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How did the car industry manage to undermine EU pollution limits?

The dangers of technocratic decision-making on public health and the environment

Despite an EU law limiting the amount of pollution that cars could emit (dating back from 2007!), the car industry - together with complicit EU governments - managed not only to delay the implementation of the rules, but to insert massive loopholes that essentially rendered the new pollution limits meaningless. How this happened is a scandal that is yet to be fixed.

The 'Dieselgate' scandal shed light on the whole charade. It was sparked when the USA's environmental protection agency figured out that car manufacturers were cheating on emissions tests. Whenever their cars were being checked by the government for compliance with the pollution limits, they would switch on a special software to fake the results, making it look like they were polluting much less. This led to the premature death of 72,000 EU citizens every year.

But that was 'just' the tip of the iceberg. Underneath the obvious cheating on emissions tests by car manufacturers was a murky world in which secretive, technocratic decision-making processes that nobody really cared about were used - and abused - to undermine laws that had been adopted in a transparent and democratic process. These laws were supposed to protect people's health, consumer's rights and the environment - but instead they were twisted to the benefit of the car industry.

The obscure decision-making that allowed this to happen is known in the Brussels bubble as 'comitology'. It almost makes you wonder whether they specifically chose a boring name in order to kill people's curiosity and avoid public scrutiny, as this is only one example of comitology being used to undermine the very legislation it was supposed to be implementing. A report by Cécile Robert (summary here) highlights several more - and 'comitology' has also been problematic in the case of GMOs or endocrine disrupters, which are basically chemicals that can mess with your hormones.

What is comitology and why does it need to be reformed?

The idea behind comitology is that it is a purely technical process whereby experts meet to decide how exactly to implement EU laws in practice. Because it is technical, the EU Parliament has no real role in the process. Instead, the European Commission takes on a powerful position. Together with representatives from the Member States and experts that usually come from the same industries that the regulation is supposed to be applied to, they decide on how to translate the new EU laws into real life.

But there is very little transparency. We don't even know who is attending the meetings on behalf of the member states, and there are even examples of governments sending industry representatives to these important meetings.

In the case of the car emissions legislation, car industry experts were not only given a disproportionate number of seats at the table, but some EU governments - notably Germany - were actively defending their national car industries to the detriment of the environment, citizens, and the limits defined by the EU law.

The European Commission justified the technocratic manipulation of the law by claiming that new emissions testing methods were more stringent and that therefore some leeway needed to be given to car manufacturers. But in reality, because of the secretive and obscure nature of comitology, the Commission, EU governments and the car industry watered down the legislation so that cars were allowed to pollute more than double the legal limit. And actually the car industry was cheating on those emissions tests anyway.

Obviously the comitology system needs to be urgently reformed. The more scandalous examples of undemocratic loophole-engineering pop up, the greater the mistrust towards EU decision-making becomes. We want to make sure that when citizens successfully push for EU legislation that protects health and the environment, it is not then secretly destroyed behind closed doors.

Luckily the European Commission has proposed to reform the system. We think a major overhaul is necessary if we are to achieve greater transparency, legitimacy and democracy in EU law-making, but the Commission's proposal is a good basis from which to start. The only hitch is in the Council, where apparently the EU governments do not really want to change the status quo. But GreensEFA will fight hard for a better process next term - because even if 'comitology' is anything but sexy, it is still essential for democracy.

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Attached documents

Recommendations on how to reform COMITOLOGY_EN
Summary Undemocratic Decision making The case of comitology_EN
Recommandations sur la comitologie
Sommaire Les usages politiques de l'expertise dans la comitologie_FR
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