
16	Noble Automotive Ltd	400	360	360	360	360
17	Spyker Automobielen B.V	340	360	380	380	330

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