Commission Implementing Decision (EU) 2020/1035 of 3 June 2020 confirming or amending the provisional calculation of the average specific emissions of CO2 and specific emissions targets for manufacturers of passenger cars and light commercial vehicles for the calendar year 2018 pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council (Only the Czech, Dutch, English, French, German, Hungarian, Italian, Spanish and Swedish texts are authentic) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/1035

of 3 June 2020

confirming or amending the provisional calculation of the average specific emissions of CO_2 and specific emissions targets for manufacturers of passenger cars and light commercial vehicles for the calendar year 2018 pursuant to Regulation (EU) 2019/631 of the European Parliament and of the Council

(Only the Czech, Dutch, English, French, German, Hungarian, Italian, Spanish and Swedish texts are authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/631 of the European Parliament and of the Council of 17 April 2019 setting emission performance standards for new passenger cars and for new light commercial vehicles and repealing Regulation (EC) No 443/2009 and (EU) No 510/2011[(1)], and in particular the second subparagraph of Article 7(5) thereof,

Whereas:

(1) In accordance with Regulation (EU) 2019/631, and, with regard to the specific emission targets and average specific emissions for the calendar year 2018, Regulation (EC) No 443/2009 of the European Parliament and of the Council[(2)] and Regulation (EU) No 510/2011 of the European Parliament and of the Council[(3)], the Commission is required to determine, each year, the average specific emissions of CO_2 and the specific emissions target for each manufacturer of passenger cars and light commercial vehicles in the Union as well as for each pool of manufacturers. On that basis, the performance of manufacturers or pools of manufacturers in complying with their obligation to not exceed their respective specific emission targets is established.

(2) The detailed data to be used for the calculation of the average specific emissions of CO_2 and the specific emissions targets of manufacturers is based on Member States' registrations of new passenger cars and new light commercial vehicles during the 2018 calendar year.

(3) All Member States submitted their 2018 data to the Commission, however, with some delays as compared to the reporting deadline of 28 February 2019. Where, as a result of the verification of the data by the Commission, it was evident that certain data were missing or manifestly incorrect, the Commission has contacted the Member States concerned and, subject to the agreement of those Member States, adjusted or completed the data accordingly. Where no agreement could be reached with a Member State, the provisional data submitted by that Member State was not adjusted.

(4) On 24 June 2019, the Commission published the provisional data and notified 95 manufacturers of passenger cars and 67 manufacturers of light commercial vehicles as well as the respective pools of the provisional calculations of their average specific emissions of CO_2 and their specific emissions targets in 2018.

(5) The provisional data notified by the Commission included the correction factors, both for cars, calculated in accordance with Article 7(2) of Commission Implementing Regulation (EU) 2017/1153[(4)] and for light commercial vehicles, calculated in accordance with Article 6(2) of Commission Implementing Regulation (EU) 2017/1152[(5)]. The determination of correction factors is part of the correlation procedures set up in order to reflect the change in the regulatory test procedure for measurement of specific emissions of CO_2. They serve to ensure that procedural tolerances necessary for the correlation of the CO_2 emission values are applied as intended and not as a means to artificially lower those values.

(6) A correction factor is calculated based on deviation and verification factors determined for a statistical sample of vehicles that should be representative of the manufacturer's fleet of new vehicles. In view of the very low number of light commercial vehicles type approved in accordance with the Worldwide Harmonised Light Vehicle Test Procedure set out in Commission Regulation (EU) 2017/1151[(6)] in 2018, the sample cannot be considered statistically representative and no correction factors have therefore been applied when establishing the emission performance of manufacturers of light commercial vehicles

(7) Manufacturers were asked to verify the provisional data in accordance with Article 8(4) of Regulation (EC) No 443/2009 and Article 8(5) of Regulation (EU) No 510/2011 and, in particular, the deviation and verification factors on the basis of which the correction factor is calculated, and to notify the Commission of any errors within three months of receipt of the notification. Sixty manufacturers of passenger cars and 34 manufacturers of light commercial vehicles submitted notifications of errors. For two car manufacturers, the applicability of a correction factor to their average specific emissions was confirmed. For two manufacturers of passenger cars and one manufacturer of light commercial vehicles, all vehicles reported in the provisional dataset were outside the scope of Regulation (EU) 2019/631.

(8) For the remaining 35 manufacturers of passenger cars and 33 manufacturers of light commercial vehicles that did not notify any errors in the datasets or respond otherwise, the provisional data and provisional calculations of the average specific emissions and the specific emissions targets should be confirmed. For none of those manufacturers a correction factor was applicable.

(9) The Commission has verified the errors notified by the manufacturers and the reasons for their correction, and the provisional dataset has been confirmed or amended as appropriate. Only those records have been retained that include the values for mass and CO_2 emissions. As a result, for 94 manufacturers of passenger cars and 66 manufacturers of light commercial vehicles the provisional data should be confirmed or amended.

(10) In accordance with Articles 4 of Regulations (EC) No 443/2009 and (EU) No 510/2011, a manufacturer should be considered as compliant with its specific emissions target where its average specific emissions of CO_2 indicated in this Decision do not exceed its specific emissions target. For manufacturers which are members of a pool, compliance should be assessed at the level of the pool in accordance with Articles 7(7) of those Regulations.

(11) Records with complete data on mass in running order and CO_2 emissions but with missing or incorrect vehicle identification numbers should be included in the calculation of the specific emission targets and the average specific emissions. However, the fact that manufacturers cannot verify or correct those records should be taken into account. Therefore, it is appropriate to apply an error margin when determining the distance to target of the manufacturer concerned.

(12) The error margin is calculated as the difference between the distances between the average specific emissions and the specific emissions target calculated including and excluding all vehicle registrations that cannot be verified by the manufacturer. Regardless of whether that difference is positive or negative, the error margin is applied so that it always improves the manufacturer's position with regard to its specific emission target.

(13) Where, after taking into account the error margin, the distance to target of a manufacturer or a pool, as the case may be, is above zero, an excess emission premium is to be imposed in accordance with Article 8 of Regulation (EU) 2019/631. This is the case for the manufacturer of passenger cars Automobili Lamborghini S.p.A. The excess emission premium is to be calculated in accordance with Article 9(2)(a) of Regulation (EC) No 443/2009.

(14) In accordance with Articles 2(4) of Regulations (EC) No 443/2009 and (EU) No 510/2011, manufacturers responsible for less than 1 000 new vehicle registrations in the calendar year are exempt from meeting a specific emission target. It is, however, appropriate to calculate and report their average specific emissions as well as the number of new vehicles registered.

(15) Further clarifications are needed from the manufacturer Dr Ing. h.c. F. Porsche AG with regard to possible irregularities in the CO_2 emissions stated in the emissions type approvals of two vehicle models. As a consequence, the provisional data for the 2014 to 2018 calendar years for the Volkswagen pool and its member Dr Ing. h.c. F. Porsche AG cannot be confirmed or amended.

(16) The Commission has, in accordance with Article 12 of Commission Implementing Regulation (EU) No 725/2011[7], performed an ad hoc verification of CO_2 savings

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/1035. (See end of Document for details)*

certified by reference to Commission Implementing Decision 2013/341/EU[8] and Commission Implementing Decision (EU) 2015/158[9]. The verification showed satisfactory results with regard to the CO_2 savings certified by reference to Implementing Decision 2013/341/EU. However, with regard to Implementing Decision (EU) 2015/158, a difference was found between the certified CO_2 savings of two efficient alternators fitted in vehicles manufactured by Daimler AG and those verified by the Commission of 9 % and 23 % respectively. The Commission notified Daimler AG of the deviations found and invited that manufacturer to provide evidence demonstrating the accuracy of the certified CO_2 savings.

(17) Based on the information provided by Daimler AG, the Commission has found that the difference in savings was due to a difference in how the testing methodology was applied for the purposes of the certification and for the verification of the CO_2 savings. More precisely, a run-in of the efficient alternators was performed prior to the certification test, even though the testing methodology referred to in Implementing Decision (EU) 2015/158 neither prescribes nor allows a specific run-in of the efficient alternators to be performed outside the certification test.

(18) It follows from Articles 12 of Regulations (EC) No 443/2009 and (EU) No 510/2011 that, in order for CO_2 savings from innovative technologies to be taken into account for the calculation of a manufacturer's specific average emissions in 2018, those savings must make a verified contribution to CO_2 reductions, in accordance with a testing methodology capable of producing verifiable, repeatable and comparable results. As the certified CO_2 savings of two efficient alternators in certain vehicles manufactured by Daimler AG have not been confirmed by the verification performed on the basis of the testing methodology referred to in Implementing Decision (EU) 2015/158, the certified CO_2 savings attributed to those eco-innovations, amounting to 0,429 g CO_2/km at the fleet level, should not be taken into account for the calculation of the average specific emissions of the manufacturer Daimler AG. On the same basis, the CO_2 savings attributed to those eco-innovations, amounting to 0,428 g CO_2/km at the fleet level, should not be taken into account for the calculation of the average specific emissions of the Daimler AG pool.

(19) The values relating to the performance of a manufacturer as confirmed or amended by this Decision could be revised in the event that the relevant national authorities confirm the existence of irregularities in the CO_2 emission values provided for the purpose of determining the manufacturer's compliance with the specific emissions target,

HAS ADOPTED THIS DECISION:

Article 1

1 The values relating to the performance of manufacturers of passenger cars in respect of the 2018 calendar year are specified in Annex I.

2 The values relating to the performance of manufacturers of light commercial vehicles in respect of the 2018 calendar year are specified in Annex II.

Article 2

This Decision is addressed to the following individual manufacturers and pools formed in accordance with Article 6 of Regulation (EU) 2019/631:

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35127 Padova

ITALY

(4) ALPINA BURKARD BOVENSIEPEN GMBH E CO KG

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GERMANY

(5) SOCIÉTÉ DES AUTOMOBILES ALPINE

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78288 Guyancourt Cedex

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10071 Borgaro Torinese

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(7) ASTON MARTIN LAGONDA LTD

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