

Written questions to the Commission - recall programmes and car modification practices

Questions - Recall Programmes

1. Which models is the Commission aware that have been recalled on a mandated basis by which Member States; and what information have the issuing national TAA's shared with the Commission and other Member States to explain the reasons?

[Recalls of vehicles in Europe are mentioned in Article 32 of Framework Directive 2007/46 on Type Approval.] Ordering manufacturers to issue a recall when (i) this is necessary to bring non-compliant vehicles back into conformity with their approved type (cfr. Article 30 Directive 2007/46), (ii) in application of Directive 2001/95 or (iii) due to a serious risk to road safety, public health or environmental protection (cfr. Article 32 Directive 2007/46) falls into the responsibility of the respective national authorities in Member States. Article 32 of Directive 2007/46 regulates the consequences of a (mandatory or voluntary) recall with regard to the type-approval of the recalled vehicles. The Commission has been in continuous contact with Member States on the issue of recalls and has asked for updates during each meeting of the Technical Committee on Motor Vehicles (TCMV) and the TAA Expert Group (TAAEG) since the VW scandal was revealed. Member States were regularly providing updates on the recall actions, whether mandatory or voluntary, during the meetings. Furthermore, the Commission has written to Member States about the state of the recalls on the 7th of June and for an update on the 6th of July 2016. A review of all the answers can be found in the two attached tables.

2. Which models is the Commission aware that have been recalled on a voluntary basis; and what information have been communicated by the issuing national TAA's to the Commission and other Member States to explain a voluntary recall?

As above.

3. What impact is expected on other performances characteristics of recalled vehicles (like reliability, fuel use and driveability); what steps is the Commission taking to ensure that consumers are appropriately compensated and penalties applied to manufacturers?

Vehicles registered in Member States have to be and remain in conformity with all legal requirements for their Type Approval (cfr. Article 4 (3) of Directive 2007/46). These requirements (cfr. the list of legal acts containing such requirements in Annex IV to Directive 2007/46) include characteristics such as fuel consumption, durability and emission limits. To ensure the continued compliance of all vehicles belonging to an approved type beyond the granting of a type-

approval, Member States' approval authorities are required to check whether the production arrangements ensure that vehicles in production will be in conformity with the approved type (cfr. Article 12 (1) Directive 2007/46). When the conformity of production is no longer ensured, or when a Member State finds that new vehicles do not comply with the requirements for their approved type, it is the obligation of national approval authorities to impose the "necessary measures" to restore conformity (cfr. Article 12 and 30 Directive 2007/46). Directive 2007/46 does not prescribe a specific kind of action as a "necessary measure". Depending on the individual case, the mandatory recall and repair of the vehicles concerned, or even the withdrawal of the type-approval, may be appropriate. In these cases, Member States need to make sure that any changes proposed by the manufacturers bring the vehicle in compliance. According to Article 32(3) of the Framework Directive 2007/46, if the approval authority which granted the EC type-approval is itself not satisfied with the measures by a manufacturer following a recall, it shall take all protective measures required, including the withdrawal of the EC vehicle type-approval where the manufacturer does not propose and implement effective corrective measures.

Regarding consumer compensation, I have repeatedly stated in public and vis-à-vis the VW group that consumers should be adequately compensated.

It is Member States' responsibility to ensure compliance with EU law and for national authorities to assess, on a case-by-case basis, whether a practice is illegal and what enforcement measures need to be taken.

Nevertheless, the Commission has undertaken several steps. In May 2016, a proposal for a revised Consumer Protection Cooperation Regulation was tabled. The proposal aims at improving the cooperation between national authorities to better enforce existing EU consumer rights. It foresees a new coordinated enforcement procedure that the Commission could trigger in case of harmful practices affecting consumers in most of EU countries. At the end of July 2016, Commissioner Jourova sent a letter to the boards of the Consumer Protection Cooperation network (CPC), to BEUC (the European Consumer Association) and to the national consumer associations, on the issue of consumer protection following the emission scandal. The Commission wants to analyse which enforcement actions have been taken by national authorities, which solutions consumer organisations are suggesting that consumers should pursue, which difficulties they face to support consumers and how the Commission can help at EU level. The Commission organised a meeting in Brussels on 8 September 2016 with consumer organisations to identify short term solutions and discuss longer term remedies to better protect consumers. The meeting served in particular the purpose of gathering more information on ongoing activities undertaken by consumer organisations and ongoing Court cases.

As regards imposing penalties on manufacturers, it should be stressed that, under the present legislation, this is not among the Commission's prerogatives. It is up to the Member States to determine sanctions in their national law and to implement them. In absence of compensation from the manufacturer on a voluntary basis, the legal assessment on consumer compensation is a matter for the national courts, on a case by case basis.

4. Are consumers required to cooperate in mandatory and/or voluntary recalls? What arrangements are being put in place to ensure the minimum

disruption for consumers?

It is up to the Member States to set up specific national rules for recalls, whether mandatory or voluntary. The related answers from Member States can be found under question 8 of the attached table 2.

5. What discussions has the Commission had with TAA's regarding the approvals of cars using a thermal window?

The Commission is currently analysing, in close discussion with Member States, the legality of certain practices such as the use of thermal windows, ambient pressure, speed, engine revolutions per minute (RPM) and switch-off after some time from engine start. The actions to be taken will depend on the outcome of these investigations.

What I can say already now is that any strategy adopted by a manufacturer, consisting in decreasing or turning off the functioning of a pollution control device for reasons that have no link whatsoever with the engine protection and/or vehicle safety, shall be considered as a practice violating the law. In such a case we expect the responsible Member State to take action against the manufacturer. If the Member State does not take action against illegal type approval practices, including the application of penalties to manufacturers where appropriate, the Commission will consider the appropriateness of launching infringement procedures.

For the moment, the Commission is lacking information on the technical details/facts of the national investigations in order to make its own assessment on the software's legality/illegality.

6. What action is the Commission taking to ensure that cars abusing the thermal window or defeat device loopholes are recalled and repaired?

According to Directive 2007/46, it is the Member States' responsibility to ensure that any non-compliant vehicles are brought back into conformity. The Commission has no formal role in these actions. The Commission is, however, closely following the measures taken by the Member States, to ensure that EU law is respected. If the Commission comes to the conclusion that this is not the case, it may start infringement cases against the Member States which do not take the necessary measures.

7. Does the Commission intend to coordinate with the national TAA via the TAAEG, a European wide recall program based on harmonized criteria for example on the use of thermal windows?

Currently, there is no legal basis for the Commission to call for or coordinate a European wide recall programme. Nor has the Commission been requested by

any EU Member States to coordinate such a recall programme based on harmonised criteria. The Commission's proposal is to change this legal situation with the adoption of the new Type Approval Regulation currently under discussion in the European Parliament and the Council.

Nevertheless, the Commission is monitoring actions undertaken by the Member States and the state of play regarding the recalls is included in the attached tables. The Commission was requested by several Member States to support them with the coordination of the measurement programmes undertaken as a follow up of the VW case. In response to these requests, the Commission services created a subgroup of the TAAEG on Automotive Market Surveillance, which is co-led by DG GROW and the JRC. The group has met 5 times up to now (5th November 2015, 1st December 2015, 1st February 2016, 19th April 2016 and 13th June 2016), focusing on two major issues: developing a common testing protocol for the identification of suspicious vehicles that might be equipped with a defeat device and coordinating national testing programmes. Based on the work of the group, the JRC has developed a testing protocol as well as an analysis tool for PEMS (Portable Emission Measurement Systems) data within this group.

8. Is there any precedent or legal basis for a voluntary recall? Are voluntary recalls occurring EU wide or only in some Member States? What actions are the Commission or TAA's taking to ensuring such recalls happen and are effective in remediating emissions?

The Type Approval Framework Directive 2007/46/EC, Directive 2001/95/EC on General product safety (GPSD) and Regulation (EC) 765/2008 on Market surveillance, leave it to the Member States to set up specific national rules for recalls, whether mandatory or voluntary, required for the effective implementation of the aforementioned Union legislation. Manufacturers are responsible for the products they put on the market and will be the first to take action. If they don't, Member States may force them to take actions. The EU sets a framework for dangerous products to ensure that national safeguard measures do not impair the internal market and to facilitate the exchange of information on national recalls.

*Market surveillance authorities in all EU countries inform each other when they take measures against unsafe products. They share this information through a **Rapid Alert System** called [RAPEX](#). This allows other European countries to react quickly and take similar actions. Information on many previous recalls is available in the EU RAPEX database. As recalls are managed by Member States, they are not EU wide recalls unless there is a dispute between 2 Member States which requires an EU decision, in accordance with the GPSD Directive and the Market surveillance Regulation.*

Currently there is no EU legal basis that would allow the Commission to force a manufacturer or a Member State to launch a recall. The Commission's proposal is to change this legal situation with the adoption of the new Type Approval Regulation currently under discussion with the European Parliament and the Council.

9. Can the Commission confirm whether the Federal Motor Transport Authority (KBA) has tested modification of VW engines under real driving conditions?

The Commission has no such knowledge. The question should be directed to KBA.

10. As the Commission might have already been informed, the modifications of VW engines are not compulsory in all EU Member States (in some MSs only recommended). Could restrictions for cars without modified engines when entering countries with compulsory modifications (such as Germany) be justified according to EU law?

Under the Framework Directive 2007/46/EC (Article 4(3), second subparagraph) Member States shall not restrict or prohibit the registration, sale, entry into service or circulation on the roads of vehicles on grounds related to aspects of their construction and functioning covered by this Directive, if they satisfy the requirements of the latter. Such restrictions should be justified on the basis of Directive 2007/46/EC if vehicles without modified engines are deemed not to be in conformity with that Directive. Such restrictions for cars without modified engines are also likely to constitute obstacles to the free movement of goods under Article 34 TFEU. Such obstacles may be acceptable under Article 36 TFEU provided that, on the one hand they are necessary to achieve any of the public interest objectives set out in this provision or accepted by the Court of Justice and, on the other they constitute the least trade-restrictive measure.

Questions - Car modifications

1. Is the Commission aware of the hardware and software car modification practices described in the letter and the extent to which these practices are taking place and what their impact is on air quality?

The Commission is aware that such modification practices, as the ones described in your letter of 18 July 2016, exist for vehicles which have already entered the market. The modifications may be related to software or hardware with varying effect on the emissions and therefore on air quality. However, the Commission has no knowledge of the extent to which these practices take place, since no reliable data exist on this issue. It is therefore hard to estimate the total impact on air quality.

2. How are these practices regulated in EU and national legislation?

At European level the relevant Directives are the Directive 2014/45/EU on periodic roadworthiness tests, and the Directive 2014/46/EU on vehicle registration documents. Especially the first Directive says in Recital 8 that "Member States should consider appropriate measures to prevent adverse manipulation of, or

tampering with, vehicle parts and components that could have a negative bearing on required safety and environmental characteristics of the vehicle, in particular through the periodic roadworthiness test, including effective, proportionate, dissuasive and non-discriminatory penalties."

The hardware and software car modification practices, referred to in your letter, concern the aftermarket treatment of vehicles already in use and are thus regulated under the national law based on the above Directives. Member States are responsible to ensure on their territory that vehicles on the roads are in full compliance with the legal requirements.

Currently such a manipulation can only be detected during the Periodic Technical Inspections. However, the required tests are not really suited to detect such manipulations, unless it is clear from a visual control that an emission control part is missing, modified or obviously malfunctioning.

3. To what extent are they legal (both for hardware and software modifications)?

All new vehicles registered in Member States should conform to the Certificate of Conformity issued together with the vehicle. For circulating vehicles Member States have different interpretations on the acceptance of such modifications, with some considering them legal, while others not. Thus the situation is not harmonised throughout Europe.

4. If they are illegal: how are these practices traced and punished? What is the role of the technical inspection centres? How could the ban of these activities be better enforced?

These questions are for Member States.

5. If they are legal: to what extent does the Commission plan to regulate this?

These questions are for Member States. The Commission might in the future wish to review the relevant legislation.

Table 1: Recall campaign – State of Play in the Member States

MS	Recall procedure	Concerned Vehicles	Observations
AT	Voluntary for the owner/ Mandatory for the manufacturer	AUDI SEAT VW	According to Porsche Austria, 363.196 vehicles with engines of series EA189 using an illegal defeat device had been registered in Austria by 30th September 2015. So far, 6.736 have received the planned updates (as at 3rd June 2016), which amounts to approximately 1,85% of the total vehicles in question.
BE	Voluntary recall	VW	N/A.
CY	Voluntary for the owner/ Mandatory for the manufacturer	VW AUDI SEAT SKODA SUZUKI, HONDA and MITSUBISHI.	The recall campaign already started. The manufacturer is obliged to ensure an effective achievement of the recall campaign.
CZ	Voluntary recall	VW SKODA	The recall starts in May in cooperation with manufacturers and the Ministry of Transport which is responsible for the registration of vehicles.
DE	Obligatory recall	VW Group (Audi, Seat, Skoda, VW)	The recall campaign is ongoing, about 2,5 million vehicles are concerned in Germany. About 630.000 vehicles are concerned by the voluntary recall campaign (KBA approved vehicle, Group II of Investigation Report).
DK	Mandatory recall	VW	The mandatory recall is related to the periodic inspection. The owner receives the first letter with invitation to the recall campaign, followed by a reminder when necessary. If the owner does not update the vehicle after this reminder, the vehicle will not pass the periodic inspection and cannot be registered in Denmark.

EE	Voluntary recall	VW AUDI SEAT SKODA	All the manufacturers are being treated the same way. VW Group has informed that the recall campaign of one of the model variants of the VW Golf 2.0 TDI will start from the first week of May. Technical solutions of some model variants of VW AMAROK, AUDI models A4, A5, A6, Q5 and SEAT EXEO are already available. The recall for some model variants of SKODA will also start soon.
ES	Voluntary for the owner/ Mandatory for the manufacturer	VW SEAT SKODA AUDI	The only recall in place concerns VW and SEAT models.
FI	Mandatory recall	VW AUDI	There is an ongoing recall campaign for VW vehicles, and a collection of information about SKODA and SEAT.
FR	Voluntary recall	VW	No recall campaign has started yet. VW has informed their clients in France that early next year it will begin recalling vehicles. There is an ongoing assessment on RENAULT KAPTUR and KADJAR vehicles. However, there is no existing text which can oblige the owner to bring the vehicles in for changes.
HU	Voluntary for the owner/ Mandatory for the manufacturer	VW AUDI SKODA SEAT	The ongoing recall campaign is based on the engine codes, basically concerning VW, AUDI and SKODA. A clear road map of the recall campaign is provided. Recalls are managed by the manufacturer and not ordered by the National Transport Authority. Hungarian owners are not obliged to respond to the recall. The type approval authorities are the supervisors of this campaign and the National Transport Authority collects data about the status of the recalls from the KBA.
IE	Voluntary for the owner/ Mandatory for the manufacturer	VW AUDI SEAT SKODA	Volkswagen engaged with CCPC and it was agreed that the NOx activity was not subject to the General Product Safety Directive S.I.199/2004 and therefore should be handled as a “Non-Recall” Service action. Volkswagen Group Ireland committed however to the voluntary call-back of the affected vehicles and would handle the activity with Recall processes consisting of three direct mails to registered holder of the vehicle followed by one registered letter.

IT	Voluntary recall	VW Group	<p>In Italy there is no legal obligation for the manufacturer to recall, nor for the owner to bring the vehicle to the recall centre. Nevertheless, according to VW Italy, the recall will be done on a voluntary base following the information provided by KBA.</p> <p>The intention is to link the recall campaign to the periodic technical inspection, but currently it is not legally possible. As it stands a letter must be sent up to three times inviting the owners to the recall campaign but there is no legal obligation for owner to follow the invitation.</p>
LU	Voluntary for the owner/ Mandatory for the manufacturer	VW AUDI SKODA	All the owners receive a letter from the importer, who got all the contact data by the registration authority in collaboration with the Ministry, informing them that their vehicle is suspected of having a defeat device and inviting them to the recall. The owner is free to follow the invitation or not but the writing of the importer points out that the update should be done. The obligation of the manufacturer is only limited to inviting owners to participate in the recall campaign.
MT	Voluntary for the owner/ Mandatory for the manufacturer	VW AUDI SEAT	VW Malta launched the recall campaign of VW Amorak and VW Caddy and the recall campaign of the Tiguan model will start soon.
NL	Voluntary for the owner/ Mandatory for the manufacturer	VW SEAT SKODA AUDI	<p>The Registration Authority is supervising the recall and holds information on the vehicles and owners involved. All the owners received a letter from the manufacturer or importer and were informed as to what exactly the recall is. The owner is informed that the recall will not mean higher fuel consumption or lesser engine capacity. The Registration Authority has a website with the open recall option for every concerned owner, which is closed when the vehicle is fixed.</p> <p>In the case of insufficient results of the recall campaign on a voluntary base, there are discussions with stakeholders to look into ways of encouraging participation.</p>
PL	Voluntary for the owner/ Mandatory for the manufacturer	VW AUDI SEAT	The recall is mandatory for manufacturers/representatives of the manufacturer. They are obliged to invite the owners to bring the vehicle in for the update however the owners are free to follow or disregard the invitation, and the owner receives the first letter with invitation to the recall campaign.

PT	Mandatory recall	VW	The authorities are in direct relation with the manufacturer's representatives and with the affected vehicles. These procedures are linked to the periodic inspections. The vehicles are identified and must perform this procedure according to the communication from KBA.
RO	Voluntary for the owner/ Mandatory for the manufacturer	VW AUDI SEAT	The recall is mandatory for manufacturers or representatives of the manufacturer. They are obliged to invite the owners to bring the vehicle in for the update however the owners are free to follow or disregard the invitation.
SE	Voluntary recall	VW Group	In Sweden around 250 000 vehicles are concerned by the recall campaign. The recall is ongoing and is performed during service or repair of the vehicles. For vehicles that are not scheduled for service or repair within a reasonable time VW will send a letter to the owner of the vehicle and inform about the recall.
SK	Voluntary for the owner/ Mandatory for the manufacturer	VW Audi SKODA SEAT	The recall campaign started the 1 st of May for VW GOLF and AUDI. The investigation on RENAULT vehicles revealed problems with emissions on six models. The possibility of a recall of these vehicles will be discussed. The recall campaign of SKODA will start very soon.
UK	Voluntary recall	VW SKODA	VW started fixing vehicles in the UK. The second testing of vehicles is done to verify the newly fixed VW vehicles. The approval authority for SKODA (VCA) is gathering file for the final testing.

Table 2: Recall Campaigns - Replies to additional questions.

In this document are presented the information on the state of play on Recall Campaigns provided by the MS and the replies to additional questions sent by the Commission.

The Commission received the replies to additional questions concerning the Recall Campaigns from 25 MS.

The document shall be updated in accordance with the received replies.

	1. In accordance with national legislation, under which conditions is a recall campaign organised and what is the role of the competent national authorities during the campaign?
AT	The Austrian type approval authority is gathering information from the manufacturers concerning the recall campaigns to keep track of the progress and to inform the European Commission about their status.
BE	There is no specific information provided yet.
CY	The recalls are related to safety issues. The national authority provides information to manufacturer's representatives about the vehicle owners (name & address) and monitors the result.
CZ	The recall campaign is organized pursuant to specific provisions of the CZ Act on conditions for operation of vehicles on roads. The competent national authority is the Ministry of Transport which is the body responsible also for registration of road vehicles.
DE	There is no specific information provided yet.
DK	The Danish VW Group representative has made an overall action plan for the recall of the affected VW Group vehicles. This action plan has been approved by an inter-ministerial task force.

	The Danish Type-Approval Authority (The Danish Road Safety Agency) approves the different groups (clusters) of vehicles based on the notes received from the KBA and other type-approval authorities. Vehicle owners are informed that they need to have their cars recalled by a letter from the Danish Registration Authority (The Tax Authority).
EE	There is no specific information provided yet.
EL	In accordance with Greek legislation, most commonly a recall organized by the manufacturer with the proposed measures, who communicates to the General Secretariat for Industry (GSI) of the Ministry of Economy, Development and Tourism, who manages and informs the RAPEX SYSTEM. The GSI Department informs the General Secretariat for Trade and Consumer Protection (GSTCP) for further notice of the Consumers and our division in the Ministry Of Infrastructure, Transport and Networks - so to monitor the progress of the recall (make sure that the owners received letter from the importer informing them for the recall. The owners are free to follow the invitation or not and the obligation of the manufacturer is limited to inviting owners to participate in the recall campaign) In rare cases after massive complaints about road mainly road safety issues, which are collected and evaluated in our department (of the Ministry Of Infrastructure, Transport and Networks) after consultation with the manufacturer (through agents or distributors appointed in the country) proceed in the above mentioned procedure.
ES	A recall campaign is put in place in the case of serious risk for the public safety, the health or the environment. National authorities are in charge of supervising the whole recall process.
FI	<p>According to section 86 – “Obligation to repair a vehicle and recall” in Vehicle Act (1090/2002) – recall campaign must be organized in the event where there has been found an error or deviation in a EC or EU type-approved M, N, O or L-category vehicle type, or part of such type of vehicles, and those errors or deviations causes a serious risk to road safety or substantial damage to the environment or health. The vehicle manufacturer, the manufacturer's representative and the importer must notify the Finnish Transport Safety Agency all current recall campaigns, items to be fixed and the repairs carried out and identification markings for those repairs as soon as the vehicle manufacturer has launched such vehicle recall campaign in Finland or elsewhere in the EEA state. The vehicle manufacturer, the manufacturer's representative and the importer are obliged to ensure that the errors or deviations shall be repaired in all vehicles used in traffic in Finland.</p> <p>If the manufacturer, its agent or importer of the vehicle type violates requirements on notification of the recall campaign Finnish Transport Safety Agency may impose periodic penalty payments.</p> <p>For those vehicles which have not pulled in successfully for repair by the vehicle manufacturer, the manufacturer's representative or the</p>

	<p>importer, that economic operator shall notify the serial numbers of uncorrected vehicles to Finnish Transport Safety Agency. Finnish Transport Safety Agency shall submit to the owners of uncorrected vehicles an invitation to bring their vehicles in for repair. During periodical inspection such a vehicle may be prompted to be repaired by inspection station. The Finnish Transport Safety Agency may, by making the entry in the register for removal of the car from traffic use, or by other means to immobilize or prevent the use of the vehicle, which has not been submitted for repair despite of this request.</p>
FR	<p>There is no specific information provided yet.</p>
HU	<p>In Hungary, if a vehicle type or vehicle part does not comply with the type approval, or a vehicle does not have type approval the National Transport Authority (NTA), as the type approval authority, can propose a recall campaign, but only in the case where the type approval is Hungarian. The NTA can inspect the manufacturer's measures and if necessary recommend other measures. In the last case the NTA can withdraw the approval. Otherwise, if the type approval is not Hungarian, national authorities can inform the foreign type approval authority about the non-compliance.</p>
IE	<p>Recalls of products may be triggered through General Product Safety Directive which is transposed through S.I.199/2004. Regulation 14 of <u>S.I. 158 of 2009</u> provides Irelands Approval Authority (the NSAI) with the legislative basis to withdraw or suspend EC type-approvals which they have granted. Regulation 17 of S.I. 158 of 2009, imposes obligations on the manufacturer with regard to parts and equipment which may pose a significant risk to the correct functioning of essential systems. It also allows the NSAI to impose an obligation on the manufacturer "to take any necessary measures to ensure that the part or equipment in question is brought back into conformity with the conditions under which the certificate of authorisation was issued". The subsequent regulation (18) entitled "Recall of vehicles" outlines the circumstances where the NSAI may withdraw an EC vehicle type approval where the manufacturer does not propose and implement effective remedies provided for in the preceding regulation.</p> <p>When a vehicle is subject to a recall manufacturers try to contact all registered owners with the assistance of data from the Department of Transport's National Vehicle and Driver File (NVDF).</p>
IT	<p>There is no specific information provided yet.</p>
LU	<p>The recall can be done under a type-approved subject or in a non-certified domain.</p> <p>a) for the type approved domain, the vehicle is recalled if it presents a serious risk to road safety, or seriously harms the environment or public health. The responsible authority is informed and the manufacturer has to proceed to the recall. The official recall is generated by the RAPEX</p>

	<p>network.</p> <p>b) in the non-certified domain, it is not the type approval authority that has to act, but the market surveillance authority. An official recall action is done by the rules applied by the RAPEX network.</p> <p>In both cases, the Luxemburgish Ministry and registration authority support the manufacturer and the authorities in their recall campaign.</p>
LV	In accordance with the Consumer regulations manufacturer is responsible for providing of recall campaign. Competent authority provides support informing owners of the vehicles on behalf of the manufacturer or his representative.
MT	There is no pertinent information provided concerning this question.
NL	There is no specific information provided yet.
PL	In the basis prescribed in the Polish legislation, national type-approval authority has to accept the “back to compliance” program proposed by the manufacturer. It has to be done in the participation with other type-approval authorities. In the case of VW, Transportation Technical Supervision (Polish type-approval authority) is permanently informed about the progress of that program accepted by KBA.
PT	There is no specific information provided yet.
RO	<p>A recall campaign could be organized either due to an MS authority’s decision (mandatory recall) or due to the manufacturer’s decision (voluntary recall).</p> <p>The competent national authorities carry out the activities provided in Art. 32 of Directive 2007/46/EC.</p>
SE	When the type approval authority has issued the type approval we have the possibility require that the manufacturer organises a recall if there is evidence that vehicle are not in compliance with the type approval.
SK	Ministry of Transport, Construction and Regional Development of the Slovak Republic according to Act 725/2004 Coll., shall take appropriate actions in case of non-conformity of vehicles, systems, components or separate technical units to the type approved under 725/2004 Coll. and special regulations. Conditions are also provided by the Government regulation 140/2009 Coll. implementing the Directive 2007/46 into national legislation.

UK	There is no specific information provided yet.
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	2. Is participation in the recall campaign voluntary or compulsory for the owners and manufacturers?
AT	For manufacturers, the participation in the recall campaign is compulsory. Vehicle owners' participation is currently voluntary.
BE	The recall is voluntary for the manufacturer and for the owners.
CY	The recall campaign is voluntary for owners and compulsory for manufacturers.
CZ	The participation in the recall campaign is voluntary for the owners and mandatory for the manufacturers.
DE	The recall is voluntary for the manufacturer and for the owners.
DK	The VW campaign is compulsory for both manufacturer's in the VW Group and for owners of the vehicles affected by the VW case in the sense. The VW Group is obliged to provide information to the Danish Road Safety Agency regarding which vehicles there are in Denmark that need to be recalled and the owners of the vehicles need to act accordingly (i.e. make an appointment with VW and have their car fixed) if the car is to remain in conformity and be able to pass periodic inspection.
EE	The recall is voluntary for the manufacturer and for the owners.
EL	As stated above, participation in recall campaigns is voluntary for the owners and mandatory for the manufacturer.
ES	The recall campaign is mandatory for the manufacturers but voluntary for the customers.
FI	Recall campaigns notified to Finnish Transport Safety Agency are compulsory for the owners and manufacturers as well as for manufacturer's representatives and the importers.
FR	The recall is voluntary for the manufacturer and for the owners.

HU	Participation is mandatory for the manufacturer, but the recalls are arranged by the manufacturer therefore it is not mandatory for the owners.
IE	Volkswagen engaged with CCPC and it was agreed that the NOx activity was not subject to the General Product Safety Directive S.I.199/2004 and therefore should be handled as a “Non-Recall” Service action. Volkswagen Group Ireland committed however to the voluntary call-back of the affected vehicles and would handle the activity with Recall processes consisting of three direct mails to registered holder of the vehicle followed by one registered letter.
IT	The recall is voluntary for the manufacturer and for the owners.
LU	All the owners receive a letter from the importer, who got all the contact data by the registration authority in collaboration with the Ministry, informing them that their vehicle is suspected of having a defeat device and inviting them to the recall. The owner is free to follow the invitation or not but the writing of the importer points out that the update should be done.
LV	The recall is voluntary for the manufacturer and for the owners.
MT	The recall is mandatory for the manufacturer and voluntary for the owners.
PL	The recall campaign is mandatory for manufacturer and voluntary for owners.
PT	The recall is mandatory for the manufacturer and for the owners.
RO	The participation is voluntary for the owners and compulsory for the manufacturers.
SE	Depending on the severity of the issue of non-compliance the recall campaign can be voluntary or mandatory.
SK	The campaign is voluntary for owners and compulsory for manufactures.
UK	The recall is voluntary for the manufacturer and for the owners.

	3. Are there any ongoing recall campaigns? If not, when would an eventual recall campaign start?
AT	In Austria, there are ongoing recall campaigns as well as plans for upcoming campaigns.
BE	There is no specific information provided yet.
CY	The recall campaign already started.
CZ	The recall starts in May in cooperation with manufacturers and the Ministry of Transport which is responsible for the registration of vehicles.
DE	There is no specific information provided yet.
DK	The ongoing recall campaign for the VW Group started in May 2016.
EE	VW Group has informed that the recall campaign of one of the model variants of the VW Golf 2.0 TDI started in the first week of May. Technical solutions of some model variants of VW AMAROK, AUDI models A4, A5, A6, Q5 and SEAT EXEO are already available. The recall for some model variants of SKODA will also start soon.
EL	For all the ongoing recall campaigns there is a notification report in RAPEX website.
ES	The recall campaign is just starting.
FI	There is recall campaigns for VW group cars ongoing in Finland. More detailed information for recall campaigns (involving engine control device) in Finland can be found following the link provided in the original letter.
FR	No recall campaign has started yet. VW has informed their clients in France that early next year it will begin recalling vehicles. There is an ongoing assessment on RENAULT KAPTUR and KADJAR vehicles. However, there is no existing text which can oblige the owner to bring the vehicles in for changes.

HU	In Hungary, there is no ongoing recall campaign related to any Hungarian type approval, and there is not one in planning at the moment. Nevertheless, there are recalls ordered by other authorities.
IE	VW have started the call-back activities for the brands Volkswagen on January 2016, Audi on April 2016 and Seat on April 16. IE awaiting confirmation from VCA that the update can be started for SKODA.
IT	There is no specific information provided yet.
LU	The recall campaign was launched and the importer informs the owners on the ongoing process every time when a new update is available for a specific car type.
LV	Some campaigns are presently ongoing.
MT	VW Malta launched the recall campaign of VW Amorak and VW Caddy and the recall campaign of the Tiguan model will start soon.
NL	The recall campaign is mandatory for manufacturer and voluntary for owners.
PL	Volkswagen started the recall campaign in the beginning of the spring 2016.
PT	There is no specific information provided yet.
RO	In Romania, there are ongoing recall campaigns for Audi, Seat and VW.
SE	There are no recall campaigns at the moment.
SK	There are ongoing recall campaigns for VW, AUDI and SEAT. The recall campaigns for ŠKODA will start very soon.
UK	VW started fixing vehicles in the UK. The second testing of vehicles is done to verify the newly fixed VW vehicles. The approval authority for SKODA (VCA) is gathering file for the final testing.

	4. Which brands and models of vehicles are concerned by the ongoing or the upcoming recall campaigns?
AT	<p>The brands and models from Volkswagen Group concerned by the ongoing or upcoming recall campaign of vehicles equipped with engines of series EA189 with an illegal defeat device are the following: Audi (A4 / A5 / A6 / Cabrio / Q5); Seat Exeo; Škoda; VW Amarok; VW Caddy; VW Beetle 2.0l Euro 5; VW Golf 2.0l TDI BMT, 103 kW;.VW Golf Plus 1.6l Euro 5; VW Passat 2.0l Euro 5; VW Polo 1.2l Euro 5.</p> <p>In addition, several vehicle manufacturers, whose models are significantly exceeding the threshold values for the emission of NOx, are planning to offer voluntary recall campaigns to improve the emission behaviour of those vehicles. These are the manufacturers and vehicle models concerned by these voluntary campaigns: Opel Cascada; Opel Insignia; Opel Zafira 1.6 l Euro 6; Dacia Sandero 1.5 l Euro 6; Renault Kadjar 1.6 l / 1.5 l Euro 6; Renault Clio-Captur Type R; Audi A6 3.0 l Euro 5; Porsche Macan 3.0 l V6 Euro 6; VW Amarok 2.0 l N1 Euro 5; VW Crafter 2.0 l N1 Euro 5.</p>
BE	The recall campaign concerns only VW.
CY	The recall campaigns concern VW, SKODA, AUDI, SEAT and also SUZUKI, HONDA and MITSUBISHI.
CZ	The vehicles concerned are relevant models of VW, SKODA, AUDI and SEAT.
DE	The recall campaign concerns only VW.
DK	<p>The models from the VW Group involved in the original “Dieselgate” are subject to a mandatory recall campaign. But, there might also be voluntary recalls in Denmark involving other brands that have been found to have inappropriate emission control strategies. Consultations with the association of Danish Car Importers are taking place.</p>
EE	The recall campaign concerns VW, Audi, Seat and Skoda.

EL	There is no specific information provided yet.
ES	The recall campaigns concern SEAT, VW, AUDI and SKODA.
FI	<p>The recall campaigns concern the following vehicles:</p> <ul style="list-style-type: none"> • Volkswagen - Golf Variant, Jetta, Golf Plus, Beetle Cabrio, Passat Variant, Passat Limosine, EOS, Golf Cabrio, Beetle, Passat CC, Tiguan, Touran, Scirocco, Sharan, Amarok and Caddy. • Audi - A3, Q3, TT, A4, A5, A6 and Q5.
FR	The recall campaign concerns only VW.
HU	The ongoing recalls in Hungary are related to foreign type approvals such as VW, Audi, Skoda, and Seat.
IE	<p>Considering all brands that will be affected, the following is the complete model listing :</p> <ul style="list-style-type: none"> • Volkswagen - Golf, Jetta, Beetle, Passat, CC, Eos, Tiguan, Polo, Sharan, Scirocco, Touran, Amarok, Caddy; • Audi - A1, A3, A4, A5, A6, Q3, Q5, TT; • SEAT - Exeo, Ibiza, Leon, Toledo, Alhambra; • Skoda - Fabia, Octavia, Roomster, Superb, Rapid, Yeti. <p>Considering all brands that have been released, this is the model listing:</p> <ul style="list-style-type: none"> • Volkswagen - Golf, Passat, CC, Eos, Tiguan, Amarok, Caddy; • Audi - A4, A5, A6, Q5; • SEAT - Exeo,
IT	The recall campaign concerns only VW Group vehicles.
LU	The ongoing recall campaign concerns: VW, AUDI, SKODA, SEAT.
LV	VW, Honda, Mitsubishi, Nissan, Audi

MT	The recall campaigns in Malta concern 398 units VW, 236 units Audi and 40 units SEAT.
NL	The recall campaign concerns VW, Audi, Seat and Skoda.
PL	Recall campaign is now started for models of Volkswagen, Audi and Seat.
PT	The recall campaign concerns only VW Group vehicles.
RO	The recall campaigns concern the following vehicles: <ul style="list-style-type: none"> • Audi A4, A5, A6 and Q5 • SEAT EXEO • VW AMAROK
SE	There are no ongoing recall campaigns.
SK	The recall campaign EA 189 concerns VW Amarok, VW Golf, VW Passat, AUDI, SEAT and ŠKODA.
UK	The recall campaign concerns VW and Skoda.

	5. How many vehicles are concerned by the recall campaign in your country and what is the percentage of vehicles that have already passed the recall procedure?
AT	According to Porsche Austria, 363.196 vehicles with engines of series EA189 using an illegal defeat device had been registered in Austria by 30th September 2015. So far, 6.736 have received the planned updates (as at 3rd June 2016), which amounts to approximately 1,85% of the total vehicles in question.

BE	There is no specific information provided yet.
CY	There is no information provided concerning the number of recalled vehicles.
CZ	The number of vehicles is about 160.000 units. About 10 % of vehicles have already passed the recall procedure.
DE	In Germany, there are 650.000 vehicles concerned by the recall campaign, but there is no information about current situation of recall.
DK	Approximately 91.000 vehicles from the VW Group will be subject to the mandatory recall campaign in Denmark. In current state of play more than 1.000 vehicles (< 1 %) have been fixed. The VW Group sends monthly progress reports on the recall campaign to the Danish authorities.
EE	There is no specific information provided yet.
EL	There is no specific information provided yet.
ES	In Spain, there are 495.000 vehicles concerned by the recall campaign. The information about the vehicles that have already passed the procedures is not provided. 600.000 VW Group models. Currently we have no detailed information about. A meeting with VW group is expected at the end of July to update this information.
FI	The Volkswagen recall campaign in Finland concerns 34.524 cars and it was launched on 04.05.2016. The Audi the recall campaign in Finland concerns 16.205 cars and it was launched on 04.05.2016. The Commission was not informed about the number of cars which has passed above mentioned recall procedures.
FR	There is no specific information provided yet.
HU	There is no information about the total number of recall campaigns and the actual number of affected vehicles. In case of the VW campaign Hungarian authorities collect additional data about the status of recalls from the Kraftfahrt Bundesamt (KBA).
IE	The Irish authorities provided the following information concerning the ongoing recall campaigns:

	<p>Vehicles sold by VWGI and its agents 83,336</p> <p>Additional private used car imports in Ireland 38,668</p> <p>Total Units subject to NOx update 122,004</p> <p>To date, IE authorities have approved software updates available and released (Jan – Jun) 15,104</p> <p>Processed through the recall procedure 1,437</p> <p>There are 8,500 consumers getting letters of invitation until 1st of July 2016.</p>
IT	There is no specific information provided yet.
LU	In Luxembourg, there are 36.422 vehicles concerned by the recall campaign. More detailed information is provided in Excel-sheet in the annexe.
LV	There are in average 380 vehicles per campaign.
MT	The recall campaigns in Malta concern 398 units VW, 236 units Audi and 40 units SEAT, but there is no information provided about the stage of achievement of the recall campaign.
NL	There is no specific information provided yet.
PL	<p>The Polish authorities provided the following information concerning the ongoing recall campaigns:</p> <ul style="list-style-type: none"> • VW (action with code 23R7) planned for 7.318 vehicles, done for 270, percentage: 3,69% • AUDI (action with code 23Q7) planned for 1.511 vehicles, done for 136, percentage: 9,0% • SEAT (action with code 23S1) planned for 47 vehicles, done for 2, percentage: 4,25%
PT	There is no specific information provided yet.
RO	In Romania, the number of vehicles that have already passed the recall procedure at 09.06.2016 (according to the manufacturer's representative's declaration) are the following:

	<ul style="list-style-type: none"> • Audi A4, A5, A6 and Q5 – 74 vehicles • SEAT EXEO – 11 vehicles • VW AMAROK – 196 vehicles
SE	There are no any ongoing recall campaigns.
SK	According to Slovak authorities, there are 69 646 vehicles concerned by recall campaign EA 189, and approximately 200 vehicles of VW were invited and 56 were passed. Also, approximately 300 Audi vehicles owners were invited to the workshop and 74 of them already passed the procedure. The procedure takes place gradually, 1000 further letters being sent until 10th June 2016. The low number of vehicles that have already passed the procedures is due to the delayed update of the new software.
UK	There is no specific information provided yet.

	6. In the case of a mandatory recall campaign, is the obligation for the manufacturer limited to inviting the owners to join the recall campaign or is he obliged to ensure an effective achievement of the recall campaign?
AT	The obligation for the manufacturer is limited to inviting the owners to join the recall campaign. But in the current state of Austrian legislation, vehicle owners can't be legally obliged to join the campaign.
BE	There is no specific information provided yet.
CY	The manufacturer is obliged to ensure an effective achievement of the recall campaign.
CZ	The manufacturer is responsible only for inviting the owners to join the recall campaign.
DE	There is no specific information provided yet.

DK	<p>The manufacturer is obliged to invite the owners to the recall campaign and to perform the recall free of charge. VIN numbers of affected vehicles are matched with the Danish Vehicle Registry and a letter is sent to the owners.</p> <p>The obligation to react to the invitation rests with the vehicle owner. In the recall letter it is made clear that the vehicle will not pass periodical inspection unless the vehicle owner has it brought in for service.</p>
EE	There is no specific information provided yet.
EL	The obligation for the manufacturer is to ensure an effective achievement of the recall campaign.
ES	The obligation of the manufacturer is limited to inviting owners to join the recall campaign.
FI	The vehicle manufacturer, the manufacturer's representative and the importer are obliged to ensure that the errors or deviations shall be repaired in all vehicles used in traffic in Finland. From that perspective there is obligation to ensure an effective achievement of the recall campaign.
FR	There is no specific information provided yet.
HU	Manufacturers obliged to propose effective measures. Owners are not obliged to participate.
IE	<p>Even though not a mandatory campaign, VW have committed to make it as easy as possible to ensure there are no barriers to completing the activity, ie:</p> <ul style="list-style-type: none"> • Online registration number search tool for consumers. • We are focussing on removing barriers to completion and are tracking progress and update on a daily basis. • Pick up and collect service for the customer's car • Offer of Taxi service while update is carried out • Use of replacement car while update is carried out • Training retailer network technical staff to ensure they are competent in the activity of the update. • Training retailer customer facing staff to be able to address customers concerns swiftly and in a customer focussed manner. • Investment in increased diagnostic hardware (~€450k) to ensure sufficient capacity to complete the software update at the customer

	convenience.
IT	In Italy, there is intention to link the recall campaign to the periodic technical inspection, but currently it is not legally possible. As it stands a letter must be sent up to three times inviting the owners to the recall campaign but there is no legal obligation for owner to follow the invitation.
LU	The obligation of the manufacturer is only limited to inviting owners to participate in the recall campaign.
LV	The participation to the campaign is voluntary.
MT	There is no pertinent information provided concerning this question.
NL	There is no specific information provided yet.
PL	Manufacturer is obliged to invite owners to join the recall campaign and he is obliged to fill all the requirements prescribed in “back to compliance” program accepted by type approval authority.
PT	The authorities are in direct relation with the manufacturer's representatives and with the affected vehicles. These procedures are linked to the periodic inspections. The vehicles are identified and must perform this procedure according to the communication from KBA.
RO	There is no legal obligation for the manufacturer to ensure an effective achievement of the recall campaign.
SE	The obligation is depending of the severity of the non-compliance.
SK	The obligation of the manufacturer's representative is limited to inviting owners to join the recall campaign.
UK	There is no specific information provided yet.

	7. In the case of a voluntary recall campaign, are there any measures undertaken to encourage the manufacturers to launch a recall procedure?
AT	The recall campaign is compulsory for the manufacturer and there is no specific encouraging measure provided.
BE	There is no specific information provided yet.
CY	There is no specific measure to encourage the manufacturer to launch the recall campaign.
CZ	The manufacturers are obliged to undertake the campaign according to specific provisions of the domestic Act.
DE	There is no specific information provided yet.
DK	Consultations with manufacturers are taking place.
EE	There is no specific information provided yet.
EL	Recall is mandatory for manufacturers.
ES	The recall campaign is launched under the rules of protection of users and consumers. There is no specific information provided yet.
FI	The recall campaign is mandatory.
FR	There is no specific information provided yet.
HU	Recall is mandatory for manufacturers.
IE	VW are treating the situation in Ireland as if there had been a RAPEX notification issued.

IT	In Italy, as it stands a letter must be sent up to three times inviting the owners to the recall campaign but there is no legal obligation for owner to follow the invitation.
LU	There is no pertinent information concerning this question.
LV	Responsibility of the manufacturer.
MT	There is no pertinent information provided concerning this question.
NL	There is no specific information provided yet.
PL	In Poland the recall campaign for manufacturers is mandatory.
PT	There is no specific information provided yet.
RO	There are no legal provisions or measures in that way (on the other hand, if is there a voluntary recall decided by the manufacturer, it is logic that the manufacturer is interested in launching the concerned recall procedure).
SE	In case of a recall we as the type approval authority approve a plan for the recall proposed by the manufacturer.
SK	There is no pertinent information provided concerning this question.
UK	There is no specific information provided yet.

	8. What are the national measures to ensure the effective participation of owners in the recall campaigns?
AT	In Austria, vehicle owners cannot be legally obligated to comply with the request to have their vehicles updated. In case of non-compliance though, owners may receive a mandatory request to have their vehicles inspected by the authorities. Currently, the authorities are monitoring

	the progress of the recall campaign, relying on the information provided by the VW representative.
BE	There is no specific information provided yet.
CY	The national authorities provide information concerning the vehicle's owners to manufacturer's representatives.
CZ	There are no national measures to ensure the participation of owners.
DE	There is no specific information provided yet.
DK	Consultations with manufacturers are taking place.
EE	There is no specific information provided yet.
EL	There is no specific information provided yet.
ES	The vehicle owners are directly contacted by means of the information existing in the files of the national registration authority. The registration authority sends a letter to all affected owners, in order to notify them about the campaign.
FI	Finnish Transport Safety Agency is supervising recall campaigns and fulfilment of obligations for all relevant parties of recall procedure prescribed in the Vehicle Act.
FR	There is no specific information provided yet.
HU	In Hungary, the success of the campaign depends on the manufacturer.
IE	In Ireland there is no current measure available. The motor industry has been in discussion with various stakeholders to work together in an effort to increase participation rates and thus increase all areas of Product Safety. Various proposals are under consideration but none have been implemented yet.
IT	The intention is to link the recall campaign to the periodic technical inspection, but currently it still in a project.

LU	The Luxemburgish legislation does not provide any measure to this purpose.
LV	Invitation to the owners of vehicles provided by competent authority.
MT	There is no pertinent information provided concerning this question.
NL	The Registration Authority is supervising the recall and holds information on the vehicles and owners involved. All the owners received a letter from the manufacturer or importer and were informed as to what exactly the recall is. The owner is informed that the recall will not mean higher fuel consumption or lesser engine capacity. The Registration Authority has a website with the open recall option for every concerned owner, which is closed when the vehicle is fixed. In the case of insufficient results of the recall campaign on a voluntary base, there are discussions with stakeholders to look into ways of encouraging participation.
PL	The Polish legislation does not provide measures to ensure the effective participation of owners in the recall campaigns. The provisions for periodical technical inspections don't provide any requirements for testing value of NO _x emission.
PT	The recall procedures are linked to the periodic inspections.
RO	There is no legal obligation for the owner to follow a recall procedure (either mandatory or voluntary).
SE	The Swedish authorities have limited possibilities to force the owner to participate. In the proposed plan for the recall the manufacturer describes how to make sure that as many vehicle as possible take part of the recall.
SK	The Ministry of Transport, Construction and Regional Development of the Slovak Republic recommended to owners to participate on the recall campaign considering the impact on environment.
UK	There is no specific information provided yet.