



Council of the
European Union

041719/EU XXVI. GP
Eingelangt am 09/11/18

Brussels, 9 November 2018
(OR. en)

14108/18

CLIMA 208
ENV 743
TRANS 529
MI 819
DELECT 147

COVER NOTE

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

date of receipt: 8 November 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: COM(2018) 735 final

Subject: REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT
AND THE COUNCIL on the exercise of the delegation conferred on the
Commission pursuant to Regulation (EC) No 443/2009 setting emission
performance standards for new passenger cars as part of the Union's
integrated approach to reduce CO₂ emissions from light-duty vehicles

Delegations will find attached document COM(2018) 735 final.

Encl.: COM(2018) 735 final



Brussels, 8.11.2018
COM(2018) 735 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the exercise of the delegation conferred on the Commission pursuant to Regulation
(EC) No 443/2009 setting emission performance standards for new passenger cars as
part of the Union's integrated approach to reduce CO₂ emissions from light-duty
vehicles**

1. Introduction

Regulation (EC) No 443/2009 of the European Parliament and of the Council¹ sets targets for the average CO₂ emissions from new passenger cars registered in the Union, to be achieved by means of improvements in vehicle technology and innovative technologies.

Regulation (EC) No 443/2009 empowers the Commission to adopt delegated acts, as referred to in Article 14a(2), with a view to:

- amending Annex II and adopt detailed rules for monitoring and reporting of data on average emissions, as provided for in Article 8(9);
- supplementing the Regulation, 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 CO₂ emissions, as provided for in Article 11(8);
- amending Annex I by 31 October 2014 (and every three years thereafter) to adjust the figure M0 to the average mass of new passenger cars in the previous three years, as provided for in Article 13(2);
- amending Annex I, to adapt the formulae to determine the indicative specific CO₂ emissions of passenger cars, as provided for in the second paragraph of Article 13(7).

2. Legal basis

With this report, the Commission aims to meet the obligation set by Article 14a(2) of Regulation (EC) No 443/2009. Under this Article, the Commission has the power to adopt delegated acts for a period of five years, running from 8 April 2014. The Commission is also required to present to the European Parliament and to the Council a report on the exercise of the delegation conferred by that Regulation. The report is to be drawn up not later than 9 months before the end of the five-year period of the delegation. The delegation of power is tacitly extended for periods of an identical duration, unless the European Parliament or the Council oppose such extension not later than three months before the end of each period.

3. Exercise of the delegation

Article 14a(2) of Regulation (EC) No 443/2009 empowers the Commission to adopt delegated acts referred to in Article 8(9), Article 11(8), the third paragraph of Article 13(2) and the second paragraph of Article 13(7) of that Regulation.

3.1 Article 8(9) of Regulation (EC) No 443/2009 requires the Commission to amend Annex II and lay down, by means of delegated acts, detailed rules for monitoring and

¹ 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 for light-duty vehicles, OJ L 140, 05.6.2009, p. 1.

reporting of data on average emissions of new passenger cars registered in the territory of the EU.

A delegated act² was adopted on 2 June 2017 and was submitted to the European Parliament and the Council for scrutiny. One of the objectives of the act was to adapt the reporting and monitoring requirement to the change in the regulatory test procedure for measuring such emissions (see section 3.4).

3.2 Article 11(8) of Regulation (EC) No 443/2009 requires the Commission to adopt delegated acts in order to supplement the Regulation, 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 CO₂.

Since the power to adopt delegated acts has been conferred on the Commission³, no delegated act has been adopted for the purpose of Article 11(8).

3.3 Article 13(2) of Regulation (EC) No 443/2009 requires the Commission to adopt delegated acts in order to amend by 31 October 2014 (and every three years thereafter) Annex I of that Regulation. The objective of this empowerment is to ensure a regular adaptation of the average mass value used for calculating the specific CO₂ emissions of new passenger cars, by taking into account the average mass of new vehicles registered in the Union in a preceding three year period.

The first delegated act⁴ was adopted by the Commission on 31 October 2014 and was submitted to the European Parliament and the Council for scrutiny. A second delegated act⁵ was adopted by the Commission three years later on 23 January 2018 and was submitted to the European Parliament and the Council for scrutiny.

3.4 The second subparagraph of Article 13(7) of Regulation (EC) No 443/2009 requires the Commission to adopt delegated acts in order to adapt the formulae set out in Annex I of that Regulation.

² Commission Delegated Regulation (EU) 2017/1502 of 2 June 2017 amending Annexes I and II to Regulation (EC) No 443/2009 of the European Parliament and of the Council for the purpose of adapting them to the change in the regulatory test procedure for the measurement of CO₂ from light duty vehicles, OJ L 221, 26.08.2017, p. 4.

³ Commission Regulation (EU) No 397/2013 of 30 April 2013 amending Regulation (EC) No 443/2009 of the European Parliament and of the Council as regards the monitoring of CO₂ emissions from new passenger cars, OJ L 120, 01.05.2013, p. 4-8.

⁴ Commission Delegated Regulation (EU) No 2015/6 of 31 October 2014 amending Annex I to Regulation (EC) No 443/2009 of the European Parliament and of the Council in order to take into account the evolution of the mass of new passenger cars registered in 2011, 2012 and 2013, OJ L 3, 07.01.2015, p. 1.

⁵ Commission Delegated Regulation (EU) No 2018/649 of 23 January 2018 amending Annex I to Regulation (EC) No 443/2009 of the European Parliament and of the Council as regards the evolution of the mass of new passenger cars registered in 2014, 2015 and 2016, OJ L 108, 27.04.2018, p. 14-15.

Commission Delegated Regulation (EU) 2017/1502 was adopted by the Commission on 2 June 2017 and was submitted to the European Parliament and the Council for scrutiny. The main objective of this legal act is to adapt the specific CO₂ emission targets and the reporting and monitoring requirement to the change in the regulatory test procedure for measuring such emissions. The World Harmonised Light Vehicles Test Procedure (WLTP) is set out in Commission Regulation (EU) 2017/1151⁶ and replaces the New European Driving Cycle (NEDC) pursuant to Commission Regulation (EC) No 692/2008⁷, with effect starting from 1 September 2017.

4. Conclusion

Regulation (EC) No 443/2009 has applied since 2009. So far, the Commission has adopted delegated acts to define and amend rules for monitoring and reporting of data on average emissions, in particular adjusting the target calculation formulae and mass values in Annex I and II to the Regulation. No objections have been raised as a result of the scrutiny of those acts by the European Parliament and the Council.

The Commission invites the European Parliament and the Council to take note of this report.

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

⁷ Commission Regulation (EC) No 692/2008 of 18 July 2008 implementing and amending Regulation (EC) No 715/2007 of the European Parliament and of the Council on type-approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, OJ L 199, 28.7.2008, p. 1.