



Plenary sitting

B8-1080/2015

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))

**Gerben-Jan Gerbrandy, Dita Charanzová, Gesine Meissner, Fredrick
Federley**
on behalf of the ALDE Group

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 United States Environmental Protection Agency (EPA) and California Air Resources Board (CARB) both issued a notice of violation of the pollution rules applicable to Volkswagen AG, Audi AG and Volkswagen Group of America (collectively, VW); whereas the investigation began following research on nitrous oxide (NO_x) emissions from diesel vehicles, conducted by a non-governmental organisation in cooperation with university researchers, and the results of this research were submitted to the EPA and the CARB in May 2014;
- B. whereas these research results were at the same time made available to the Commission and the national Type Approval Authorities (TAA), but no action was taken at EU level at the time;
- C. whereas air pollution causes over 430 000 premature deaths in the EU yearly and costs up to an estimated EUR 940 billion annually as a result of its health impacts; whereas NO_x is a major air pollutant which causes, *inter alia*, lung cancer, asthma and many respiratory diseases, as well environmental degradation such as eutrophication and acidification; whereas diesel vehicle exhausts are a principal source of NO_x in urban areas in Europe; whereas over 20 Member States are currently failing to meet the EU air quality limits, in particular because of urban pollution;
- D. whereas the automotive industry is a key economic sector in Europe, providing 12 million jobs and accounting for 4 % of the EU's GDP, as well as representing the largest private investor in research and development in the EU; whereas the sector has managed to achieve significant overall improvements in pollutant emissions over the past decades through technological development; whereas unless decisive action is taken the present scandal risks undermining the reputation and competitiveness of the whole sector;
- E. whereas the EU has made a number of efforts to remedy the effects of the economic crisis on the automotive industry using the available tools on state aid; whereas these tools were often linked to requirements to invest in R&D&I and support developments in green technologies;
- F. whereas the Regulation on type approval of motor vehicles with respect to emissions from light vehicles (Regulation 715/2007/EC, agreed by Parliament and the Council in December 2006), which sets the Euro 5/6 emission standards, requires manufacturers to equip their vehicles so that they meet the emission requirements 'in normal use' (Article

5(1));

- G. whereas Regulation 715/2007/EC (Article 5(2)) explicitly prohibits the use of defeat devices, 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 Member States have an obligation to enforce this ban; whereas the regulation also explicitly invites the Commission to introduce tests and to adopt requirements concerning defeat mechanisms;
- H. 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 worldwide; whereas VW has announced that it will recall 8.5 million VW diesel vehicles in the EU following a decision of the German Federal Motor Transport Authority; whereas the VW engines concerned were type-approved as adhering to the Euro 5 standard;
- I. 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; whereas Euro 6 vehicles registered before the standard was introduced as a legal limit have benefited from tax rebates in many Member States; whereas independent test results confirm significant discrepancies between the limits and actual vehicle emissions in normal use for both standards;
- J. whereas an analysis by the Commission Joint Research Centre¹ in 2011 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 limits, ranging from a factor of 2-4 for average NO_x emissions over entire test routes up to a factor of 14 in individual test windows; whereas another JRC report² published in 2013 referred to conclusions that Euro 6 vehicles may even exceed the emission levels of Euro 5 vehicles; whereas independent analyses undertaken in 2014 documented, on average, on-road NO_x emissions from tested diesel vehicles about seven times higher than the limits set by the Euro 6 standard;
- K. whereas this documented emissions gap can be due to both the inadequacy of the current test procedure used in the EU, which does not represent normal driving conditions, and to the use of defeat devices; whereas the reliability and robustness of the test procedure for vehicles is of crucial importance for the attainment of the emission limits and hence for the protection of public health and the environment in the EU;

¹ Analysing on-road emissions of light-duty vehicles with Portable Emission Measurement Systems (PEMS), JRC 2011.

² A complementary emissions test for light-duty vehicles: Assessing the technical feasibility of candidate procedures, JRC 2013.

- L. whereas Article 14(3) of Regulation 715/2007/EC obliges the Commission to keep under review the test cycles used to measure emissions and, if the tests are found to be no longer adequate, to adapt them so as to adequately reflect the emissions generated by real driving on the road; whereas such adaptation has not yet taken place; whereas the Commission is, however, currently preparing the adoption of a new test cycle based on Real Driving Emissions (RDE);
- M. 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 disclosure of information to the Commission, other Member State Type Approval Authorities or other interested parties regarding any tests applied by the competent Type Approval Authorities and results thereof;
- N. 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 under the current system there is no oversight of testing performed by national Type Approval Authorities to ensure that all authorities respect the common EU rules and do not engage in unfair competition by lowering standards;
- O. whereas the Commission is in the process of reviewing the type-approval framework;
- 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 exist also for other pollutants and for CO₂; whereas according to independent 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 average CO₂ emissions targets for manufacturers to be adapted to the new test; whereas the procedure for such correlation is ongoing in comitology, and should maintain comparable stringency for manufacturers;
- T. whereas the detection of a case of serious fraud and violation of regulations by a major EU manufacturer in a third country, where this violation has also been occurring within

the EU, has consequences for the credibility of the EU in international negotiations;

1. Strongly condemns the fraud by Volkswagen and urges the company to take full responsibility for its actions and to cooperate fully with the authorities in the investigations; deplores the fact that millions of consumers have been deceived and misled by false information regarding emissions from their vehicles;
2. Regrets the fact that the EU had to wait for the US authorities to find out about violations that were also affecting its own vehicles' market and deplores the serious lack of enforcement of EU internal market regulation that has been exposed thanks to the action of US authorities;
3. Considers it imperative that the Commission and Member States quickly restore the confidence of consumers through concrete actions and make every possible effort to de-escalate the situation;
4. Is deeply concerned about the failure of Member State authorities and the Commission to act upon the evidence of serious and persistent exceedances of emissions limit values prescribed in EU law for vehicles in normal use; urges full transparency on the part of the Commission and the Member States about their knowledge of these breaches and the actions they have taken to address them;
5. Calls for a thorough investigation regarding the role and responsibility of the Commission and of Member State authorities, bearing in mind inter alia the problems established in the 2011 report by the Commission's Joint Research Centre;
6. Calls on the Commission and the Member States to launch immediately an investigation into the use of defeat devices as regards both the pollutant limit values and advertised CO₂ g/km; considers that such an investigation should be overseen and coordinated by the Commission and conducted on the basis of data collected and submitted by Member State Type Approval Authorities 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;
7. Demands that where defeat devices are found, Member State authorities should take all necessary action to remedy the situation and apply the appropriate sanctions in accordance with Article 30 of Directive 2007/46/EC and Article 10 of Regulation 715/2007/EC;
8. Urges the Commission to adopt and implement the new Real Driving Emissions test cycle without any further delay, and to bring it into force for regulatory purposes within six months; endorses the report on the reduction of pollutant emissions from road vehicles (A8-0270/2015) adopted by Parliament's Committee on the Environment, Public Health and Food Safety on 23 September 2015, and in particular the committee's position requiring the Commission to 'introduce 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 Member States and the Commission to swiftly come to an agreement on a framework for the test cycle

on that basis;

9. Notes that according to the Commission's current plans the Real Driving Emissions tests would be used only for NOx emissions; calls for the RDE tests to be implemented for all pollutants without delay;
10. 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 disclose all relevant documentation to Parliament, and in particular to publish the preparatory documents for the Technical Committee on Motor Vehicles relating to the adoption of the new RDE test;
11. Stresses the need to strengthen the current EU type-approval regime, including through more EU oversight and a strengthened role for the Commission, in particular as regards the market surveillance, coordination and follow-up regime for vehicles sold in the Union;
12. Calls, therefore, for the establishment of EU-level surveillance with at least the following tasks: oversight of national control authorities; independent powers of enforcement and investigation and the means to test cars for their conformity with EU standards; the power to require Member States to launch control procedures based on public alerts; and the ability to adopt appropriate measures in the event of breaches of EU law;
13. Considers it of the utmost importance that the new EU type-approval regime gives Member States' competent authorities the right to take all necessary actions when they have evidence of the use of defeat devices forbidden under the Euro 5/6 Regulation, including withdrawing type approval and certificates of conformity, and recalling and stopping the placing on the market of vehicles type-approved in another Member State;
14. Considers that the upcoming review of the type-approval framework directive must expand and specify the requirements for conformity of production so as to ensure that a sufficient and representative sample of new models, taken at random off the production lines, is tested annually using RDE tests to verify compliance with European pollutant and CO2 limit values; calls furthermore for improved in-service testing of vehicles already in use on the road – likewise on the basis of the RDE procedure – in order to verify in-service conformity of vehicles at different mileages as required under the Regulation; calls for an improvement of on-road surveillance through periodic technical inspections to identify and repair vehicles which are found not to be in compliance with EU law;
15. Considers that national authorities should have access in the scope of their investigations to the source codes of vehicle control system computer programs to enable them to check for defeat device software;
16. Stresses that consumers must be able to easily exercise their rights as provided for in Directives 1999/44/EC, 2005/29/EC and 2011/83/EU; asks that Member States and their competent authorities give clear advice to consumers who enquire about such rights; asks the Commission and the Member States, furthermore, to ensure that such rights are

upheld;

17. Asks for the Commission to ensure that information provided to consumers under the EU Car Labelling Directive (1999/94/EC) is accurate; considers that the label should be based on emission values and fuel efficiency that correspond to real-life driving;
18. Is 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;
19. Asks the Commission to investigate whether state aid funds allocated for the development of low-emissions technologies to manufacturers who have breached EU law have been used for purposes other than the intended ones;
20. Calls on the Commission to take the present revelations into account when formulating new policies in the field of sustainable transport; asks the Commission to take further action to strengthen the EU strategy for sustainable, resource-efficient systems for road and other modes of transport; refers to the approach set out in the 2011 Commission White Paper 'Roadmap to a Single European Transport Area – Towards a competitive and resource efficient transport system' and points out its potentially large contribution to effectively reducing the real emissions from transport and improving urban mobility; urges the Commission to put a greater effort into bringing forward the suggested measures covered by the White Paper and encourages the Member States to support this;
21. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.