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1 year Dieselgate

EMIS interim report to be voted

Since March of this year, the EMIS inquiry committee has been investigating possible maladministration on the part of the European Commission or Member States authorities in relation to the implementation of European emissions legislation. With the committee's interim report due to be debated in the European Parliament this week, we take a look at the key findings of the inquiry so far.

The first part of the inquiry commission focused on gathering evidence on NOx emissions from diesel vehicles by holding hearings with representatives from the Joint Research Centre (JRC), emission control technology developers, academic experts, civil society organisations, the European Environment Agency and car manufacturers. The committee has also heard from representatives of the Commission and reviewed the documentation they have made available so far.

From the testimonies, it is clear that the evidence of huge discrepancies between diesel NOx emissions in real driving and the legal limit values was known - and tolerated - for almost a decade. The very serious impact of NO2 emissions on health - accounting for 75,000 premature deaths per year in 2015 alone - and the decisive role of excessive diesel vehicle NOx emissions were also increasingly apparent over the years.

Confronted with this, Commission representatives have claimed that they were unable to act, as a) there was no reason to suspect the use of defeat devices, and b) the difference between test and real driving was due to the inadequacy of the test procedure in capturing on the road driving. However, given the limit values were explicitly set for "normal use" to take account of the inadequacy of the test, this argument doesn't stack up.

On the basis of the hearings and evidence of emission control technology manufacturers, it is clear that the technology for meeting the legal standards on the road was available even at the time of the adoption of emission limit values established in the EUR 5/6 regulation in 2007. In addition, those technologies can function effectively, without damage to the engine, in normal operating conditions, at temperatures above freezing and in the normal range of temperatures across Europe. There seems to be no technical explanation why diesel vehicles would need to switch off their emission control systems below 20°, 17°C or 10°C, or after 22 minutes, as revealed by recent test performed in national investigations.

It seems that the Commission services responsible for the automotive industry turned a blind eye to

mounting evidence that should have triggered suspicion and further investigations. After measurements by the JRC in 2006 revealed huge discrepancies in two diesel cars, the notion of the use of defeat strategies, which shut down the emission control systems under certain operating conditions, was given as a possible explanation. Why then, did neither the Commission nor Member States request further investigation on the use of emission control strategies?

Further testing was performed by JRC, revealing the same discrepancies for a larger number of diesel vehicles, but results were not released until 2010. When finally publicly disclosed (as anonymised results) in 2011, the responsible Commission services still failed to take action, despite the growing pleas from its environmental DG. The only outcome was to (reluctantly) address the problem of the revision of the test cycle. However, no effort was made to ensure that existing law was properly implemented by Member States, i.e. by requiring that "manufacturers equip vehicles so as to enable the vehicle, in normal use, to comply with the regulatory limit values" (Art.5.1 of Regulation 715/2007/EC), by introducing penalties as dissuasive tools against the use of defeat devices, or by initiating infringement action.

The hearings with car manufacturers were even more worrying. It became clear that they purposely misinterpreted the law, claiming that limit values needed to be achieved only in the test cycle, in blatant opposition to requirements of the EU law.

Hearings of Member States representatives and type-approval authorities will be taking place in the second part of the inquiry committee mandate. It will be important to establish the reasons and shortcomings that led to the failure of the Member States authorities to effectively implement and enforce the EU Regulation. The conclusions of the national investigations are also questionable, in as far as they failed to take proper account of the ban on defeat devices and strategies, and the obligation upon manufacturers to ensure emission limits are met in normal use.

Whether maladministration by the Commission and Member States authorities was responsible for the misinterpretation of the law by manufacturers or not, one year on since the dieselgate scandal emerged as an unprecedented European industrial fraud, no concrete action is being taken, either by the Commission or the Member States, to ensure manufacturers comply with the law, to protect citizen's health, and to restore consumer confidence in the automotive industry.

- **Read the interim report**
- **Read the reaction of MEP Claude Turmes on the adoption of the interim report**
- **Visit our page on dieselgate**

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