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Committee on the Environment, Public Health and Food Safety

2012/0190(COD)

8.02.2013

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars (COM(2012)0393 – C7-0184/2012 – 2012/0190(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Thomas Ulmer

Rapporteur (*):

Fiona Hall, Committee on Industry, Research and Energy

(*) Associated committee – Rule 50 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in bold italics. Highlighting in normal italics is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in bold. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 443/2009 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new passenger cars (COM(2012)0393 – C7-0184/2012 – 2012/0190(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2012)0393),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0184/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2012,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on Transport and Tourism (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation – amending act

Recital 4

Text proposed by the Commission

Amendment

(4) In recognition of the disproportionate

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impacts on the smallest manufacturers resulting from compliance with specific emissions targets defined on the basis of the utility of the vehicle, high administrative burden of the derogation procedure and only marginal benefit in terms of avoided CO₂ from the vehicles sold by these manufacturers, producers responsible annually for less than **500** new passenger cars are excluded from the scope of the specific emissions target and the excess emissions premium.

impacts on the smallest manufacturers resulting from compliance with specific emissions targets defined on the basis of the utility of the vehicle, high administrative burden of the derogation procedure and only marginal benefit in terms of avoided CO₂ from the vehicles sold by these manufacturers, producers responsible annually for less than **1000** new passenger cars are excluded from the scope of the specific emissions target and the excess emissions premium.

Or. de

Amendment 2

Proposal for a regulation – amending act Recital 8

Text proposed by the Commission

(8) The Regulation requires the Commission to carry out an impact assessment in order to review the test procedures to reflect adequately the real CO₂ emissions behaviour of cars. This work is proceeding through the development of a World Light Duty Test procedure in the framework of the United Nations Economic Commission for Europe but is not yet complete. In view of this, Annex I to Regulation (EC) No 443/2009 establishes emission limits for 2020 as measured according to Regulation (EC) No 715/2007 and Annex XII to Regulation (EC) No 692/2008. When the *test procedures are amended*, the limits set in Annex I should be adjusted to ensure comparable stringency for manufacturers and classes of vehicles.

Amendment

(8) The Regulation requires the Commission to carry out an impact assessment in order to review the test procedures to reflect adequately the real CO₂ emissions behaviour of cars. This work is proceeding through the development of a World Light Duty Test procedure (***‘WLTP’***) in the framework of the United Nations Economic Commission for Europe but is not yet complete. In view of this, Annex I to Regulation (EC) No 443/2009 establishes emission limits for 2020 as measured according to Regulation (EC) No 715/2007 and Annex XII to Regulation (EC) No 692/2008. ***In order to enable manufacturers to plan in full knowledge of the provisions they will have to comply with, the existing test procedure should be retained until 2020 for the purposes of this regulation. From 2021, the WLTP should replace the current test procedure.*** When the ***WLTP is applied in 2021 for the purposes of this regulation***, the limits set in Annex I should be adjusted to ensure comparable stringency for

manufacturers and classes of vehicles.

Or. de

Amendment 3

Proposal for a regulation – amending act Recital 12

Text proposed by the Commission

(12) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to supplement the rules on derogations from the specific emissions targets, to amend data requirements for the purpose of monitoring of CO₂ emissions and to adjust the formulae for calculating the specific CO₂ emissions in Annex I to changes in the vehicle mass value and the regulatory test procedure for the measurement of specific CO₂ emissions *referred to in Regulation (EC) No 715/2007*. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment

(12) The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to supplement the rules on derogations from the specific emissions targets, to amend data requirements for the purpose of monitoring of CO₂ emissions and to adjust the formulae for calculating the specific CO₂ emissions in Annex I to changes in the vehicle mass value and the regulatory test procedure for the measurement of specific CO₂ emissions. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Or. de

Amendment 4

Proposal for a regulation – amending act Article 1 – point 2 Regulation 2009/443/EC Article 2 – paragraph 4

Text proposed by the Commission

‘4. Article 4, Article 8(4)(b) and (c), Article 9 and Article 10(1)(a) and (c) shall not apply to a manufacturer which is responsible together with all of its connected undertakings for less than **500** new passenger cars registered in the EU in the previous calendar year.’

Amendment

‘4. Article 4, Article 8(4)(b) and (c), Article 9 and Article 10(1)(a) and (c) shall not apply to a manufacturer which is responsible together with all of its connected undertakings for less than **1000** new passenger cars registered in the EU in the previous calendar year.’

Or. de

Amendment 5

Proposal for a regulation – amending act

Article 1 – point 2 a (new)

Regulation 2009/443/EC

Article 3 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(2a) In Article 3(1), point (f) shall be replaced by the following:

‘(f) ‘specific emissions of CO₂’ means the CO₂ emissions of a passenger car measured in accordance with Regulation (EC) No 715/2007 and specified as the CO₂ mass emissions (combined) in the certificate of conformity. For passenger cars which are not type-approved in accordance with Regulation (EC) No 715/2007, "specific emissions of CO₂" means the CO₂ emissions measured in accordance with the same measurement procedure as specified for passenger cars in Regulation (EC) No 692/2008, or in accordance with procedures adopted by the Commission to establish the CO₂ emissions for such passenger cars; *for the purposes of applying this point, changes to the measuring methods which are specified in Regulation (EC) No 715/2007 and Regulation (EC) No 692/2008 and enter into force on 1 January 2013 shall apply only from 1*

Amendment 6

Proposal for a regulation – amending act

Article 1 – point 3 a (new)

Regulation 2009/443/EC

Article 5

Text proposed by the Commission

Amendment

(3a) Article 5 is replaced by the following:

‘Article 5

Super-credits

(1) In calculating the average specific emissions of CO₂, each new passenger car with specific emissions of CO₂ of less than 50 g CO₂/km or with a minimum range of 40 km when running purely on electricity shall be counted as:

- 3.5 cars in 2012;*
- 3.5 cars in 2013;*
- 2.5 cars in 2014;*
- 2.5 cars in 2015;*
- 2.5 cars in 2016;*
- 2.5 cars in 2017;*
- 2 cars in 2018;*
- 2 cars in 2019;*
- 2 cars in 2020.*

(1a) Multiple counting pursuant to paragraph 1 shall apply only if the average specific emissions of CO₂ of a manufacturer in the calendar year concerned do not exceed its specific emissions target by more than 15%.

(1b) Between 2016 and 2020, manufacturers may save the super-credits provided for in paragraph 1 through entry in the register referred to in Article 8(3a).

(1c) Between 1 January 2016 and 31 December 2023, manufacturers may ask the Commission, in calculating the average specific emissions of CO₂, to take into account the super-credits they have saved pursuant to paragraph 3.'

Or. de

Amendment 7

Proposal for a regulation – amending act
Article 1 – point 4
Regulation 2009/443/EC
Article 5 a

Text proposed by the Commission

Amendment

(4) Following Article 5 the following article shall be inserted:

deleted

"Article 5a

Super-credits for 95 g CO₂/km target

1. In calculating the average specific emissions of CO₂, each new passenger car with specific emissions of CO₂ of less than 35 g CO₂/km shall be counted as 1.3 passenger cars in the period from 2020 to 2023 and as 1 passenger car from 2024 onwards.

2. The maximum number of new passenger cars to be taken into account in the application of the multipliers set out in paragraph 1 for the period 2020 to 2023 shall not exceed a cumulative total of 20 000 new registrations of passenger cars per manufacturer."

Or. de

Amendment 8

Proposal for a regulation – amending act

Article 1 – point 4 a (new)

Regulation 2009/443/EC

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(4a) In Article 8 the following paragraph is inserted after paragraph 3:

‘(3a) The Commission shall keep a register of the savings referred to in Article 5(1c). The register shall be open for inspection by the public.’

Or. de

Amendment 9

Proposal for a regulation – amending act

Article 1 – point 4 b (new)

Regulation 2009/443/EC

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

(4b) in Article 8, paragraph 4 is replaced by the following:

‘(4) The Commission shall keep a central register of the data reported by Member States under this Article. The register shall be open for public inspection.

By 30 June of each year, commencing in 2011, the Commission shall provisionally calculate the following for each manufacturer:

(a) the average specific emissions of CO₂ 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 CO₂ in the preceding calendar year as calculated pursuant to point (a) and its specific

emissions target for that year.

In addition, by 30 June each year, starting in 2016 and continuing up to and including 2023, the Commission shall provisionally calculate the following for each manufacturer:

(a) the average specific emissions of CO₂ in the preceding calendar year without taking into account the super-credits referred to in Article 5,

(b) the difference between its average specific emissions of CO₂ in the preceding calendar year as calculated pursuant to point (a) 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 for each Member State on the number of new passenger cars registered and their specific emissions of CO₂.

Or. de

Amendment 10

Proposal for a regulation – amending act

Article 1 – point 4 c (new)

Regulation 2009/443/EC

Article 8 – paragraph 5

Text proposed by the Commission

Amendment

(4c) in Article 8, paragraph 5 is replaced by the following:

‘(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.

From 2016 to 2023 inclusive, each

manufacturer shall, within three months of communication of the provisional calculation pursuant to paragraph 4, inform the Commission whether the Commission should take account of the super-credit referred to in Article 5 for the purpose of calculating its average specific emissions of CO₂ in the previous calendar year.

The Commission shall consider any notifications from manufacturers and may, by 31 October, either confirm or amend the provisional calculations under paragraph 4.

Or. de

Amendment 11

Proposal for a regulation – amending act

Article 1 – point 8 a (new)

Regulation 2009/443/EC

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

(8a) in Article 12, paragraph 1 is replaced by the following:

‘(1) Upon application by a supplier or a manufacturer, CO₂ savings achieved through the use of innovative technologies or a combination of innovative technologies (*‘innovative technology packages’*) shall be considered. The total contribution of those technologies to reducing the specific emissions target of a manufacturer may be up to 7 g CO₂/km.’

Or. de

Amendment 12

Proposal for a regulation – amending act

Article 1 – point 9

Regulation 2009/443/EC

Article 12 – paragraph 2

Text proposed by the Commission

(9) **In** Article 12(2), **the first sentence** is replaced by the following:

‘The Commission shall adopt detailed provisions for a procedure to approve the innovative technologies referred to in paragraph 1 by way of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) of this Regulation.’

Amendment

(9) Article 12(2) is replaced by the following:

‘(2) ‘The Commission shall adopt detailed provisions for a procedure to approve the innovative technologies ***or innovative technology packages*** referred to in paragraph 1 by way of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2) of this Regulation. ***The procedural provisions shall be based on the following criteria:***

(a) **the supplier or manufacturer must be accountable for the CO₂ savings achieved through the use of the innovative technologies *or innovative technology packages*;**

(b) **the innovative technologies *or innovative technology packages* must make a verified contribution to CO₂ reduction;**

(c) ***the impact of the innovative technologies and innovative technology packages on the specific emissions of CO₂ of a passenger car may not exceed 25% in the standardised test cycle; the innovative technologies and innovative technology packages must not be covered by mandatory provisions due to complementary additional measures complying with the 10 g CO₂/km reduction referred to in Article 1 or be mandatory under other provisions of Community law.***’

Or. de

Amendment 13

Proposal for a regulation – amending act

Article 1 – point 9 a (new)

Regulation 2009/443/EC

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

(9a) in Article 12, paragraph 3 is replaced by the following:

‘(3) A supplier or a manufacturer who applies for a measure to be approved as an innovative technology or innovative technology package 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 or innovative technology package 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.’

Or. de

Amendment 14

Proposal for a regulation – amending act

Article 1 – point 9 b (new)

Regulation 2009/443/EC

Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(9b) the following article is inserted after Article 12(4):

‘(4a) Once a year, the Commission shall submit to the Council and Parliament a report on innovative technologies and innovative technology packages which

have been approved and rejected.’

Or. de

Amendment 15

Proposal for a regulation – amending act

Article 1 – point 10 – point (b)

Regulation 2009/443/EC

Article 13 – paragraph 3

Text proposed by the Commission

(b) The second subparagraph of paragraph 3 is deleted.

Amendment

(b) Paragraph 3 is replaced by the following:

‘(3) From 2012, the Commission shall carry out an impact assessment in order to review by 2014, as provided for in Article 14(3), of Regulation (EC) No 715/2007, the procedures for measuring CO₂ emissions as set out under Regulation (EC) No 715/2007/EC with a view to applying a revised measuring procedure from 2021. The Commission shall, in particular, make appropriate proposals to adapt those procedures to reflect adequately the real CO₂ emissions behaviour of cars and to include the approved innovative technologies as defined in Article 12 that could be reflected in the test cycle. The Commission shall ensure that those procedures are subsequently reviewed on a regular basis.’

Or. de

Amendment 16

Proposal for a regulation – amending act

Article 1 – point 10 – point c

Regulation 2009/443/EC

Article 13 – paragraph 5

Text proposed by the Commission

5. By 31 December **2014**, the Commission shall review the specific emissions targets, modalities and other aspects of this Regulation in order to establish the CO₂ emission targets for new passenger cars for the period beyond 2020."

Amendment

5. By 31 December **2017**, the Commission shall review the specific emissions targets, modalities and other aspects of this Regulation in order to establish the CO₂ emission targets for new passenger cars for the period beyond 2020.'

Or. de

Amendment 17

Proposal for a regulation – amending act
Article 1 – point 10 – point d
Regulation 2009/443/EC
Article 13 – paragraph 7

Text proposed by the Commission

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 14a to adapt the formulae in Annex I in order to reflect any change in the regulatory test procedure for the measurement of specific CO₂ emissions referred to in Regulation (EC) No 715/2007 and Regulation (EC) No 692/2008 while ensuring that reduction requirements of comparable stringency for manufacturers and vehicles of different utility are required under the old and new test procedures.

Amendment

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 14a to adapt the formulae in Annex I in order to reflect any change in the regulatory test procedure for the measurement of specific CO₂ emissions referred to in Regulation (EC) No 715/2007 and Regulation (EC) No 692/2008 while ensuring that reduction requirements of comparable stringency for manufacturers and vehicles of different utility are required under the old and new test procedures. ***Deviations arising from the new test procedure must be fully adjusted. Such an adjustment shall apply from 1 January 2021.***

Or. de

EXPLANATORY STATEMENT

The purpose of this proposal is to bring about a further significant – but economically and environmentally defensible – reduction in CO₂ emissions from new vehicles by using modern propulsion concepts.

Since 2006 a fleet value of 160g CO₂/km has applied; the corresponding figures will be 130g CO₂/km from 2015 and now 95g CO₂/km from 2020. This is a very ambitious value. The rapporteur considers it important to attain this target, even though it represents the biggest reduction in recent years. Moreover, in its proposal COM(2012) 393 the Commission proposed reducing the slope of the target line for specific emissions of CO₂ from new passenger cars in Regulation (EC) No 443/2009 from $a = 0.0457$ to $a = 0.0333$. This constitutes a further 27% flattening of the line and will particularly impose higher costs on manufacturers of relatively large premium vehicles than on manufacturers of smaller vehicles. As, however, it is larger vehicles that generally play a pioneering role in vehicle technology, the rapporteur feels compelled to propose a realistic system of incentives, which will promote the development and use of new, less environmentally damaging propulsion concepts. The Member States' budgets must not suffer as a result, particularly not as a result of cross-subsidies. At the same time, he wishes to ensure that a broad range of manufacturers and new passenger cars survives in order to continue to facilitate fair competition among manufacturers of new passenger cars. Moreover, the EU should not adopt the objective of restricting individual freedom of choice of vehicle by law.

The incentive system should make it possible for all manufacturers to save 'super-credits' until 2020, which the Commission should administer by means of a register open to public inspection. Manufacturers will then be able to inform the Commission whether the super-credits they have accumulated should be taken into account flexibly per calendar year or not for the purpose of attaining their individual target. However, manufacturers will be allowed to have them taken into account only if in the calendar year concerned they do not exceed their specific emissions target by more than 15%. In addition, the only vehicles which should qualify for super-credits should be those whose specific CO₂ emissions do not exceed 50g CO₂/km or which have a range of at least 40 km when running purely on electricity. This will compel manufacturers to continue to invest more in alternative propulsion and to market their designs. The incentive system will expire in 2023. The multiplication coefficient will be phased out gradually: from 2018, it should be 2.

In order to help consumers to make comparisons, the fuel consumption of each model of each manufacturer should be measured by means of the standardised test procedure, the NEDC (New European Driving Cycle). The Commission and other institutions are currently working on a new alternative, the WLTP (Worldwide Harmonised Light Duty Test Procedure). In order also to enable manufacturers to plan in full knowledge of the provisions they will have to comply with, it is necessary to establish the NEDC as a basis for attaining the target of 95g CO₂/km by 2020. Thereafter, the WLTP should replace the old test cycle and be taken as a basis for determination of the post-2020 target.

Manufacturers of new cars and their suppliers should be encouraged to certify and incorporate technologies or technology packages (eco-innovations) which further reduce fuel consumption and the CO₂ emissions directly associated with it. As yet, there are no

recognised eco-innovations, because the test procedure is too lengthy and cost-intensive. The rapporteur therefore considers it necessary to provide an incentive for simplification of the recognition of innovative technologies or technology packages. As provided for in Regulation (EC) No 443/2009, the total contribution of those technologies to reducing the average specific emissions target of each manufacturer may be up to 7 g CO₂/km.

As it is not yet possible to tell what alternative propulsion concepts consumers will accept, it does not make sense to submit as early as 2014 a proposal for revision of the regulations for the period after 2020. The rapporteur considers that a worthwhile reassessment of the future market situation should not be performed before 2017.