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from: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 30 October 2009

to: Mr Javier SOLANA, Secretary-General/High Representative

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Subject: Proposal for a Regulation of the European Parliament and of the Council:  
Setting emission performance standards for new light commercial vehicles as  
part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from  
light-duty vehicles

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Delegations will find attached Commission document COM(2009) 593 final.

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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.10.2009  
COM(2009) 593 final

2009/0173 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**Setting emission performance standards for new light commercial vehicles as part of the  
Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles**

{SEC(2009) 1454}  
{SEC(2009) 1455}

## EXPLANATORY MEMORANDUM

### Context of the proposal

- Grounds for and objectives of the proposal

The internal market comprises an area without internal frontiers in which the free movement of goods, persons, services and capital must be ensured.

The objective of the United Nations Framework Convention on Climate Change, which was approved on behalf of the European Community by Council Decision 94/69/EC of 15 December 1993 concerning the conclusion of the United Nations Framework Convention on Climate Change<sup>1</sup>, is to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. In order to meet this objective the overall global annual mean surface temperature increase should not exceed 2°C above pre-industrial levels. The fourth IPCC Assessment Report shows that in order to reach that objective, global emissions of greenhouse gases must peak by 2020. The European Council of March 2007 made a firm commitment to reduce the overall greenhouse gas emissions of the Community by at least 20% below 1990 levels by 2020 and by 30% provided that other developed countries commit themselves to comparable emission reductions and economically more advanced developing countries contribute according to their respective capabilities. The Climate and Energy Package agreed in December last year enshrined these targets in law. Decision 406/2009/EC provides for an average reduction of 10% compared to 2005 levels in the sectors not covered by the EU Emissions Trading Scheme, including road transport. One of the implications of those commitments is that all Member States will need to significantly reduce emissions from road transport.

Light commercial vehicles are mainly used by businesses, including small and medium enterprises and currently light commercial vehicles make up around 12% of the fleet. The services provided by light commercial vehicles are indispensable for meeting people's everyday needs. Road transport is a significant source of employment and growth in many regions of the EU. However, vehicle usage also has significant impacts on climate change. The share of light commercial vehicles in the total registrations of light-duty vehicle fleet (passenger cars and light commercial vehicles) increased at a steady rate from 1995 to 2007. The average reduction of CO<sub>2</sub> emissions over 2002-2007 for light commercial vehicles amounted to 0.4-0.5% per year, and these very limited improvements in fuel efficiency have been offset by the increase in demand for transport and vehicle size. While the EU as a whole has reduced its emissions of greenhouse gases (GHG) by approximately 9% over the 1990-2007 period and emissions have been declining in non-transport sectors, the CO<sub>2</sub> emissions from transport have increased by 29%. Despite significant improvements in vehicle motor technology, in particular in fuel efficiency which also means lower CO<sub>2</sub> emissions, demand for transport and vehicle size has increased and progress has been too slow in view of the overall Community objective of average new passenger car emissions of 120 g CO<sub>2</sub>/km.

The objective of this proposal is to reduce the average CO<sub>2</sub> emissions from light commercial vehicles to 175g CO<sub>2</sub>/km from 2014 phased-in to 2016. This proposal is part of the integrated approach proposed by the Commission and contributes to delivering the 10g CO<sub>2</sub>/km required

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<sup>1</sup> OJ L 33, 7.2.1994, p. 11.

in order to meet the Community objective of 120 g CO<sub>2</sub>/km, as set out in Communication COM(2007) 19.

Adopting Community targets for new light commercial vehicles is necessary to prevent fragmentation in the internal market resulting from the adoption of different measures at Member State level. Community targets provide manufacturers with more planning certainty and more flexibility to meet the CO<sub>2</sub> reduction requirements than would be provided by separate national reduction targets.

Furthermore, setting CO<sub>2</sub> emission standards for new light commercial vehicles is necessary to prevent a risk of regulatory gap resulting from certain overlap between the registrations for passenger cars and light commercial vehicles. Currently many vehicles that are homologated as passenger cars are registered as light commercial vehicles, often to take advantage of reduced taxation or other fiscal incentives. Although the scope of the legislation on passenger cars (like this proposal) is linked to the type of vehicle as type-approved (irrespective of how it is registered), the absence of regulation for LCVs could create a significant risk of market responses to type-approve larger passenger cars as light commercial vehicles. This would mean that these high emitting vehicles would remain out of the scope of CO<sub>2</sub> emission standards.

The aim of this Regulation is to create incentives for the automotive industry to invest in new technologies. The Regulation actively promotes eco-innovation and takes into account future technological developments. In this way, the competitiveness of the European Industry is enhanced and more high-quality jobs created.

- General context

The Commission first adopted a Community Strategy to reduce CO<sub>2</sub> emissions from cars in 1995. The strategy was based on three pillars: voluntary commitments from the car industry to cut emissions from passenger cars, improvements in consumer information and the promotion of fuel efficient cars via fiscal measures.

The Environment Council, in its conclusions of 10 October 2000 requested the Commission to study greenhouse gas emission reduction measures on light commercial vehicles. On 7 February 2007, the Commission adopted two parallel Communications: a Communication on the results of the review of the Community Strategy to reduce CO<sub>2</sub> emissions from passenger cars and light commercial vehicles and a Communication on a Competitive Automotive Regulatory Framework for the 21st Century CARS 21 ("the Communications"). The Communications underlined that the Community objective of average emissions from the new car fleet of 120g CO<sub>2</sub>/km would not be met by 2012 in the absence of additional measures. The Communications therefore proposed the adoption of an integrated approach to meet the Community objective and announced that the Commission would propose a legislative framework to achieve the Community objective by focusing on mandatory reductions of emissions of CO<sub>2</sub> to reach the objective of 130 g CO<sub>2</sub>/km for the average new car fleet by means of improvements in vehicle motor technology, and a further reduction of 10 g CO<sub>2</sub>/km, or equivalent if technically necessary, by other technological improvements. These include fuel efficiency progress in light commercial vehicles.

The Communications emphasised that the legislative framework for implementing the average vehicle fleet target should ensure competitively neutral and socially equitable and sustainable reduction targets which are equitable to the diversity of the European automobile

manufacturers and avoid any unjustified distortion of competition between automobile manufacturers. The legislative framework should be compatible with the Community's overall emission reduction targets.

In May 2007, the Competitiveness Council supported "an integrated approach as proposed by the Commission, for reducing CO<sub>2</sub> emissions from motor vehicles" underlining "that all the players must make their contribution to reducing emissions harmful to the climate"<sup>2</sup>.

Furthermore, on 28 June 2007 the Council invited the Commission to come forward with a proposal on the improvement of fuel efficiency from light commercial vehicles<sup>3</sup>.

- Existing provisions in the area of the proposal

Directive 2004/3/EC<sup>4</sup> amending Council Directives 70/156/EEC and 80/1268/EEC as regards the measurement of CO<sub>2</sub> emissions and fuel consumption of N1 vehicles

- Consistency with the other policies and objectives of the Union

The proposal is in line with the three pillars of the Lisbon Strategy as tighter requirements on CO<sub>2</sub> emissions and fuel efficiency should encourage the development and application of new environmental technologies, which in turn, could encourage high-value-added technology exports of technologies and vehicles to emerging markets where oil is scarce and promote highly qualified jobs in Europe.

The proposal also contributes to the Renewed Sustainable Development Strategy adopted by the European Council in June 2006 by contributing to a more sustainable mobility. Making transport more sustainable would facilitate achieving other sustainable development goals. This relationship is particularly strong between transport, climate change, public health, conservation of natural resources and energy use.

The objectives of the proposal will also contribute to reaching the Community target of at least 20% reduction of greenhouse gas emissions by 2020 because of the important contribution of transport to emissions from sectors of the economy not included in the EU Emissions Trading Scheme. The proposal is also consistent with and complementary to Regulation (EC) No 443/2009 setting CO<sub>2</sub> emission standards from passenger cars.

The proposal will put in place a concrete measure to deliver on the targets and will therefore strengthen the EU's leadership position on climate change in the run-up to the United Nations Climate Conference in Copenhagen in December 2009.

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<sup>2</sup> Competitiveness Council conclusions adopted on 21-22 May 2007 (9671/07).

<sup>3</sup> Environment Council conclusions adopted on 28 June 2007 (11483/07).

<sup>4</sup> Directive 2004/3/EC (OJ L 49, 19.2.2004, p. 36).

## 1. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- Consultation of interested parties

### Consultation methods, main sectors targeted and general profile of respondents

The stakeholder consultation process included a public internet consultation and two stakeholder meetings.

- Between May and July 2007, an internet public consultation was carried out, aimed at gathering the views of all stakeholders and members of the public on the implementation of the revised strategy to reduce CO<sub>2</sub> from light-duty vehicles. This included measures to reduce emissions from light commercial vehicles. The majority of the consultation responses are available at:  
[http://ec.europa.eu/reducing\\_co2\\_emissions\\_from\\_cars/index\\_en.htm](http://ec.europa.eu/reducing_co2_emissions_from_cars/index_en.htm)
- To complement the internet consultation, two stakeholder meetings were organised by the Commission on 2 September 2008 and 9 March 2009. This provided the stakeholders directly concerned by the upcoming legislation (automotive industry, suppliers, environmental NGOs, social partners and Member States) the opportunity to present their positions. Summaries of both meetings are attached in Annex II and Annex III of the impact assessment accompanying the proposal.

In addition an external study investigating possible regulatory approaches to reducing CO<sub>2</sub> from light-duty vehicles was carried out and a study consisting of two reports: '*Assessment of options for the legislation on CO<sub>2</sub> emissions from light commercial vehicles*<sup>5</sup>' and '*Assessment with respect to long term CO<sub>2</sub> emission targets for passenger cars and vans*<sup>6</sup>', has been developed. The study was part of a project 'Impacts of regulatory options to reduce CO<sub>2</sub> emissions from cars, in particular on car manufacturers' under the framework contract ENV.C.5/FRA/2006/0071 (Service request ENV C5/GK/ak/D(2007)17850). Analysis of alternative policy options is based on findings of this study.

Input from stakeholders has been taken into account in assessing the different possible options to regulate CO<sub>2</sub> emissions from light commercial vehicles, particularly with regard to the design of the legislation, possible unwanted effects, and implications for competition on automotive markets, global industrial competitiveness and environmental outcome. External expertise was used to assess the various options available, including aspects raised during the consultation process (the external contractor attended the public hearings).

### Summary of responses and how they have been taken into account

The information gathered through the stakeholder consultation has been taken into account in the design of the proposed scheme. Details of how this was done are set out in the impact assessment report which accompanies this proposal.

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<sup>5</sup> This report is available on Europa website under the following link:  
[http://ec.europa.eu/environment/air/transport/co2/pdf/final\\_report\\_lcv\\_co2\\_250209.pdf](http://ec.europa.eu/environment/air/transport/co2/pdf/final_report_lcv_co2_250209.pdf)

<sup>6</sup> This report is available on Europa website under the following link:  
<http://ec.europa.eu/environment/air/transport/co2/pdf/Report%20LT%20targets.pdf>

- Collection and use of expertise

#### Scientific expertise/domains concerned

(1) Expertise from the automotive industry, including manufacturers and (2) modelling expertise provided by external consultants

#### Methodology used

Modelling with formal mathematical models and calculations based on statistical data

#### Main organisations/experts consulted

Public authorities, industry associations, trade organisations, environmental organisations, consumer organisations and external consultants

#### Summary of advice received and used

The advice provided by the external consultant has been used to assess the implications of the various policy options to achieve the objectives of the proposal. These options and their implications are described in the impact assessment which accompanies this proposal.

#### Means used to make the expert advice publicly available

The study carried out in support of the impact assessment, together with earlier related work, will be made available at the following website:

[http://ec.europa.eu/environment/co2/co2\\_studies.htm](http://ec.europa.eu/environment/co2/co2_studies.htm)

- Impact assessment

The impact assessment investigated five main options:

The first two options considered were to define a linear curve giving the CO<sub>2</sub> value to be achieved by a given vehicle as a function of its "utility" (mass) so that the average of the new light commercial vehicles in (1) 2012 and (2) 2013-2015 would deliver the 175 g CO<sub>2</sub>/km target.

The two following options were based on the same target (175 g CO<sub>2</sub>/km) and years (resp. 2012 and 2013-2015), but on the basis of a linear curve defining the CO<sub>2</sub> value to be achieved as a function of an alternative "utility", namely pan area.

The fifth and last option was to require manufacturers to deliver a set percentage reduction corresponding to the reduction needed to achieve the 175 g CO<sub>2</sub>/km target in 2012-2015 compared to the 2007 situation.

The impact assessment considered different flexibility mechanisms, including fleet averaging and pooling, as well as a compliance mechanism. In addition from the five policy options, several levels of the long-term target ranging from 160 to 125 g CO<sub>2</sub>/km for year 2020 have been analysed.

The potential economic, social and environmental impacts have been considered in detail. The detailed evaluation of the options is set out in the impact assessment accompanying the proposal which will be available at the following addresses:

[http://ec.europa.eu/environment/co2/co2\\_home.htm](http://ec.europa.eu/environment/co2/co2_home.htm)

- Summary of the proposed action

The proposal is a follow-up of the Community Strategy to reduce CO<sub>2</sub> emissions from light-duty vehicles and complements Regulation (EC) No 443/2009 (Regulation setting CO<sub>2</sub> emission performance standards for new passenger cars). It aims to reduce the impact of light-duty vehicles on the climate by ensuring that the average specific emissions of new light commercial vehicles registered in the Community do not exceed 175 g CO<sub>2</sub>/km. This target will be phased in gradually from 1 January 2014 onwards with full compliance of the new light commercial fleet from 2016.

The starting date for the CO<sub>2</sub> emissions standard for light commercial vehicles is consistent with the timeframe of the adoption by the Commission of the proposal for a regulation setting similar standards for passenger cars as of 2012. This indicates entry into force of the standard for light commercial vehicles from 2014. Further to the inclusion of the long-term target of 95 g/km as of 2020 in Regulation (EC) No 443/2009, this proposal sets a target of 135 g/km for light commercial vehicles to be achieved from 2020 subject to confirmation of its feasibility on the basis of updated impact assessment results.

The key aspects of the proposal are:

- The proposal will apply to light commercial vehicles of category N1, with a reference mass not exceeding 2610kg and vehicles to which type-approval is extended in accordance with Article 2(2) of Regulation (EC) No 715/2007. N2 and M2 vehicles with a reference mass meeting the above criteria will be included for monitoring purposes and their full inclusion in the scheme will be considered during a review.
- The proposal sets targets for the specific emissions of CO<sub>2</sub> from new light commercial vehicles in the Community as a function of their mass. The targets will apply to the average specific emissions of CO<sub>2</sub> in g/km for new light commercial vehicles for each manufacturer which are registered in the EU in each calendar year. Manufacturers may form a pool in order to meet their targets. Where two or more manufacturers form a pool, the pool will be treated as if it is one manufacturer for the purposes of determining its compliance with the targets.
- The proposal includes incentives for early market deployment of low emitting light-commercial vehicles by granting them super-credits on an interim basis.
- The proposal includes provisions to promote eco-innovations (i.e. CO<sub>2</sub>-reducing technologies that are not captured by the test-cycle during which CO<sub>2</sub> emissions are measured). Under this provision up to 7 g/km can be deducted from the average of manufacturer's specific CO<sub>2</sub> emissions for innovative technologies which reduce emissions, based on independently verified data.
- Member States will be obliged to collect data on the new light commercial vehicles registered in their territory and to report this data to the Commission for the purposes of assessing compliance with the targets.



- If a manufacturer fails to meet its target, it will be required to pay an excess emissions premium. The premium will be calculated by multiplying the number of g CO<sub>2</sub>/km by which the manufacturer exceeded its target by the number of vehicles newly registered and by the excess emissions premium calculated as a function of the year and distance to target.
- The proposal provided for alternative emissions reduction targets for manufacturers responsible for less than 22 000 vehicles registered in the EU per calendar year.
- The targets under the Regulation are established on the basis of the best knowledge currently available regarding in particular the likely fleet evolution between now and 2014 in respect of the 'autonomous weight increase'.

## 2. LEGAL ELEMENTS OF THE PROPOSAL

- Legal basis

Article 175 of the EC Treaty is the appropriate legal basis because the main objective of this proposal is to ensure a high level of protection of health and the environment by reducing the average CO<sub>2</sub> emissions from light commercial vehicles.

- Subsidiarity principle

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reasons:

Due to the need to avoid the emergence of barriers to the single market, the trans-boundary nature of climate change and the potential variations in the national averages of CO<sub>2</sub> emissions for new light commercial vehicles, Member States would not be able to implement national measures such that overall, the EU average of 175 g CO<sub>2</sub>/km would be delivered.

Community action will better achieve the objectives of the proposal for the following reasons:

Harmonised action to reduce the climate change impact of light commercial vehicles can best be achieved by adopting legislation at Community level. Adopting targets for CO<sub>2</sub> emissions from these vehicles at the Community level prevents fragmentation of the internal market and provides manufacturers with more flexibility in implementing the required CO<sub>2</sub> reductions across their new vehicle fleet in the Community rather than having specific strategies for specific national reduction objectives.

The scope of the proposal is limited to defining manufacturers' targets in respect of the achievement of the average new light commercial vehicle fleet emissions of 175 g CO<sub>2</sub>/km, without prescribing complementary measures (such as fiscal incentives) that Member States could take and that could contribute to the overall objective of reducing CO<sub>2</sub> from road vehicles.

The proposal therefore complies with the subsidiarity principle.

- Proportionality principle

The proposal complies with the proportionality principle for the following reasons:

It does not go beyond what is necessary in order to achieve the objectives of ensuring the proper functioning of the internal market while at the same time providing for a high level of environmental protection.

The proposal is proportionate to the EU's overall objective of reaching the EU's Kyoto targets and sets competitively neutral and socially equitable and sustainable reduction targets which are equitable to the diversity of the European automotive manufacturers and avoid any unjustified distortion of competition between manufacturers.

The proposal foresees the implementation of a monitoring scheme that is very similar to the one already implemented by Member States for passenger cars, and that has proved very efficient in following up the implementation of the CO<sub>2</sub> and cars strategy.

- Choice of instrument:

Proposed instrument: Regulation.

Other means would not be adequate for the following reasons:

The Regulation is proposed on the basis of a thorough analysis of the options available to deliver progress in the reduction of the average specific emissions of light commercial vehicles in the EU. This type of instrument has been adopted for passenger cars, and it is appropriate to use the same approach for light commercial vehicles in order to provide a consistent legislative framework implementing the integrated approach.

The use of a Regulation is considered to be the appropriate legal instrument to ensure compliance whilst not requiring the transposition into Member States' legislation. The Community objective applies to the Community as a whole. It is, therefore, necessary to ensure that a uniform approach is applied in all Member States. Further, a harmonised approach is required in order to avoid distortions of competition which could have impacts on the internal market.

- Budgetary implication

The implementation of the proposed Regulation will be carried out together with that of Regulation (EC) No 443/2009 on CO<sub>2</sub> from passenger cars as both share many features like, for example, monitoring manufacturers' performance against their CO<sub>2</sub> reduction targets and, where necessary, administration of excess emissions premiums provided for in the legislation. Expenditure already foreseen under the LIFE+ programme is considered sufficient, in particular because of the limited size of the market for light commercial vehicles compared to that for passenger cars. Therefore, this new proposal for CO<sub>2</sub> emissions from light-duty vehicles does not require additional financial resources.

- Repeal of existing legislation

The adoption of the proposal will not lead to the repeal of existing legislation.

### 3. ADDITIONAL INFORMATION

- Review/revision/sunset clause

The proposal includes a review clause.

- European Economic Area

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**setting emission performance standards for new light commercial vehicles as part of the Community's integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles**

**(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>7</sup>,

Having regard to the opinion of the Committee of the Regions<sup>8</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>9</sup>,

Whereas:

- (1) The United Nations Framework Convention on Climate Change, which was approved on behalf of the European Community by Council Decision 94/69/EC of 15 December 1993 concerning the conclusion of the United Nations Framework Convention on Climate Change<sup>10</sup>, seeks to stabilise greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. In order to meet this objective, the overall global annual mean surface temperature increase should not exceed 2 degrees C above pre-industrial levels. The fourth IPCC Assessment Report shows that in order to reach that objective, global emissions of greenhouse gases must peak by 2020. At its meeting of 8-9 March 2007, the European Council made a firm commitment to reduce the overall greenhouse gas emissions of the Community by at least 20% below 1990 levels by 2020 and by 30% provided that other developed countries commit themselves to comparable emission reductions and economically more advanced developing countries contribute according to their respective capabilities.
- (2) Policies and measures should be implemented at Member State and Community level across all sectors of the Community economy, and not only within the industry and energy sectors, in order to generate the necessary emissions reductions. Decision No

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<sup>7</sup> OJ C , , p. .

<sup>8</sup> OJ C , , p. .

<sup>9</sup> OJ C , , p. .

<sup>10</sup> OJ L 33, 7.2.1994, p. 11.

406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020<sup>11</sup> provides for an average reduction of 10% compared to 2005 levels in the sectors not covered by the EU Emissions Trading Scheme, established by Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC<sup>12</sup>, including road transport. Road transport is the second largest greenhouse gas emitting sector in the Community and its emissions including those from light commercial vehicles continue to rise. If road transport emissions continue to increase, it will significantly undermine efforts made by other sectors to combat climate change.

- (3) Community targets for new road vehicles provide manufacturers with more planning certainty and more flexibility to meet the CO<sub>2</sub> reduction requirements than would be provided by separate national reduction targets. In setting emission performance standards, it is important to take into account the implications for markets and for the competitiveness of manufacturers, the direct and indirect costs imposed on business and the benefits that accrue in terms of stimulating innovation and reducing energy consumption and fuel costs.
- (4) In its Communications of 7 February 2007 setting out the results of the review of the Community Strategy to reduce CO<sub>2</sub> emissions from passenger cars and light commercial vehicles<sup>13</sup> and on a Competitive Automotive Regulatory Framework for the 21<sup>st</sup> Century CARS21<sup>14</sup>, the Commission underlined that the Community objective of average emissions for the new passenger car fleet of 120 g CO<sub>2</sub>/km would not be met by 2012 in the absence of additional measures.
- (5) In those Communications an integrated approach was proposed with a view to reaching the Community target of average emissions of 120 g CO<sub>2</sub>/km from new passenger cars registered in the Community by 2012 by focusing on mandatory reductions of emissions of CO<sub>2</sub> to reach an objective of 130 g CO<sub>2</sub>/km for the average new car fleet by means of improvements in vehicle motor technology and a further reduction of 10 gCO<sub>2</sub>/km, or equivalent if technically necessary, by means of other technological improvements, including fuel efficiency progress in light commercial vehicles.
- (6) The provisions implementing the objective concerning emissions from light commercial vehicles should be consistent with the legislative framework for implementing the objectives concerning emissions from the new passenger car fleet set out in 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 integrated approach to reduce CO<sub>2</sub> emissions from light-duty vehicles.

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<sup>11</sup> OJ L 140, 5.6.2009, p. 136.

<sup>12</sup> OJ L 275, 25.10.2003, p. 32.

<sup>13</sup> COM(2007) 19.

<sup>14</sup> COM (2007) 22.

- (7) The legislative framework for achieving the fleet average emissions target for new light commercial vehicles should ensure that reduction targets are competitively neutral, socially equitable and sustainable and take account of the diversity of European automobile manufacturers and avoid any unjustified distortion of competition between them. The legislative framework should be compatible with the overall objective of reaching the Community's emission reduction targets and should be complemented by other more use-related instruments such as differentiated car and energy taxes or measures to limit the speed of light commercial vehicles.
- (8) In order to maintain the diversity of the light commercial vehicle market and its ability to address different consumer needs, CO<sub>2</sub> emission targets for light commercial vehicles should be defined as a function of the utility of the vehicle on a linear basis. Mass is an appropriate parameter to describe this utility as it provides a correlation with present emissions and therefore results in more realistic and competitively neutral targets. Moreover, data on mass is readily available. Data on alternative utility parameters such as footprint (track width times wheelbase) and payload should be collected in order to facilitate longer-term evaluations of the utility-based approach.
- (9) This Regulation actively promotes eco-innovation and takes into account future technological developments which can enhance the long-term competitiveness of the European automotive industry and create more high-quality jobs. As a means to assess systematically the emissions improvements of eco-innovations the Commission should consider the possibility of including eco-innovation measures in the review of test procedures pursuant to Article 14(3) of Regulation (EC) No 715/2007, taking into consideration the technical and economic impacts of such inclusion.
- (10) In recognition of the very high research and development and unit production costs of early generations of very low carbon vehicle technologies to be introduced into the marketplace following its entry into force, this Regulation seeks to accelerate and facilitate, on an interim basis, the process of introducing into the Community market ultra low carbon vehicles at their initial stages of commercialisation.
- (11) To provide consistency with Regulation (EC) No 443/2009 and to avoid abuses, the target should be applied to new light commercial vehicles registered in the Community for the first time and that have not previously been registered outside the Community except for a limited period.
- (12) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems components and separate technical units intended for such vehicles<sup>15</sup> establishes a harmonised framework containing the administrative provisions and general technical requirements for approval of all new vehicles within its scope. The entity responsible for complying with this Regulation should be the same as the entity responsible for all aspects of the type-approval process in accordance with that Directive and for ensuring conformity of production.
- (13) Manufacturers should have flexibility to decide how to meet their targets under this Regulation and should be allowed to average emissions over their new vehicle fleet rather than having to respect CO<sub>2</sub> targets for each individual vehicle. Manufacturers

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<sup>15</sup> OJ L 263, 9.10.2007, p. 1.

should therefore be required to ensure that the average specific emission for all the new light commercial vehicles registered in the Community for which they are responsible does not exceed the average of the emissions targets for those vehicles. This requirement should be phased in between 2014 and 2016 in order to facilitate its introduction. This is consistent with the lead times given and the duration of the phase-in period set in Regulation 443/2009.

- (14) In order to ensure that targets reflect the particularities of small and niche manufacturers and are consistent with the manufacturer's reduction potential, alternative emission reduction targets should be set for such manufacturers taking into account the technological potential of a given manufacturer's vehicles to reduce their specific emissions of CO<sub>2</sub> and consistently with the characteristics of the market segments concerned. This derogation should be covered by the review of the specific emission targets in Annex I, to be completed by the beginning of 2013 at the latest.
- (15) The Community Strategy to reduce CO<sub>2</sub> emissions from passenger cars and light commercial vehicles established an integrated approach with a view to reaching the Community target of 120 g CO<sub>2</sub>/km by 2012, while also presenting a longer-term vision of further emission reductions. Regulation (EC) No 443/2009 substantiates this longer-term view by setting a target of 95 g CO<sub>2</sub>/km as average emissions for the new car fleet. In order to ensure consistency with that approach and to provide planning certainty for the industry, a long-term target for the specific emissions of CO<sub>2</sub> of light commercial vehicles in 2020 should be set.
- (16) In order to provide flexibility for manufacturers in meeting their emission targets under this Regulation, manufacturers may agree to form a pool on an open, transparent and non-discriminatory basis. Where a pool is formed, individual manufacturer's targets should be replaced by a joint target for the pool which should be attained collectively by the members of the pool.
- (17) A robust compliance mechanism is necessary in order to ensure that the targets under this Regulation are met.
- (18) The specific emissions of CO<sub>2</sub> from new light commercial vehicles are measured on a harmonised basis in the Community according to the methodology laid down in Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 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<sup>16</sup>. To minimise the administrative burden of the scheme, the compliance should be measured by reference to data on registrations of new vehicles in the Community collected by Member States and reported to the Commission. To ensure the consistency of the data used to assess compliance, the rules for the collection and reporting of this data should be harmonised as far as possible.
- (19) Directive 2007/46/EC requires that manufacturers issue a certificate of conformity for each new light commercial vehicle and that Member States permit the registration and entry into service of a new light commercial vehicle only if it is accompanied by a valid certificate of conformity. Data collected by Member States should be consistent

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<sup>16</sup> OJ L 171, 29.6.2007, p. 1.

with the certificate of conformity issued by the manufacturer of the light commercial vehicle and should be based on this document only. There should be a Community standard database for certificate of conformity data. It should be used as a single reference to enable Member States to maintain more easily their registration data when vehicles are newly registered.

- (20) Manufacturers' compliance with the targets under this Regulation should be assessed at the Community level. Manufacturers whose average specific emissions of CO<sub>2</sub> exceed those permitted under this Regulation should pay an excess emissions premium with respect to each calendar year from 1 January 2014. The premium should be modulated as a function of the extent to which manufacturers fail to comply with their target. In order to ensure consistency, the premium mechanism should be similar to the one set in Regulation (EC) No 443/2009. The amounts of the excess emissions premium should be considered as revenue in the General Budget of the European Union.
- (21) Any national measure that Member States may maintain or introduce in accordance with Article 176 of the Treaty should not, in consideration of the purpose of and procedures established in this Regulation, impose additional or more stringent penalties on manufacturers who fail to meet their targets under this Regulation.
- (22) This Regulation should be without prejudice to the full application of Community competition rules.
- (23) New modalities should be considered for reaching the long-term target, in particular the slope of the curve, the utility parameter and the excess emissions premium scheme.
- (24) The speed of road vehicles has a strong influence on their fuel consumption and CO<sub>2</sub> emissions. In addition, in the absence of speed limitation for light commercial vehicles, it is possible that there is an element of competition as regards top speed which could lead to oversized powertrains and associated inefficiencies in slower operating conditions. It is therefore appropriate to investigate the feasibility of extending the scope of Council Directive 92/6/EEC on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community, with the aim of including light commercial vehicles covered in this Regulation.
- (25) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>17</sup>.
- (26) In particular the Commission should be empowered to amend the monitoring and reporting requirements in the light of the experience of the application of this Regulation, to establish methods for the collection of excess emissions premiums, to adopt detailed provisions concerning the derogation for certain manufacturers, and to adapt Annex I to take account of the evolution of the mass of new light commercial vehicles registered in the Community and to reflect any change in the regulatory test procedure for the measurement of specific emissions of CO<sub>2</sub> laid down in Regulation (EC) No 715/2007. Since those measures are of general scope and are designed to

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<sup>17</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).



amend non-essential elements of this Regulation and to supplement this Regulation by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

- (27) Since the objective of the proposed action cannot be achieved by the Member States acting individually, and can therefore, by reason of the scale and effects of the proposed action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS REGULATION:

#### *Article 1*

#### **Subject matter and objectives**

1. This Regulation establishes CO<sub>2</sub> emissions performance requirements for new light commercial vehicles. This Regulation sets the average CO<sub>2</sub> emissions for new light commercial vehicles at 175 g CO<sub>2</sub>/km, by means of improvements in vehicle technology, as measured in accordance with Regulation (EC) No 715/2007 and its implementing measures, and innovative technologies.
2. From 2020, this Regulation sets a target of 135 g CO<sub>2</sub>/km for the average emissions of new light commercial vehicles registered in the Community.

#### *Article 2*

#### **Scope**

1. This Regulation shall apply to motor vehicles of category N1 as defined in Annex II to Directive 2007/46/EC with a reference mass not exceeding 2 610 kg and to vehicles to which type-approval is extended in accordance with Article 2(2) of Regulation (EC) No 715/2007 ('light commercial vehicles') which are registered in the Community for the first time and which have not previously been registered outside the Community ('new light commercial vehicles').
2. A previous registration outside the Community less than three months before registration in the Community shall not be taken into account.
3. This Regulation shall not apply to special purpose vehicles as defined in point 5 of Annex II to Directive 2007/46/EC.

*Article 3*  
**Definitions**

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 light commercial vehicles of which it is the manufacturer;
  - (b) 'certificate of conformity' means the certificate referred to in Article 18 of Directive 2007/46/EC<sup>18</sup>;
  - (c) 'completed vehicle' means a vehicle where type-approval is granted following completion of a process of multi-stage type-approval in accordance with Directive 2007/46/EC;
  - (d) '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;
  - (e) 'mass' means the mass of the vehicle 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;
  - (f) 'specific emissions of CO<sub>2</sub>' means the emissions of a light commercial vehicle measured in accordance with Regulation (EC) No 715/2007 and specified as the CO<sub>2</sub> mass emission (combined) in the certificate of conformity;
  - (g) 'specific emissions target' means, in relation to a manufacturer, the average of the indicative specific emissions of CO<sub>2</sub> determined in accordance with Annex I in respect of each new light commercial vehicle for which it is the manufacturer.
4. For the purposes of this Regulation "a group of connected manufacturers" shall mean a manufacturer and its connected undertakings. In relation to a manufacturer, 'connected undertakings' shall mean:
- (a) undertakings in which the manufacturer has, directly or indirectly:
    - (i) the power to exercise more than half the voting rights; or
    - (ii) the power to appoint more than half the members of the supervisory board, board of management or bodies legally representing the undertaking; or
    - (iii) 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);

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<sup>18</sup> OJ L 263, 9.10.2007, p. 1.

- (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 2014 and each subsequent calendar year, each manufacturer of light commercial vehicles 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 10, in accordance with that derogation.

For the purpose of determining each manufacturer's specific emissions of CO<sub>2</sub>, the following percentages of each manufacturer's new light commercial vehicles registered in the relevant year shall be taken into account:

- 75% in 2014,
- 80% in 2015,
- 100% from 2016 onwards.

#### *Article 5*

### **Super-credits**

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

- 2,5 light commercial vehicles in 2014,
- 1,5 light commercial vehicles in 2015,
- 1 light commercial vehicle from 2016.

#### *Article 6*

### **Pooling**

1. Manufacturers of new light commercial vehicles, other than manufacturers which have been granted a derogation under Article 10, 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:
  - (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 8; 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 8, 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 8 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 7(4).

## Article 7

### Monitoring and reporting of average emissions

1. For the calendar year commencing 1 January 2012 and each subsequent calendar year, each Member State shall record information for each new light commercial vehicle 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 Member State. Member States shall make every effort to ensure that reporting bodies operate in a transparent manner.
2. By 28 February of each year, commencing in 2013, 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 this register shall be publicly available. By 30 June 2013 and each subsequent year, the Commission shall provisionally calculate 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 per Member State on the number of new light commercial vehicles registered and their specific emissions of CO<sub>2</sub>.

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.
6. The Commission shall consider any notifications from manufacturers and shall, by 31 October, either confirm or amend the provisional calculations under paragraph 4.
7. In relation to the calendar year 2012 and 2013 and on the basis of the calculations performed pursuant to paragraph 5, the Commission shall notify a manufacturer where it appears to the Commission that the manufacturer's average specific emissions of CO<sub>2</sub> exceed its specific emissions target.
8. In each Member State, the competent authority for the collection and communication of the monitoring data in accordance with this Regulation shall be the one designated in accordance with Article 8(7) of Regulation (EC) No 443/2009.

9. The Commission may adopt detailed rules for the monitoring and reporting of data under this Article and on the application of Annex II in accordance with the regulatory procedure referred to in Article 13(2).

The Commission may amend Annex II in the light of the experience of the application of this Regulation. Those measures designed to amend non-essential elements of this Regulation shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).

10. Member States shall also collect and report data, in accordance with this Article, on registrations of vehicles in categories M2 and N2 as defined in Annex II to Directive 2007/46/EC with a reference mass not exceeding 2 610 kg and to vehicles to which type-approval is extended in accordance with Article 2(2) of Regulation (EC) No 715/2007.

#### *Article 8*

#### **Excess Emissions Premium**

1. In respect of the period 1 January 2014 and every calendar year thereafter, the Commission shall impose an excess emissions premium on a manufacturer or pool manager, as appropriate, where a manufacturer's average specific emissions of CO<sub>2</sub> exceed its specific emissions target.
2. The excess emissions premium under paragraph 1 shall be calculated using the following formula
- (a) From 2014 until 2018
- (i) For excess emissions of more than 3 g CO<sub>2</sub>/km:
- $$((\text{Excess emissions} - 3) \times \text{€}120 + 45 \text{ €}) \times \text{number of new light commercial vehicles.}$$
- (ii) For excess emissions of more than 2 g CO<sub>2</sub>/km but no more than 3 g CO<sub>2</sub>/km:
- $$((\text{Excess emissions} - 2) \times 25 \text{ €} + 20 \text{ €}) \times \text{number of new light commercial vehicles.}$$
- (iii) For excess emissions of more than 1 but no more than 2 g CO<sub>2</sub>/km:
- $$((\text{Excess emissions} - 1) \times 15 \text{ €} + 5 \text{ €}) \times \text{number of new light commercial vehicles.}$$
- (iv) For excess emissions of no more than 1 g CO<sub>2</sub>/km:
- $$\text{Excess emissions} \times 5 \text{ €} \times \text{number of new light commercial vehicles.}$$
- (b) From 2019:
- $$(\text{Excess emissions} \times \text{€}120) \times \text{number of new light commercial vehicles.}$$

Where for the purposes of this Article:

'excess emissions' means the positive number of grams per kilometre by which a manufacturer's average specific emissions of CO<sub>2</sub> - taking into account CO<sub>2</sub> emissions reductions due to innovative technologies approved in accordance with Article 11 - exceeded its specific emissions target in the calendar year or part of the calendar year to which the obligation under Article 4 applies, rounded to the nearest three decimal places; and

'number of new light commercial vehicles' means the number of new light commercial vehicles of which it is the manufacturer and which were registered in that period according to the phase-in criteria as set out in Article 4.

3. The Commission shall establish methods for the collection of excess emissions premiums under paragraph 1.

Those measures designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).

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

#### *Article 9*

#### **Publication of performance of manufacturers**

1. By 31 October 2013 and 31 October each subsequent year, the Commission shall publish a list indicating for each manufacturer:
  - (a) its specific emission 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 light commercial vehicles in the Community in the previous calendar year, and
  - (e) the average mass for all new light commercial vehicles in the Community in the preceding calendar year.
2. From the 31 October 2014, the list published under paragraph 1 shall also indicate whether the manufacturer has complied with the requirements of Article 4 with respect to the preceding calendar year.

## *Article 10*

### **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 of fewer than 22 000 new light commercial vehicles 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 22 000 new light commercial vehicles 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 light commercial vehicles which it manufactures including the mass and specific emissions of CO<sub>2</sub> of those light commercial vehicles; 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 light commercial vehicle 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 light commercial vehicle manufactured, the Commission shall grant a derogation to the manufacturer. The derogation shall apply from 1 January of the year following the date of granting of the derogation.
  
4. A manufacturer which is subject to derogation in accordance with this Article shall notify the Commission immediately of any change which affects or may affect its eligibility for a derogation.
  
5. Where the Commission considers, whether on the basis of a notification under paragraph 4 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.



6. 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 8.
7. The Commission may adopt detailed provisions for the implementation of paragraphs (1) to (6) inter alia on the interpretation of the eligibility criteria for derogations, on the content of applications, and on the content and assessment of programmes for the reduction of specific emissions of CO<sub>2</sub>.

Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).

8. Applications for a derogation, including the information supporting it, notifications under paragraph 4, revocations under paragraph 5 and any imposition of an excess emissions premium under paragraph 6 and measures adopted pursuant to paragraph 7, shall be made publicly available, subject to Regulation (EC) No 1049/2001 of 30 May 2001 of the European Parliament and of the Council regarding public access to European Parliament, Council and Commission documents.

#### *Article 11*

#### **Eco-innovation**

1. Upon application by a supplier or a manufacturer, CO<sub>2</sub> savings achieved through the use of innovative technologies shall be considered. 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.
2. The Commission shall by 31 December 2012, adopt detailed provisions for a procedure to approve such innovative technologies in accordance with the regulatory procedure referred to in Article 13(2). 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 of Regulation No 443/2009 or be mandatory under other provisions of Community law.
3. A supplier or a manufacturer who applies for a measure to be approved as an innovative technology 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 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.

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

### *Article 12*

#### **Review and report**

1. By 31 October 2016, and every three years thereafter, measures shall be adopted to amend Annex I to adjust the figure M0, referred to therein, to the average mass of new light commercial vehicles in the previous three calendar years.

Those measures shall take effect for the first time on 1 January 2018 and every three years thereafter.

Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).

2. The Commission shall include light commercial vehicles in the review of the procedures for measuring CO<sub>2</sub> emissions in accordance with Article 13(3) of Regulation (EC) No 443/2009.

From the date of application of the revised procedure for the measuring of CO<sub>2</sub> emissions, innovative technologies shall no longer be approved under the procedure set out in Article 11.

3. The Commission shall include light commercial vehicles in the review of Directive 2007/46/EC in accordance with Article 13(4) of Regulation (EC) No 443/2009.
4. By 1 January 2013, the Commission shall complete a review of the specific emissions targets in Annex I and of the derogations in Article 10, with the aim of defining:

- subject to confirmation of its feasibility on the basis of updated impact assessment results, the modalities for reaching, by the year 2020, a long-term target of 135 g CO<sub>2</sub>/km in a cost-effective manner; and
- the aspects of the implementation of that target, including the excess emissions premium.

On the basis of such a review and its impact assessment, which includes an overall assessment of the impact on the car industry and its dependent industries, the Commission shall, if appropriate,

- make a proposal to amend this Regulation in a way which is as neutral as possible from the point of view of competition, and which is socially equitable and sustainable,

- confirm the inclusion in this Regulation of vehicles in category N2 and M2 as defined in Annex II to Directive 2007/46/EC with a reference mass not exceeding 2 610 kg and to vehicles to which type-approval is extended in accordance with Article 2(2) of Regulation (EC) No 715/2007.

Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).

5. The Commission shall by 2014, following an impact assessment, publish a report on the availability of data on footprint and payload and their use as utility parameters for determining specific emissions targets and, if appropriate, submit a proposal to the European Parliament and to the Council to amend Annex I.
6. Measures shall be adopted to provide for the necessary adaptation to the formulae of Annex I in order to reflect any change in the regulatory test procedure for the measurement of specific CO<sub>2</sub> emissions.

Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 13(3).

7. The Commission shall by 2015 review the method of determining the specific emissions of CO<sub>2</sub> of completed vehicles in paragraph 7 of Part B of Annex II and, if appropriate, submit a proposal to the European Parliament and to the Council to amend Annex II.

#### *Article 13*

#### **Committee procedure**

1. The Commission shall be assisted by the committee instituted by Article 8 of Decision 93/389/EEC.
2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

#### *Article 14*

#### **Entry into force**

This Regulation shall enter into force on the third day following that of 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.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## ANNEX I

### SPECIFIC CO<sub>2</sub> EMISSIONS TARGETS

1. The indicative specific emissions of CO<sub>2</sub> for each light commercial vehicle, measured in grams per kilometre, shall be determined in accordance with the following formulae:

- (a) From 2014 to 2017:

$$\text{Indicative specific emissions of CO}_2 = 175 + a \times (M - M_0)$$

Where:

M = mass of the vehicle in kilograms (kg)

$$M_0 = 1706,0$$

$$a = 0,093$$

- (b) From 2018:

$$\text{Indicative specific emission of CO}_2 = 175 + a \times (M - M_0)$$

Where:

M = mass of the vehicle in kilograms (kg)

M<sub>0</sub> = the value adopted pursuant to Article 12(1)

$$a = 0,093$$

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

**ANNEX II**  
**MONITORING AND REPORTING OF EMISSIONS**

**A. COLLECTION OF DATA ON LIGHT COMMERCIAL VEHICLES AND DETERMINATION OF CO<sub>2</sub> MONITORING INFORMATION**

1. For the year beginning 1 January 2011 and each subsequent year, Member States shall record the following details for each new light commercial vehicle registered in its territory:
  - (a) the manufacturer;
  - (b) its type, variant and version;
  - (c) its specific emissions of CO<sub>2</sub>(g/km);
  - (d) its mass (kg);
  - (e) its wheel base (mm);
  - (f) its track width (mm);
  - (g) its payload (in kg).
2. The details referred to in point 1 shall be taken from the certificate of conformity for the relevant light commercial vehicle. Where the certificate of conformity specifies both a minimum and a maximum mass for a light commercial vehicle, the Member States shall use only the maximum figure for the purpose of this Regulation. In the case of bi-fuelled vehicles (petrol/gas) the certificates of conformity of which bear specific CO<sub>2</sub> emission figures for both types of fuel, Member States shall use only the figure measured for gas.
3. For the calendar year commencing 1 January 2011 and each subsequent calendar year, each Member State shall determine, in accordance with the methods set out in Part B, for each manufacturer:
  - (a) the total number of new light commercial vehicles registered in its territory;
  - (b) the average specific emissions for CO<sub>2</sub>, as specified in point 2 of Part B of this Annex;
  - (c) the average mass, as specified in point 3 of Part B of this Annex;
  - (d) for each variant of each version of each type of new light commercial vehicle:
    - (i) the total number of new light commercial vehicles registered in its territory, as specified in point 4 of Part B of this Annex;
    - (ii) the specific emissions of CO<sub>2</sub>;
    - (iii) the mass;

- (iv) the footprint of the vehicle, as specified in point 5 of Part B of this Annex
- (v) the payload.

**B. METHODOLOGY FOR DETERMINING CO<sub>2</sub> MONITORING INFORMATION FOR NEW LIGHT COMMERCIAL VEHICLES**

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

1. Number of new light commercial vehicles registered ( $N$ ).

Member States shall determine the number of new light commercial vehicles registered within their territory in the respective monitoring year ( $N$ ).

2. Average specific CO<sub>2</sub> emissions of new light commercial vehicles ( $S_{ave}$ )

The average specific CO<sub>2</sub> emissions of all new light commercial vehicles newly registered in a Member States' territory in the monitoring year ( $S_{ave}$ ) is calculated by dividing the sum of the specific CO<sub>2</sub> emissions of each individual new vehicle,  $S$ , by the number of new vehicles,  $N$ .

$$S_{ave} = (1/ N) \times \Sigma S$$

3. Average mass of new light commercial vehicles

The average mass of all new light commercial vehicles registered in a Member States' territory in the monitoring year ( $M_{ave}$ ) is calculated by dividing the sum of the mass of each individual new vehicle,  $M$ , by the number of new vehicles,  $N$ .

$$M_{ave} = (1/ N) \times \Sigma M$$

4. The distribution by version of new light commercial vehicles

For each version of each variant of each type of new light commercial vehicle, the number of newly registered vehicles, the mass of the vehicles, the specific emissions of CO<sub>2</sub> and the footprint of the vehicle are to be recorded.

5. Footprint

The footprint of the vehicle shall be calculated by multiplying the wheelbase of the car by the track width of the vehicle.

6. Payload

The payload of the vehicle shall be defined as the difference between the technically permissible maximum laden mass pursuant to of Annex III to Directive 2007/46/EC and the mass of the vehicle.

7. Specific emissions of completed vehicles

The specific emissions of completed vehicles shall be determined in accordance with Directive 2004/3/EC. Where that value is not available, the specific emissions of a completed vehicle shall be set equal to the highest value of the specific emissions of all complete vehicles that are of the same type of vehicle as the incomplete vehicle on which the completed vehicle is based, and that have been registered in the EU in the same monitoring year, where 'type of vehicle' is defined in accordance with Article 3 of Directive 2007/46/EC. If there are more than three different values of specific emissions of all complete vehicles, the second-highest specific emissions shall be used.

**C. FORMAT FOR THE TRANSMISSION OF DATA**

For each manufacturer, for each year, Member States shall report the data described in point 3 of part A in the following formats:



Aggregated data:

Year:					
Manufacturer	Total number of new light commercial vehicle registered	Average specific emissions of CO <sub>2</sub> (g/km)	Average mass (kg)	Average footprint (m <sup>2</sup> )	Average payload (kg)
<i>(Manufacturer 1)</i>	...	...	...	...	...
<i>(Manufacturer 2)</i>	...	...	...	...	...
...	...	...	...	...	...
<b>Total all manufacturers</b>	...	...	...	...	...

Detailed data at manufacturer level:

Year	Manufacturer	Type of light commercial vehicle	Variant	Version	Category of vehicle type approved	Category of vehicle registered	Make	Commercial name	Innovative technology or group of innovative technologies <sup>9</sup> code	Total new registrations	Specific emissions of CO <sub>2</sub> (g/km)	Hydrogen consumption (g/km)	Electric energy consumption (Wh/km)	Mass (kg)	Foot-print (m <sup>2</sup> )	Average payload (kg)	Emissions reduction through innovative technologies <sup>20</sup>
Year 1	(Name of manufacturer 1)	(name of type 1)	(name of variant 1)	(name of version 1)	...	...	...	...	...	...	...	...	...	...	...	...	...
Year 1	(Name of manufacturer 1)	(name of type 1)	(name of variant 1)	(name of version 2)	...	...	...	...	...	...	...	...	...	...	...	...	...



