



Plenary sitting

B8-1078/2015

21.10.2015

MOTION FOR A RESOLUTION

further to Question for Oral Answer B8-0764/2015

pursuant to Rule 128(5) of the Rules of Procedure

on emission measurements in the automotive sector
(2015/2865(RSP))

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European Parliament resolution on emission measurements in the automotive sector (2015/2865(RSP))

The European Parliament,

- having regard to the question to the Commission on emission measurements in the automotive sector (O-000113/2015 – B8-0764/2015),
- having regard to Rules 128(5) and 123(2) of its Rules of Procedure,
- A. whereas on 18 September 2015 the US Federal Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) issued a notice of violation of the applicable pollution rules to Volkswagen AG, Audi AG and Volkswagen Group of America (collectively known as ‘VW’); whereas the investigation began following the research on diesel vehicle NO_x emissions conducted by the International Council of Clean Transportation (ICCT) and submitted to EPA and CARB in May 2014;
- B. whereas the Euro5/6 Regulation on passenger vehicle emission limits (Regulation (EC) No 715/2007, agreed in December 2006) requires manufacturers to equip vehicles so that they meet the emission requirements ‘in normal use’ (Article 5(1)) and explicitly prohibits the use of defeat devices (Article 5(2)), defined as ‘any element of design which senses temperature, vehicle speed, engine speed (RPM), transmission gear, manifold vacuum or any other parameter for the purpose of activating, modulating, delaying or deactivating the operation of any part of the emission control system, that reduces the effectiveness of the emission control system under conditions which may reasonably be expected to be encountered in normal vehicle operation and use’; whereas the regulation also explicitly invites the Commission to introduce tests and adopt measures in respect of the use of defeat mechanisms;
- C. whereas, following the investigation by US authorities, VW has admitted to having installed defeat devices in at least 11 million of the diesel vehicles it has sold; whereas the VW engines sold in the EU market were type-approved as adhering to the Euro 5 standard;
- D. whereas the Euro 5 limit value for NO_x emissions from diesel vehicles is 180 mg/km, applicable to vehicles type-approved between 1 September 2009 and 1 September 2014 and to all vehicles sold between 1 January 2011 and 1 September 2015, and whereas the corresponding Euro 6 value is 80 mg/km, applicable to new types since 1 September 2014 and to all vehicles sold since 1 September 2015;
- E. whereas the European Commission Joint Research Centre analysis (2011)¹ came to the conclusion that NO_x emissions of diesel vehicles measured with Portable Emission Measurement Systems (PEMS) substantially exceed respective Euro 3-5 emission

¹ Analyzing on-road emissions of light-duty vehicles with Portable Emission Measurement Systems (PEMS). JRC Scientific and Technical Report:

http://ec.europa.eu/clima/policies/transport/vehicles/docs/2011_pems_jrc_62639_en.pdf

limits, ranging from a factor of 2-4 for average NO_x emissions over entire test routes and up to a factor of 14 in individual test windows; whereas another JRC report¹, of 2013, concludes that Euro 6 vehicles may exceed the emission levels of Euro 5 vehicles; whereas the ICCT analysis of October 2014 documents on-road NO_x emissions from tested diesel vehicles as being, on average, about seven times higher than the limits set by the Euro 6 standard;

- F. whereas the tests for conformity of production and in-service conformity have not been subject to common standards at EU level, despite the mandate given to the Commission to establish specific requirements for such procedures through the comitology procedure; whereas, as a result, the requirements for conformity of production and in-service conformity are generally not adequately enforced; whereas there is no requirement for the disclosure of information to the Commission, other Member States' Type Approval Authorities (TAAs) or other interested parties regarding any tests applied by the competent TAAs and the results thereof;
- G. whereas the current EU type-approval regime does not allow the Commission or other Member States' authorities to withdraw vehicles' type approvals or certificates of conformity, to recall vehicles or to suspend their placement on the market if they are type-approved by another Member State; whereas vehicle manufacturers are able to choose any testing authority in the EU, which leads to unhealthy competition between testing authorities; whereas there is no oversight of the testing work performed by TAAs;
- H. whereas the Commission is in the process of reviewing the type-approval framework;
- I. whereas, due to digitalisation in cars, any static testing procedures lead to ad absurdum results and therefore real emissions on the road should be used as the starting point for type approval;
- J. whereas the Euro5/6 Regulation is directly applicable in Member States and, depending on the Member States' legal systems, consumers can seek redress from vehicle manufacturers for any infringement of requirements through national courts, but collective redress schemes are not available to consumers in all Member States and no European redress schemes exist;
- K. whereas, under Directive 1999/44/EC on certain aspects of the sale of consumer goods and associated guarantees, consumers have the right to a minimum two-year guarantee after purchasing a product; whereas the seller is required to deliver goods to the consumer which are in conformity with the contract of sale; whereas conformity is presumed if inter alia they 'comply with the description given by the seller and possess the qualities of the goods which the seller has held out to the consumer as a sample or model' and 'show the quality and performance...which the consumer can reasonably expect...taking into account any public statements on the specific characteristics of the goods made about them by the seller, the producer or his representative, particularly in advertising or on labelling'; whereas, if there is no such conformity, the consumer is

¹ A complementary emissions test for light-duty vehicles: Assessing the technical feasibility of candidate procedures. JRC Scientific and Technical Report:
http://publications.jrc.ec.europa.eu/repository/bitstream/JRC75998/Id-na-25572-en-n_online.pdf

entitled to a free-of-charge repair or replacement, or to a price reduction;

- L. whereas the Consumer Rights Directive (2011/83/EU) requires that information on the main characteristics of a product be provided prior to concluding on/off premises and distance contracts and provides consumers with a 14-day withdrawal period for distance contracts, and that Member States are required to have rules for effective, proportionate and dissuasive penalties if the provisions of the Directive are not fulfilled;
- M. whereas the Unfair Commercial Practices Directive (2005/29/EC) forbids in particular any practice that ‘materially distorts or is likely to materially distort the economic behaviour with regard to the product of the average consumer whom it reaches or to whom it is addressed’, and provides that commercial practices which are in all circumstances considered unfair include ‘claiming that a trader (including his commercial practices) or a product has been approved, endorsed or authorised by a public or private body when he/it has not or making such a claim without complying with the terms of the approval endorsement or authorisation’, and requires that Member States adopt effective, proportionate and dissuasive penalties;
- N. whereas NO_x emissions are associated with adverse effects on the environment, in particular acidification and eutrophication; whereas NO_x concentrations in Europe regularly exceed EU air quality standards;
- O. whereas air pollution resulted in more than 430 000 people dying prematurely in the EU in 2011, and costs EUR 940 billion annually in lost productivity; whereas over 20 Member States are failing to meet the EU air quality limits, especially in urban areas; whereas NO₂ is a dangerous pollutant causing lung cancer, asthma and many respiratory diseases;
- P. whereas it is possible to improve the performance of emission control systems already installed in vehicles through the removal of defeat devices, reprogramming and recalibration;
- Q. whereas current systems for controlling NO_x emissions from diesel passenger cars rely on three main technologies: inner-engine modifications coupled with exhaust gas recirculation (EGR), lean-burn NO_x absorbers (lean NO_x traps, or LNTs), and selective catalytic reduction (SCR); whereas, in order to meet Euro 6 limit values, most vehicles are equipped with at least two of the three technologies; whereas all of these technologies can be de-activated by software defeat devices;
- R. whereas discrepancies between test results and vehicle performance in normal use are not limited to NO_x, but also exist for other pollutants and for CO₂; whereas, according to studies, the gap between official and real-world emissions of CO₂ from passenger cars in Europe stood at 40% in 2014;
- S. whereas the change to the Worldwide Harmonised Light Vehicles Test Procedure (WLTP) in the EU requires the existing fleet’s average CO₂ emissions targets for manufacturers to be adapted to the new test; whereas the procedure for such correlation is ongoing in comitology, should maintain comparable stringency for manufacturers and should avoid including unfair test flexibilities from the current NEDC procedure that can weaken the 2021 CO₂ target;

1. Deplores the serious lack of enforcement of EU internal market regulations that has been exposed as a consequence of the action of US authorities;
2. Calls on the Commission and the Member States to take preventive measures and immediately launch an investigation into the use of defeat devices on vehicles sold in the EU and the performance of vehicles in normal use as regards the pollutant limit values and advertised CO₂ g/km; considers that such an investigation should be overseen by the Commission and conducted on the basis of data collected and submitted by Member State TAAs for vehicles on the market, using real-world driving tests; insists that such an investigation be conducted in full transparency and with full public access to data in order to restore consumers' confidence in European production;
3. Demands that where defeat devices are found, Member State authorities reassess the type approval and certificate of conformity of such vehicles, in accordance with Article 30 of Directive 2007/46/EC and Article 10 of Regulation 715/2007/EC, that the rights of consumers in this respect are upheld and that, where appropriate, consumers are compensated for the deception committed;
4. Stresses that those responsible for emission measurement manipulations must be held to account; warns that ordinary workers working for car manufacturers and their suppliers, many of which are SMEs, should not ultimately be the ones who pay the price for such manipulation, and is very concerned about possible negative impacts on the automotive supply chain; calls therefore on the social partners to ensure that the manipulation scandal does not result in job losses;
5. Strongly condemns intentional fraudulent activities undertaken by any company, no matter the size, as such activities not only cause clear damage to the environment but also break consumer confidence in the quality of European products;
6. Reiterates the position adopted by the European Parliament's Committee on the Environment on the real driving emissions (RDE) test on 23 September 2015 and repeats its call for the introduction of 'a real driving emissions test for all vehicles type-approved or registered from 2015 to ensure the effectiveness of emission control systems and enable the vehicle to comply with this Regulation and its implementing measures, with a conformity factor reflecting only the possible tolerances of the emissions measurement procedure in place by 2017'; urges the Council and the Commission to come to an early agreement on a framework for a real driving emissions (RDE) test on that basis, and calls for the swift adoption of the procedure in comitology following agreement on the legislative proposal;
7. Deplores the lack of transparency of the deliberations under comitology on the proposal for an RDE test, and in particular the Commission's failure to forward information to Parliament at the same time as to Member State representatives; calls on the Commission to ensure full transparency and to treat the European Parliament on an equal footing with Member States;
8. Stresses the need for significant strengthening of the current EU type-approval regime, including greater EU oversight, in particular as regards the market surveillance, coordination and follow-up regime for vehicles sold in the Union; calls therefore on the Council and the Commission to establish an independent EU Type Approval Authority

in order to ensure the full accountability and independence of the whole system;

9. Calls on the Commission and the Member States to do their utmost to ensure that the objectives set out in Article 13 of Regulation (EC) No 715/2007 are fulfilled more effectively; reiterates that the penalties for infringement by manufactures of the provisions of the above Regulation, such as use of defeat devices, should be first and foremost dissuasive and effective;
10. Stresses that structural reforms are needed on account of the emissions scandal and the need to bring clean cars onto the road; calls on the Commission to bring forward industrial policy measures to guarantee better structures and to secure the European automotive sector and associated jobs as a key pillar of European industry; stresses the need to invest in more targeted R&D in this sector in order to move more quickly towards cleaner engines, in particular through electrification of the European car fleet;
11. Calls on Member States to take measures to incentivise the retrofitting of older diesel vehicles with NO_x control systems and to promote integrated concepts for low-emission urban mobility, given that diesel-powered vehicles emit more nitrogen oxides (NO_x) and that harmful levels of air pollution in urban areas are directly related to NO_x emissions;
12. Considers that the upcoming review of the Type Approval Framework Directive must expand and specify the conformity-of-production requirements in order to ensure that a sufficient and representative sample of new models taken off production lines at random are tested on an annual basis, using RDE tests to check their compliance with EU pollutant limit values; calls, furthermore, for improved in-service testing of vehicles already used on the road, also on the basis of the RDE procedure, in order to verify the in-service conformity of vehicles at different mileages as required under the regulation; calls for the improvement of on-road surveillance through periodic technical inspections to identify and repair vehicles not in compliance with EU law;
13. Calls on the Commission to closely monitor the Members States' 2016 National Policy Framework presentations on the directive on the deployment of alternative fuels infrastructure, including concrete and ambitious targets and objectives regarding electric mobility in particular; reminds the Commission of its commitment to adopt an Action Plan for the implementation of the Strategy on Clean Power for Transport in order to achieve the broadest use of alternative fuels for transport and to promote sustainable electric mobility in the EU;
14. Calls on the Commission to introduce a complete new system of type approval for parts related to emissions reduction, and to use real emissions on the road as the starting point for the type approval;
15. Stresses the need for European and Member State competent authorities to have access to the source codes for vehicle control system computer programmes in order to check for defeat device software, whilst respecting user data protection and trade secrets;
16. Points out that the emission measurement manipulations were also caused by corporate governance failures; asks the Commission to assess whether action at European level is needed in order to guarantee that decision-making processes in large European

companies ensure long-term competitiveness and sustainability and a forward-looking approach; calls for the introduction of broader control and more transparent auditing and reiterates that decision-making processes that guarantee greater transparency, include various actors from different backgrounds and involve representatives of different stakeholders result in more effective and long-term-oriented decisions;

17. Stresses that consumers must be able to exercise their rights easily, as provided for in Directives 1999/44/EC, 2005/29/EC and 2011/83/EU; asks Member States and their competent authorities to give clear advice to consumers who ask about such rights; further requests the Commission and Member States to ensure that consumers can effectively seek redress, also through collective mechanisms, in cases of violation of such rights, with effective enforcement by the competent national authorities;
18. Calls for a review of the EU Car Labelling Directive (1999/94/EC) in order to improve the accuracy and comparability of information provided to consumers; considers that the labels should be based on the emission values obtained in RDE tests;
19. Is also concerned about the discrepancy of the CO₂ emissions declared in test results and those observed by drivers on the road; calls, therefore, for swift agreement on the WLTP correlation for fleet average CO₂ targets without credit being given for unfair flexibilities in the current test procedure, in order not to weaken the 2021 target;
20. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.