



Plenary sitting

B8-1077/2015

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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on behalf of the ECR 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 the automotive industry is one of the key contributors to growth and innovation, and contributes to employment in a significant number of Member States;
- B. whereas the Euro 5/6 Regulation on passenger vehicle emission limits (Regulation 715/2007/EC of 20 June 2007) 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 Volkswagen has admitted to having installed defeat devices in at least 11 million of its diesel vehicles sold; whereas 8 million of those vehicles have been placed on the European market since 2009; whereas the Volkswagen engines placed on the market in the EU were type-approved as adhering to the Euro 5 standard;
- D. whereas the circumvention of emissions requirements through the use of such devices is clearly contrary to the legal provisions adopted by the Union, and any such possible deception should be the subject of investigation by the responsible authorities in affected Member States, including proceedings led by law enforcement bodies where appropriate;
- E. whereas the Euro 5 limit value for nitrogen oxide (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;
- F. whereas the Commission Joint Research Centre analysis of 2011 came to the conclusion that NO_x emissions from diesel vehicles measured by a portable emission measurement system (PEMS) substantially exceed the respective Euro 3-5 emission limits, ranging from a factor of 2 to 4 for average NO_x emissions over entire test routes to a factor of 14 in individual test windows;

- G. whereas the tests for conformity of production and in-service conformity have not been subject to common standards at EU level; whereas there is no requirement for disclosure of information to the Commission, other Member State Type Approval Authorities (TAAs) or any other interested party regarding any tests applied by the competent TAAs or the results thereof;
- H. whereas the current EU type-approval regime does not allow the Commission or other Member States' authorities to re-assess 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;
- I. whereas the Commission is in the process of reviewing the type-approval framework;
- J. whereas, under the Directive on certain aspects of the sale of consumer goods and associated guarantees (1999/44/EC), consumers have the right to a minimum two-year guarantee after purchasing a product, and whereas the seller is required to deliver goods to the consumer which are in conformity with the contract of sale; whereas, if there is no such conformity, the consumer is entitled to a free-of-charge repair or replacement, or to a price reduction;
- K. whereas the Consumer Rights Directive (2011/83/EU) requires information on the main characteristics of a product to be provided prior to the conclusion of on- or off-premises or distance contracts, and requires the Member States to have rules on effective, proportionate and dissuasive penalties if the provisions of the directive are not fulfilled;
- L. whereas the Unfair Commercial Practices Directive (2005/29/EC) prohibits, 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', 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 the Member States to adopt effective, proportionate and dissuasive penalties;
- M. whereas the possible widespread use of defeat devices has clear implications for public health, with the Commission estimating that nitrogen oxides (NOx) and particulate matter (PM), the two primary exhaust elements created by diesel engines, are responsible for over 400 000 premature deaths annually in the EU, and the total health-related costs of air pollution in the EU are in the range of EUR 330 to 940 billion per year;
- N. whereas NOx and its derivatives can penetrate deep into the lungs and cause cancer and chronic breathing problems; whereas NOx emissions also have a severe impact on the environment and contribute to acidification and eutrophication; whereas diesel exhaust is a principal source of NOx in urban areas in Europe;
- O. whereas up to a third of the EU's urban population continues to be exposed to levels above the limits or target values set by the EU; whereas transport continues to be a main

contributor to poor air quality levels in cities, and to the related health impacts;

- P. whereas nitrogen oxide (NO_x) concentrations in Europe regularly exceed air quality standards, and whereas the 2010 national emission ceiling targets for NO_x have not been met in six Member States;
- Q. whereas the change to the Worldwide Harmonised Light Vehicles Test Procedure (WLTP) in the EU requires the existing fleet's average CO₂ emission targets for manufacturers to be adapted to the new test; whereas the procedure for such correlation is currently in comitology and should maintain comparable stringency for manufacturers;
1. Expresses strong concern that European consumers may have been detrimentally affected by the sale to them of products fitted with illegal components or software which have offered substantially different performance when compared to official figures verified during type-approval testing;
 2. Considers that the use of defeat devices undermines the effectiveness of existing air pollution regulations and emission controls; believes that such illegal activity may call into question the ECJ's ongoing infringement proceedings against 17 Member States for exceeding pollutant limits under Directive 2001/81/EC on national emission ceilings and Directive 2008/50/EC on ambient air quality;
 3. Welcomes the investigations being undertaken in several Member States and other countries globally regarding vehicle emissions test results manipulation; supports the Commission's call to national surveillance authorities to proceed with extensive checks on a wide variety of makes and models of vehicles; considers that any such investigation should involve the Commission; insists that investigations be conducted in a transparent and effective manner, with due consideration for the need for consumers affected directly by any lack of conformity discovered to be kept well informed;
 4. Believes that where evidence of wrongdoing is confirmed, redress to the consumer should be well communicated and undertaken swiftly and should not be to the further detriment of the consumer;
 5. Expresses concern that there may have been a failure by Member State authorities and the Commission to act upon the evidence of exceedances of emissions limit values prescribed in EU law (Regulation 715/2007/EC on Euro 5/6) for vehicles in normal use;
 6. Recalls the role that diesel-powered vehicles have in meeting the EU targets for greenhouse gas emissions; considers that they will continue to be an essential contributor to meeting post-2021 targets, but stresses that manufacturers need to use available clean technology to reduce NO_x, PM and other pollutants;
 7. Endorses the Girling report (on National Emission Ceilings for certain pollutants)(A8-0249/2015), adopted by its Committee on the Environment on 15 July 2015, and in particular the committee's position requesting the Commission and the Member States to urgently finalise the new Euro 6 Real Driving Emissions (RDE) regulation proposal currently under consideration;

8. Draws attention, further, to the Deß report (reduction of pollutant emissions from road vehicles)(A8-0270/2015) adopted by its Committee on the Environment on 23 September 2015, and in particular to the request to 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’;
9. Urges the Council and the Commission, accordingly, to come to an early agreement on a framework for a Real Driving Emissions (RDE) test on that basis and swift adoption of the procedure in comitology following agreement on the legislative proposal; underlines that secondary legislation in this area must be diligently prepared and must provide clarity for national authorities and manufacturers in sufficient time to facilitate compliance with such requirements upon their entry into force; considers it essential that any conformity factor applied as an interim measure is limited, and that the reasons for its application and the list of models benefiting from such tolerances are clearly and prominently explained to consumers; believes that consumers are not well served by legislation which purports to establish standards, but which in its application allows a different level of compliance; furthermore, expresses concern about legal certainty where conformity factors permit different levels of compliance between products;
10. Stresses the need for improvements to the current EU type-approval regime applicable to motor vehicles, including the possibility of peer reviews of the testing regimes undertaken in the EU; believes that any confirmed illegal practices should be analysed with a view to helping design future legislation to prevent abuse in this area; underlines nevertheless that any possible legislation brought forward should not unnecessarily overburden the European automotive industry;
11. Calls on the Commission itself to improve monitoring of the national authorities in order to ensure EU-wide improved implementation of vehicle testing;
12. Believes that any revision should also assess whether the Commission and all Member State competent authorities should be given the right to re-assess type approval and certificates of conformity, to require recalls and to stop the placing on the market of vehicles where they find legitimate and well-substantiated grounds to suspect non-compliance with the EU emissions limit values under the Euro 5/6 Regulation or any other requirement provided for by the type-approval regime for motor vehicles; calls for improved in-service testing of vehicles approved on the basis of an RDE procedure, to verify in-service conformity of vehicles at different mileages as required under the Regulation;
13. Calls on national authorities to show no tolerance towards so-called ‘vehicle testing optimisation’, whereby practices such as the over-inflation of tyres, the removal of side-mirrors, taping up of gaps between body panels to reduce aerodynamic drag, the use of special engine and gearbox lubricants that are otherwise not used in engines, the removal of auxiliary equipment such as stereos, and testing at the maximum allowed ambient temperature are common, thus unacceptably accentuating the difference between in-lab testing and the consumer’s experience on the road;

14. Calls for the swift phasing-in of the Worldwide Harmonised Light Vehicles Test Procedure (WLTP) developed under the aegis of the UN Economic Commission for Europe (UNECE);
15. 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;
16. Calls for the EU car labelling directive (1999/94/EC) to be reviewed in order to improve the accuracy, relevance and comparability of information provided to consumers; considers that the labels should be based on the emission values obtained in RDE tests;
17. Calls for a swift agreement on the WLTP correlation for the CO₂ fleet average targets, without crediting unfair flexibilities under the current test procedure in order not to weaken the 2021 target;
18. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.