Commission Implementing Decision (EU) 2019/583 of 3 April 2019 confirming or amending the provisional calculation of the average specific emission of CO2 and specific emissions targets for manufacturers of passenger cars for the calendar year 2017 and for certain manufacturers belonging to the Volkswagen pool for the calendar years 2014, 2015 and 2016 pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council (notified under document C(2019) 2359) (Only the Czech, Dutch, English, French, German, Hungarian, Italian and Swedish texts are authentic) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/583

of 3 April 2019

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(notified under document C(2019) 2359)

(Only the Czech, Dutch, English, French, German, Hungarian, Italian 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 (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_2 emissions from light-duty vehicles[(1)], and in particular the second subparagraph of Article 8(5) thereof,

Whereas:

(1) In accordance with Regulation (EC) No 443/2009, the Commission is required to calculate each year the average specific emissions of CO_2 and the specific emissions target for each manufacturer of passenger cars in the Union as well as for each pool of manufacturers. On the basis of that calculation, the Commission is to determine whether manufacturers and pools have complied with their specific emissions targets.

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

(3) All Member States submitted the 2017 data to the Commission. 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 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 of that Member State was not adjusted.

(4) On 23 April 2018, the Commission published the provisional data and notified 91 manufacturers of the provisional calculations of their average specific emissions of CO_2 and their specific emissions targets in 2017. Manufacturers were asked to verify the data and to notify the Commission of any errors within three months of receipt of the notification. 35 manufacturers submitted notifications of errors within the given time-limit.

(5) For the remaining 56 manufacturers 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 two manufacturers all vehicles reported in the provisional dataset were outside the scope of Regulation (EC) No 443/2009.

(6) The Commission has verified the errors notified by the manufacturers and the respective reasons for their correction, and the provisional dataset has been confirmed or amended as appropriate.

(7) In the case of records with missing or incorrect identification parameters, such as the type, variant, version code or the type approval number, the fact that manufacturers cannot verify or correct those records should be taken into account. As a consequence, it is appropriate to apply an error margin to the CO_2 emissions and mass values of those records.

(8) The error margin should be calculated as the difference between the distances to the specific emissions target expressed as the specific emissions target subtracted from the average specific emissions calculated including and excluding those registrations that cannot be verified by the manufacturers. Regardless of whether that difference is positive or negative, the error margin should always improve the manufacturer's position with regard to its specific emission target.

(9) In accordance with Article 10(2) of Regulation (EC) No 443/2009, a manufacturer should be considered as compliant with its specific emissions target referred to in Article 4 of that Regulation where the average emissions indicated in this Decision are lower than the specific emissions target, expressed as a negative distance to target. Where the average emissions exceed the specific emissions target, an excess emission premium is to be imposed, unless the manufacturer concerned benefits from an exemption from that target or is a member of a pool and the pool complies with its specific emissions target. On that basis, Société des Automobiles Alpine SAS, Automobili Lamborghini S.p.A. and Mazda Motor Corporation should be considered as exceeding their specific emissions targets for 2017.

(10) On 3 November 2015, the Volkswagen Group made a statement to the effect that irregularities had been found when determining type approval CO_2 levels of some of their vehicles. Following a thorough investigation, sufficient clarifications have been obtained for confirming or amending the provisional data for Audi AG, Audi Hungaria

Motor Kft, Bugatti Automotive S.A.S, Quattro GmbH, Seat S.A., Skoda Auto A.S., and Volkswagen AG for the calendar years 2014, 2015, 2016 and 2017. However, further clarifications are needed from Dr Ing. h.c. F. Porsche AG with regard to possible irregularities in the CO_2 emissions and fuel consumption values stated in the emissions type approval of one vehicle model. As a consequence, the values for those calendar years for the Volkswagen pool and its member Dr Ing. h.c. F. Porsche AG cannot be confirmed or amended.

(11) The Commission has, in accordance with Article 12 of Commission Implementing Regulation (EU) No 725/2011[(2)], performed an ad hoc verification of CO_2 savings certified by reference to Commission Implementing Decision 2013/341/EU[(3)] and Commission Implementing Decision (EU) 2015/158[(4)]. 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, the certified CO_2 savings of two efficient alternators fitted in vehicles manufactured by Daimler AG exceeded the savings resulting from the Commission's verification by 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.

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

(13) It follows from Article 12 of Regulation (EC) No 443/2009 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, 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, in total 0,292 gCO_2/km, should not be taken into account for the calculation of the average specific emissions of Daimler AG.

(14) 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:

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2019/583. (See end of Document for details)*

Article 1

1 The values relating to the performance of manufacturers, as confirmed or amended for each manufacturer of passenger cars and for each pool of such manufacturers in respect of the 2017 calendar year are specified in Annex I.

2 The values relating to the performance of Audi AG, Audi Hungaria Motor Kft, Bugatti Automotive S.A.S, Quattro GmbH, Seat S.A., Skoda Auto A.S., and Volkswagen AG, as confirmed or amended in respect of the 2014, 2015 and 2016 calendar years are specified in Annex II.

Article 2

This Decision is addressed to the following individual manufacturers and pools formed in accordance with Article 7 of Regulation (EC) No 443/2009:

(1) Adidor Voitures SAS

2/4 Rue Hans List

78290 Croissy-sur-Seine

France

(2) ALFA Romeo S.p.A.

Gate 8 — Building 6 — 1st floor — B15N Colonna N47

C.so Settembrini, 40

10135 Torino

Italy

(3) Alpina Burkard Bovensiepen GmbH & Co. KG

Alpenstraße 35 - 37

86807 Buchloe

Germany

(4) Société des Automobiles Alpine SAS

1 Avenue du Golf

78288 Guyancourt Cedex

France

(5) Aston Martin Lagonda Ltd

Gaydon Engineering Centre

Banbury Road

Gaydon Warwickshire

CV35 0DB

United Kingdom

(6) Audi AG
Letter box 011/1882
38436 Wolfsburg
Germany

(7) Audi Hungaria Motor KFT
Letter box 011/1882
38436 Wolfsburg
Germany

(8) Automobiles Citroen
7, rue Henri Sainte-Claire Deville
92500 Rueil-Malmaison
France

(9) Automobiles Peugeot
7, rue Henri Sainte-Claire Deville
92500 Rueil-Malmaison
France

(10) AVTOVAZ JSC
Represented in the Union by:
CS AUTOLADA
211 Konevova
130 00 Prague 3
Czechia

(11) Bee Bee Automotive
182 RT Beaugé
72700 Rouillon
France

(12) Bentley Motors Ltd
Pyms Lane
Crewe
Cheshire
CW1 3PL
United Kingdom