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COMMUNICATION FROM THE COMMISSION

On the monitoring and reporting of data on the registration of new passenger cars

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1. INTRODUCTION

According to Article 8 of 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 CO₂ emissions from light-duty vehicles,¹ Member States must every year record and transmit certain data on new passenger cars to the Commission. That data will be the basis for determining the specific CO₂ emissions target for manufacturers of new passenger cars and will also serve for the assessment of whether manufacturers comply with those targets. To ensure the consistency of the data to be transmitted by the Member States, it is necessary to harmonise the rules on the collection and reporting of that data as far as possible. This Communication will, together with Commission Regulation C(2010)7652 on the monitoring and reporting of data on the registration of new passenger cars pursuant to Regulation (EC) No 443/2009 of the European Parliament and of the Council, facilitate the collection, submission and assessment of the data by indicating the Commission's interpretation of the relevant provisions of Regulation (EC) No 443/2009 and by providing guidance to Member States on the data to be provided and the format to be used. Further guidance will also be provided on an ad hoc basis.

2. DATA

2.1 Data sources

The main data sources to be used by the Member States to collect the data are the certificates of conformity or, where that source is not used for the purpose of registering a vehicle, the type approval documentation. As the type approval documentation may contain ranges of values, it is necessary that the Member State ensures that the data retrieved from the type approval documentation are in agreement with the data resulting from the certificate of conformity.

It should be noted that the registration certificate provided for in Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles² may not replace the certificate of conformity for the purpose of registering a vehicle. The registration certificate is issued only after the vehicle is registered.

¹ OJ L 140, 5.6.2009, p. 1.

² OJ L 138, 1.6.1999, p. 57

2.2 List of manufacturers

Data has to be monitored and recorded in relation to a manufacturer. As a result it is important that the manufacturer is clearly identified³ and distinguished from the make⁴. It is however clear that as the competent authorities record the name of the manufacturer according to the national denomination in the certificate of conformity or in the type approval documents, a variety of both names and spelling occurs.

In order to harmonize the identification of the relevant manufacturers, a common list of manufacturers' names and respective WMI (World Manufacturer Identifier) codes will be established and Member States are to use that list as a basis for registration as specified in Article 8(2) of Regulation C(2010)7652. As Regulation (EC) No 443/2009 applies to manufacturers both inside and outside the EU, no differentiation according to the location of the manufacturer should be accepted. However, in accordance with Article 7 of Regulation C(2010)7652, an exception shall be made where the data for an individual vehicle is based on national type approval of small series or on individual type approval. In those cases, Member States should not use the manufacturers' names but the denominations referred to in that Article.

The consistent identification of manufacturers is also important for pooling (Article 7 of Regulation (EC) No 443/2009), which allows manufacturers to meet a common specific emissions target. Since pooling may vary over time, data should be collected for all manufacturers participating in the pool. The average specific CO₂ emission of the pool will be calculated for the whole of the EU.

2.3 Data requirements

The competent authorities in the Member States shall report all data in accordance to Annex II to Regulation 443/2009. Should any relevant data be missing in the source used as a basis for registration, the competent authorities should request manufacturers to complete the dataset. The competent authorities are responsible for ensuring that all relevant data are present at the time of registration. In the case of vehicles subject to national type approval of small series or individual type approval, only the number of registrations is required; the remaining information can be submitted on a voluntary basis.

2.4 Reporting on registration of bi-fuel and flex-fuel vehicle

The market introduction of bi-fuel and flex-fuel vehicles capable of running on alternative fuels, such as sustainable E85, biodiesel or hydrogen in addition to petrol and diesel, needs to be closely monitored.

³ Entry 0.5 in the CoC and Article 3(c) of Regulation 443/2009/EC: “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.”

⁴ Entry 0.1 in the CoC and Annex I of Directive 2007/46/EC “make (trade name of the manufacturer)”. Article 2(6) of Decision 1753/2000/EC “make means the trade name of the manufacturer and is that which appears on the certificate of conformity and the type-approval documentation.”

Regulation (EC) No 443/2009 does not currently include monitoring of all alternative fuels used in such vehicles, *inter alia* due to CO₂ emissions not yet being measured. In the case of ethanol fuel (E85) used in bi-fuel vehicles, CO₂ emissions are measured, however, it is clear that the methodology laid down in Article 6 of that Regulation for taking into account the CO₂ value of that fuel needs to be improved, so as to reflect the actual specific emissions of CO₂ of such vehicles. A new methodology should therefore be designed through which fair consideration may be given to the CO₂ savings from bi-fuel and flex-fuel vehicles capable of running on alternative fuels, such as sustainable E85, biodiesel or hydrogen. The Commission will, as part of the review of Regulation (EC) No 443/2009 foreseen for January 2013, prepare such a methodology for calculating the actual specific emissions of CO₂ of flex-fuel and bi-fuels vehicles. As it cannot be known beforehand which fuel will actually be used by bi-fuel and flex-fuel vehicles, the methodology will have to take into account both the availability and the characteristics of the different fuels sold in the Member States.

Data on fuel sales will be provided through the reporting under Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC⁵. Pending the introduction of the methodology, Directive 98/70/EC should be adapted to allow Member States to report sales data for different alternative fuels, including, as a priority, harmonized and precise data on sales of E85 meeting the sustainability criteria set out in Directive 2009/28/EC of the European Parliament and of the Council on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC⁶, and in Directive 98/70/EC.

3. DATA TRANSMISSION

In order to ensure timely and efficient communication between the competent authorities, manufacturers and the Commission, it is recommended that the competent authorities, designated in accordance with Article 8(7) of Regulation (EC) No 443/2009 and responsible for the transmission of the data, appoint at least two officials as contact points and inform the Commission of their names and contact details. The officials should subscribe to the Central Data Repository⁷.

For the submission to be considered valid for the purpose of meeting the reporting obligations under Article 8 of Regulation (EC) No 443/2009, the Member State should notify to the Commission when data has been uploaded on Central Data Repository tool by sending an e-mail to the functional mailbox EC-CO2-LDV-IMPLEMENTATION@ec.europa.eu with copy to the functional mailbox CO2-monitoring@eea.europa.eu. The data will be kept in a database that will be managed for the Commission by the European Environment Agency. The database should be accessible to the public via the Internet.

In order to ensure the timely availability of data to manufacturers, Member States may transmit the full set of data relating to the first four months of each calendar year as soon as

⁵ OJ L 350, 28.12.1998, p. 58.

⁶ OJ L 140, 5.6.2009, p. 16.

⁷ <http://cdr.eionet.europa.eu/>

those data are available in a provisional form. Member States are, in any case, to validate and send the complete set of data by 28 of February of each calendar year.

Where provisional data is submitted in advance of the mandatory deadline, the Commission will endeavour to provisionally calculate, and make available to the manufacturers concerned, the number of new passenger cars registered and their specific emissions of CO₂ in the Member States. It should be noted that the Commission will not confirm these calculations until the date set out in Article 8(5) of Regulation (EC) No 443/2009.

3.1 Format

The data should be transmitted using two separate .xml files, one for the monitoring data and one for the full set of data as specified in Annex II to Commission Regulation (EC) No 443/2009. Further specifications of the .xml files will be provided in the guidelines to be published on the Internet.

3.2 Verification

Data and .xml coding can be independently verified by each Member State. However a layout in the form of a text file will be placed on the CIRCA website⁸ and should be used for quality assurance before sending the data for the respective reporting year.

4. CALCULATION OF THE AVERAGE SPECIFIC EMISSIONS

In order to take into account the phase-in percentages set out in Article 4 of Regulation (EC) No 443/2009, for the calculation of the average specific emissions of CO₂ for manufacturers, including manufacturers referred to in Article 11(1) and Article 11(4) of Regulation (EC) No 443/2009, it is necessary to select the vehicles according to their specific emissions of CO₂. Only those vehicles with the lowest emissions up to the relevant percentage set out in Article 4 will be selected in the calculation of the average specific emissions.

The specific emissions should, where applicable, be the emissions reduced by the percentage set out in Article 6 and the eco-innovation savings approved by the Commission pursuant to Article 12 and the detailed rules to be adopted.

In calculating the average specific emissions of CO₂ account must be taken of vehicles falling within the category specified in Article 5.

More precisely, when determining the specific emissions for the purpose of calculating the average specific emissions of CO₂ for manufacturers, the Commission will apply the relevant provisions of Regulation (EC) No 443/2009 in the following order:

Selection of vehicles for the calculation

⁸ http://circa.europa.eu/Members/irc/env/gge_ldv/library

- (a) Article 6: for the calendar years up to and including 2015, apply the CO₂ reduction for the specific emissions of CO₂ of the passenger cars capable of running with E85 fuel if a Member State fulfils the requirements set out in Article 6 of Regulation (EC) No 443/2009;
- (b) Article 12, in conjunction with the second subparagraph of Article 13(3): deduct the eco-innovation savings certified in accordance with the detailed rules to be adopted by the Commission from the specific emissions;
- (c) Article 4: for the calendar years up to and including 2014, sort the registrations of new passenger cars by their emissions of CO₂ resulting from point (a) and (b) and include in the calculation of the average specific emissions of CO₂ only the vehicles with the lowest figures up to the percentage indicated in the second subparagraph of Article 4 of Regulation (EC) No 443/2009;

Calculation of the average specific emissions of CO₂

- (d) Article 5: for the calendar years up to and including 2015 and for those cars having specific emissions of CO₂ less than 50 g/km, multiply the specific emission of CO₂ in those cars by the relevant factor set out in Article 5 of Regulation (EC) No 443/2009;
- (e) Article 5: for the calendar years up to and including 2015 and for those cars having specific emissions of CO₂ less than 50 g/km, multiply the CO₂ emission savings from innovative technologies in those cars by the relevant factor set out in Article 5 of Regulation (EC) No 443/2009;
- (f) Article 12, in conjunction with the second subparagraph of Article 13(3): determine eco-innovation savings by calculating the average CO₂ savings for a manufacturer on the basis of the savings specified in the certificate of conformity for all selected passenger cars attributed to that manufacturer taking into account point (e). Vehicles not fitted with any innovative technology will be considered having 0 g/km CO₂ saving. If the eco-innovation savings exceed the value referred to in Article 12(1) of Regulation (EC) No 443/2009, the value set out in Article 12(1) shall apply;
- (g) Calculate the average specific emissions of CO₂ taking into account point (d) and subtract the value determined in accordance with point (f).

For example a manufacturer in the following situation:

Number of registrations	Specific emission of CO ₂	CO ₂ emission savings from innovative technologies	Super-credit multiplier in 2012
2	45	2	3.5
10	51	4	1
53	131	0	1
10	160	10	1
28	200	20	1

Will have an eco-innovation savings in

$$2012 \text{ of } (2*2*3.5 + 10*4) / (2*3.5 + 10 + 53) = 0.7714$$

$$2013 \text{ of } (2*2*3.5 + 10*4 + 10*10) / (2*3.5 + 10 + 53 + 10) = 1.925$$

While its average specific emissions of CO₂ will be in

$$2012 \text{ of } [(2*45*3.5 + 10*51 + 53*131) / 70] - 0.7714 = 110.2$$

$$2013 \text{ of } [(2*45*3.5 + 10*51 + 53*131 + 10*160) / 80] - 1.925 = 115.175$$

4.4 Calculation of the average mass

When calculating the average mass for the purpose of determining the specific emission target using the formula in Annex I for manufacturers, the Commission will consider all passenger cars without applying the provisions in Article 4 and Article 5 of the Regulation (EC) 443/2009.

5. POOLING

According to Article 7 of Regulation (EC) No 443/2009 manufacturers may form pools. There are two types of pools specified in paragraphs 5 and 6 of Article 7. Article 7(5) refers to open pools that are formed by any manufacturer either in or outside a group of connected undertakings. These pools are open to any other manufacturer wishing to enter the pool if the conditions under Article 7(5) are met.

Pools that are formed by manufacturers belonging to a group of connected undertakings can be referred to as closed pools and fall under Article 7(6). Manufacturers belonging to a group of connected undertakings will have to meet separate targets, unless they belong to a closed pool.

Manufacturers must pursuant to Article 9 of Regulation C(2010)7652 demonstrate that they fulfil the conditions for forming a closed pool and should submit that information using the functional mailbox EC-CO2-LDV-IMPLEMENTATION@ec.europa.eu.

The Commission will consider the year in which a pool was notified as the first year in which the pooling arrangement is applicable. The last year in which the pooling arrangement is applicable will be the year preceding the year in which the termination of the pooling arrangement is notified.