



EUROPEAN COMMISSION

Brussels, 6.9.2012  
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**COMMISSION IMPLEMENTING DECISION**

**of 6.9.2012**

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

[Only the German, English, Italian and Spanish texts are authentic]

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**on derogations from the specific emissions targets for small-volume manufacturers of passenger cars pursuant to 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 CO<sub>2</sub> emissions from light-duty vehicles<sup>1</sup>, and in particular paragraphs 3 and 6 of Article 11 thereof,

Whereas:

- (1) The following 6 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	Alpina Burkard Bovensiepen GmbH & Co. KG
2	Artega Automobil GmbH & Co.KG
3	Pagani Automobili S.p.A
4	Qoros Automotive Co., Ltd.
5	Radical Motorsport Ltd.
6	Zhejiang Geely Automobile Co. Ltd.

- (2) Additional information was requested by the Commission from applicants No 2 to 6. All applicants have provided the necessary information and the applications were considered complete in all cases.

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<sup>1</sup> OJ L 140, 5.6.2009, p. 1–15

- (3) Applicants No 1 to 5 have demonstrated that they meet the eligibility criteria specified in Article 11(1) of Regulation (EC) No 443/2009.
- (4) Applicant No 6 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) of Regulation (EC) No 443/2009 and as a consequence the Commission finds that it is eligible for a derogation.
- (5) All applicants have asked for a derogation period of five calendar years, except applicant No 4 that has applied for two year derogation.
- (6) Applicants No 2, 3, 5 and 6 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 CO<sub>2</sub> emissions compared to their emissions in 2007 or, where this information is not available, in the following calendar year closest to 2007.
- (7) Applicant No 1 has indicated a target that does not present a reduction in CO<sub>2</sub> emissions compared to its average specific emissions in 2007.
- (8) As regards applicant No 1, 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.
- (9) Applicant No 4 did not have any registrations in 2007 or in the following year closest to 2007. Consequently, applicant No 4 should be considered as a new market entrant. Its proposed target should be compared to the level of the targets identified for applicants producing cars with similar market characteristics.
- (10) 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 CO<sub>2</sub> and taking into account the characteristics of the market for the type of car manufactured.
- (11) The Commission notes that there are some uncertainties regarding the reduction programme of applicant No 2 for the years 2014, 2015 and 2016. Consequently, the Commission is aware that applicant No 2 might need to revise the reduction programme when more precise information is available. However, the information already provided by that applicant is satisfactory for the assessment of the reduction potential of the applicant.
- (12) The Commission finds that the targets proposed by applicants No 2 to 6 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) Applicant No 1 has proposed 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 CO<sub>2</sub> reducing technologies that the applicant is due to implement, the Commission considers that the target is consistent with the reduction potential of the applicant.

- (14) The Commission finds that the target proposed by applicant No 4 is consistent with the level of the targets proposed for manufacturers of cars with similar market characteristics.
- (15) Against that background, the Commission finds that applicants No 1 to 6 should be granted the derogations applied for.
- (16) 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.
- (17) A derogation should expire where the number of new cars registered in a calendar year for a manufacturer for which a derogation has been granted exceeds the threshold of 10 000 cars. The expiry should take effect from 1 January of the next calendar year,

HAS ADOPTED THIS DECISION:

#### *Article 1*

- 1. The manufacturers listed in the Annex to this Decision shall be 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 representatives in the European Union.
- 3. Without prejudice to Article 11(5) of Regulation (EC) No 443/2009, where the number of new cars registered in a calendar year for a manufacturer for which a derogation has been granted exceeds 10 000, the derogation with respect to that manufacturer shall expire with effect from 1 January of the next calendar year.

#### *Article 2*

This Decision is addressed to:

- 1.  
Alpina Burkard Bovensiepen GmbH & Co. KG  
Alpenstraße 35-37  
D-86807 Buchloe

Germany

2.

Artega Automobil GmbH & Co.KG

Artegastraße 1

33129 Delbrueck

Germany

3.

Pagani Automobili S.p.A

Via dell'Artigianato 5

41018 San Cesario Sul Panaro (MO)

Italia

4.

Qoros Automotive Co., Ltd

Represented in the Union by

Mr Pere Fonts

C/ Pau Casals, no. 1

43719 Bellvei del Penedes

Tarragona

Spain

5.

Radical Motorsport Ltd

24-26 Ivatt way business park

Westwood, Peterborough

PE37PG,

United Kingdom

6.

Zhejiang Geely Automobile Co. Ltd.

Represented in the Union by

The London Taxi Company

Holyhead Road

Coventry CV5 8JJ

United Kingdom

Done at Brussels, 6.9.2012.

*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 CO2 /km				
		2013	2014	2015	2016	2017
1	Alpina Burkard Bovensiepen GmbH & Co. KG	230	225	225	220	220
2	Artega Automobil GmbH & Co.KG	223	286	286	286	215
3	Pagani Automobili S.p.A	340	340	340	340	340
4	Qoros Automotive Co., Ltd.	152	152	-	-	-
5	Radical Motorsport Ltd.	229	215	200	198	198
6	Zhejiang Geely Automobile Co. Ltd.	167.5	163.5	162	159.5	156