Request 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

We, Members of the European Parliament, hereby request to set up a Committee of Inquiry to investigate alleged contraventions and maladministration in the application of EU law in relation to emission measurements in the automotive sector.

Subject of the inquiry:

The aim of the inquiry would be to investigate alleged contraventions of Union law and alleged maladministration in the application of Union law which appear to be the act of an institution or body of the European Union and public administrative bodies of Member States. In particular, the inquiry shall:

- investigate the alleged failure of the Commission to comply with the obligation imposed by Article 14(3) of Regulation (EC) No 715/2007of the European Parliament and the Council of 20 June 2007, on the 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 , to keep under review the test cycles used to measure emissions, and to adapt them if they are no longer adequate or no longer reflect real world emissions, so as to adequately reflect the emissions generated by real driving on the road despite information related to serious and persistent exceedances of the emissions limit values for vehicles in normal use, in contravention of the obligations set out in Article 5(1) of Regulation (EC) No 715/2007 , including the Commission's Joint Research Centre's reports of 2011 and 2013 and research by the International Council on Clean Transportation (ICCT) made available in May 2014;
- investigate the alleged failure of the Commission and the Member States' authorities to take proper and effective action to oversee the enforcement and enforce the explicit ban on defeat devices, as provided for in Article 5(2) of Regulation (EC) No 715/2007;
- investigate the alleged failure of the Commission to introduce tests reflecting the real-world driving conditions in a timely manner and to adopt measures addressing the use of defeat mechanisms, as provided for in Article 5(3) of Regulation (EC) No 715/2007;
- investigate the alleged failure of Member States to lay down provisions on effective, proportionate and dissuasive penalties applicable to manufacturers for infringements of the provisions of Regulation (EC) No 715/2007, including the use of defeat devices, the refusal to provide access to information, and the falsification of test results for type-approval or in-service conformity, as required by Article 13(1) and 13(2) of that Regulation;
- investigate the alleged failure of the Member States to take all measures necessary to ensure that the provision on penalties applicable for infringements of Regulation (EC) No 715/2007 are implemented as required by Article 13(1) of that Regulation;
- collect and analyse information to ascertain whether European Commission and the Member States had evidence of the use of defeat mechanisms before the Notice of Violation issued by the US Environmental Protection Agency on 18 September 2015;

- collect and analyse information on the implementation by the Member States of the provisions of Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007, establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, in particular as regards Art 12(1) and 30(1)(3)(4);
- collect and analyse information to ascertain whether European Commission and the Member States had evidence of defeat devices being used for CO2 emissions tests;
- make any recommendations that it deems necessary in this matter.

Background:

On 18 September 2015, the United States Environmental Protection Agency (EPA) and California Air Resources Board (CARB) both issued a notice of violation of the pollution rules applicable to Volkswagen AG, Audi AG and Volkswagen Group of America (collectively known as "VW"). The investigation began following research carried out on nitrogen oxide (NOx) emissions from diesel vehicles, conducted by a non-governmental organisation called the International Council on Clean Transportation (ICCT) in cooperation with researchers and scientists from the Centre for Alternative Fuels Engines and Emissions at West Virginia University, and the results of this research were published online and submitted to the EPA and the CARB in May 2014.

The ICCT research results were made available simultaneously to the European Commission and national type-approval authorities (TAAs) and to the US authorities.

Article 5(1) of Regulation (EC) No 715/2007 of the European Parliament and the Council of 20 June 2007 on type-approval of motor vehicles regarding emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (hereinafter - Regulation (EC) No 715/2007), requires manufacturers to equip their vehicles so that they meet the emission requirements in normal use. The Euro 5 limit value for NOx emissions from diesel vehicles is 180 mg/km, applicable to vehicles type-approved between 1 September 2009 and 1 September 2014, and to all vehicles sold between 1 January 2011 and 1 September 2015. The corresponding Euro 6 value is 80 mg/km, applicable to new types since 1 September 2014, and to all vehicles sold since 1 September 2015. Euro 6 vehicles registered before the standard was introduced as a legal limit have benefited from tax rebates in many Member States. Independent test results confirm significant discrepancies between the limits and actual vehicle emissions in normal use for both standards.

An analysis by the Commission's Joint Research Centre[1] in 2011 came to the conclusion that NOx emissions from diesel vehicles measured with Portable Emission Measurement Systems (PEMS) substantially exceed respective Euro 3-5 emission limits, ranging from a factor of 2-4 for average NOx emissions over entire test routes, up to a factor of 14 in individual test windows. Another JRC report[2] published in 2013 referred to conclusions that Euro 6 vehicles may even exceed the emission levels of Euro 5 vehicles. This report also mentioned loopholes in the currently applied test procedure which allow, though this is clearly prohibited by Article 5(2) of Regulation (EC) No 715/2007, for the use of defeat devices, which are defined as any element of

[1] Analysing on-road emissions of light-duty vehicles with Portable Emission Measurement Systems (PEMS), JRC 2011.
[2] A complementary emissions test for light-duty vehicles: Assessing the technical feasibility of candidate procedures, JRC 2013.

design which senses temperature, vehicle speed, engine speed (RPM), transmission gear, manifold vacuum or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system to reduce the effectiveness of the emission control system under conditions which may reasonably be expected to be experienced in normal vehicle operation and use". Regulation (EC) No 715/2007 explicitly invites the European Commission to introduce tests and adopt measures addressing the use of defeat mechanism.

Article 14(3) of Regulation (EC) No 715/2007 obliges the Commission to keep under review the test cycles used to measure emissions and, if the tests are found to be no longer adequate or no longer reflecting real world emissions, to adapt them so as to adequately reflect the emissions generated by real driving on the road. .

Under Article 13(1) and 13(2)(d), Member States have an obligation to lay down provisions for effective, proportionate and dissuasive penalties for infringement of the provisions of the Regulation by manufacturers, including the use of defeat devices, and to take all measures necessary to ensure that they are implemented. The Regulation also explicitly invites the Commission to introduce tests and to adopt measures addressing the use of defeat mechanisms (Article 5(3)).

According to the provisions of Directive 2007/46/EC of the European Parliament and the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, conformity of production tests may be carried out on samples of vehicles fresh from the production line and ensure that their emissions values are in line with those measured at type-approval. In-service conformity tests may be carried out on vehicles that have been in use over a certain number of kilometers or years, to ensure that they still have a pollution performance that is within a certain margin of the type-approval values.

In 2011 air pollution caused more than 430,000 premature deaths in the EU and it costs up to an estimated EUR 940 billion annually in lost productivity as a result of health impacts. NOx is not only a major air pollutant and a precursor to several other pollutants, such as ozone and particulate matter, but also causes, inter alia, lung cancer, asthma and many respiratory diseases, as well as environmental degradation such as eutrophication and acidification. Diesel vehicle exhausts are a principal source of NOx in urban areas in Europe. Up to a third of the EU's urban population continues to be exposed to levels above the limits or target values set by the EU. Transport continues to be a main contributor to poor air quality levels in cities, and the related health problems. Over 20 Member States are currently failing to meet the EU air quality limits under Directive 2008/50/EC on ambient air quality, in particular because of urban pollution, for which 21 infringement actions against the Member States have been launched. Since 2012, the WHO International Agency for Research on Cancer (IARC) has classified diesel engine exhaust as a carcinogen, and has advised that, given the additional health impacts of diesel particulates, exposure to the mixture of chemicals emitted should be reduced worldwide.

Annex I

Draft proposal for a decision on setting up a Committee of Inquiry on emission measurements in the automotive sector, , its powers, numerical strength and term of office.

The European Parliament,

– having regard to the request presented by [XX] Members for a committee of inquiry to be set up to investigate alleged contraventions and maladministration in the application of Union law in relation to emission measurements in the automotive sector,

– having regard to the proposal by the Conference of Presidents,

– having regard to Article 226 of the Treaty on the Functioning of the European ,

– having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry[3],

– having regard to Regulation (EC) No 715/2007 of the European Parliament and the Council of 20 June 2007 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,

– having regard to Directive 2007/46/EC of the European Parliament and the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles,

- having regard to Directive 2008/50/EC of the European Parliament and the Council of 21 May 2008 on ambient air quality and cleaner air for Europe and ongoing infringement procedures,

– having regard to its resolution of 27 October 2015 on emission measurements in the automotive sector, which calls for a thorough investigation regarding the role and responsibility of the Commission and of Member States' authorities, bearing in mind inter alia the problems established in the 2011 report of the Commission’s Joint Research Centre,

– having regard to Regulation (EC) No 443/2009 of the European Parliament and the Council of 23 April 2009 setting emission performance standards for new passenger cars as part of the Community's integrated approach to reduce CO 2 emissions from light-duty vehicles,

– having regard to the draft Commission Regulation amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro6) (D042120),

– having regard to the opinion delivered on 28 October 2015 by the Technical Committee – Motor Vehicles (TCMV) established by Article 40(1) of Directive 2007/46/EC,

– having regard to Rule 198 of its Rules of Procedure,

[3] OJ L 113, 19.5.1995, p. 1.

1. Decides 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, without prejudice to the jurisdiction of national or Union courts .

2. Decides that the Committee of Inquiry shall:

   - investigate the alleged failure of the Commission to comply with the obligation imposed by Article 14(3) of Regulation (EC) No 715/2007, to keep under review the test cycles used to measure emissions, and to adapt them if they are no longer adequate or no longer reflect real world emissions, so as to adequately reflect the emissions generated by real driving on the road despite information related to serious and persistent exceedances of the emissions limit values for vehicles in normal use, in contravention of the obligations set out in Article 5(1) of Regulation (EC) No 715/2007 , including the Commission's Joint Research Centre's reports of 2011 and 2013 and research by the International Council on Clean Transportation (ICCT) made available in May 2014;

   - investigate the alleged failure of the Commission and the Member States' authorities to take proper and effective action to oversee the enforcement and to enforce the explicit ban on defeat devices, as provided for in Article 5(2) of Regulation (EC) No 715/2007;

   - investigate the alleged failure of the Commission to introduce tests reflecting the real-world driving conditions in a timely manner and to adopt measures addressing the use of defeat mechanisms, as provided for in Article 5(3) of Regulation (EC) No 715/2007;

   - investigate the alleged failure of Member States to lay down provisions on effective, proportionate and dissuasive penalties applicable to manufacturer for infringements of the provisions of Regulation (EC) No 715/2007, including the use of defeat devices, the refusal to provide access to information, and the falsification of test results for type-approval or in-service conformity, as required by Article 13(1) and 13(2) of that Regulation;

   - investigate the alleged failure of the Member States to take all measures necessary to ensure that the provision on penalties applicable for infringements of Regulation (EC) No 715/2007 are implemented as required by Article 13(1) of this Regulation;

   - collect and analyse information to ascertain whether the Commission and the Member States had evidence of the use of defeat mechanisms before the Notice of Violation issued by the US Environmental Protection Agency on 18 September 2015;

   - collect and analyse information on the implementation by the Member States of the provisions of Directive 2007/46/EC , in particular as regards Art 12(1) and 30(1)(3)(4);

   - collect and analyse information to ascertain whether the Commission and Member States had evidence of defeat devices being used for CO2 emissions tests;

   - make any recommendations that it deems necessary in this matter.

3. Decides that the Committee of Inquiry shall present an interim report within 6 months of starting its work, and shall submit its final report within 12 months of the adoption of this decision.

4. Decides that the Committee of Inquiry shall have [XX] members

5. Instructs its President to arrange for publication of this decision in the Official Journal of the European Union.

SUPPORTING SIGNATURES

Request to set up a Committee of Inquiry to investigate alleged contraventions and maladministration in the application of EU law in relation to emission measurements in the automotive sector.

Name	Signature