



EUROPEAN COMMISSION

Brussels, 30.3.2012  
C(2012) 2042 final

**COMMISSION IMPLEMENTING DECISION**

**of 30.3.2012**

**for a derogation from the specific emissions target for a small-volume manufacturer 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 CO<sub>2</sub> emissions from light-duty vehicles<sup>1</sup>, and in particular Article 11(3) thereof,

Whereas:

- (1) The manufacturer PGO Automobiles (the Applicant) has submitted an application for a derogation from its specific emissions target calculated in accordance with Annex I to Regulation (EC) No 443/2009 on 24 November 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 has asked for a derogation period of five calendar years from 2012 till 2016. The Applicant has indicated yearly specific emissions targets that at the expiry of the derogation period will ensure reductions in the average specific CO<sub>2</sub> emissions compared to its emissions in 2007.
- (4) 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 CO<sub>2</sub> and taking into account the characteristics of the market for the type of car manufactured.
- (5) 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

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

emissions targets proposed by the Applicant are consistent with the level of targets proposed for manufacturers of cars with similar market characteristics.

- (6) Pursuant to Article 11(3) of Regulation (EC) No 443/2009, a derogation shall apply from 1 January of the year following the date of granting of the derogation. According to Article 7(1) of Commission Regulation (EU) No 63/2011 of 26 January 2011 laying down detailed provisions for the application for a derogation from the specific CO<sub>2</sub> emission targets pursuant to Article 11 of Regulation (EC) No 443/2009<sup>2</sup> the Commission has a maximum period of nine months from the official receipt of a complete application to assess the application and take a decision whether to raise objections or not. In order to ensure that the Commission decision is adopted in time for the requested date of entry into force of the derogation, the application should therefore be submitted not later than 31 March of the year preceding the date of application.. The applicant submitted the application for a derogation on 24 November 2011. As a consequence, it was not possible for the Commission to adopt a decision in 2011 in order to grant a derogation for 2012 as requested by the applicant.
- (7) Against that background, the Commission finds that the application for a derogation should be granted for the period 2013 to 2016.
- (8) 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.
- (9) 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, PGO Automobiles, 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 to this Decision shall apply for the calendar years indicated.

2. Without prejudice to Article 11(5) of Regulation (EC) No 443/2009, the Applicant, PGO Automobiles, shall inform the Commission without delay in case of significant

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<sup>2</sup> OJ L 23, 27.1.2011, p. 16.

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.

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.

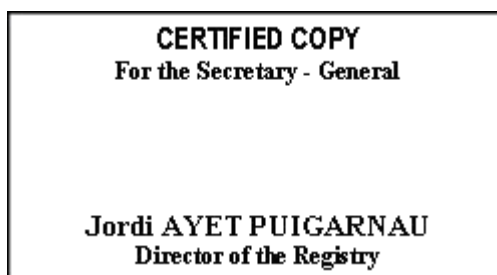
## *Article 2*

This Decision is addressed to:

PGO Automobiles  
ZA de la pyramide  
30380 Saint Christol les Alès  
France  
Mr Perois Loïc

Done at Brussels, 30.3.2012

*For the Commission*  
*Connie HEDEGAARD*  
*Member of the Commission*



**ANNEX**

Applicant	Specific emissions targets in g CO2 /km			
	2013	2014	2015	2016
PGO Automobiles	175	175	175	160