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Member of the Commission

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Mr Sven Giegold
Member of the European Parliament
ASP 08 H 359
60 Rue Wiertz
B-1047 Bruxelles

Dear Mr Giegold,

Thank you for your letter of 14 April 2021 to Commissioner Sinkevičius and me, in which you draw our attention to the recent on-road vehicle emissions test campaign carried out by Deutsche Umwelthilfe.

In reaction to the Dieselgate scandal, the Commission adopted a reinforced regulatory framework ensuring, on the one hand, strict surveillance of the market for automotive products and, on the other hand, new emissions testing procedures, significantly increasing the robustness of the emissions type approval system. Thanks to the introduction of Real Driving Emission testing in 2016¹, the amount of harmful pollutant emissions, especially NO_x, has been reduced up to 10 times, as measured during on-road tests. Since September 2019, all new vehicles that are placed on the EU market have to comply with emissions limits in real driving conditions², one of the most stringent testing methods worldwide.

The tests conducted by Deutsche Umwelthilfe confirm that vehicles type approved with Euro 6d temp and Euro 6d norms,³ the most recent standards for real driving emissions testing, respect the regulatory limits on the road. As the Report demonstrates, none of these vehicles exceeded, in a valid RDE test, emissions above the regulatory limit of 80mg of NO_x/km. The measured emissions of the two tested Euro 6d temp vehicles amounted to 47 and 54 mg NO_x/km and for the two tested Euro 6d vehicles - 9 and 70 mg NO_x/km.

Vehicles that did not pass the real driving emissions tests carried out by Deutsche Umwelthilfe (Euro 5, and Euro 6, Euro 6b and Euro 6c), had in fact been approved

¹ Commission Regulation (EU) 2016/646 of 20 April 2016 amending Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6), OJ L 109, 26.4.2016, p. 1.

² Article 15 (3) of Commission Regulation (EU) 2017/1151.

³ See page 5 of the report. For vehicles with Euro 6d temp and for Euro 6d vehicles a Conformity Factor of, respectively, 2.1 and 1.43 need to be applied for RDE testing to offset the lower accuracy of RDE measuring by Portable Emission Measurement Systems.

before the introduction of the real driving emissions testing procedure (test vehicles first registered between 2012 and 2017).

The report from the Deutsche Umwelthilfe testing, pointing to a possible presence of defeat devices, together with the test results, have been transmitted to the responsible type approval authorities for further assessment and investigation.

The Commission will request information and feedback regarding such assessment from the type approval authorities concerned and, if necessary, will take appropriate corrective or restrictive measures, according to the rules established in Regulation (EU) 2018/858⁴.

We would like to reassure you that the Commission is committed to the strict application of the prohibition of illegal defeat devices. We are currently working on an update of the 2017 guidance document on the evaluation of Auxiliary Emission Strategies and the presence of Defeat Devices,⁵ which is foreseen for 2021.

The recent ruling⁶ of the Court of Justice of the European Union, to which you refer, largely confirmed the Commission's position on the prohibition of unlawful defeat devices.

In this context, the Commission invited the Member States to an ad hoc meeting on 14 January 2021 and 26 May 2021 in the Forum for Exchange of Information on Enforcement set up in the context of the new Type Approval framework, where the implications of the judgment were discussed. The Commission further requested Member States to assess the implications of the Court decision on the type approvals they had issued and to provide information about their findings. The Commission is currently evaluating the replies received. On this basis, the Commission will assess if and what steps should be undertaken in line with the Type Approval Regulation.

Concerning the infringement procedures which have been initiated in the follow-up of the diesel emissions scandal, some of them have been concluded (due to the remedial actions taken by the relevant Member States) and, with regard to the remaining ones, the Commission expects the relevant Member States to address the outstanding concerns.

We hope you will find this information helpful.

Yours sincerely,



Thierry Breton

⁴ See especially Article 53 (6) of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC, OJ L 151, 14.6.2018, p. 1.

⁵ C(2017) 352 final

⁶ Case C-693/18 <https://curia.europa.eu/juris/documents.jsfnum=C-693/18>