



2016/2090(INI)

7.6.2016

DRAFT INTERIM REPORT

on the inquiry into emission measurements in the automotive sector
(2016/2090(INI))

Committee of Inquiry into Emission Measurements in the Automotive Sector

Rapporteurs: Pablo Zalba Bidegain, Gerben-Jan Gerbrandy

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

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The European Parliament,

- having regard to Article 226 of the Treaty on the Functioning of the European Union,
 - having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament’s right of inquiry¹,
 - having regard to its decision of 17 December 2015 on setting up a Committee of Inquiry into emission measurements in the automotive sector, its powers, numerical strength and term of office²,
 - having regard to Rule 198 of its Rules of Procedure,
 - having regard to the interim report of the Committee of Inquiry into Emission Measurements in the Automotive Sector (A8-0000/2016),
- A. whereas Article 226 of the Treaty provides a legal basis for the establishment by the European Parliament of a temporary Committee of Inquiry to investigate alleged contraventions or maladministration in the implementation of Union law, without prejudice to the jurisdiction of national or Union courts, and whereas this constitutes an important element of the Parliament’s supervisory powers;
- B. whereas, on the basis of a proposal by the Conference of Presidents, Parliament decided on 17 December 2015 to set up a Committee of Inquiry to investigate the alleged failures in the application of Union law in relation to emission measurements in the automotive sector, and that the Committee would make any recommendations that it deemed necessary in that matter;
- C. whereas the Committee of Inquiry operates according to a working plan, which includes:
- a programme of hearings of invited witnesses and experts with a view to gathering relevant oral evidence;
 - requests for written evidence from witnesses and experts invited to hearings;
 - requests for documents with a view to gathering relevant written evidence from the Commission, Member State authorities and other relevant actors;
 - two missions to gather on-site information;

¹ OJ L 113, 19.5.1995, p. 2.

² OJ 10, 15.1.2016, p. 13.

- briefings and studies commissioned under its expertise budget;
 - a formal written opinion from Parliament Legal Service as regards inviting guests who may be subject to legal proceedings to testify;
- D. whereas the Committee of Inquiry has sent various questionnaires to Member States, Union institutions and other bodies, and has opened a public call for evidence on its website;
- E. whereas the results of the ongoing investigation could bring added value to the Union's type-approval framework;
- F. whereas in its decision of 17 December 2015 Parliament required the Committee of Inquiry to present an interim report within six months of starting its work;
- G. whereas the nature of a Committee of Inquiry prevents it from putting forward any conclusions arising out of its investigations before it considers that its mandate has been fulfilled; whereas, therefore, it is premature for the Committee to submit any observations on the various aspects of its mandate at this stage of its work;
- H. whereas the oral and written evidence submitted to and examined by the Committee to date confirms the need to investigate further all the points contained in its mandate;
1. Encourages the Committee of Inquiry to pursue its work and to implement fully the mandate given by Parliament in its decision of 17 December 2015, and supports all the actions and initiatives leading to the accomplishment of the mandate;
 2. Asks the Conference of Presidents and the Bureau to support all measures needed to enable the Committee of Inquiry to fulfil its mandate, in particular regarding the authorisation of hearings and extraordinary meetings, the reimbursement of experts' and witnesses' expenses, missions and any other technical means which are duly justified;
 3. Asks the Commission to ensure prompt support and full transparency in assisting the work of the Committee of Inquiry, with full respect for the principle of loyal cooperation, providing all the technical and political support possible, in particular through swifter submission of requested documentation; expects full cooperation from the relevant current Commissioners and Directorate-Generals as well as from those who were in charge during past terms; asks the Member States, with full respect for the principle of loyal cooperation, to provide the Committee of Inquiry with the necessary technical and political support, in particular by enabling the Commission to submit documents that are requested more swiftly and, if the submission of documents requires the Member States' consent, by accelerating their internal proceedings for the granting of such consent;
 4. Requires that the governments, parliaments and competent authorities of Member States assist the Committee of Inquiry in its tasks with full respect for the principle of loyal cooperation established in Union law;
 5. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.

EXPLANATORY STATEMENT

The purpose of this explanatory statement to the draft interim report of the EMIS Committee is to give a brief overview of the activities of EMIS Committee since its constitution on 2 March 2016 as well as to provide an outlook on the upcoming working plan on the first half of EMIS mandate¹.

The mandate of the EMIS Committee

On 17 December 2015, the European Parliament decided to set up a Committee of Inquiry of 45 Members to investigate alleged contraventions or maladministration in the application of Union law in relation to emission measurements in the automotive sector, without prejudice to the jurisdiction of national or Union courts.

The scope of this inquiry is limited by the mandate, by Article 226 of the TFEU and by the Decision of the Parliament, Council and Commission on the exercise of the European Parliament's right of inquiry.

According to the mandate, the Committee's investigation has to focus on the compliance by the Commission and Member States' authorities with the obligations imposed by Regulation (EC) No 715/2007, with particular regard to its Articles 5(2), 5(3), 13(1), 13(2) and 14(3).

Furthermore the EMIS Committee is called to collect and analyse information to ascertain whether the Commission and the Member States had evidence of the use of defeat mechanisms, as well as to collect and analyse information on the implementation by the Member States of Directive 2007/46/EC.

Finally, the Committee is required to make any recommendations that it deems necessary in the matter.

Constitution of the Committee

The first, constitutive meeting of the EMIS Committee took place on 2 March 2016. At this meeting, the EMIS Committee elected its Bureau by acclamation:

- Chair: Ms Kathleen Van Brempt (S&D),
- 1st Vice-Chair: Mr Ivo Belet (EPP),
- 2nd Vice-Chair: Mr Mark Demesmaeker (ECR),
- 3rd Vice-Chair: Ms Kateřina Konečná (GUE/NGL),
- 4th Vice-Chair: Ms Karima Delli (Greens/EFA).

At their meeting of 10 March 2016, the coordinators of the EMIS Committee appointed the rapporteurs:

- Mr Pablo Zalba Bidegain (EPP),

¹ This document reflects the state of play of EMIS proceedings as of *May 2016*.

- Mr Gerben-Jan Gerbrandy (ALDE).

The following shadow rapporteurs were appointed by the political groups:

- Ms Christine Revault d'Allonnes Bonnefoy (S&D),
- Mr Hans-Olaf Henkel (ECR),
- Mr Neoklis Sylikiotis (GUE/NGL),
- Ms Eleonora Evi (EFDD),
- Mr Marcus Pretzell (ENF).

Calendar

The mandate of the EMIS committee foresees that the committee of inquiry present an interim report within *6 months* and a final report within *12 months* of starting its work.

Since the EMIS committee was constituted on 2 March 2016, the intermediate report has to be submitted to the Plenary by *2 September 2016* and the final report submitted to the Plenary by *2 March 2017* at the latest.

On the basis of this timeframe, the EMIS coordinators adopted on 10 March 2016 the calendar of EMIS meetings in 2016, which took into account the need to limit overlapping with the standing committees mainly concerned. For 2017 dates will be adopted as soon as next year's EP calendar is available.

The coordinators also agreed on the possibility to add extra meetings in Brussels (mostly for hearings) and/or Strasbourg (mostly for exchanges of views among EMIS Members), as needed.

With regard to the interim report, the following indicative timetable was agreed by the coordinators:

Draft intermediate report available in English	2 June 2016
Consideration of draft interim report	21 June 2016
Deadline for amendments	22 June 2016 at 12:00
Vote in EMIS on interim report	13-14 July 2016
<i>Debate / vote in Plenary</i>	<i>September 2016</i>

EMIS working methods

Based on the proposals by the coordinators, on 7 April the EMIS Members exchanged views on the committee's working methods and on the indicative working plan for the first half of the mandate as well as on the possible lines of action to achieve the goals outlined in the committee's mandate.

The discussion focussed in particular on the organisation of hearings of witnesses and experts, which constitutes the core activity of a committee of inquiry¹. An ad hoc procedure for the hearings was agreed upon.

As a general rule, upon introduction by the Chair, the witnesses or experts open their hearing with a brief oral statement, which is followed by questions from EMIS Members in accordance with the *'ping-pong' principle* (answer immediately following each question).

In order to keep track of the testimony given by experts and witnesses, and be able to take all relevant information into account for the final report, a *verbatim report* in English is made available after each hearing to the EMIS Members and published on the EMIS website.

Before each hearing, guests receive a questionnaire, compiled on the basis of proposals received from the political groups. Their written replies are expected ahead of their hearing to complement the information provided on that occasion.

EMIS meetings

1. Exchange of views with Commission officials

The EMIS Committee opened its works on 7 April 2016 by holding an exchange of views with the following European Commission representatives:

- Mr Antti Peltomäki (Deputy Director General of DG GROW),
- Mr Daniel Calleja Crespo (Director General of DG ENV),
- Mr Artur Runge-Metzger (Director of Directorate C – Climate Strategy, Governance and emissions from non-trading sectors, DG CLIMA).

The aim of this exchange of views was to discuss the main elements related to emission measurements in the automotive sector, including timeline of events, with the aim to set the stage for the future work of the committee.

2. Hearings of relevant witnesses and experts

The following guests were invited to provide oral evidence to the Committee:

19 April 2016

- Ms Delilah Al-Khudhairi (Director), and Mr Alois Krasenbrink (Head of the Sustainable Transport Unit, Joint Research Centre, European Commission),
- Mr Vicente Franco (Senior Researcher, International Council on Clean Transportation - ICCT).

28 April 2016

¹ According to Rule 198(7) of the EP Rules of Procedure a committee of inquiry may invite an institution or body of the EU, the government of a Member State, or any other person to give evidence before it.

- Mr Dirk Bosteels (Executive Director, the Association for Emissions Control by Catalyst - AECC),
- Mr Udo Lambrecht (Head of the Transport and Environment Department, Institute for Energy and Environmental Research - IFEU).

24 May 2016

- Mr Richard Smokers (Principal Advisor) and Mr Rob Cuelenaere (Senior Consultant, Sustainable Transport & Logistics, Netherlands Organisation for applied scientific research – TNO),
- Mr Paul McAleavey (Head of Air and Climate Change Programme) and Mr Martin Adams (Head of group ‘Air pollution, transport and noise’, European Environment Agency - EEA).

16 June 2016

- Ms Dorothee Saar (Head of Transport and Air Quality team, Deutsche Umwelthilfe),
- Mr Pascoe Sabido and Mr Olivier Hoedeman (Corporate Europe Observatory - CEO),
- Mr Kai Borgeest (Professor, Aschaffenburg University of Applied Science),
- Mr Daniel Lange (CEO, Faster IT, ICT Engineer from automotive industry).

20 June 2016

- Mr Nick Molden (CEO, Emissions Analytics),
- Mr Christoph Gauss (Head of Vehicle Test and Emission Lab, Allgemeiner Deutscher Automobil-Club - ADAC).

21 June 2016

- Mr Reinhard Schulte-Braucks (former Head of Automotive Unit, DG GROW - until 12.2007),
- Mr Philippe Jean (former Head of Automotive Unit DG GROW - from 01.2008 to 05.2015),
- Ms Joanna Szychowska (Head of Automotive Unit DG GROW - as from 06.2015),
- Mr Gwenole Cozigou (Director of Industrial Policy and Economics Analysis, DG GROW - as from 06.2015).

The list of guests to be invited to hearings until the summer break is still in the planning stage at the time of writing, but should focus on testimony given by representatives of automotive suppliers, automotive industry as well as by the present and former European Commissioners responsible for the areas of industry, entrepreneurship and environment.

A formal written opinion from the EP Legal Service as regards inviting to testify guests who may be subject to legal proceedings was also requested.

Fact-finding missions

The EMIS coordinators agreed on the general principle to limit the number of the committee missions to the minimum necessary.

So far the following two missions are planned:

- *Joint Research Centre's Institute for Energy and Transport (JRC-IET) and their Vehicle Emissions Laboratory (VELA) in Ispra, Italy (week 29)*. The aim of this mission will be to visit the premises of the JRC-IET and VELA, meet with the officials and researchers working at both bodies, and attend a demonstration of tests performed with portable emission measurement systems;
- *Meetings with the Luxembourgish type approval authorities, combined with a visit to vehicle testing facility in Lambsheim, Germany (week 38)*. The aim of this mission will be to go through the full vehicle type-approval chain, including a practical demonstration of the controls performed.

Studies, briefings and notes

Initially an *in-depth analysis* on the legal obligations as regards emission measurements in the EU automotive sector was requested by the committee and this study is expected to be ready in June 2016. The coordinators also decided to request:

- from the Policy Department, a comparative *study* on the differences between the EU and US emissions legislations;
- from the EP Legal Service, a *note* on the interpretation of what constitutes maladministration;
- from DG EPRS, a *briefing* on the current known and ongoing lawsuits related to the EMIS remit.

Requests for documents, questionnaires and call for evidence

Three possible ways to gather written information for the inquiry are in use, namely *requests for documents*, *questionnaires* and a *call of evidence*:¹

- The EMIS coordinators approved on 7 April 2016 a list of documents to be requested from the Joint Research Centre all documents related to the work and studies conducted as of 2005 by the JRC Institute for Energy and Transport on the measurement of vehicle emissions, in particular those addressing the question of NO_x emission measurement discrepancies, as well as on the question of defeat devices including:
 - background documents, data on emissions from vehicles (including brands and makes), official notes and informal notes, list of meetings, formal and informal minutes, presentations;

¹ According to Rule 198(7), the EMIS Committee may contact institutions or persons with a view to obtaining documents to carry out its inquiry.

- all communications including letters and email communication regarding this matter within the JRC and between the JRC and the Commission's DG GROW (former DG Enterprise and Industry), DG ENV, Member States national authorities and type approval authorities; and any experts, manufacturers and other organisations.
- In addition, on 14 April 2016 the EMIS coordinators approved a request for the *European Commission* to submit to the EMIS Committee all documentation related to the activities of various expert groups such as the Technical Committee on Motor vehicles (TCMV), the working group on real driving emissions of light duty vehicles (RDE-LDV), the Type-Approval Authorities Expert Group (TAAEG) and the CARS 21 High Level Group on the Competitiveness and Sustainable Growth of the Automotive Industry in the European Union, as well as any formal and informal correspondence between the Commission and the European Automobile Manufacturers Association (ACEA);
 - a *questionnaire* to Member States was drafted and sent out to national authorities via permanent representations of Member States in April 2016 with a deadline for answers on 15 June;
 - a *call for* with a dedicated e-mail address (emis-evidence@ep.europa.eu) was published on the EMIS website on 2 May 2016 Through which information considered relevant for the work of the committee can be sent to the attention of the committee.

Website and media

A dedicated website for the EMIS Committee (<http://www.europarl.europa.eu/committees/en/emis/home.html>) has been set up since March 2016. Members and the public can find there all relevant information related to the work of the Committee. The purpose of the website is to allow the work of the committee to be as transparent as possible for the public, without prejudice to preserving confidentiality where it is required.

The EMIS Secretariat keeps the website updated to be sure that all relevant documents (oral and written evidence, background documents, agendas, etc.) are uploaded. The verbatim transcript of each hearing in English is also available on the website.

In addition to the information provided through its website, a *newsletter* is published ahead of each EMIS meeting with information on past and upcoming meetings as well as the latest news related to the mandate of the committee.

Finally, on 27 April 2016 a first joint *press conference* by the EMIS Chair and Rapporteurs was organised, where the forthcoming activities of the Committee were presented to the public, including its draft working plan until summer and the call for evidence. (<http://www.europarl.europa.eu/ep-live/en/other-events/video?event=20160427-1100-SPECIAL-UNKN>).

Next steps

At the time of writing, the programme of EMIS hearings for the second part of the mandate is being finalised. Hearings to collect evidence will continue at least until fall 2016, after which the focus will shift to the preparation of the final report of the Committee of Inquiry.