

Written questions to Mr Alexander Dobrindt, Federal Minister of Transport and Infrastructure of Germany - EMIS hearing of 20/10/2016

This proposal is based on questions submitted by Political Groups: EPP, S&D, ECR, ALDE, GUE/NGL, Greens/EFA

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1.	Back in 2007 your Government, together with other European governments, agreed on legislation on defeat devices. Back then you took all the enforcement of this ban (Article 5(2) of Regulation (EU) No 715/2007) to the national level, in the case of Germany to type-approval authority Kraftfahrtbundesamt (KBA). Did your government raised the issue of ambiguity of the rules back then and asked for more clarity from the Commission? If not - why didn't you take the steps to enforce the ban and check if carmakers are manipulating the defeat device derogations you agreed as member of the Council?
2.	The KBA claims that FIAT in certain light-duty vehicles (such as the Fiat 500x) uses defeat devices within the meaning of Article 5 of Regulation (EU) No 715/2007 without any justified reason. Your Ministry for Transport and Digital Infrastructure and you personally have even addressed this issue with the European Commission. Can you please comment on the results of your investigations on this alleged illegal defeat device, as well as on the reactions of European Commission and Italy?
3.	Your tests on some of the Opel models that your authority has approved showed that some cars switch off emission control in as high temperatures as 17C. Under the current rules you're the only government that can take action and require compliance/changes to these vehicles as you've approved them - what action have you taken? Will you let Opel sell vehicles that don't clean their exhaust below 17C in Europe?
4.	According to Commissioner Bieńkowska, the Commission is waiting for information from Germany before it can provide guidance on the legality of defeat devices. Commissioner Bieńkowska told EMIS that "in order to be able to properly assess the content of the national reports and to compare their findings, the Commission would however require the detailed data behind the aggregated results which are not public and up to now these have not been submitted. I have asked the relevant Member States to transmit this additional information to Commission services. I am expecting further input from Member States and I will take all necessary steps to obtain the information." However, according to you, the German authorities have already provided everything. Can you explain the

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	reason behind this conflict? What information has been requested from the Commission and why is it being withheld?
5.	<p>As part of the German national investigation into the emissions scandal, the KBA tested 53 different vehicles and found that carmakers were making liberal use of what you described as ‘thermal window’ strategies. Despite these suspicious results, the German transport ministry accepted the justification provided by the carmakers: “Concerning the lawfulness of the broad interpretation of the temperature range used to protect the engine, the manufacturer says, and substantiates, that this is necessary to protect the engine from damage”.</p> <p>This does not give any details of how the manufacturers justified their claims, based on the exemption provided in the legislation. Why not? Do you think the wide temperature discrepancy used by manufacturers to turn off (or reduce) EGR shows that some manufacturers are doing so unnecessarily? Why was this not followed up in the investigation?</p>
6.	<p>As reported by the Deutsche Welle (link below), the Industry Commissioner Bienkowska said during the EMIS hearing on 12.09.2016 that she “had called upon EU member states to investigate how defeat devices were used on their soil and asked them to report back to her. Only four states - Denmark, Britain, France and Italy - have done so thus far”. Bienkowska announced further that “any country that is found to have turned a blind eye to emission violations would be investigated themselves for breaches of EU law and could possibly face fines. If they do not honor these rules, there must be consequences,” the commissioner said. As Germany does not seem to have yet reported back to the Commissioner, do you feel to dishonor the EU law? Do you expect to be facing any consequences? http://www.dw.com/en/eu-to-crack-down-on-states-over-vw-scandal/a-19547811</p>
7.	<p>How do you understand the purpose of the type approval procedure? Is this procedure meant to verify the capacity of the vehicle to comply with the requirements for the use (on the road) or to comply with the laboratory test conditions under predefined cycle tests on bench whose nature does not correspond anymore to the real-driving conditions for many years. Would you deny that the cars should comply, regarding the purpose of EURO 5 / 6 Regulation, with the emission limits under in the real-driving conditions? Would you support the view that type approval procedure is then to certify the readiness and durability of the vehicle and all of his devices for the operation on the road under normal conditions of use to guarantee all device are constructed in a way that ensures full function ‘in normal use’, in normal European ambient temperatures and heights and over the whole normal life time of the vehicle (respectively corresponding to 160.000 km of use)? Would you confirm this conclusion?</p>

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8.	<p>According to the testimony made by Deutsche Umwelthilfe (DUH) in front of the EMIS Committee, DUH informed the German authorities of irregularities regarding the NOx lab tests and RDE emissions measurement by diesel passenger cars already back in 2011, but no investigation followed. Could you comment on those statements and confirm or deny that any contacts have been made by DUH regarding this issue to the Federal Ministry? If yes, what was the follow-up or conclusions made?</p>
9.	<p>It seems that the type approval authority KBA has come out clean of the VW scandal. Is this really the case? Based on your 'Report by the "Volkswagen" Commission of Inquiry' we have following questions relating to the measures taken on the national level in Germany:</p> <p>1) Emission re-examinations by the KBA: the KBA will regularly take vehicles from the market and check them for regularity. How will the funding of these activities, especially taking vehicles from the market, be carried out?</p> <p>2) State-backed Test Facilities for Re-examinations - Additional and independent checks conducted by the KBA at its own test stations are intended to become part of an independent inspection process. Could this be a model for other member States also? How do you see the role of KBA being a possible leading independent inspector in wider than context of Germany? Would it be possible for the other Member States to purchase services from KBA?</p>
10.	<p>The investigation performed by UK, IT, FR and by your Ministry this year found out that a large proportion of cars performed much worse when tested on NEDC cycles at hot start rather than at cold start (cold start being the condition of the NEDC homologation cycle). According to the Financial Times(1), a CARB official from the US involved in uncovering the use of defeat device in the US was quoted to say that "it became "abundantly clear" something was off, because the car being tested was running "more cleanly when it was cold than when it was hot, contrary to all tenets of automotive engineering," ". With abundant evidence of the same type of behaviour of vehicles tested in EU since one year, why are you not suspecting the potential presence of defeat devices or unlawful emission control strategies that render inactive or partially inactive the emission control system outside the scope of the test, i.e. outside the "cold start" conditions? Are you performing further investigations regarding this "hot start" paradoxical behaviour, to identify whether manufacturers are making use of illegal defeat strategies? (1) https://www.ft.com/content/9bac3826-76af-11e6-bf48-b372cdb1043a</p>

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11.	<p>Germany has stated that it found emission cheating software in Fiat cars and has asked the help of the European Commission to clarify the issue. Are you planning to support changes to the type approval framework allowing national authorities in the future to ask for explanations about cars they didn't type approve? Would you support the possibility for national authorities to ban those cars from their markets?</p>
12.	<p>What is your understanding of the definition of defeat devices and the ban, which is imposed on their use? How would you differ them from the so called cycle beating or defeat strategies? Are those one covered by the definition in the Art. 5(2) of the 715/2007 Regulation? In light of KBA findings on Fiat Chrysler vehicles, do you consider that switching off the emissions control system of a vehicle after operating the vehicle for 22 minutes of (slightly exceeding the 20-minute duration of the NEDC test) must be considered a defeat device? What are the technical reasons for disabling exhaust gas recirculation after 20 minutes of driving which is the explanation you accepted from the car manufacturer? What are the technical reasons to have triple or quadruple nitrogen oxide emissions in real driving conditions higher than measured in laboratory conditions? Which of the derogations outlined above do you consider to apply in these situations according to the Art. 5(2)??</p>