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► **B** 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 CO<sub>2</sub> emissions from light-duty vehicles

(Text with EEA relevance)

(OJ L 140, 5.6.2009, p. 1)

Amended by:

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		No	page	date
► <b><u>M1</u></b>	Commission Regulation (EU) No 397/2013 of 30 April 2013	L 120	4	1.5.2013
► <b><u>M2</u></b>	Regulation (EU) No 333/2014 of the European Parliament and of the Council of 11 March 2014	L 103	15	5.4.2014
► <b><u>M3</u></b>	Commission Delegated Regulation (EU) 2015/6 of 31 October 2014	L 3	1	7.1.2015
► <b><u>M4</u></b>	Commission Delegated Regulation (EU) 2017/1502 of 2 June 2017	L 221	4	26.8.2017

**▼B****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 CO<sub>2</sub>  
emissions from light-duty vehicles****(Text with EEA relevance)***Article 1***Subject matter and objectives**

This Regulation establishes CO<sub>2</sub> emissions performance requirements for new passenger cars in order to ensure the proper functioning of the internal market and to achieve the overall objective of the European Community of 120 g CO<sub>2</sub>/km as average emissions for the new car fleet. This Regulation sets the average CO<sub>2</sub> emissions for new passenger cars at 130 g CO<sub>2</sub>/km, by means of improvement in vehicle motor technology, as measured in accordance with Regulation (EC) No 715/2007 and its implementing measures and innovative technologies.

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From 2020 onwards, this Regulation sets a target of 95 g CO<sub>2</sub>/km for the average emissions of the new car fleet as measured in accordance with Regulation (EC) No 715/2007 and Annex XII to Regulation (EC) No 692/2008 and its implementing measures and innovative technologies.

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This Regulation will be complemented by additional measures corresponding to a reduction of 10 g CO<sub>2</sub>/km as part of the Community's integrated approach.

*Article 2***Scope**

1. This Regulation shall apply to motor vehicles of category M<sub>1</sub> as defined in Annex II to Directive 2007/46/EC ('passenger cars') which are registered in the Community for the first time and which have not previously been registered outside the Community ('new passenger cars').

2. A previous registration outside the Community made less than three months before registration in the Community shall not be taken into account.

3. This Regulation does not apply to special-purpose vehicles as defined in point 5 of Part A of Annex II to Directive 2007/46/EC.

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4. With effect from 1 January 2012, Article 4, Article 8(4)(b) and (c), Article 9 and Article 10(1)(a) and (c) shall not apply to a manufacturer which, together with all of its connected undertakings, is responsible for fewer than 1 000 new passenger cars registered in the Union in the previous calendar year.

**▼B***Article 3***Definitions**

1. For the purposes of this Regulation, the following definitions shall apply:

- (a) ‘average specific emissions of CO<sub>2</sub>’ means, in relation to a manufacturer, the average of the specific emissions of CO<sub>2</sub> of all new passenger cars of which it is the manufacturer;
- (b) ‘certificate of conformity’ means the certificate referred to in Article 18 of Directive 2007/46/EC;
- (c) ‘manufacturer’ means the person or body responsible to the approval authority for all aspects of the EC type-approval procedure in accordance with Directive 2007/46/EC and for ensuring conformity of production;
- (d) ‘mass’ means the mass of the car with bodywork in running order as stated in the certificate of conformity and defined in section 2.6 of Annex I to Directive 2007/46/EC;
- (e) ‘footprint’ means the track width multiplied by the wheelbase as stated in the certificate of conformity and defined in sections 2.1 and 2.3 of Annex I to Directive 2007/46/EC;
- (f) ‘specific emissions of CO<sub>2</sub>’ means the CO<sub>2</sub> emissions of a passenger car measured in accordance with Regulation (EC) No 715/2007 and specified as the CO<sub>2</sub> mass emissions (combined) in the certificate of conformity. For passenger cars which are not type-approved in accordance with Regulation (EC) No 715/2007, ‘specific emissions of CO<sub>2</sub>’ means the CO<sub>2</sub> emissions measured in accordance with the same measurement procedure as specified for passenger cars in Regulation (EC) No 692/2008, or in accordance with procedures adopted by the Commission to establish the CO<sub>2</sub> emissions for such passenger cars;
- (g) ‘specific emissions target’ means, in relation to a manufacturer, the average of the specific emissions of CO<sub>2</sub> permitted in accordance with Annex I in respect of each new passenger car of which it is the manufacturer or, where the manufacturer is granted a derogation under Article 11, the specific emissions target determined in accordance with that derogation.

2. For the purposes of this Regulation ‘a group of connected manufacturers’ means a manufacturer and its connected undertakings. In relation to a manufacturer, ‘connected undertakings’ means:

- (a) undertakings in which the manufacturer has, directly or indirectly:

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— the power to exercise more than half the voting rights, or

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— the power to appoint more than half the members of the supervisory board, board of management or bodies legally representing the undertaking; or

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- the right to manage the undertaking's affairs;
- (b) undertakings which directly or indirectly have, over the manufacturer, the rights or powers listed in point (a);
- (c) undertakings in which an undertaking referred to in point (b) has, directly or indirectly, the rights or powers listed in point (a);
- (d) undertakings in which the manufacturer together with one or more of the undertakings referred to in points (a), (b) or (c), or in which two or more of the latter undertakings, jointly have the rights or powers listed in point (a);
- (e) undertakings in which the rights or the powers listed in (a) are jointly held by the manufacturer or one or more of its connected undertakings referred to in points (a) to (d) and one or more third parties.

*Article 4***Specific emissions targets**

For the calendar year commencing 1 January 2012 and each subsequent calendar year, each manufacturer of passenger cars shall ensure that its average specific emissions of CO<sub>2</sub> do not exceed its specific emissions target determined in accordance with Annex I or, where a manufacturer is granted a derogation under Article 11, in accordance with that derogation.

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For the purposes of determining each manufacturer's average specific emissions of CO<sub>2</sub>, the following percentages of each manufacturer's new passenger cars registered in the relevant year shall be taken into account:

- 65 % in 2012,
- 75 % in 2013,
- 80 % in 2014,
- 100 % from 2015 to 2019,
- 95 % in 2020,
- 100 % by the end of 2020 onwards.

**▼B***Article 5***Super-credits**

In calculating the average specific emissions of CO<sub>2</sub>, each new passenger car with specific emissions of CO<sub>2</sub> of less than 50 g CO<sub>2</sub>/km shall be counted as:

- 3,5 cars in 2012,
- 3,5 cars in 2013,

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- 2,5 cars in 2014,
- 1,5 cars in 2015,
- 1 car from 2016.

**▼ M2***Article 5a***Super-credits for 95 g CO<sub>2</sub>/km target**

In calculating the average specific emissions of CO<sub>2</sub>, each new passenger car with specific emissions of CO<sub>2</sub> of less than 50 g CO<sub>2</sub>/km shall be counted as:

- 2 passenger cars in 2020,
- 1,67 passenger cars in 2021,
- 1,33 passenger cars in 2022,
- 1 passenger car from 2023,

for the year in which it is registered in the period from 2020 to 2022, subject to a cap of 7,5 g CO<sub>2</sub>/km over that period for each manufacturer.

**▼ B***Article 6***Specific emissions target for alternative-fuel vehicles**

For the purpose of determining compliance by a manufacturer with its specific emissions target referred to in Article 4, the specific emissions of CO<sub>2</sub> of each vehicle designed to be capable of running on a mixture of petrol with 85 % ethanol ('E85') which meets relevant Community legislation or European technical standards, shall be reduced by 5 % until 31 December 2015 in recognition of the greater technological and emissions reduction capability when running on biofuels. This reduction shall apply only where at least 30 % of the filling stations in the Member State in which the vehicle is registered provide this type of alternative fuel complying with the sustainability criteria for biofuels set out in relevant Community legislation.

*Article 7***Pooling**

1. Manufacturers, other than manufacturers which have been granted a derogation under Article 11, may form a pool for the purposes of meeting their obligations under Article 4.
2. An agreement to form a pool may relate to one or more calendar years, provided that the overall duration of each agreement does not exceed five calendar years, and must be entered into on or before 31 December in the first calendar year for which emissions are to be pooled. Manufacturers which form a pool shall file the following information with the Commission:

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- (a) the manufacturers who will be included in the pool;
- (b) the manufacturer nominated as the pool manager who will be the contact point for the pool and will be responsible for paying any excess emissions premium imposed on the pool in accordance with Article 9; and
- (c) evidence that the pool manager will be able to fulfil the obligations under point (b).

3. Where the proposed pool manager fails to meet the requirement to pay any excess emissions premium imposed on the pool in accordance with Article 9, the Commission shall notify the manufacturers.

4. Manufacturers included in a pool shall jointly inform the Commission of any change of pool manager or its financial status, in so far as this may affect its ability to meet the requirement to pay any excess emissions premium imposed on the pool in accordance with Article 9 and of any changes to the membership of the pool or the dissolution of the pool.

5. Manufacturers may enter into pooling arrangements provided that their agreements are in compliance with Articles 81 and 82 of the Treaty and that they allow open, transparent and non-discriminatory participation on commercially reasonable terms by any manufacturer requesting membership of the pool. Without prejudice to the general applicability of Community competition rules to such pools, all members of a pool shall in particular ensure that neither data sharing nor information exchange may occur in the context of their pooling arrangement, except in respect of the following information:

- (a) the average specific emissions of CO<sub>2</sub>;
- (b) the specific emissions target;
- (c) the total number of vehicles registered.

6. Paragraph 5 shall not apply where all the manufacturers included in the pool are part of the same group of connected manufacturers.

7. Except where notification is given under paragraph 3, the manufacturers in a pool in respect of which information is filed with the Commission shall be considered as one manufacturer for the purposes of meeting their obligations under Article 4. Monitoring and reporting information in respect of individual manufacturers as well as any pools will be recorded, reported and available in the central register referred to in Article 8(4).

*Article 8***Monitoring and reporting of average emissions**

1. For the calendar year commencing 1 January 2010 and each subsequent calendar year, each Member State shall record information for each new passenger car registered in its territory in accordance with Part A of Annex II. This information shall be made available to the manufacturers and their designated importers or representatives in each

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Member State. Member States shall make every effort to ensure that reporting bodies operate in a transparent manner. Each Member State shall ensure that the specific emissions of CO<sub>2</sub> of passenger cars which are not type-approved in accordance with Regulation (EC) No 715/2007 are measured and recorded in the certificate of conformity.

2. By 28 February of each year, commencing in 2011, each Member State shall determine and transmit to the Commission the information listed in Part B of Annex II in respect of the preceding calendar year. The data shall be transmitted in accordance with the format specified in Part C of Annex II.

3. On request from the Commission, a Member State shall also transmit the full set of data collected pursuant to paragraph 1.

4. The Commission shall keep a central register of the data reported by Member States under this Article and by 30 June of each year, commencing in 2011, shall provisionally calculate the following for each manufacturer:

- (a) the average specific emissions of CO<sub>2</sub> in the preceding calendar year;
- (b) the specific emissions target in the preceding calendar year; and
- (c) the difference between its average specific emissions of CO<sub>2</sub> in the preceding calendar year and its specific emissions target for that year.

The Commission shall notify each manufacturer of its provisional calculation for that manufacturer. The notification shall include data for each Member State on the number of new passenger cars registered and their specific emissions of CO<sub>2</sub>.

The register shall be publicly available.

5. Manufacturers may, within three months of being notified of the provisional calculation under paragraph 4, notify the Commission of any errors in the data, specifying the Member State in which it considers that the error occurred.

The Commission shall consider any notifications from manufacturers and shall, by 31 October, either confirm or amend the provisional calculations under paragraph 4.

6. Where, on the basis of the calculations under paragraph 5, in relation to the calendar year 2010 or 2011, it appears to the Commission that a manufacturer's average specific emissions of CO<sub>2</sub> in that year exceeded its specific emissions target for that year, the Commission shall notify the manufacturer.

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7. Member States shall designate a competent authority for the collection and communication of the monitoring data in accordance with this Regulation and shall inform the Commission of the competent authority designated no later than 8 December 2009. The Commission shall subsequently inform the European Parliament and the Council thereof.

8. For each calendar year in which Article 6 applies, Member States shall provide information to the Commission regarding the proportion of filling stations and the sustainability criteria in relation to E85 as referred to in that Article.

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9. The Commission shall adopt detailed rules on the procedures for monitoring and reporting of data under this Article and on the application of Annex II by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

The Commission shall be empowered to adopt delegated acts in accordance with Article 14a in order to amend the data requirements and data parameters set out in Annex II.

**▼ B***Article 9***Excess emissions premium**

1. In respect of each calendar year from 2012 onwards for which a manufacturer's average specific emissions of CO<sub>2</sub> exceed its specific emissions target in that year, the Commission shall impose an excess emissions premium on the manufacturer or, in the case of a pool, the pool manager.

2. The excess emissions premium under paragraph 1 shall be calculated using the following formulae:

(a) From 2012 until 2018:

(i) Where the manufacturer's average specific emissions of CO<sub>2</sub> exceed its specific emissions target by more than 3 g CO<sub>2</sub>/km:

$$((\text{Excess emissions} - 3 \text{ g CO}_2/\text{km}) \times 95 \text{ €/g CO}_2/\text{km} + 1 \text{ g CO}_2/\text{km} \times 25 \text{ €/g CO}_2/\text{km} + 1 \text{ g CO}_2/\text{km} \times 15 \text{ €/g CO}_2/\text{km} + 1 \text{ g CO}_2/\text{km} \times 5 \text{ €/g CO}_2/\text{km}) \times \text{number of new passenger cars.}$$

(ii) Where the manufacturer's average specific emissions of CO<sub>2</sub> exceed its specific emissions target by more than 2 g CO<sub>2</sub>/km but no more than 3 g CO<sub>2</sub>/km:

$$((\text{Excess emissions} - 2 \text{ g CO}_2/\text{km}) \times 25 \text{ €/g CO}_2/\text{km} + 1 \text{ g CO}_2/\text{km} \times 15 \text{ €/g CO}_2/\text{km} + 1 \text{ g CO}_2/\text{km} \times 5 \text{ €/g CO}_2/\text{km}) \times \text{number of new passenger cars.}$$

(iii) Where the manufacturer's average specific emissions of CO<sub>2</sub> exceed its specific emissions target by more than 1 but no more than 2 g CO<sub>2</sub>/km:



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$((\text{Excess emissions} - 1 \text{ g CO}_2/\text{km}) \times 15 \text{ €/g CO}_2/\text{km} + 1 \text{ g CO}_2/\text{km} \times 5 \text{ €/g CO}_2/\text{km}) \times \text{number of new passenger cars.}$

- (iv) Where the manufacturer's average specific emissions of CO<sub>2</sub> exceed its specific emissions target by no more than 1 g CO<sub>2</sub>/km:

$(\text{Excess emissions} \times 5 \text{ €/g CO}_2/\text{km}) \times \text{number of new passenger cars.}$

- (b) From 2019:

$(\text{Excess emissions} \times 95 \text{ €/g CO}_2/\text{km}) \times \text{number of new passenger cars.}$

For the purposes of this Article, 'excess emissions', determined as set out in Article 4, means the positive number of grams per kilometre by which the manufacturer's average specific emissions — taking into account CO<sub>2</sub> emissions reductions due to approved innovative technologies — exceeded its specific emissions target in the calendar year rounded to the nearest three decimal places; and 'number of new passenger cars' means the number of new passenger cars of which it is the manufacturer and which were registered in that year according to the phase-in criteria set out in Article 4.

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3. The Commission shall determine the means for collecting excess emissions premiums under paragraph 1 by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

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4. The amounts of the excess emissions premium shall be considered as revenue for the general budget of the European Union.

*Article 10***Publication of performance of manufacturers**

1. By 31 October of each year, commencing in 2011, the Commission shall publish a list indicating for each manufacturer:

- (a) its specific emissions target for the preceding calendar year;
- (b) its average specific emissions of CO<sub>2</sub> in the preceding calendar year;
- (c) the difference between its average specific emissions of CO<sub>2</sub> in the preceding calendar year and its specific emissions target in that year;
- (d) the average specific emissions of CO<sub>2</sub> for all new passenger cars in the Community in the previous calendar year; and
- (e) the average mass for all new passenger cars in the Community in the preceding calendar year.

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2. From the 31 October 2013, the list published under paragraph 1 shall also indicate whether or not the manufacturer has complied with the requirements of Article 4 in respect of the preceding calendar year.

*Article 11***Derogations for certain manufacturers**

1. An application for a derogation from the specific emissions target calculated in accordance with Annex I may be made by a manufacturer which is responsible for fewer than 10 000 new passenger cars registered in the Community per calendar year and:

- (a) is not part of a group of connected manufacturers; or
- (b) is part of a group of connected manufacturers that is responsible in total for fewer than 10 000 new passenger cars registered in the Community per calendar year; or
- (c) is part of a group of connected manufacturers but operates its own production facilities and design centre.

2. A derogation applied for under paragraph 1 may be granted for a maximum period of five calendar years. An application shall be made to the Commission and shall include:

- (a) the name of, and contact person for, the manufacturer;
- (b) evidence that the manufacturer is eligible for a derogation under paragraph 1;
- (c) details of the passenger cars which it manufactures including the mass and specific emissions of CO<sub>2</sub> of those passenger cars; and
- (d) a specific emissions target consistent with its reduction potential, including the economic and technological potential to reduce its specific emissions of CO<sub>2</sub> and taking into account the characteristics of the market for the type of car manufactured.

3. Where the Commission considers that the manufacturer is eligible for a derogation applied for under paragraph 1 and is satisfied that the specific emissions target proposed by the manufacturer is consistent with its reduction potential, including the economic and technological potential to reduce its specific emissions of CO<sub>2</sub>, and taking into account the characteristics of the market for the type of car manufactured, the Commission shall grant a derogation to the manufacturer.

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4. An application for a derogation from the specific emissions target calculated in accordance with Annex I may be made by a manufacturer which is responsible, together with all of its connected undertakings, for between 10 000 and 300 000 new passenger cars registered in the Community per calendar year.

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Such application may be made by a manufacturer in respect of itself or in respect of itself together with any of its connected undertakings. An application shall be made to the Commission and shall include:

- (a) all of the information referred to in paragraphs 2(a) and (c) including, where relevant, information about any connected undertakings.

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- (b) if the application is in relation to points (a) and (b) of point 1 of Annex I, a target which is a 25 % reduction on the average specific emissions of CO<sub>2</sub> in 2007 or, where a single application is made in respect of a number of connected undertakings, a 25 % reduction on the average of those undertakings' average specific emissions of CO<sub>2</sub> in 2007.
- (c) if the application is in relation to point (c) of point 1 of Annex I, a target which is a 45 % reduction on the average specific emissions of CO<sub>2</sub> in 2007 or, where a single application is made in respect of a number of connected undertakings, a 45 % reduction on the average of those undertakings' average specific emissions of CO<sub>2</sub> in 2007.

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Where information on a manufacturer's average specific emissions of CO<sub>2</sub> does not exist for the year 2007, the Commission shall determine an equivalent reduction target based upon the best available CO<sub>2</sub> emissions reduction technologies deployed in passenger cars of comparable mass and taking into account the characteristics of the market for the type of car manufactured. This target shall be used by the applicant for the purposes of point (b).

The Commission shall grant a derogation to the manufacturer where it is demonstrated that the criteria for the derogation referred to in this paragraph have been met.

5. A manufacturer which is subject to a derogation in accordance with this Article shall notify the Commission immediately of any change which affects or may affect its eligibility for a derogation.

6. Where the Commission considers, whether on the basis of a notification under paragraph 5 or otherwise, that a manufacturer is no longer eligible for the derogation, it shall revoke the derogation with effect from 1 January of the next calendar year and shall notify the manufacturer thereof.

7. Where the manufacturer does not attain its specific emissions target, the Commission shall impose the excess emissions premium on the manufacturer, as set out in Article 9.

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8. The Commission shall be empowered to adopt delegated acts in accordance with Article 14a laying down rules to supplement paragraphs 1 to 7 of this Article, as regards the interpretation of the eligibility criteria for derogations, the content of the applications, and the content and assessment of programmes for the reduction of specific emissions of CO<sub>2</sub>.

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9. Applications for a derogation, including the information supporting it, notifications under paragraph 5, revocations under paragraph 6 and any imposition of an excess emissions premium under paragraph 7 and measures adopted pursuant to paragraph 8, shall be made publicly available, subject to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents <sup>(1)</sup>.

*Article 12***Eco-innovation****▼M2**

1. Upon application by a supplier or a manufacturer, CO<sub>2</sub> savings achieved through the use of innovative technologies or a combination of innovative technologies ('innovative technology packages') shall be considered.

Such technologies shall be taken into consideration only if the methodology used to assess them is capable of producing verifiable, repeatable and comparable results.

The total contribution of those technologies to reducing the specific emissions target of a manufacturer may be up to 7 g CO<sub>2</sub>/km.

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2. ►**M2** The Commission shall adopt, by means of implementing acts, detailed provisions for a procedure to approve the innovative technologies or innovative technology packages referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) of this Regulation. ◀ Those detailed provisions shall be based on the following criteria for innovative technologies:

- (a) the supplier or manufacturer must be accountable for the CO<sub>2</sub> savings achieved through the use of the innovative technologies;
- (b) the innovative technologies must make a verified contribution to CO<sub>2</sub> reduction;
- (c) the innovative technologies must not be covered by the standard test cycle CO<sub>2</sub> measurement or by mandatory provisions due to complementary additional measures complying with the 10 g CO<sub>2</sub>/km reduction referred to in Article 1 or be mandatory under other provisions of Community law.

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3. A supplier or a manufacturer who applies for a measure to be approved as an innovative technology or innovative technology package shall submit a report, including a verification report undertaken by an independent and certified body, to the Commission. In the event of a possible interaction of the measure with another innovative technology or innovative technology package already approved, the report shall mention that interaction and the verification report shall evaluate to what extent that interaction modifies the reduction achieved by each measure.

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4. The Commission shall attest the reduction achieved on the basis of the criteria set out in paragraph 2.

<sup>(1)</sup> OJ L 145, 31.5.2001, p. 43.

**▼ B***Article 13***Review and report**

1. In 2010, the Commission shall submit a report to the European Parliament and to the Council reviewing the progress made towards implementation of the Community's integrated approach to reducing CO<sub>2</sub> emissions from light-duty vehicles.
2. By 31 October 2014, and every three years thereafter, measures shall be adopted to amend Annex I to adjust the figure M<sub>0</sub>, referred to therein, to the average mass of new passenger cars in the previous three calendar years.

Those measures shall take effect for the first time on 1 January 2016 and every three years thereafter.

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The Commission shall, by means of delegated acts, adopt those measures in accordance with Article 14a.

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3. From 2012, the Commission shall carry out an impact assessment in order to review by 2014, as provided for in Article 14(3) of Regulation (EC) No 715/2007, the procedures for measuring CO<sub>2</sub> emissions as set out under that Regulation. The Commission shall, in particular, make appropriate proposals to adapt those procedures to reflect adequately the real CO<sub>2</sub> emissions behaviour of cars and to include the approved innovative technologies as defined in Article 12 that could be reflected in the test cycle. The Commission shall ensure that those procedures are subsequently reviewed on a regular basis.

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4. By 2010, the Commission shall review Directive 2007/46/EC so that each type/variant/version corresponds to a unique set of innovative technologies.

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5. By 31 December 2015, the Commission shall review the specific emissions targets and the modalities set out herein, as well as the other aspects of this Regulation, including whether a utility parameter is still needed and whether mass or footprint is the more sustainable utility parameter, in order to establish the CO<sub>2</sub> emissions targets for new passenger cars for the period beyond 2020. In that regard, the assessment of the necessary rate of reduction shall be in line with the Union's long-term climate goals and the implications for the development of cost effective CO<sub>2</sub>-reducing technology for cars. The Commission shall submit a report to the European Parliament and to the Council with the result of that review. That report shall include any appropriate proposals for amending this Regulation, including the possible setting of a realistic and achievable target, based on a comprehensive impact assessment that will consider the continued competitiveness of the car industry and its dependent industries. When developing such proposals, the Commission shall ensure they are as neutral as possible from the point of view of competition and are socially equitable and sustainable.

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6. The Commission shall by 2014, following an impact assessment, publish a report on the availability of data on footprint and its use as a utility parameter for determining specific emissions targets and, if appropriate, submit a proposal to the European Parliament and to the Council to amend Annex I.

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7. The Commission shall, by means of implementing acts, determine the correlation parameters necessary in order to reflect any change in the regulatory test procedure for the measurement of specific CO<sub>2</sub> emissions referred to in Regulation (EC) No 715/2007 and Regulation (EC) No 692/2008. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) of this Regulation.

The Commission shall be empowered to adopt delegated acts in accordance with Article 14a in order to adapt the formulae set out in Annex I, using the methodology adopted pursuant to the first subparagraph, while ensuring that reduction requirements of comparable stringency for manufacturers and vehicles of different utility are required under the old and new test procedures.

*Article 14***Committee procedure**

1. The Commission shall be assisted by the Climate Change Committee established by Article 9 of Decision No 280/2004/EC of the European Parliament and of the Council <sup>(1)</sup>. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(2)</sup>.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where the Committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

*Article 14a***Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

<sup>(1)</sup> Decision No 280/2004/EC of the European Parliament and of the Council of 11 February 2004 concerning a mechanism for monitoring Community greenhouse gas emissions and for implementing the Kyoto Protocol (OJ L 49, 19.2.2004, p. 1).

<sup>(2)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

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2. The power to adapt delegated acts referred to in the second subparagraph of Article 8(9), Article 11(8), the third subparagraph of Article 13(2) and the second subparagraph of Article 13(7) shall be conferred on the Commission for a period of five years from 8 April 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in the second subparagraph of Article 8(9), Article 11(8), the third subparagraph of Article 13(2) and the second subparagraph of Article 13(7) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to the second subparagraph of Article 8(9), Article 11(8), the third subparagraph of Article 13(2) and the second subparagraph of Article 13(7) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

**▼ B***Article 15***Repeal**

Decision No 1753/2000/EC shall be repealed with effect from 1 January 2010.

However, Articles 4, 9 and 10 of that Decision shall continue to apply until the Commission has submitted a report on monitoring data for the calendar year 2009 to the European Parliament.

*Article 16***Entry into force**

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

**▼ B**

## ANNEX I

**SPECIFIC EMISSIONS TARGETS**

1. The specific emissions of CO<sub>2</sub> for each new passenger car, measured in grams per kilometre, shall, for the purposes of the calculations in this Annex, be determined in accordance with the following formulae:

- (a) From 2012 to 2015:

$$\text{Specific emissions of CO}_2 = 130 + a \times (M - M_0)$$

Where:

M = mass of the vehicle in kilograms (kg)

M<sub>0</sub> = 1 372,0

a = 0,0457

**▼ M3**

- (b) From 2016:

$$\text{Specific emission of CO}_2 = 130 + a \times (M - M_0)$$

Where:

M = mass of the vehicle in kilograms (kg)

M<sub>0</sub> = 1 392,4

a = 0,0457

**▼ M2**

- (c) From 2020:

$$\text{Specific emissions of CO}_2 = 95 + a \times (M - M_0)$$

Where:

M = mass of the vehicle in kilograms (kg)

M<sub>0</sub> = the value adopted pursuant to Article 13(2)

a = 0,0333

**▼ B**

2. The specific emissions target for a manufacturer in a calendar year shall be calculated as the average of the specific emissions of CO<sub>2</sub> of each new passenger car registered in that calendar year of which it is the manufacturer.

**▼ M4**

3. The specific emission reference target for a manufacturer in 2021 shall be calculated as follows:

$$\text{WLTP specific emission reference target} = \text{WLTP}_{\text{CO}_2} \cdot \left( \frac{\text{NEDC}_{2020\text{target}}}{\text{NEDC}_{\text{CO}_2}} \right)$$

Where:

*WLTP*<sub>CO<sub>2</sub></sub> is the average specific emissions of CO<sub>2</sub> in 2020 determined in accordance with Annex XXI to Commission Regulation (EU) 2017/1151<sup>(1)</sup> and calculated in accordance with the sixth indent in the second paragraph of Article 4 of this Regulation, without including CO<sub>2</sub> savings resulting from the application of Articles 5a and 12 of this Regulation;

<sup>(1)</sup> Commission Regulation (EU) 2017/1151 of 1 June 2017 supplementing Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, amending Directive 2007/46/EC of the European Parliament and of the Council, Commission Regulation (EC) No 692/2008 and Commission Regulation (EU) No 1230/2012 and repealing Regulation (EC) No 692/2008 (OJ L 175, 7.7.2017, p. 1).



▼ **M4**

$NEDC_{CO_2}$  is the average specific emissions of  $CO_2$  in 2020 determined in accordance with Commission Implementing Regulation (EU) 2017/1153 <sup>(1)</sup> and calculated in accordance with the sixth indent in the second paragraph of Article 4 of this Regulation without including  $CO_2$  savings resulting from the application of Articles 5a and 12 of this Regulation;

$NEDC_{2020target}$  is the 2020 specific emission target calculated in accordance with point 1(c) of this Annex.

4. Starting from 2021, the specific emission target for a manufacturer shall be calculated as follows:

$$\text{Specific emission target} = WLTP_{reference\ target} + a [(M\emptyset - M_0) - (M\emptyset_{2020} - M_{0,2020})]$$

Where:

$WLTP_{reference\ target}$  is the 2021 specific emission reference target calculated in accordance with point 3;

$a$  is as defined in point 1(c);

$M\emptyset$  is the average of the mass (M) as defined in point 1 of the new registered vehicles in the target year in kilograms (kg);

$M_0$  is as defined in point 1;

$M\emptyset_{2020}$  is the average of the mass (M) as defined in point 1 of the new registered vehicles in 2020 in kilograms (kg);

$M_{0,2020}$  is the  $M_0$  value applicable in the reference year 2020.

5. For a manufacturer that has been granted a derogation with regard to a specific NEDC based emission target in 2021, the WLTP based derogation target shall be calculated as follows:

$$\text{Derogation target}_{2021} = WLTP_{CO_2} \cdot \frac{NEDC_{2021\ target}}{NEDC_{CO_2}}$$

Where:

$WLTP_{CO_2}$  is as defined in point 3;

$NEDC_{CO_2}$  is as defined in point 3;

$NEDC_{2021target}$  is the 2021 specific emission target granted by the Commission pursuant to Article 11 of this Regulation.

<sup>(1)</sup> Commission Implementing Regulation (EU) 2017/1153 of 2 June 2017 setting out a methodology for determining the correlation parameters necessary for reflecting the change in the regulatory test procedure and amending Regulation (EU) No 1014/2010 (OJ L 175, 7.7.2017, p. 679).

**▼ M1***ANNEX II***MONITORING AND REPORTING EMISSIONS****PART A — Collection of data on new passenger cars and determination of CO<sub>2</sub> monitoring information****▼ M4**

1. Member States shall, for each calendar year, record the following detailed data for each new passenger car registered in their territory:
  - (a) the manufacturer;
  - (b) the type-approval number with its extension;
  - (c) the type, variant, and version (where applicable);
  - (d) make and commercial name;
  - (e) category of vehicle type-approved;
  - (f) total number of new registrations;
  - (g) mass in running order;
  - (h) the specific emissions of CO<sub>2</sub> (NEDC and WLTP);
  - (i) footprint: the wheel base, the track width steering axle and the track width other axle;
  - (j) the fuel type and fuel mode;
  - (k) engine capacity;
  - (l) electric energy consumption;
  - (m) code for the innovative technology or group of innovative technologies and the CO<sub>2</sub> emissions reduction due to that technology (NEDC and WLTP);
  - (n) maximum net power;
  - (o) the vehicle identification number;
  - (p) WLTP test mass;
  - (q) deviation and verification factors referred to in point 3.2.8 of Annex I to Implementing Regulation (EU) 2017/1153;
  - (r) category of vehicle registered.

However, for the calendar year 2017, the data referred to in point (g), as regards WLTP CO<sub>2</sub> emissions values, and in point (l), as regards WLTP eco-innovation savings, as well as the data referred to in points (n), (o) and (q), may be reported on a voluntary basis.

Starting from calendar year 2018, Member States shall make available to the Commission, in accordance with Article 8, all parameters listed in this point as specified in the format in Section 2 of Part C.

**▼ M4**

Member States shall make available the data referred to in point (f) for calendar years 2017 and 2018.

**▼ M1**

2. The detailed data referred to in point 1 shall be taken from the certificate of conformity of the relevant passenger car or be consistent with the certificate of conformity issued by the manufacturer of the relevant passenger car. Where the certificate of conformity is not used, Member States shall put the necessary measures in place to ensure adequate accuracy in the monitoring procedure. Where both a minimum value and a maximum value are specified for the mass or footprint values referred to in point 1(i) for a passenger car, Member States shall use only the maximum figure for the purposes of this Regulation. In the case of bi-fuelled vehicles (petrol/gas), the certificates of conformity of which bear specific CO<sub>2</sub> emissions figures for both types of fuel, Member States shall use only the figure measured for gas.
3. Member States shall, for each calendar year, determine:
  - (a) the sources used for the collection of the detailed data referred to in point 1;
  - (b) the total number of new registrations of new passenger cars subject to EC type-approval;
  - (c) the total number of new registrations of new individually approved passenger cars;
  - (d) the total number of new registrations of new passenger cars approved nationally in small series;
  - (e) the percentage of all fuel filling stations on their territory providing E85.

**PART B — Methodology for determining CO<sub>2</sub> monitoring information for new passenger cars**

Monitoring information which Member States are required to determine in accordance with points 1 and 3 of Part A shall be determined in accordance with the methodology in this Part.

1. Number of new passenger cars registered

Member States shall determine the number of new passenger cars registered within their territory in the respective monitoring year divided into vehicles subject to EC type-approval, individual approvals and national approvals of small series.

2. The distribution by version of new passenger cars

For each version of each variant of each type of new passenger car, the number of newly registered passenger cars and the detailed data referred to in point 1 of Part A shall be recorded.

3. The fuel stations in their territory that supply E85 fuel shall be indicated in accordance with Article 6 of Commission Regulation (EU) No 1014/2010 <sup>(1)</sup>.

<sup>(1)</sup> OJ L 293, 11.11.2010, p. 15.

▼ **M4****PART C — Format for the transmission of data**

For each year, Member States shall report the information specified in points 1 and 3 of part A in the following formats:

**Section 1 — Aggregated monitoring data**

Member State <sup>(1)</sup>	
Year	
Data source	
Total number of new registrations of new passenger cars subject to EC type-approval	
Total number of new registrations of new individually approved passenger cars	
Total number of new registrations of new passenger cars approved as national small series	

<sup>(1)</sup> ISO 3166 alpha-2 codes with the exception of Greece and the United Kingdom for which the codes are 'EL' and 'UK' respectively.

**Section 2 — Detailed monitoring data — one vehicle record**

Reference to Point 1 of Part A	Detailed data per vehicle registered
(a)	Manufacturer name EU standard denomination
	Manufacturer name OEM declaration
	Manufacturer name in Member State registry <sup>(1)</sup>
(b)	Type approval number and its extension
(c)	Type
	Variant
	Version
(d)	Make and commercial name
(e)	Category of vehicle type approved
(f)	Total number of new registrations (for 2017 and 2018)
(g)	Mass in running order
(h)	Specific CO <sub>2</sub> emissions (combined) NEDC value
	Specific CO <sub>2</sub> emissions (combined) WLTP value (from 2019)
(i)	Wheel base
	Track width steering axle (Axle 1)
	Track width other axle (Axle 2)
(j)	Fuel type
	Fuel mode

▼ **M4**

Reference to Point 1 of Part A	Detailed data per vehicle registered
(k)	Engine capacity (cm <sup>3</sup> )
(l)	Electric energy consumption (Wh/km)
(m)	Code of the eco-innovation(s)
	Total NEDC CO <sub>2</sub> emissions savings due to the eco-innovation(s)
	Total WLTP CO <sub>2</sub> emissions savings due to the eco-innovation(s) (from 2019)
(n)	Maximum net power
(o)	Vehicle identification number (from 2019)
(p)	WLTP test mass (from 2019)
(q)	Deviation factor De (where available)
	Verification factor (where available)
(r)	Category of vehicle registered

(<sup>1</sup>) In the case of the national small series approvals (NSS) or the individual approvals (IVA), the manufacturer name shall be provided in the column 'Manufacturer name in Member State registry' whilst in the column 'Manufacturer name EU standard denomination' either of the following shall be indicated: 'AA-NSS' or 'AA-IVA' as the case may be.