



EUROPEAN COMMISSION

Brussels, 20.12.2011
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COMMISSION IMPLEMENTING DECISION

of 20.12.2011

for a derogation from the specific emissions target 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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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 manufacturer Mahindra & Mahindra Ltd (the Applicant) has submitted the application for a derogation from its specific emissions target calculated in accordance with Annex I to Regulation (EC) No 443/2009 on 12 October 2011. The application was considered complete.
- (2) The Applicant has demonstrated that it meets the eligibility criteria specified in Article 11(1) of Regulation (EC) No 443/2009.
- (3) The Applicant is part of a group of connected manufacturers, but has provided the necessary evidence confirming that it operates its own production facilities and design centre in accordance with Article 11(1)(c) and as a consequence the Commission finds that it is eligible for a derogation.
- (4) The Applicant has asked for a derogation period of five calendar years.
- (5) The Applicant did not have any registrations in 2007. As a consequence the proposed yearly target should be compared to the average specific CO₂ emissions of its passenger cars registered in the following calendar year closest to 2007, i.e. 2010.
- (6) The Applicant has indicated 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 2010.

¹ OJ L 140, 5.6.2009, p. 1–15

- (7) The specific emissions target 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.
- (8) The Commission finds that the yearly specific emissions targets proposed by the Applicant are consistent with its reduction potential on the basis of the detailed information submitted regarding its economic activities and its reduction programme that is due to be implemented during the derogation period. The yearly specific emissions targets proposed by the Applicant are consistent with the level of targets proposed for manufacturers of cars with similar market characteristics.
- (9) Against that background, the Commission finds that the application for a derogation should be granted.
- (10) The derogation should apply on the basis that the car types the Applicant has specified in its application remain the same or with no significant changes during the derogation period.
- (11) The derogation should apply provided that the Applicant continues to meet the eligibility criteria specified 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 a 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 Applicant, Mahindra & Mahindra Ltd, is granted the derogation from the specific emissions target calculated in accordance with Annex I to Regulation (EC) No 443/2009.

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

2. Without prejudice to Article 11(5) of Regulation (EC) No 443/2009, the Applicant, Mahindra & Mahindra Ltd, 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. It shall also inform the Commission without delay of any change in its own and its EU representative contact details.
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:

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Mr Angelantonio Molfeta
Done at Brussels, 20.12.2011

For the Commission
Connie HEDEGAARD
Member of the Commission

CERTIFIED COPY
For the Secretary - General

Jordi AYET PUIGARNAU
Director of the Registry

ANNEX

Applicant	Specific emissions targets in g CO2 /km				
	2012	2013	2014	2015	2016
Mahindra & Mahindra Ltd.	205	183	173	162	144