

## Summary of replies from Member State authorities

Replies received from 264 Member States: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, [France](#), [Germany](#), Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden

### Measures/instruments to monitor, enforce and implement the requirements under Regulation 715/2007 and Directive 2007/46/EC

Most Member States (MSs) said they had implemented in the national regulations the legislative acts by naming the national law. Most of them (e.g. Austria, Czech Republic, Lithuania, Luxembourg, Portugal and Slovakia) had not put place any additional specific measures, except rules on penalties.

### Type approval authorities (TAAs)

In many countries, TAAs are government authorities (in several countries part of one of the Ministries), financed from state budget and fees which are levied on the applicant. Most of them do not provide technical consultancy or lab services. [In Germany, type approvals are issued by the Federal Motor Transport Authority \(KBA\): an executive federal agency of the Federal Ministry of Transport and Digital Infrastructure.](#)

In Romania and Poland, TAAs are self-financed companies (financed from fees which are levied on the applicant). In Finland, TAA is the transport authority which also conducts market surveillance.

Dutch type-approval authority (RDW) is a non-departmental public body (non-profit organisation) which performs its tasks on behalf of one of the Ministries.

Some TAAs (e.g. in Austria, Czech Republic, Croatia, Cyprus, Estonia, Finland, Greece, Latvia, Lithuania, Malta, Portugal, Slovenia and Slovakia) have not granted any EC type approvals with regard to light-duty vehicle emissions. Denmark does not issue EU type-approvals but does issue different types of individual approvals. Other countries (e.g. Italy) have granted hundreds of emission related approvals. [German type-approval authority KBA has issued 1307 type approvals and their extensions in accordance with Regulation \(EC\) No 715/2007 and UN Regulations 83 and 101.](#)

Belgium TAAs are regional public authorities that are financed from state budget. They do not act as private companies and do not advise car manufacturers in preparing the vehicles for testing.

Most MSs (except e.g. Austria) thought that TAAs and test organisations in Europe apply comparable standards, instruments and procedures or had no information to judge this.

Most MSs (except Croatia) have a procedure for dealing with conflicts of interest. Finland says that it does not have procedures for dealing with conflicts of interest but they follow good governance.

## Technical services

In most countries, technical services are separated from TAAs. In Italy and Romania TAA acts also as technical service but they have independent lines of management.

Some MSs (e.g. Croatia, Latvia, Lithuania, Portugal, Slovenia and Greece) do not have designated technical services carrying out type-approval tests on emissions.

In Italy, technical services belong to the Ministry of Infrastructure and Transport.

Austria has 16 technical services, [Germany 91](#), Poland 10, Finland 13, Slovenia 4, Netherlands 37, Portugal 4, Luxembourg 3. In Belgium and Cyprus 1 technical service has been designated, which do not have any lab. In Greece, there are 4 designated technical services of category B (which supervise tests performed at manufacturer's facilities or in the facilities of a third party) and 4 of category C (which assess and monitor on a regular basis the manufacturer's procedures for controlling conformity of production).

Most MSs (except Denmark, Czech Republic, Greece and Slovenia) did not see a conflict of interests between the car manufacturers and technical services. Denmark said that there is no doubt that there are possible conflicts of interest. Slovenia said that, although there is a possibility of conflict of interests, there is no evidence to it. Czech Republic said that there might be a conflict of interest if the test is carried out at manufacturer's premises.

## Defeat devices (DDs)

Some MSs (e.g. Croatia, Italy and Slovakia) do not have particular provisions in national law concerning defeat mechanism, others (e.g. Cyprus, Estonia, Finland, Romania and Spain) do have specific provisions.

Most MSs (e.g. Belgium, Czech Republic, Croatia, Cyprus, Estonia, Greece, Hungary, Italy, Lithuania, Malta, Netherlands, Portugal, Romania, Slovenia, Slovakia and Spain) were informed about the possible use of DDs in vehicles only when the general public learnt about it in September 2015. They have not actively investigated the possible use of DD. Several MSs said that the KBA sent to TAAs a letter to clarify the situation.

[Germany said that it has been known for a while, through publications by various institutions, NGOs and the media, "that certain vehicles have elevated real emission values. However, the established test procedures were not suitable for detecting defeat devices or similar tools. Therefore, before September 2015, there was no concrete information on or proof of the use of unlawful defeat devices."](#)

No TAA was approached by a third party with information or evidence indicating the (possible) use of DDs.

While some MSs (e.g. Belgium and Italy) said that they have no sufficient tools to verify the presence of software that can manipulate emission, others (e.g. Cyprus) said they were sufficiently equipped to verify the presence of this software. [France said that the EU legislation does not foresee for the moment tests that would allow technical services systematically to detect DDs.](#)

Most MSs considered that the "protecting the engine" and "safety" exemptions on the ban on DDs are relating to avoiding serious damage in the engine that could lead to accidents.

## Action in reaction to emerging suspicion about the existence of DDs

Most MSs had no knowledge about JRC 2013 report which warned that DDs could falsify the results, or did not analyse it. Italy was aware of this report. Many MSs did not take any specific measure after this report and referred to the actions at EU level.

In Belgium and Portugal, a working group was set up in 2015. Portuguese working group presented a report on the issue at the end of 2015. Portugal carried out also a meeting with KBA. In Belgium, also an interdepartmental expert group was set up, in order to follow up the

issue and coordinate actions taken in Belgium. Walloon Region carried out a testing campaign. The results were published 2 June 2016.

[In France, Minister of Environment, Energy and Marine Affairs set up an independent Committee to supervise a testing campaign on 100 vehicles to detect possible DDs.](#)

Luxembourg started in 2015 a coordinated action with KBA and German authorities.

Denmark set up a government task force.

The Netherlands commissioned extra research (started in Oct 2015) on vehicles that already have type-approval certificates in order to detect possible DDs.

### **When were you informed about real-world exceedance of NO<sub>x</sub>?**

Some MSs (e.g. Czech Republic, Croatia, Latvia, Poland, Romania and Slovakia) were informed about the real-world exceedance of NO<sub>x</sub> only in 2015, after the scandal broke. Cyprus said it was common knowledge that lab results are not identical to real-life outcomes. Belgium said it was informed via monitoring the air quality and via public studies on the subject. Hungary and Italy said they were informed in 2013 when the ICCT study and JRC report were published. The Netherlands was informed via various TNO reports. Denmark became aware of the problem in 2012 in relation to the updated IASA report on emissions from the transport sector. Just after that, the Danish Minister of Environment wrote a letter to the responsible Commissioners of Environment and Growth explaining Danish concerns. Spain was informed in 2011 when the JRC report “Analyzing on-road emissions of light-duty vehicles with Portable Emission Measuring Systems (PEMS)” was published. Sweden was aware since around 2010. Slovenia did not mention any date but said it was informed by the media and later by the European Commission.

### **In-service conformity**

Some countries (e.g. Croatia, Cyprus, Estonia, Greece and Slovakia) have not tested any vehicle for in-service conformity. Others carry out tests regularly, e.g. [France has tested between 97-204 vehicles per year between 2012-2015](#), Belgium is testing at least 60 and Sweden around 75 vehicles per year for in-service conformity. Luxembourg carried out in 2014, 25 in-service conformity tests for emissions and another 194 after the scandal. Finland has started measurement campaigns only recently.

### **Penalties**

All Member States (except Greece) that answered to EMIS Questionnaire had established penalty rules [but in many cases they did not present the list of rules](#). Greece is expected to adopt the relevant law this summer. Almost no country had issued any penalties since 2007. Only Slovenia reported about 3 cases in the period 2013-2016. [Some countries did not answer if they had issued any penalties.](#)

### **Why was there a delay in introducing RDE?**

Some MSs (e.g. Cyprus, Greece, Latvia and Slovakia) issued no opinion on this. Czech Republic, Poland and Romania thought there was no delay. Finland said that the negotiations proved to be more complex than originally thought.

Belgium, [France](#), Netherlands and Sweden have been calling a quick application of RDE. Belgium did not know the reasons why it was not presented earlier. Denmark has continuously urged the Commission to take action, by raising this point at Council meetings, technical meetings and working party meetings. Denmark wrote to the Commission in 2013, 2014 and 2015 to promote the process and decision making.

The Netherlands said that the kick-off meeting of the working group for the development of RDE took place 31 January 2011, immediately after the news that in the NEDC, the NO<sub>x</sub> results of diesel cars were not reflecting the performance in real driving conditions. Italy explained that it took some time to establish a significant and repeatable test protocol. Luxembourg explained that the definition of boundary conditions took a lot of time. Hungary said that PEMS required time and effort to reduce the weight of the measuring equipment.

## **Technical Committee of Motor Vehicles (TCMV) and RDE-LDV**

The Netherlands gave a long explanation on how the decision making in TCMV and RDE-LDV works.

Some Member States (e.g. Bulgaria, Croatia, Cyprus, Finland, Portugal, Slovenia and Romania) found that the working process in TCMV and its subcommittees is correct and they were satisfied with the way TCMV worked. Most Member States (e.g. Estonia, Slovakia and Spain) did not comment on balance of representation of different stakeholders or found (e.g. Czech Republic, Finland, Italy and Croatia) the representation balanced. Austria found that the representation was not balanced because several MSs do not have enough personal and financial resources to attend each meeting.

## **What should a comprehensive RDE-test look like?**

Some MSs (e.g. Austria, Czech Republic, Finland and Spain) did not present any specific details on this. Most MSs found that RDE should reflect real driving in the EU under large driving and ambient conditions

Italy said that RDE should represent conditions of use that most frequently affect a vehicle. Test driving should take place in urban, suburban and motorways areas for sufficient duration. The driving path should be followed under variation of some parameters such as altitude, temperature, speed, etc.

Denmark preferred to have lower conformity factors and shorter implementation time. Denmark also would have preferred not to have taken the “Transfer Function” on board. Nevertheless, Denmark sees the final regulation as an important step forward.

The Netherlands highlighted the importance of market surveillance requirements at the later stage of the RDE process.

## **Procedure when the car fails to get type-approval**

In all Member States, a rejection is issued. [According to Directive 2007/46/CE, the concerned TAA has to notify TAAs in other Member States about its decision not to issue a type-approval. France said that in reality car manufacturers usually stop the procedure if there is a risk that the results of tests would not be positive.](#)

A new application can be submit and type-approval can be granted when all deficiencies are removed. Some MSs (e.g. Slovakia) do not know whether it is allowed to approach a TAA of another MS after a failure to get a type-approval. Some MSs (e.g. Cyprus, Greece, Italy, Portugal and Spain) say that the law does not forbid a manufacturer to apply to another TAA but they say that there were not such cases. Hungary says it is possible to engage another technical service in a new procedure. Luxembourg, Netherlands and Sweden said it is forbidden to approach another TAA if a vehicle fails to get type-approval.

### **Do you think the manufacturers use so-called golden cars?**

Most MSs were not aware or did not have any evidence on manufacturers using so-called golden cars for emission measurements. Hungary had only heard about it. Romania said that this practice is possible.

### **Is there a type-approval shopping in Europe?**

Most MSs claimed that there isn't a type-approval shopping phenomenon in Europe or said that they had no knowledge about such a phenomenon. Only Belgium, Finland, Italy, Poland and Romania partly acknowledged that there might be type-approval shopping in Europe. Italy was aware of a case when a manufacturer decided to apply for approval in another MS as a result of different interpretation of rules.

### **Support to less pollutant vehicles**

Most Member States (except Cyprus and Slovakia) have financial support programs for less pollutant vehicles. In Belgium, these financial support programs are at the regional level.

### **Who type-approved faulty VW cars' engines?**

[The KBA issued the type approvals for vehicles of VW and some SEAT models with EA189 aggregates.](#) TAA of Luxembourg issued type approvals for engines deviated from the VW engine for Audi, Spain for some vehicle types manufactured by SEAT propelled with EA 189 engine provided by Volkswagen.

## **Additional question sent to type-approval authorities of Germany, France, Italy, Luxembourg, the Netherlands, Spain and the United Kingdom**

In June 2016, a European umbrella non-governmental organisation NGO Transport & Environment published a [briefing](#) “The ‘Dirty 30’ highly polluting diesel cars in Europe and the national regulators failing to act”. In the annex I of this briefing (p 6-7), Transport & Environment lists 30 vehicles with “suspicious emissions behaviour”:

1. BMW 2 Series GT, 216d
2. BMW 5 Series VI, 530d
3. Citroën C4 Picasso II, 1.6 BlueHDi
4. Dacia Sandero II, 1.5 dCi 66 kW
5. Fiat 500X, 2.0 MJT
6. Ford C-Max II, 1.5 TDCi 88 kW and 2.0 TDCi 110 kW
7. Ford Focus III, 1.5 TDCi
8. Honda CR-V IV, 1.6 i-DTEC 4WD
9. Hyundai i20 II, 1.1 CRDi
10. Jaguar XE, 2.0d 120 kW
11. Kia Sportage III, 1.7 CRDi
12. Land Rover Range Rover Evoque, 2.0 TD4 132 kW
13. Mazda 6 III, 2.2d
14. Mercedes- Benz A-Class III, A180d and A200d
15. Mercedes- Benz S-Class VI, S350 Bluetec
16. Mercedes- Benz V-Class III, V250d
17. Nissan Qashqai II, 1.6 dCi
18. Opel Mokka, 1.6 CDTi
19. Opel Zafira III, 1.6 CDTi
20. Opel Insignia, 2.0 CDTi
21. Peugeot 5008, 1.6 BlueHDi
22. Porsche Macan, S Diesel
23. Renault Captur, 1.5 dCi 66 & 81 kW
24. Renault Mégane III, 1.5 dCi
25. Renault Kadjar, 1.5 & 1.6 dCi
26. Renault Espace V, 1.6 dCi
27. Škoda Octavia III, 1.6 TDI
28. Suzuki Vitara IV, 1.6 DDiS
29. Toyota Avensis III, 2.0 D-4D
30. Volvo V60, D3

The briefing says in which countries the whole type-approval of these vehicles took place but does not mention whether the emission systems and the relevant engine systems of these vehicles were type-approved in the same country or anywhere else. It also does not mention which technical service tested the emission systems and the relevant engine systems of these vehicles. Did the type-approval authority of your country type-approve the emission systems and the relevant engine systems any of the listed 30 vehicles? Did any technical service of your country test the emission systems and the relevant engine systems on these vehicles? If not, do you know which Member State(s) type-approval authority type-approved the emission systems and the relevant engine systems of these vehicles and which technical services were involved?



**Replies to additional question received from Germany, Italy,  
Luxembourg, Spain and the Netherlands**

Vehicle	Emission certificate	Technical service
BMW 2 Series GT, 216d	Ireland	DEKRA (Germany)
BMW 5 Series VI, 530d	Ireland	DEKRA
Citroën C4 Picasso II, 1.6 BlueHDi	France	?
Dacia Sandero II, 1.5 dCi 66 kW	France	?
Fiat 500X, 2.0 MJT	Italy	Centro Prova Autoveicoli (CPA) of Italian TAA
Ford C-Max II, 1.5 TDCi 88 kW and 2.0 TDCi 110 kW	UK	<a href="#">VCA (UK)?</a>
Ford Focus III, 1.5 TDCi	?	?
Honda CR-V IV, 1.6 i-DTEC 4WD	?	?
Hyundai i20 II, 1.1 CRDi	UK	?
Jaguar XE, 2.0d 120 kW	UK	VCA (UK)
Kia Sportage III, 1.7 CRDi	?	?
Land Rover Range Rover Evoque, 2.0 TD4 132 kW	UK	VCA <a href="#">(UK)</a>
Mazda 6 III, 2.2d	Luxembourg	?
Mercedes- Benz A-Class III, A180d and A200d	Germany	TÜV Nord
Mercedes- Benz S-Class VI, S350 Bluetec	Germany	TÜV Nord
Mercedes- Benz V-Class III, V250d	Germany	TÜV Nord
Nissan Qashqai II, 1.6 dCi	?	?
Opel Mokka 1.6 CDTi	Netherlands	TÜV Rheinland Korea
Opel Zafira III 1.6 CDTi	Germany	TÜV Hessen
Opel Insignia, 2.0 CDTi	Germany	TÜV Hessen
Peugeot 5008, 1.6 BlueHDi	France	?
Porsche Macan, S Diesel	Germany	TÜV Nord
Renault Captur, 1.5 dCi 66 & 81 kW	France	?
Renault Mégane III, 1.5 dCi	France	?
Renault Kadjar, 1.5 & 1.6 dCi	France	?
Renault Espace V, 1.6 dCi	France	?
Škoda Octavia III, 1.6 TDI	VCA (UK)	?
Suzuki Vitara IV 1.6 DDiS	Netherlands	No technical service, test performed by RDW (Netherlands)
Toyota Avensis III, 2.0 D-4D	?	?
Volvo V60, D3	Spain	INTA