



**To the attention of:**

President of the European Commission Jean-Claude Juncker

Vice-President Frans Timmermans

Vice-President Maros Šefčovič

Commissioner Miguel Arias Cañete

Commissioner Violeta Bulc

Commissioner Elżbieta Bienkowska

Commissioner Karmenu Vella

Strasbourg, 07 October 2015

Dear President Juncker,

Dear Commissioners,

The notice of violation issued by the U.S. Environmental Protection Agency to Volkswagen has major implications for the European Union, notably in the fields of health and environment protection, the integrity of the internal market and industrial policy. In a more general perspective, it also raises questions about the way this important industry is regulated. The revelations require a response from the Commission on a number of levels. However, in our view, having regard in particular to the declarations of Commissioner Bienkowska in the European Parliament plenary on 6 October, we believe it has yet to do so on the Volkswagen case. This scandal requires a response from several Commissioners. If the European Commission takes air quality seriously, or the environment, or the credibility of the European economy, it should show leadership in its response to this issue. So far, this has not been the case and the Commission's inaction threatens to further undermine the credibility of the European project.

Regulation 715/2007/EC on emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) is one of the main instruments addressing and reducing the major public health and environmental impacts of road transport. The Regulation explicitly prohibits the use of defeat mechanisms that reduce the effectiveness of emission control systems.



The information on the discrepancy of the performance of the particular VW engines in the test cycle compared to normal use was available to the competent type approval authorities in the Union. The engines were approved to conform to Euro5 standard in the Union market, valid for new type approvals from 1 September 2009 until 1 September 2014. Where the US authorities (California Air Resource Board and EPA) launched investigations, no enforcement action has taken place in the EU market. In view of this lack of action we demand full disclosure from the Commission of email conversations between EPA and the Commission, and between the Commission and Member States with relation to the found performance discrepancies. It is essential that the European Commission fully assumes its responsibility for enforcing EU law and its treaty obligations to ensure robust enforcement of EU legislation in the field of protection of public health and the environment. While Volkswagen has already admitted to having installed defeat devices to vehicles sold in the EU, we would urge the Commission initiate infringement procedures against the German authorities for failing to enforce the provisions of Regulation 715/2007/EC.

As there is reason to suspect that the case of Volkswagen may not be isolated, we expect the Commission also to launch an investigation on the the performance of vehicles sold in the Union in normal use, as regards the pollutant limit values and advertised greenhouse gas emissions/km. Independent research indicates many vehicles, which have passed the type approval test cycle for pollutants, are far in excess of EU limit values on pollutants as set out under the Euro 5/6 legislation. The Commission must finally act, establish the facts, and ensure that any discrepancies are followed up with enforcement action and vehicle recalls to ensure optimal functioning of the emission control systems installed in vehicles used on European roads.

A robust testing procedure for measuring realworld driving emissions under Euro 5/6 is urgently needed. In reaction to the delays and attempts from the vehicle manufacturers and some member states to water down proposals for a real world driving emissions test in comitology, the European Parliament's Environment committee voted to require that the Commission introduce a real driving emissions test for all vehicles type-approved or registered from 2015. This should ensure the effectiveness of emission control systems and enable the vehicle to comply with the Euro5/6 Regulation with a Conformity Factor reflecting only the possible tolerances of the emissions measurement procedure in place by 2017. The new test should be performed on production vehicles instead of specially prepared "golden vehicles" which differ significantly from those sold. We expect the Commission to support the Parliament in establishing the framework for such a test at the level of the legislation, to ensure that the law finally delivers the necessary improvements to air quality. The emission control technologies are available, and considering EU standards for NOx for diesel vehicles allow double the US federal standard emissions, any extra leeway or time for meeting the limit values agreed by legislators in 2006 cannot be tolerated.

As far as EU competition law is concerned, if it is established that the car industry and/or its suppliers obtained fiscal incentives related to environmentally-friendly cars that have been proven not to meet the legal specifications to make them actually eligible, we believe that these incentives need to be recovered. Indeed, not doing so would amount to a distortion of competition as they would have received unwarranted subsidies that in our view constitute illegal state aid. While time has to be left to the member states concerned to act, we believe it is the role of the European Commission to strongly encourage them to do so, lest illegal state-aid procedures be started.



These revelations underline serious problems with the monitoring and enforcement of European legislation. It is apparent that the automotive industry enjoys a special status in many member states, which may lead to regulatory capture by enterprises that have acquired a too-big or too strategic-to-fail position. In that perspective, there is an inherent potential conflict of interest in making one national authority solely responsible for testing vehicle compliance with EU pollutant limits. We need an EU-level authority for monitoring compliance with EU law and ensuring proper enforcement, with penalties for non-compliance. The Commission must come forward with a proposal to this end.

This scandal poses a serious threat to one of Europe's major industrial sectors. While we believe that our mobility mix needs to be rebalanced towards more collective and sustainable means, we need a coherent and concerted European response to restore credibility in the automobile sector. European policy must finally properly motivate car manufacturers to make the shift towards producing more efficient and less polluting cars. This shift is inevitable at global level and if Europe car manufacturers want to retain any significance in their industry, they have no choice but to lead in a transformation to cleaner cars. That ambitious policy helps has been proved by California which for example allows only half of the current European NOx values. One could argue Tesla is the result of this. It is time European policy encourages our car industry to go in the same direction before it is left behind.

We count on you to make sure that the European Commission leads this collective and concerted effort; you can count on our full and constructive support in this crucial endeavour.

Sincerely yours

Rebecca Harms

Philippe Lamberts

Co-Presidents  
Greens/EFA Group in the European Parliament