

# Inquiry into emission measurements in the automotive sector

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The Committee of Inquiry into Emission Measurements in the Automotive Sector adopted the report prepared by Jens GIESEKE (EPP, DE) and Gerben-Jan GERBRANDY (ALDE, NL) on the inquiry into emission measurements in the automotive sector.

As a reminder, on 17 December 2015, the European Parliament decided to set up a **Committee of Inquiry** to investigate alleged contraventions and maladministration in the application of Union law in relation to emission measurements in the automotive sector.

The Committee of Inquiry adopted the following conclusions:

**Laboratory tests and real-world emissions:** the report noted the large discrepancies observed between the nitrogen dioxide emissions of most diesel cars measured during the type-approval process and those measured under real conditions.

Members considered that emission control technologies (ECTs) available at the time of adoption of the Euro 5 and 6 NO<sub>x</sub> emission limits, when properly applied, **already allowed diesel cars to meet the Euro 5 NO<sub>x</sub> emission limit of 180 mg/km and the Euro 6 NO<sub>x</sub> emission limit of 80 mg/km** by the date of their respective entry into force, in real world conditions and not only in laboratory tests. Evidence shows that the Euro 6 emission limits can be met in real-world conditions regardless of fuel type, if appropriate widely available technology is used.

Some car manufacturers have opted to use technology that assures compliance with emission limits only in laboratory test, not for **technical reasons but for economic reasons**.

In January 2011, the Commission launched the working group on real driving emissions - light duty vehicles (RDE-LDV). The RDE test was approved by the Technical Committee for Motor Vehicles (CTVM) on 28 October 2015.

Members stated that the Commission **failed to use the means at its disposal**, at the level of the TCMV and of the RDE-LDV working group, **to advance the decision-making process** and ensure a timely adaptation of the type-approval tests to reflect real-world conditions.

The Commission should have steered the RDE-LDV working group towards an earlier choice of the option of portable emission measurement systems (PEMS) testing. Moreover, the Member States' failure to take an active part in the "Real Driving Emissions – Light Duty Vehicles" (RDE-LDV) working group constitutes **maladministration**.

Members considered that the proposal for a **lower NO<sub>x</sub> emission limit value for diesel cars is justified** since there are standards in the world that are much stricter than those currently in force in the EU and because the technology already exists to reduce NO<sub>x</sub> emissions.

In conclusion, the Commission **lacked the political will** and decisiveness to act upon the seriousness of the high NO<sub>x</sub> emissions and to give priority to the protection of public health that was at stake.

**Defeat devices:** the report describes the different strategies used with regard to vehicles such as the use of banned defeated devices. It addresses the problems identified by the investigation with regard to the effective application of the ban on the use of defeat devices provided for in Union law.

Defeat devices, which were banned by Regulation (EC) No 715/2007, were generally not considered among the possible reasons behind the discrepancies between laboratory and on-road NO<sub>x</sub> emissions. It was not generally suspected that they could be in actual use in any **passenger car** produced in the EU.

Unlike in the case of heavy-duty vehicles, car manufacturers were not required to disclose or justify their emission strategies. Having such an obligation would facilitate controlling for defeat devices.

The report noted that **Member States contravened their legal obligation** to monitor and enforce the ban on defeat devices set out in Regulation (EC) No 715/2007.

Most Member States did not take steps to better understand the large discrepancies between emissions levels measured in the laboratory and on the road by carrying out additional tests.

The Commission did not fulfilled its legal obligation to **monitor the application of the prohibition on defeat devices** when it was aware of any illegal practices by manufacturers in breach of Regulation (EC) No 715/2007.

**Type-approval and in-service conformity:** the report analyses the functioning of the EU type-approval system and its alleged shortcomings, including regarding the provisions relating to in-service conformity and market surveillance.

**No specific EU oversight** of vehicle type-approval is provided for in the current framework, and the rules are subject to a variety of interpretations across the Member States, partly on account of the absence of an effective system for exchanging information among type-approval authorities and technical services. The level of technical expertise and human and financial resources may vary substantially between type-approval authorities and technical services.

Members considered that the Member States should have ensured that their type-approval authorities have **sufficient human and financial resources** to perform in-house testing.

They should have considered the potential **conflicts of interest** arising from the contracting of technical services by car manufacturers for carrying out tests. Moreover, they should have not relied on tests performed in the car manufacturers' certified laboratories under the supervision of technical services.

The Commission should have taken a more **prominent coordinating role** to ensure the uniform application of the EU legal framework

**Enforcement and penalties:** the report highlighted the problems in enforcing EU law on emission from light-duty vehicles as well as the penalties defined by the Member States.

Members pointed out that they have applied neither financial nor legal penalties to car manufacturers in the aftermath of the emissions case. No mandatory initiatives to recall or retrofit non-conform vehicles were taken, and no type-approvals were withdrawn. Where recalls or retrofitting took place, this was done as a voluntary initiative by car manufacturers, following public and political pressure.

National investigations have shown that a majority of diesel vehicles seem to employ defeat strategies. Inaction by the Member States authorities in this regard constitutes a contravention of EU law.

In general, **Member States have contravened their obligations** to implement the EU law on car emissions under the current system.