

## Written questions to Mr Olaf Lies, Lower Saxony Minister of Economy, Labour and Transport, Member of VW Supervisory Board - EMIS hearing of 20/10/2016

*This proposal is based on questions submitted by Political Groups: ECR*

No	Question
1.	According to Article 4(2) of the Regulation (EU) No 715/2007, durability testing for a light-duty vehicle's pollution control devices shall cover 160.000 km. Has the government of Lower Saxony in its function as responsible market surveillance authority ever checked whether the long term durability of the emission control systems of in-use vehicles is guaranteed? What were the results?
2.	When exactly has the state of Lower Saxony as a shareholder of Volkswagen and as a member in Volkswagen's supervisory board learned of the illegal use of defeat devices by Volkswagen?
3.	How common is the so-called witness testing at manufacturers sites in the context of Lower Saxony's market surveillance in-service conformity test? What is the share of witness-testing within the total number of those tests?
4.	Lower Saxony, which is guaranteed two out of ten investor seats on Volkswagen's supervisory board, has been criticized for prioritizing jobs in the region and thwarting reforms within VW. The state's influence has been criticised by institutional investors as hindering an overhaul in the aftermath of the emissions-cheating scandal and contributing to weak profits. Do you see any conflict of interests in such great involvement of a regional government in the operations of a private company?
5.	In August, the state of Bavaria said it would sue Volkswagen, being the first regional government in Germany to take legal action against the company. A couple of days ago the states of Hesse and Baden-Württemberg announced the same course of action. Meanwhile, the state of Lower Saxony has no plans to sue the manufacturer for damages caused by its emissions-test cheating scandal. Could you please comments on this decision?
6.	As Lower Saxony Minister of Economy and Member of VW Supervisory Board, do you feel any political responsibility for the internal processes within the VW which did not precluded the VW scandal from happening?

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7.	<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 Regulation (EU) 715/2007? Do you agree that from a technical point of view, exemption for the use of devices interfering with pollution control systems, as provided for in Article 5(2) of Regulation (EC) 715/2007, are not justified in case the same results (i.e. protecting the engine from damages) can be obtained in many different ways? Do you agree with this assumption? If not, can you explain in detail why?</p>
8.	<p>Regarding the compensation mechanisms for VW's customers in US and the EU, there are clear discrepancies, as Volkswagen declared that the consumer compensation for EU customers is unfounded and rejected to provide payments to the owners of 8.5 affected vehicles in Europe. Will Volkswagen guarantee that after the recall of vehicles in order to make a software update to amend that emission strategy which contributed to the emission scandal be by itself sufficient so as those vehicles will be eventually in conformity with the emission EURO 6 standards in the real driving conditions? The question seems to be appropriate also regarding the Volkswagen claims that the cars of US consumers cannot be so easily fixed due to technical problems as in US the emission standards are as twice as stringent than in Europe. If not, which other measures to compensate the European owners of affected vehicles will be taken by Volkswagen if the cars after recall do not fulfil the emissions standards on the road? If the car does not reach the required emission limits, it can neither reach the declared values as regards the economy and performance of the vehicles as declared in the type-approval procedure.</p>
9.	<p>What kind of impacts the VW emission scandal has had so far on the economy and employment in Lower Saxony? What kind of measures Lower Saxony is ready to take to support for the workers in the VW and auto retail sector if there will be massive dismissals and cut downs in the production?</p>
10.	<p>Following the recall of VW vehicles according to the fix that the KBA has authorised, it appears from subsequent testing performed the NOx emissions in normal use have not improved. This was also confirmed by the VW representative at the EMIS hearing of 13 July, who furthermore claims that the emission limit must only be met during the homologation test. Will you review your recall authorisation and ensure VW rectify the situation and meet the limit values in normal use? Regulation (EU) No 715/2007/EC Article 5(1) requires that manufacturers equip vehicles so as to enable the vehicle, in normal use, to comply with the regulatory limit values. Have you ensured that this requirement was clear to the manufacturers? What is in your view the reason why manufacturer's claim that regulatory limit values would only applicable or will only be controlled under the type approval test cycle? In view of requirement of the law under Article 5(1) and the evidence regarding the discrepancy of Euro 5 and Euro 6 vehicle emissions on the road compared to the laboratory</p>

No	Question
	conditions what measures have you taken to verify VW bring the vehicles in compliance?
11.	Please elaborate how Niedersachsen in its function as one of Germany's responsible market surveillance authorities is cooperating with other German regional states ( <i>Bundesländer</i> ) or the responsible authorities of other EU Members States?
12.	<p>In the written answers offered by VW company to the EMIS Committee in July this year, VW concluded (answer to the question 6a) that the emission EURO 5/6 tests are linked only to the test cycle whose criteria are well known to car manufacturers to ensure comparability and reproducibility of the results and, since it is necessary for every tested vehicle to recognize that it is conducted within the emission tests, the cycle detection during the lab test is not prohibited under EU law. At the same time 'faulty' software fitted in EA 189 EU5 diesel VW vehicles sold in US enabled to those cars to recognize that they were undergoing testing which changed the NOx emissions characteristics in that testing. If any component reduces the effectiveness of the emission control system of the vehicle when being driven beyond the criteria of NEDC cycle (therefore corresponding to normal driving conditions) and producing for example then by 5-6 times more NOx, was it not then used solely to beat the test cycle? If yes, such a defeat device is clearly prohibited under EU law. Would you deny this conclusion?</p>