Recent developments on the Dieselgate scandal

2019/2670(RSP) - 28/03/2019 - Text adopted by Parliament, single reading

The European Parliament adopted by 301 votes to 181 with 42 abstentions, a resolution on recent developments in the 'Dieselgate' scandal.

Members noted that the legacy of highly polluting diesel vehicles remains largely untackled, as such vehicles will continue to have an adverse effect on air quality for many years to come if no effective coordinated action is taken by the Commission and the Member States to reduce the harmful emissions they produce. They recalled that Parliament had requested a comprehensive report from the Commission on the actions taken by the Commission and the Member States on the conclusions and recommendations of the Committee of Inquiry on Emission Measurements in the Automotive Sector ('EMIS Committee'). Parliament deplored the fact that the letter from the Commissioner for the Internal Market, Industry, Entrepreneurship and SMEs to the former Chair of the EMIS Committee failed to address the conclusions of the EMIS Committee.

Responsibilities of the Commission

Obstruction of the work of the EMIS Committee

Members recalled that on 12 October 2018 the European Ombudsman upheld the complaint made by a Member of the European Parliament and found that the Commission's refusal to grant public access to all positions of the representatives of the Member States relating to environmental information constituted maladministration. They considered that this obstructive behaviour on the part of the Commission led to a significant slowdown in the work of the EMIS Committee.

Parliament called on the Commission to:

- immediately send a comprehensive report, approved by the whole College, to Parliament, which will address not only the recommendations, but also the core of the investigative task of the parliamentary inquiry, i.e. the conclusions of the EMIS Committee, in particular as regards the cases of maladministration and contravention of EU law;

- grant access to the minutes of meetings of technical committees in general, and to those of its Motor Vehicles Technical Committee in particular.

Recall of vehicles

Parliament called on the Commission to publish guidelines on the recall of vehicles, outlining in detail how recalled vehicles must comply with the relevant EU regulations, including by applying hardware retrofits where software updates do not ensure compliance with emissions limits. It noted that the ECA briefing paper of 7 February 2019 on the EU's response to the 'Dieselgate' scandal observed that ongoing vehicle recalls have had a limited impact on NOx emissions, as have the software updates initiated in that regard.

Recall campaigns in the Member States concern only a limited number of cars from the following brands: Volkswagen, Renault, Daimler, Opel and Suzuki. The Commission was asked to include in the guidelines measures to ensure that highly polluting vehicles do not remain in circulation on the second-hand market, including in other Member States and third countries.

Amendment of real driving emission (RDE) test

Parliament welcomed the European Court of Justice ruling of 13 December 2018, which concluded that the Commission had no power to amend, as part of the second RDE package, the NOx emissions limits set by the Euro 6 standard, and noted that the CJEU also concluded that the Commission failed to provide a sufficient technical explanation for the need to adjust the NOx emissions limits with the introduction of conformity factors. Members considered that the NOx emissions limits set by the Euro 6 standard are to be met under normal conditions of use and that the responsibility of the Commission is to design RDE tests so that they reflect real-world emissions. Parliament was referring to the General Court of the European Union decisions on 13 December 2018, to uphold the actions brought by the cities of Paris, Brussels and Madrid and annulling in part Commission Regulation 2016/646, which had set excessively high nitrogen emission limits for the tests for new light passenger and commercial vehicles. It noted that on 22 February 2019 the Commission decided to appeal this judgment, which may push back the deadline established by the Court until which the so-called 'conformity factors' can stay in place.

Parliament called on the Commission to respect the emissions limits currently in force, which are to be complied with during real driving conditions, and not to introduce any new correction coefficients (i.e. conformity factors) that would make these legal limits less stringent. In this regard, it noted that President Juncker has proposed a revision of Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, in order to oblige Member States to be more transparent regarding the positions they adopt at committee level. Noting that this file is among the many that are blocked in the Council, Parliament urged the Council to adopt a general approach on the file.

Infringement cases

Parliament called on the Commission to proceed with the infringement cases against Germany, Italy, Luxembourg and the United Kingdom and issue reasoned opinions, noting that despite the fact that these procedures were launched more than two years ago, the Commission has still not pushed them beyond the stage of seeking further information from the Member States through additional letters of formal notice.

Responsibilities of Member States

Parliament called on Member States to implement as a matter of urgency the measures necessary to recall or withdraw from the market the large number of highly polluting cars, and to cooperate fully with the Commission on a common approach for recall actions on the basis of Commission guidelines. It also called on Member States and car manufacturers to coordinate ***mandatory hardware retrofits for non-compliant diesel vehicles***, including SCR hardware retrofits, to cut nitrogen dioxide (NO2) emissions and clean up the existing fleet, with the cost of these retrofits being borne by the car manufacturer responsible. It considered that Member States varying approaches in recalling vehicles and offering exchange programmes undermine consumer interests, the protection of the environment, the health of citizens and the functioning of the internal market. Members noted that in the United States, Dieselgate victims have received between USD 5 000 and USD 10 000 in compensation payments, while European consumers are still waiting for proper compensation.

They also called on Member States to:

- ensure the effectiveness of market surveillance checks and to test cars in circulation beyond RDE parameters to ensure that manufacturers do not optimise vehicles for these RDE tests using their own facilities;

- prevent car manufacturers from using new flexibilities in the worldwide harmonised light vehicle test procedure (WLTP) laboratory test as a means of lowering their CO2 emissions;

- adjust vehicle taxation and fiscal incentives to WLTP values, respecting the principle that WLTP should not have a negative impact on consumers.