



30.1.2024

## NOTICE TO MEMBERS

**Subject: Petition No 0383/2023 by M.P. (Romanian) on air pollution caused by vehicles that have obtained road permits through alleged corruption**

### 1. Summary of petition

The petitioner signals the situation caused by the registration of vehicles allegedly not fulfilling the technical standards, on the basis of road permits obtained by means of corruption in Romania. He stresses that practices such as the removal of the Diesel Particulate Filter (DPF) or the use of vehicles with damaged engines are common practices in Romania, where according to the data attached by the petitioner, 1 out of 10 vehicles in the cities and 4 out of 10 vehicles in the countryside are dysfunctional in terms of emissions released. He accuses Romanian authorities, including the Ministry of Transport, of corruption for “tolerating” these practices with detrimental effects on human health and the environment. He is also underlining that, as there are no proper border checks, the impacts transcend the borders of Romania, affecting the whole Europe.

### 2. Admissibility

Declared admissible on 7 July 2023. Information requested from Commission under Rule 227(6).

### 3. Commission reply, received on 30 January 2024

Thanks to a number of recent studies, including those carried out by the Commission’s Joint Research Centre, the Commission is aware of the high number of defective or even tampered vehicles equipped with diesel particulate filter (DPF), and is taking remedial action. It is also well established that even a relatively small share of high-emitting vehicles may be responsible for a large part of pollutant emissions in road transport.

Under the current legislation<sup>1</sup>, vehicles equipped with compression ignition (diesel) engines are subject to smoke opacity testing at periodical technical inspections. In the case of Euro 5/V and Euro 6/VI vehicles, reading the on-board diagnostics (OBD) of the vehicle may be used as an alternative to the exhaust gas opacity measurement. However, as pointed out by the JRC<sup>2</sup>, it has been demonstrated that in many cases the smoke tests or OBD checks cannot identify the malfunctioning vehicles. A new test method, particle number (PN) measurement, capable of identifying high emitters has therefore been developed<sup>3</sup> and by now already introduced in Belgium, the Netherlands, Germany, and Switzerland.

To avoid a situation where Member States may introduce various ways of implementing PN testing and to promote the use of a harmonised test method, the Commission issued a corresponding recommendation in March 2023<sup>4</sup>. While the Commission is working on the revision of the existing legislation on roadworthiness testing, this Recommendation is a first step towards harmonised PN measurement during roadworthiness testing within the Union.

The Recommendation addresses vehicles which have a solid particle number limit at their type-approval, i.e., light vehicles first registered as of January 2013 (Euro 5b) and heavy-duty vehicles first registered as of January 2014 (Euro VI). While Member States may apply the PN test to older vehicles equipped with DPF, e.g., Euro 5a and some Euro 4 cars and vans, their PN emissions cannot be compared to a type-approval limit.

On November 10, 2022<sup>5</sup>, the Commission presented its Euro 7 proposal that covers both light-duty and heavy-duty vehicles, for which the co-legislators have reached a provisional agreement on 18 December 2023.<sup>6</sup> The Regulation addresses exhaust and non-exhaust pollutant emissions to include sources such as brakes and tyre abrasion. It will impose significant reductions in tailpipe limits for NOx and particulates for heavy-duty vehicles, extend the emission performance requirements to 10 years for cars and introduce On-Board Monitoring (OBM) to ensure emission performance over the whole lifetime of the vehicles.

The Commission has addressed this issue in its proposal for a new Directive on protection of the environment through criminal law to replace the current 2008 Directive (see: 2021/0422 (COD); COM (2021) 851 final)<sup>7</sup>, for which the co-legislators have reached a provisional agreement on 16 November 2023. According to the Directive – recital (12) – environmental crime and corruption that has made such crimes possible should not be dealt in isolation. The Directive in its Article 8 also stipulates that it should be treated as an aggravating circumstance, if environmental crime was committed by public officials when performing their duties. The pollution offence is included among other environmental offences in Article 3(1) of the proposal, covering, among others, the emission or introduction of a quantity of materials or substances or ionising radiation into air which causes or is likely to cause death

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<sup>1</sup> Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers, <https://eur-lex.europa.eu/eli/dir/2014/45/oj> and Directive 2014/47/EU on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union, <https://eur-lex.europa.eu/eli/dir/2014/47/oj>

<sup>2</sup> Comparisons of Laboratory and On-Road Type-Approval Cycles with Idling Emissions. Implications for Periodical Technical Inspection (PTI) Sensors (2020), <https://doi.org/10.3390/s20205790>

<sup>3</sup> Evaluation of Measurement Procedures for Solid Particle Number (SPN) Measurements during the Periodic Technical Inspection (PTI) of Vehicles (2022), <https://doi.org/10.3390/ijerph19137602>

<sup>4</sup> Commission Recommendation (EU) 2023/688 of 20 March 2023 on particle number measurement for the periodic technical inspection of vehicles equipped with compression ignition engines, <https://eur-lex.europa.eu/eli/reco/2023/688/oj>

<sup>5</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_6495](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_6495)

<sup>6</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=consil%3AST\\_5142\\_2024\\_INIT](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=consil%3AST_5142_2024_INIT)

<sup>7</sup> [https://eur-lex.europa.eu/procedure/EN/2021\\_422](https://eur-lex.europa.eu/procedure/EN/2021_422)

or serious injury to any person or substantial damage to the environment. This offence can be committed either intentionally or with at least serious negligence.

#### Conclusion

The Commission is aware of the environmental and public health concerns linked to defective and tampered diesel vehicle and has recommended to Member States to implement particle number measurement at periodic technical inspections to address the problem. To reduce the pollutant emissions from new vehicles, the Commission proposed to revise existing emission standards for light and heavy-duty vehicles. The Commission is also aware of serious environmental offences related to corruption of public officials and has addressed the problem in its proposal for a revision of the Directive on the protection of the environment through criminal law.