

ELŻBIETA BIEŃKOWSKA

MEMBER OF THE EUROPEAN COMMISSION

Jorgo Riss
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Belgium

Brussels, **25 FEB 2016**

Dear Mr Riss,

I refer to your letter of 9 November to President Juncker, to which I am replying on his behalf.

The European Commission reacted to the revelations about Volkswagen's fraudulent behaviour with determination and without delay. I have personally made it very clear that fraud will not be tolerated and that we quickly need full transparency on the exact nature and scale of the issue. Volkswagen has been asked to disclose all relevant information without delay and all affected cars have to be brought in compliance with the applicable EU legislation.

With the rapid move towards mandatory Real Driving Emissions (RDE) testing, the European Commission has also taken decisive action to address the shortcomings in the testing regime that the VW case revealed. In fact, the EU will be the first and only region in the world to mandate this new and robust testing method. I understand that there are different views as to the level of stringency of the NOx limits for the test, but there can be no doubt that the limits that have been agreed will lead to significantly lower real world emissions, in a relatively short time.

At the same time, the Commission has made on 27 January 2015 extensive legislative proposals to revise and revamp the EU car type approval system. In this context, far-reaching proposals have been made to introduce more independent and quality testing, reinforced market surveillance and more EU oversight for the Commission. This process already started before the Volkswagen case, however, we made sure that the lessons we learned from it are appropriately reflected.

Independently of the VW case, the Commission has been taking decisive action to ensure that air quality legislation is properly enforced. I would like to recall that, as regards NO₂ concentrations, seventeen Member States have reported excess levels since 2010, and infringement proceedings have already been opened against the United Kingdom, Portugal, Italy, Spain, Germany and France.. These excess NO₂ levels are to a large part due to diesel

vehicles, and the VW case has drawn further attention to this. Exposure to NO₂ is associated with cardiovascular and respiratory diseases and the Commission will not relax its effort to ensure full implementation of air quality legislation.

As you will be aware, the European Parliament decided to set up an inquiry committee to investigate breaches of EU rules on car emission tests and alleged failures by EU Member States and the European Commission to enforce EU legislation. The European Commission will support the work of the committee in a spirit of cooperation and transparency so that these allegations can be thoroughly investigated.

The purpose of the Transparency Register is to regulate interest representation aimed at influencing policy and decision-making of the Commission and Parliament. In that context, a violation of the Code of Conduct underpinning the Transparency Register would be a precondition for taking any measures against a registrant. There is presently no legal basis under the Transparency Register rules for removing companies that infringe EU law. More importantly, the Transparency Register was not designed as an enforcement tool for EU law and the latter is still best-served with the dedicated procedures foreseen to that end.

I remain at your disposal for any further exchange on this matter.

Yours sincerely,



Elżbieta Bienkowska

Cc: Donald Tusk, President of the European Council

Martin Schulz, President of the European Parliament