

Addressed to:

Donald Tusk
President of the European Council

Jean-Claude Juncker
President of the European Commission

Martin Schulz
President of the European Parliament

Monday, 09 November 2015

Concerns: Dieselgate - EU action to protect citizens from air pollution and the manipulative and fraudulent behaviour of carmakers

Dear President,

We write in connection with the revelations and wider implications of the dieselgate emissions scandal and to express our objections to recent decisions to more than double the emission limits for cars tested on the road. Volkswagen – and very likely other companies – have intentionally misrepresented and manipulated data for years to undercut standards which were put in place to protect our health and the environment.

NGOs and other experts have repeatedly warned about major flaws in the way national and EU institutions test, monitor and enforce compliance with emission standards. National and European institutions have also been aware of the problem for years.

The scandal is symptomatic of a 'better regulation' agenda in favour of cutting compliance costs and replacing the role of the public regulator with corporate co- and self-regulation. Over the past decade, this approach has favoured a climate in which rules that protect the public interest are considered as burdens rather than investments. Yet, the dieselgate scandal, caused by a will to cut compliance costs, shows that the human and economic consequences of weak rules and lenient enforcement of environmental laws are enormous. Over 400,000 people die prematurely each year in Europe because of polluted air.

This requires a fundamental re-think of the way in which European and national institutions, including the European Commission, legislate and enforce environmental, consumer and health standards, and engage with vested interests. Specifically, the EU must urgently improve its capacity to protect European citizens from air pollution and the fraudulent behaviour of companies, and reorient the better regulation agenda.

The European car industry has been successfully flexing its lobbying muscles for decades: in the mid-90s it lobbied against binding CO₂ emissions targets, instead proposing a voluntary scheme. Unsurprisingly, the scheme failed. Binding emission limits were introduced a decade later, and yet again carmakers lobbied successfully to have the limits watered down. The same failures are now being repeated in relation to emission standards for lorries and in current negotiations on testing regimes and car type approval.

As a major EU lobbyist, Volkswagen has for a long time benefited from privileged access and a significant influence on the policy process, also thanks to its membership of five Commission advisory groups, and industry lobby group ACEA (Association des Constructeurs Européens d'Automobiles).

The impact of corporate lobbying on air quality is not limited to the automobile industry. For instance, in April, NGOs highlighted the systematic infiltration by the energy industry of EU regulatory processes to set emission standards for power plants. The consequence is that EU emission limits for coal plants are likely to fall behind existing standards in China and the United States.

We therefore urge you, your institutions and national governments to take immediate action to respond to the dieselgate scandal. We call on you to:

- 1. Undertake an immediate, independent and transparent EU-level investigation into the dieselgate scandal**, including a full review of the rules and regulatory mechanisms that failed to prevent Volkswagen's manipulations, excessive emissions, and misuse of public funds. The investigation should also compile and interpret the findings of all national authorities and prosecutors on the fraudulent behaviour of Volkswagen and, if relevant, other car-makers.
- 2. Establish EU oversight in the process of type approval for motor vehicles.** The existing procedure whereby national agencies oversee and undertake EU-wide type approval has failed.
- 3. Strengthen the enforcement of environmental legislation at EU and Member State level**, including by equipping public environmental inspectorates with the mandate and powers to protect public health and the environment and improving market surveillance under the recently-unveiled internal market strategy.
- 4. Ensure that fraudulent companies are suspended from the EU lobby register until it has been demonstrated that they comply with EU law**, and consequently decline meetings between the companies and the EU institutions unless the meeting directly concerns an investigation. Volkswagen's membership in Commission expert groups and advisory bodies should also be suspended.

We will closely monitor progress in all four areas and look forward to hearing from you about the actions you and your institution will take.

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Yours sincerely,

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