

Sven Giegold
MEMBER OF EUROPEAN PARLIAMENT

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Commissioner Thierry Breton
Commissioner Virginijus Sinkevičius
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Subject: Commission must take legal action to stop the use of defeat devices in diesel cars

Dear Commissioner Breton,

dear Commissioner Sinkevičius,

today, Environmental Action Germany (Deutsche Umwelthilfe), a non-governmental environmental and consumer protection organisation, [revealed the continued use of defeat devices in millions of diesel vehicles in Germany and Europe](#)¹. The organisation tested more than 20 vehicles under real driving conditions on the road. Many of these cars had an initial registration date in 2020, years after the Diesel Scandal in 2015. Environmental Action Germany found that many millions of diesel cars are in clear violation of EU emissions regulations, exceeding the European limit values by up to 18 times. In numerous cases, the emission control system stopped functioning at temperatures below 10°C. This means that in many parts of Europe, emission control systems are permanently deactivated for large parts of the year. It is therefore not a surprise that nitrogen oxide levels still exceed legal limits in hundreds of cities in the EU, posing severe health risks to millions of Europeans.

The public is aware of defeat devices since the Diesel Scandal, but they have been known to authorities for more than ten years. However, millions of diesel vehicles still use illegal devices that reduce emissions during official testing cycles but stop working during the normal use of a vehicle.

The European Parliament just last month adopted a clear call to eliminate loopholes in the approval of vehicles and ensure emission standards are indeed met under real driving conditions. We expect the Commission to swiftly follow up legal action with court referrals and sanctions when violations are established.

A recent judgment by the Court of Justice concluded that “a defeat device which systematically improves, during approval procedures, the performance of the vehicle emission control system (...) cannot come within the scope of the exception to the prohibition on such devices provided for by the regulation (715/2007/EU), even if that device contributes to preventing the ageing or clogging up of the engine”. This means that defeat devices that are designed to work in the predefined conditions of testing cycles, but not during the normal use of a vehicle - for example in low temperatures - are illegal.

¹ <https://www.duh.de/presse/pressemitteilungen/pressemitteilung/deutsche-umwelthilfe-wirft-verkehrsminister-scheuer-rechtswidrige-duldung-von-millionen-betrugsdiese/>

However, the German Kraftfahrt-Bundesamt and authorities in other member states appear not to comply with this judgment, since approvals for vehicles with well-known defeat devices have not been revoked. This is despite the fact that an infringement case against Germany is open since 2016. However, so far the Commission has not brought this case to a close in front of the Court of Justice.

I therefore ask you to immediately intervene and remedy the unlawful use of defeat devices. National authorities must recall any and all vehicles that do not comply with European law. European citizens have a right to clean air and a right to trust their cars perform as advertised. Non-compliant vehicles must be retrofitted and the car manufacturers should finance these operations. I urge the Commission to step up for consumers and for the rule of law and credible European laws that protect our health and environment. Infringement proceedings against Germany and all other Member States that do not comply with the EU law on type approval must be brought in front of the Court of Justice as soon as possible.

With kind regards,

A handwritten signature in black ink, reading "Sven Giegold". The signature is written in a cursive, flowing style.

Sven Giegold, MEP