European Parliament resolution of 27 October 2015 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 Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information¹,


– having regard to Rules 128(5) and 123(4) of its Rules of Procedure,

⁵ OJ L 103, 5.4.2014, p. 15.
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 nitrogen oxide (NOx) 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 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 NOx 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 NOx in urban areas in Europe; 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; whereas over 20 Member States are currently failing to meet the EU air quality limits, in particular because of urban pollution;

C. whereas since 2012 the WHO International Agency for Research on Cancer (IARC) has classified diesel engine exhaust as a carcinogen, and has advised that, given the additional health impacts of diesel particulates, exposure to the mixture of chemicals emitted should be reduced worldwide;

D. 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; whereas unless decisive action is taken the present scandal risks undermining the reputation and competitiveness of the whole sector;

E. whereas small and medium-sized enterprises dominate the automotive supply industry and contribute 50 % to sector specific research and development; whereas the economic strength of many regions in Europe derives from the automotive industry and the automotive supply industry;

F. whereas fair competition, including among car manufacturers, implies that the customer is able to choose the product basing his choice on the comprehensive and unbiased technical characteristics provided;

G. 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;

H. whereas the Regulation on type approval of motor vehicles with respect to emissions from light vehicles (Regulation (EC) No 715/2007, 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));

I. whereas Regulation (EC) No 715/2007 (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 measures concerning the use of defeat mechanisms;

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 period 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 have 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 to be 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 Euro 5 limit value for NOx 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;

N. whereas an analysis by the Commission Joint Research Centre\(^1\) in 2011 came to the conclusion that NOx 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 NOx emissions over entire test routes up to a factor of 14 in individual test windows; whereas another JRC report\(^2\) 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 NOx emissions from tested diesel vehicles about seven times higher than the limits set by the Euro 6 standard;

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O. whereas 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;

P. 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;

Q. whereas Article 14(3) of Regulation (EC) No 715/2007 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);

R. 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 comitology; 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;

S. whereas the current EU type-approval regime does not allow the Commission or other Member States’ authorities to reassess 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;

T. whereas the Commission is in the process of reviewing the type-approval framework; whereas this review is of the utmost importance in order to restore consumer trust in emissions and fuel consumption tests;

U. whereas current systems for controlling NOx emissions from diesel passenger cars rely on three main technologies: inner-engine modifications coupled with exhaust gas recirculation (EGR), lean-burn NOx absorbers (lean NOx 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 with software defeat devices;

V. whereas, in order to ensure compliance with emission standards, vehicles equipped with defeat devices will require the removal of the device, emission control system software modifications and, depending on the engine technology, hardware interventions; whereas it could be possible to improve the performance of emission control systems already installed in vehicles through the removal of defeat devices, reprogramming and recalibration;
W. whereas discrepancies between test results and vehicle performance in normal use are not limited to NOx, but also exist for other pollutants and for CO2; whereas according to independent studies the gap between official and real-world CO2 emissions from passenger cars in Europe stood at 40 % in 2014;

X. whereas the change to the Worldwide Harmonised Light Vehicles Test Procedure (WLTP) in the EU requires the existing fleet average CO2 emission targets for manufacturers to be adapted to the new test;

1. Strongly condemns any fraud by automobile manufacturers and urges companies to take full responsibility for their actions and to cooperate fully with the authorities in any investigations; deplores the fact that millions of consumers have been deceived and misled by false information regarding emissions from their vehicles;

2. Believes that, where evidence of wrong-doing is confirmed, redress to the consumer should be well communicated and undertaken swiftly and should not be to the further detriment of the consumer;

3. Considers it regrettable that excess emissions cause premature deaths, harmful effects on human health, and environmental damage;

4. 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; emphasises its solidarity with the employees concerned, and is concerned about the impact along the supply chain, especially on SMEs, which currently are innocently facing huge challenges caused by the fraud; stresses that employees should not ultimately be the ones who pay the price for emission measurement manipulation;

5. Stresses that before considering any redundancies the manufacturers must use their own financial resources, including by retaining profits rather than distributing dividends, to cover as much as possible of the cost arising from the infringement of applicable law;

6. Is deeply concerned about the delay on the part 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;

7. Recalls that diesel cars have lower CO2 emissions per kilometre than equivalent petrol-powered vehicles and that they are an important means of enabling manufacturers to reach the EU’s 2021 fleet average CO2 emission targets; recalls that they will also continue to be an essential contributor to meeting post-2021 targets, but stresses that manufacturers need to use available clean technology to reduce NOx, PM and other pollutants;

8. 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; 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 of the Commission’s Joint Research Centre;

9. Calls on the Commission to strengthen the implementation of the EU strategy for sustainable, resource-efficient transport systems for road and other modes of transport, progressively abandoning the current system based on fossil fuels and using new technologies and energy sources such as hydrogen, electricity and compressed air;
10. 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 that is discovered to be kept well informed;

11. Demands that the Commission report back to Parliament on the results of these investigations, in writing, by 31 March 2016;

12. Demands that where defeat devices are found, Member State authorities 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 (EC) No 715/2007;

13. Draws attention to 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 request to the Commission and the Member States to urgently finalise the new Euro 6 Real Driving Emissions (RDE) regulation proposal currently under consideration;

14. 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; welcomes the report on the reduction of pollutant emissions from road vehicles (the Deß report, A8-0270/2015) adopted by Parliament’s Committee on the Environment, Public Health and Food Safety on 23 September 2015, and in particular the request to the Commission and the Member States to swiftly come to an agreement on a framework for the test cycle on that basis;

15. 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;

16. 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 on an equal footing with Member States, and in particular to publish the preparatory documents for the Technical Committee on Motor Vehicles relating to the adoption of the new RDE test;

17. 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, the power to require Member States to launch control procedures based on evidence, and the ability to adopt appropriate measures in the event of breaches of EU law;

18. Calls on the Commission to redesign the current type-approval regime in order to guarantee that type approvals and certificates by national competent authorities can be
checked independently and reassessed by the Commission, if appropriate, and to ensure an EU-wide level playing field, and that the implementation of the EU regulations can be effectively enforced, and the shortcomings of implementing measures corrected, without unnecessarily increasing the administrative burden;

19. Calls, therefore, for consideration to be given to the establishment of an EU-level surveillance authority;

20. Finds it of utmost importance that the Commission and all Member State competent authorities have the right to reassess type approval and certificates of conformity, to require recalls and stop the placing on the market of vehicles when they have evidence of non-compliance with the EU emissions limit values under the Euro 5 and 6 Regulation or any other requirement provided for by the type-approval regime;

21. Considers that the upcoming review of the Type Approval Framework Directive must consider expanding and specifying 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 and CO₂ limit values; calls, furthermore, for improved in-service testing of vehicles already in use 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 which are found not to be in compliance with EU law;

22. 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;

23. 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;

24. Calls on the Commission, being responsible for competition in the EU internal market, in cooperation with national surveillance authorities, to ensure a level playing field among competitors serving the market;

25. Recalls the need to fully and thoroughly transpose and implement European rules concerning the functioning of the internal market in all Member States and furthermore calls on European and national market surveillance authorities to investigate all claims of fraud vigorously;

26. Asks for the Commission to ensure that information provided to consumers under the EU car labelling Directive (1999/94/EC) is accurate, relevant and comparable; considers that the labels should be based on the emission values and fuel efficiency that correspond to real-life driving;

27. Is concerned about the discrepancy of the CO₂ emissions declared in official test results and those measured in real driving conditions; calls, therefore, for swift agreement on the
WLTP correlation for fleet average CO\textsubscript{2} targets, with due respect for the principle of ‘comparable stringency’ but without credit being given for unfair flexibilities in the current test procedure, in order not to weaken the 2021 target;

28. 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;

29. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.