

# DieselGate: EU Commission Attempts to Delay Policing of Diesel Emissions. “VW Was Caught Cheating”

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*In September last year, car manufacturer Volkswagen was caught cheating on emission tests in the US - the ‘Dieselgate’ scandal was unleashed and quickly went on to also hit Europe. Like in the US, VW diesel cars manufactured in the EU were found to contain cheat devices which under lab conditions would throttle the emission of harmful nitrogen oxides, pollutants which in 2015 caused [an estimated 75,000 premature deaths](#) in Europe alone.*

As the investigation into the Dieselgate affair deepens both in VW’s home country Germany as well as at EU-level, the European Commission’s role in the scandal comes into focus. Corporate Europe Observatory recently obtained leaked documents ([I](#), [II](#), [III](#), [IV](#)) which reveal the illegal attempt of the Commission’s enterprise department (DG Enterprise) to delay enforcement of EU emissions standards for diesel cars in a bid to help industry save money.

Today, Karl Falkenberg and Daniel Calleja Crespo - two of the highest-ranking former Commission officials from DG Enterprise and DG Environment - will be heard at the European Parliament’s dieselgate inquiry committee. The leaked 2012 correspondence between both departments already highlights a collaborator spirit that links certain parts of the Commission with the car industry, something which both Falkenberg and Calleja Crespo have been disputing heavily. The leaked internal correspondence reveals a severe clash between the two departments - DG Enterprise on the one hand, which led on the development of tougher emissions tests and then tried to skimp when implementing these, and DG Environment on the other hand, which pressed for the timely implementation of the new measures. Aware of the higher accuracy of these Real Driving Emissions (RDE) tests it had helped to devise and concerned about subsequent profit losses for car manufacturers, DG Enterprise wanted to keep diesel cars on the roads - and on sale - that would clearly have been shown to exceed legal emission levels by the new tests.<sup>i</sup> Antonio Tajani, who is now a prominent MEP and EU Parliament presidential hopeful, was the one heading DG Enterprise at this time, when the department argued that “the probability of rejecting vehicles by the RDE test procedure [...] has to be kept low”<sup>ii</sup>

A five-year lead-in period for the tougher new tests was thus suggested in order to spare manufacturers the costs of technological adaptation necessitated by more accurate emission readings.<sup>iii</sup> Ignoring the 2007 EU regulation that obliges auto manufacturers to cut toxic nitrogen oxide emissions, DG Enterprise even claimed that “as a consequence [of the economic crisis] it may not be political[ly] opportune to implement RDE measures [...] during the next couple of years”.<sup>iv</sup> Once informed of the plans by DG Enterprise, DG

Environment strongly objected to the strategy, emphasising the legal obligation of enforcing EU emissions standards, and warning that the proposed delay would violate EU pollution regulation.<sup>v</sup> To DG Environment staff, a five-year timeline was indefensible <sup>vi</sup>, and the pretext of the financial crisis “[could not] be adduced in the continued failure [to] properly implement the [...] legislation”.<sup>vii</sup>

Even member states themselves rejected the DG Environment proposal, given “the importance [...] of air quality [...] problems caused across the EU by the real-world emissions of diesel” <sup>viii</sup> While they agreed to consider a delayed enforcement of diesel standards, they, too, rejected the suggestion of keeping dirty diesel cars on sale even if they failed the new tests.<sup>ix</sup>

Although there is no direct link between this 2012 attempt of DG Enterprise to delay the enforcement in member states and last year’s EU decision on when and how to introduce the new RDE tests, its intention is very much reflected here: they will only be used as of autumn 2017, with test results of diesel emissions being allowed to exceed the legal limit for nitrogen oxides by up to 210% until 2020 and by up to 50% ever after.

Understandably, Tajani as European Commissioner in charge of car industry regulation at the time, had to appear before the ‘EMIS’ dieselgate inquiry committee of the EU Parliament regarding his role in the scandal and the Commission’s apparent lack of political will to push for a timely enforcement in emission standards . Tajani insisted that his call for a regulatory moratorium in 2012 had no “indirect impact on the DG [...] that could have led [...] to a slowing down of the legislative activity.”<sup>x</sup>

The leaked correspondence clearly rebuts this claim and exposes how reluctant a key department of the European Commission has been to tackle the problem of diesel cars exceeding EU emission standards - to the detriment of public health and the environment.

**Notes:**

iEnterprise and Industry Directorate General: Real Driving Emissions of Light Duty Vehicles: Meeting with Member States of 3 May 2012. ENTR.F1/KS D(2012). European Commission, Brussels, 18 April 2012.

iiEnterprise and Industry Directorate General: Real Driving Emissions of Light Duty Vehicles: Meeting with Member States of 3 May 2012. ENTR.F1/KS D(2012). European Commission, Brussels, 18 April 2012.

iiiEnterprise and Industry Directorate General: Note for the Attention of K. Falkenberg, Director-General, DG Environment. ENTR/D/5/KS/iv -(2012)8426883. European Commission, Brussels, 25 June 2012.

ivEnterprise and Industry Directorate General: Real Driving Emissions of Light Duty Vehicles: Meeting with Member States of 3 May 2012. ENTR.F1/KS D(2012). European Commission, Brussels, 18 April 2012.

vDirectorate-General Environment: Note for the Attention of Mr Daniel Calleja Crespo, Director

General, Enterprise and Industry. ENV/C3/SB/pb ARES(2012). European Commission, Brussels, 27 April 2012.

vi Directorate-General Environment: Note for the Attention of Mr Daniel Calleja Crespo, Director General, Enterprise and Industry. ENV/C3/SB/pb ARES(2012). European Commission, Brussels, 27 April 2012.

vii Directorate-General Environment: Note for the Attention of Mr Daniel Calleja Crespo, Director General, Enterprise and Industry. ENV/C3/SB/pb ARES(2012). European Commission, Brussels, 27 April 2012.

viii DG Enterprise and Industry Directorate-General: RDE-LDV workshop of Member States of 3 May 2012: executive summary. ENTR.F1/KA D(2012). Brussels, 01 June 2012.

ix DG Enterprise and Industry Directorate-General: RDE-LDV workshop of Member States of 3 May 2012: executive summary. ENTR.F1/KA D(2012). Brussels, 01 June 2012.

x Table with questions to Mr. Antonio Tajani – EMIS hearing of 5/9/2016, Question 12, p. 12.

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