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## RECOMMENDATIONS

# EUROPEAN PARLIAMENT

P8\_TA(2017)0100

### **Inquiry into emission measurements in the automotive sector**

**European Parliament recommendation of 4 April 2017 to the Council and the Commission following the inquiry into emission measurements in the automotive sector (2016/2908(RSP))**

(2018/C 298/19)

*The European Parliament,*

- having regard to Article 226 of the Treaty on the Functioning of the European Union (TFEU),
- having regard to Decision 95/167/EC, Euratom, ECSC of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry <sup>(1)</sup>,
- having regard to its Decision (EU) 2016/34 of 17 December 2015 on setting up a Committee of Inquiry into emission measurements in the automotive sector, its powers, numerical strength and term of office <sup>(2)</sup>,
- having regard to Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information <sup>(3)</sup>,
- having regard to Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles <sup>(4)</sup>,
- having regard to Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe <sup>(5)</sup>,
- having regard to its resolution of 27 October 2015 on emission measurements in the automotive sector <sup>(6)</sup>,
- having regard to its resolution of 13 September 2016 on the inquiry into emission measurements in the automotive sector <sup>(7)</sup> (based on interim report A8-0246/2016),
- having regard to the final report of the Committee of Inquiry into Emission Measurements in the Automotive Sector (A8-0049/2017),
- having regard to the draft recommendation of the Committee of Inquiry into Emission Measurements in the Automotive Sector,
- having regard to Rule 198(12) of its Rules of Procedure,

<sup>(1)</sup> OJ L 113, 19.5.1995, p. 1.

<sup>(2)</sup> OJ L 10, 15.1.2016, p. 13.

<sup>(3)</sup> OJ L 171, 29.6.2007, p. 1.

<sup>(4)</sup> OJ L 263, 9.10.2007, p. 1.

<sup>(5)</sup> OJ L 152, 11.6.2008, p. 1.

<sup>(6)</sup> Texts adopted, P8\_TA(2015)0375.

<sup>(7)</sup> Texts adopted, P8\_TA(2016)0322.

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- A. whereas Article 226 TFEU provides a legal basis for the establishment by the European Parliament of a temporary Committee of Inquiry to investigate alleged contraventions or maladministration in the implementation of Union law, without prejudice to the jurisdiction of national or Union courts, and whereas this constitutes an important element of the Parliament's supervisory powers;
- B. whereas, on the basis of a proposal by the Conference of Presidents, Parliament decided on 17 December 2015 to set up a Committee of Inquiry to investigate the alleged failures in the application of Union law in relation to emission measurements in the automotive sector, and that the Committee would make any recommendations it deemed necessary on that matter;
- C. whereas the Committee of Inquiry started its work on 2 March 2016 and adopted its final report on 28 February 2017, setting out the methodology and the conclusions of its investigation;
- D. whereas the market share of diesel-powered passenger cars has grown in the European Union over recent decades to a level where these vehicles now represent more than half of new cars sold in almost every Member State; whereas this sustained growth in market share of diesel vehicles has also come about as a result of the EU climate policy, as diesel technology has an advantage over petrol engines when it comes to CO<sub>2</sub> emissions; whereas, at the combustion stage, diesel engines, in comparison with petrol engines, produce far more pollutants, other than CO<sub>2</sub>, which are significantly and directly harmful to public health, such as NO<sub>x</sub>, SO<sub>x</sub> and particulate matter; whereas mitigation technologies for these pollutants exist and are deployed in the market;
- E. whereas current technology exists to meet the Euro 6 NO<sub>x</sub> standards for diesel vehicles, including with regard to real driving conditions and without having a negative impact on CO<sub>2</sub> emissions;
- F. whereas best practices from the USA, with stricter emissions standards which apply for gasoline and diesel vehicles alike, and stricter enforcement policies, offer a standard to which the EU should aspire;
- G. whereas the protection of public health and the environment should be a shared societal concern and responsibility, in which all stakeholders, including the automobile sector, have an important role to play;
1. Instructs its President to take the necessary measures to make public the final report of the Committee of Inquiry, in accordance with Rule 198(11) of its Rules of Procedure and Article 4(2) of Decision 95/167/EC, Euratom, ECSC;
  2. Calls on the Council and the Commission to ensure that the conclusions of, and the recommendations arising from, the inquiry are acted upon in practice, in accordance with Decision 95/167/EC, Euratom, ECSC;
  3. Calls on the Commission to submit to Parliament within 18 months of the adoption of this recommendation, and regularly thereafter, a comprehensive report on the action taken by the Commission and the Member States on the conclusions and recommendations of the Committee of Inquiry;
  4. Invites its President to instruct the Committee on the Environment, Public Health and Food Safety, the Committee on Industry, Research and Energy, the Committee on the Internal Market and Consumer Protection, and the Committee on Transport and Tourism to monitor the action taken on the conclusions and recommendations of the Committee of Inquiry, in accordance with Rule 198(13) of its Rules of Procedure;
  5. Invites its President to instruct the Committee on Constitutional Affairs to act upon the recommendations of the Committee of Inquiry as regards the limitations of Parliament's right of inquiry;

#### ***Laboratory tests and real-world emissions***

6. Calls on the Commission to change its internal structure in such a way that, under the principle of collective responsibility, the portfolio of one single Commissioner (and Directorate-General) includes at the same time the responsibility for air quality legislation and for policies addressing the sources of pollutant emissions; calls for an increase in the human and technical resources dedicated to vehicles, vehicle systems and emission control technologies in the Commission, and for the Joint Research Centre (JRC) to further improve in-house technical expertise;

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7. Calls on the Commission, to this end, to change its internal structure and amend its division of responsibilities so that all the legislative responsibilities currently held by the Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs (DG GROW) in the area of vehicle emissions are transferred to the responsibility of the Directorate-General for Environment (DG ENV);
8. Calls on the Commission to ensure that there are adequate human resources and technical expertise and the appropriate level of autonomy in the JRC, including measures to keep relevant experience with vehicle and emissions technology and vehicle testing in the organisation; notes that the JRC may have additional verification responsibilities for requirements in the context of the proposal for a new market surveillance and type approval regulation;
9. Calls for all JRC test results to be made available in full and in a non-anonymised format to the public through a database; calls, furthermore, for the JRC Vehicle Emissions Laboratory (VELA) to report to a supervisory board which includes representatives of the Member States and organisations for environmental and health protection;
10. Calls on the co-legislators, in the context of the ongoing revision of Regulation (EC) No 715/2007, to ensure that the measures under Articles 5(3) and 14, which are designed to supplement or amend certain non-essential elements of the legislative act, are adopted by delegated acts, in order to ensure appropriate scrutiny by Parliament and the Council, while at the same time reducing the possibility of undue delays in the adoption of those measures; strongly opposes the choice whereby those measures are adopted by implementing acts;
11. Calls for the swift adoption of the 3rd and 4th real driving emissions (RDE) packages to complete the regulatory framework for the new type-approval procedure, and for the swift application of this framework; recalls that, in order for RDE tests to be effective in reducing the discrepancies between the emissions measured in the laboratory and on the road, the specifications of the test and evaluation procedures should be set out very carefully and should cover a wide range of driving conditions, including temperature, engine load, vehicle speed, altitude, type of road and other parameters that can be found when driving in the Union;
12. Takes note of the action for annulment against the 2nd RDE package initiated by several EU cities on the grounds that by introducing new increased thresholds for NO<sub>x</sub> emissions, the Commission Regulation alters an essential element of a basic act, thereby infringing an essential procedural requirement, as well as the provisions of the Air Quality Directive 2008/50/EC as regards the limitation of the maximum nitrogen emission levels for diesel vehicles;
13. Urges the Commission to review in 2017 the conformity factor for RDE tests of NO<sub>x</sub> emissions, as provided for by the 2nd RDE package; calls on the Commission to further revise the conformity factor annually, in line with technological developments, so as to bring it down to 1 by 2021 at the latest;
14. Calls on the Commission to review the applicable Union law in order to ascertain whether the placing on the market of other vehicle systems, or of other products, could be dependent on inadequate test procedures, as in the case of vehicle emissions, or in other areas where market surveillance efforts are similarly lacking, and to come forward with appropriate legislative proposals to ensure the enforcement of internal market standards;
15. Calls on the Commission to come forward with proposals to introduce environmental inspections at EU level to monitor compliance with environmental product standards, emission limits relating to operating permits and EU environmental law in general;
16. Calls on the Commission to continue its work on improving PEMS performance in order to improve their accuracy and reduce their error margin; considers that for particulate matter PEMS technology should be able to account for particles whose size is smaller than 23 nanometres and that are the most dangerous to public health;
17. Considers that the horizontal rules on the creation and operation of Commission expert groups adopted by the Commission on 30 May 2016 are an improvement over the older rules, for example as regards the requirement for meaningful and complete minutes of meetings; calls on the Commission to review those rules in order to strengthen the provisions on the balanced composition of expert groups; calls on the Commission to enforce the (updated) horizontal rules strictly and immediately, and to prepare a report to Parliament and the Council evaluating their implementation;

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18. Calls for lists of participants and minutes of the meetings of comitology committees such as the Technical Committee on Motor Vehicles (TCMV) and Commission expert groups such as the Motor Vehicles Working Group or the Real Driving Emissions — Light-Duty Vehicles (RDE-LDV) group to be made available to the public;

19. Urges the Member States to ensure more transparency in access to documents of the TCMV meetings for their national parliaments;

20. Calls on the Commission to substantially alter the existing policies of archiving and storing information, and to ensure that notes, inter-services communications, drafts and unofficial exchanges within the Commission, the Member States, the Council and their representatives will be archived by default; deplores the gaps in public records that have resulted from a far too narrow scope of documents primed for archiving, which requires active intervention in order for documents to be archived;

### ***Defeat devices***

21. Considers that although the RDE procedure will minimise the risk of defeat device use, it will not completely prevent potential recourse to illegal practices; recommends therefore that, in line with the approach of the US authorities, a degree of unpredictability is built into the type-approval and in-service conformity testing in order to prevent any outstanding loopholes from being exploited and to ensure compliance throughout the lifecycle of a vehicle; welcomes, in this respect, the Testing Protocol for Defeat Devices included in the 'Guidance on the evaluation of auxiliary emission strategies and the presence of defeat devices' adopted by the Commission on 26 January 2017 and applicable to vehicles already on the market; expects the Member States' national authorities to swiftly apply this protocol in their market surveillance activities and to conduct the recommended testing of vehicles under non-predictable variations of the standard testing conditions, such as ambient temperature, speed pattern, vehicle load and test duration, which may include 'surprise testing';

22. Notes with concern that the official testing of CO<sub>2</sub> emissions and fuel consumption of vehicles will still be limited to a laboratory test procedure (WLTP), which means that the illegal use of defeat devices continues to be possible and may remain undetected; urges the Commission and the Member States to establish remote fleet monitoring schemes — making use of roadside remote sensing equipment and/or on-board sensors — to screen the environmental performance of the in-service fleet and to detect possible illegal practices that might lead to continued discrepancies between the performance on paper and in the real world;

23. Calls on the Commission to further analyse the reasons why the stricter defeat device provisions present in the legislation on heavy-duty vehicles were not included in the legislation on light-duty vehicles;

24. Calls on the Commission to conduct an internal review to verify the claim that the JRC's research findings and concerns discussed among the Commission's services with regard to possible illegal practices by manufacturers never reached the higher levels of the hierarchy; calls on the Commission to report its conclusions to Parliament;

25. Believes that a clear reporting mechanism within the Commission should be put in place to ensure that when non-compliances are identified by the JRC, they are reported to all relevant levels within the hierarchy of the Commission;

26. Calls on the Commission to mandate the JRC to further investigate, together with the national authorities and independent research institutes, the suspicious emissions behaviour of several cars observed in August 2016;

27. Calls on the Member States to require car manufacturers, in the context of the recently introduced obligation for car manufacturers to disclose their base and auxiliary emission strategies, to explain any irrational emissions behaviour of vehicles observed in testing and to demonstrate the need to apply the exemptions set out in Article 5(2) of Regulation (EC) No 715/2007; calls on the Member States to share the results of their investigations and the technical test data with the Commission and Parliament;

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28. Calls on the Commission to strictly monitor the enforcement by Member States of the exemptions to the use of defeat devices; welcomes, in this respect, the methodology for the technical evaluation of auxiliary emission strategies included in the Commission Guidance of 26 January 2017; calls on the Commission to launch infringements procedures as appropriate;

### ***Type-approval and in-service conformity***

29. Calls, in the interests of consumer and environmental protection, for the swift adoption of the proposal for a Regulation on the approval and market surveillance of motor vehicles and their trailers (2016/0014(COD)) <sup>(1)</sup>, replacing the current framework directive on type approval, and for its entry into force no later than 2020; considers the preservation of the level of ambition of the original Commission proposal, in particular as regards the introduction of EU oversight of the system, to be the bare minimum required to improve the EU system; considers, furthermore, that a more comprehensive and coordinated system of type approval and market surveillance, involving EU oversight, joint audits and cooperation with and between national authorities, should be the objective to be achieved during the interinstitutional negotiations on the dossier;

30. Considers that only stronger oversight at EU level can ensure that the EU legislation on vehicles is properly enforced and market surveillance activities in the EU are carried out in an efficient and effective manner; calls on the Commission to ensure the full and homogeneous implementation of the new type-approval and market surveillance framework, and to coordinate the work of national type-approval and market surveillance authorities and arbitrate in the event of disagreements;

31. Calls for a drastic strengthening of market surveillance, on the basis of clearly defined rules and a clearer distribution of responsibilities in the new EU type-approval framework, in order to set up an improved, effective and functional system;

32. Believes that EU oversight within the new framework for EU type approval should entail retesting, on an adequate scale, vehicles, systems, components and separate technical units already made available on the market in order to verify that they conform to the type approvals and to applicable legislation, using a wide range of tests on the basis of statistically relevant samples, and initiating corrective measures, including vehicle recalls, type-approval withdrawals and administrative fines; considers the JRC's expertise instrumental in this task;

33. Calls on the Commission and the Member States to assess the US practice of random off-production-line and in-service testing and to draw the necessary conclusions with regard to improving their market surveillance activities;

34. Suggests that in the case of passenger vehicles, random market surveillance tests, including with unspecified test protocols, should be performed on at least 20% of the new models put on the Union market each year as well as on a representative quantity of older models to verify whether the vehicles comply with the Union safety and environmental legislation on the road; believes that in choosing the vehicles to be tested at Union level, substantiated complaints should be followed up and third-party testing, remote sensing data, reports from periodic technical inspections and other information should be taken into account;

35. Points out the need for systematic enforcement of conformity of production and in-use conformity of vehicles by the national authorities responsible, further coordinated and supervised at EU level; believes that the conformity of production and in-use conformity testing should be carried out by a technical service different from the one responsible for the type approval of the car in question and that in-house technical services should be excluded from performing the emissions test for type-approval purposes; urges the Member States to clarify once and for all which authority is in charge of market surveillance in their territory, to ensure this authority is aware of its responsibilities and to notify the Commission accordingly; believes that much closer cooperation and information-sharing between Member States' market surveillance authorities and the Commission, including on national market surveillance plans, will enhance the overall quality of market surveillance in the EU and enable the Commission to identify weaknesses in national market surveillance systems;

36. Believes that greater coordination and discussion between type-approval authorities and the Commission, in the form of a forum chaired by the Commission, will contribute to the promotion of good practices aimed at ensuring effective and harmonised implementation of the type-approval and market surveillance regulation;

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<sup>(1)</sup> See also texts adopted of 4.4.2017, P8\_TA(2017)0097.

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37. Believes that the possibility of an independent full review of type-approval results, including data from coast down tests, will improve the effectiveness of the framework, and that the relevant data should be accessible to relevant parties;
38. Calls for proper and independent financing of type approval, market surveillance and activities of technical services, for instance through the establishment of a fee structure, through Member States' national budgets, or through a combination of both methods; believes that type-approval authorities should be made responsible for checking the commercial and economic relations existing between car manufacturers and suppliers on the one hand and technical services on the other hand in order to prevent conflicts of interest;
39. Draws attention to the US type-approval system — whereby fees collected from manufacturers to cover the cost of certification and compliance programmes are sent to the US Treasury, and the US Congress in turn allocates funds to the Environmental Protection Agency (EPA) to implement its programmes — as a paradigm that may be useful for improving the independence of the EU system;
40. Calls for the swift adoption, implementation and application of the 4th RDE package, regulating the use of PEMS for in-service conformity checks and for third-party testing; calls on the Commission to introduce a mandate for the JRC to conduct emission tests with PEMS as part of the in-service conformity checks at European level in the context of the new type-approval framework;
41. Calls on the co-legislators to establish, in the upcoming regulation on the approval and market surveillance of motor vehicles, an EU-wide remote sensing network to monitor the real world emissions of the car fleet and to identify excessively polluting vehicles in order to target in-service conformity checks and to trace cars that might be illegally modified with hardware (e.g. exhaust gas recirculation (EGR) switch-off plates, diesel particulate filter (DPF) or selective catalytic reduction (SCR) removal) or software (illegal chip tuning) modifications;
42. Calls on the Commission to make use of its delegated powers set out in Article 17 of Directive 2014/45/EU on periodic roadworthiness tests for motor vehicles and their trailers so as to update the test methods for the periodic technical inspection of cars in order to measure the NO<sub>x</sub> emissions of cars;
43. Believes that type-approval authorities, market surveillance authorities and technical services should carry out their duties; considers that they should therefore improve their level of competence significantly and continuously, and to that end calls for the establishment of regular, independent audits of their capabilities;
44. Calls on the Commission to look into the possibility of making it mandatory for manufacturers to notify the Commission of their choice of technical service, so as to ensure that the Commission is fully aware of the situation;
45. Calls on the Member States to require car manufacturers to disclose and justify their emissions strategies to type-approval authorities, such as is the case for heavy-duty vehicles;
46. Calls on the Member States to analyse whether 'standard' solutions proposed by the manufacturer for repairing the vehicles equipped with fraudulent systems actually comply with the emissions regulations, and calls for random checks to be carried out on new vehicles which have been repaired;

### ***Enforcement and penalties***

47. Calls for stricter and more effective enforcement of vehicle emission rules in the EU; proposes that the governance structure on car emissions be reformed without delay and brought into line with the other transport sectors;
48. Recalls that emission measurement rules are set to achieve better air quality, which has not previously been achieved owing in part to weak law enforcement and in part to manipulation by certain car manufacturers; considers that the relevant authorities should take into consideration car emissions and data on air quality development to assess whether the intended goal has been reached;

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49. Suggests establishing a standing international cooperation framework on emissions with a view to allowing authorities to exchange information and conduct joint surveillance actions; such actions are already in place for other products within the EU;

50. Urges the Commission to launch infringement procedures against Member States that have not put in place effective market surveillance and a national system of penalties for infringements of EU law as required by the existing legislation;

51. Suggests that the Commission should be empowered to impose on vehicle manufacturers effective, proportionate and dissuasive administrative fines and to order remedial and corrective actions where non-compliance of their vehicles is established; considers that the possible sanctions should include type-approval withdrawal and the establishment of EU-wide recall programmes;

52. Believes that the resources levied by these fines imposed on vehicle manufacturers, the resources deriving from infringement procedures launched on Member States for failing to respect the EU legislation on emissions, and the excess emissions premiums for new passenger cars (budget line 711) should be used as assigned revenue for specific EU projects or programmes in the field of air quality and environmental protection, and should not decrease the Member States' gross national income contributions to the EU budget; calls for the necessary provisions to be included in the relevant Union legislation to this effect; suggests that the resources from the fines could also be used in part by the Member States for purposes of redress to persons negatively affected by the infringement, and other such activities to the benefit of consumers;

53. Calls on the Member States to ensure that the provisions on penalties applicable for infringement by manufacturers of the provisions of Regulation (EC) No 715/2007 are effective, proportionate and dissuasive, and are communicated swiftly to the Commission;

54. Calls on the Member States to apply more vigorous measures in the wake of the emissions cheating scandal; calls on the Member States and their type-approval authorities to examine the information on base and auxiliary emission control strategies — to be disclosed by the car manufacturers — for type-approved Euro 5 and Euro 6 cars displaying irrational emissions behaviour during testing programmes, and to check their conformity with the Commission's interpretation guidelines on the defeat device provisions; calls on the Member States to apply the available sanctions in the event of non-conformity, including mandatory recall programmes and the withdrawal of type approvals; calls on the Commission to ensure a coordinated approach on recall programmes across the EU;

55. Calls on the Member States and the Commission to clarify to the vehicle owners affected whether or not the vehicles involved have to be repaired, and the legal consequences ensuing from the repairs as regards compliance with emissions legislation, obligations concerning the technical inspection of vehicles, taxation, and the consequences of a potential reclassification of the vehicle, etc.;

56. Notes that it is difficult to gather information on penalties in the Member States owing to the lack of statistics at national level; calls on the Commission and the Member States to gather regular statistics on this;

57. Calls on the Member States and the Commission to reinforce European implementation mechanisms such as the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL);

### ***Consumer rights***

58. Considers that EU consumers affected by the dieselgate scandal should be adequately and financially compensated by the car manufacturers involved, and that the recall programmes, which have been only partially implemented, should not be viewed as a sufficient form of reparation;

59. Calls on the Commission, to this end, to put forward a legislative proposal for the establishment of a collective redress system in order to create a harmonised system for EU consumers, thus eliminating the current situation in which consumers lack protection in most Member States; calls on the Commission to assess existing systems within and outside the EU with a view to identifying best practices in this field and to include them in its legislative proposal;

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60. Considers that if a vehicle type approval is withdrawn on account of non-compliance, the owner of an affected vehicle should be fully compensated for the purchase of this vehicle;

61. Considers that consumers should be entitled to adequate compensation where it is shown that the original performance of the vehicle (e.g. in terms of fuel consumption performance, efficiency, durability of components, emissions, etc.) is negatively impacted by any necessary technical repairs or modulations implemented under a manufacturer vehicle recall programme;

62. Calls on the Member States to ensure that consumers are provided with detailed and comprehensible information on the modifications made during recall programmes and maintenance checks in order to improve transparency for consumers and trust in the car market;

63. Deplores the fact that European consumers are treated worse than US consumers; notes, in addition, that affected consumers often receive vague and incomplete information about the vehicles involved, the obligations to repair the vehicle and the consequences of doing so;

64. Deplores the fact that the EU does not have a uniform, harmonised system under which joint actions may be taken by consumers to enforce their rights, and acknowledges that today in many Member States no option exists for consumers to take part in such actions;

65. Stresses that after recalls vehicles must conform to the legal requirements set out in EU legislation; also points out that other forms of reparation besides recall programmes should be considered; to this end, calls on the Commission to assess the EU rules in force on consumer protection and make proposals as appropriate;

66. Emphasises the importance of providing consumers with realistic, accurate and robust information on their cars' fuel consumption and air pollutant emissions in order to raise consumers' awareness and to support them in making an informed car purchase decision; calls for a revision of the Car Labelling Directive (1999/94/EC), which should include consideration for making information on other air pollutant emissions such as NO<sub>x</sub> and particulate matter mandatory in addition to information on fuel use and CO<sub>2</sub>;

67. Asks the Commission and the Member States to take all necessary measures to ensure that consumers are compensated fairly and adequately, preferably through mechanisms of collective redress;

### ***Clean vehicles***

68. Calls on the Commission and the competent authorities in the Member States to fully engage in and implement a low-emission mobility strategy;

69. Calls on the Commission and the Member States to assess the effectiveness of current Low Emission Zones in cities, taking into account the failure of Euro standards for light-duty vehicles to reflect real world emissions, and to examine the benefit of introducing a label or standard for Ultra-Low-Emission Vehicles (ULEVs) that meet the emission limit values in real driving conditions;

70. Calls on the Commission and the co-legislators to follow a more integrated approach in their policies to improve the environmental performance of cars, in order to ensure progress on both the decarbonisation and air quality objectives, such as by fostering the electrification or transition to alternative motorisations of the car fleet;

71. Calls on the Commission, to that end, to review the Clean Power for Transport Directive (2014/94/EU) and to come forward with a draft regulation on CO<sub>2</sub> standards for the car fleets coming onto the market from 2025 onwards, with the inclusion of Zero-Emission Vehicles (ZEV) and ULEV mandates that impose a stepwise increasing share of zero- and ultra-low-emission vehicles in the total fleet with the aim of phasing out new CO<sub>2</sub>-emitting cars by 2035;



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72. Calls on the Commission and the Member States to foster green public procurement policies through the purchasing of ZEVs and ULEVs by public authorities for their own fleets or for (semi-)public car-sharing programmes;

73. Calls on the Commission to review the emissions limits set out in Annex I to Regulation (EC) No 715/2007 with a view to improving air quality in the Union and to achieving the Union ambient air quality limits as well as the WHO recommended levels, and to come forward by 2025 at the latest with proposals, as appropriate, for new technology-neutral Euro 7 emission limits applicable for all M<sub>1</sub> and N<sub>1</sub> vehicles placed on the Union market;

74. Asks the Commission to consider the review of the Environmental Liability Directive (2004/35/EC) to include environmental damage caused by air pollution owing to car manufacturers violating the EU's car emissions legislation; believes that if car manufacturers could be held financially liable for remedying the environmental damage they cause, an increased level of prevention and precaution might be expected;

75. Calls on the Commission to work with the Member States to ensure that no ordinary worker from the automotive sector suffers as a result of the emissions scandal; to this end, Member States and car manufacturers should coordinate and promote vocational training plans to ensure that ordinary workers whose employment situation has been negatively affected by the emissions scandal be given all necessary protection and training opportunities to ensure that their skill set can be used, for example for sustainable modes of transport;

#### ***Powers and limitations of the committee of inquiry***

76. Urges the Council and the Commission to engage in the timely conclusion of the negotiations on Parliament's proposal for a Regulation of the European Parliament on the detailed provisions governing the exercise of Parliament's right of inquiry and repealing Decision 95/167/EC, Euratom, ECSC;

77. Considers it vital for exercise of democratic control over the executive that Parliament be empowered with powers of inquiry that match those of national parliaments of the EU; believes that in order to exercise this role of democratic oversight Parliament must have the power to summon and compel witnesses to appear and to compel the production of documents; believes that in order for these rights to be exercised the Member States must agree to implement sanctions against individuals for failure to appear or produce documents in line with national law governing national parliamentary inquiries; reiterates Parliament's support for the position outlined in the 2012 report on this issue;

78. Considers that the powers of Parliament's committees of inquiry should be better aligned with those of the national parliaments, in particular to ensure the effective summoning and participation of individuals and the application of sanctions in the event of refusal to cooperate; calls on the Commission and the Member States to support the related provisions in Parliament's current proposal;

79. Calls on the Commission to revise as a matter of urgency the Code of Conduct for Commissioners so as to include provisions on the accountability of former Commissioners within the scope of an investigation by a committee of inquiry into policy-making and legislation that took place during their term in office;

80. Asks the Commission to use the time frame between the plenary decision to set up a committee of inquiry and the actual start of its work to prepare an initial set of documents which relate to the mandate of the committee of inquiry so that the delivery of information can be quicker, thus facilitating the work of the committee of inquiry from the start; considers with this in mind that the rules on archiving and transmitting documents in the Commission should be reviewed and improved in order to facilitate future queries;

81. Suggests that a single contact point for relations with Parliament's committees of inquiry be set up in the Commission, in particular when several Directorates-General are concerned, with a view to facilitating the flow of information on the one hand and building on the good practices achieved so far on the other;

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82. Notes that in several recent committees of inquiry and special committees, the Commission and the Council have in some cases failed to provide the documents requested and in other cases provided the requested documents only after long delays; considers that there must be an accountability mechanism introduced in order to ensure the immediate and guaranteed transfer of documents to Parliament that the committee of inquiry or special committee requests and is entitled to access;

83. Calls on the Commission to improve its capacities to handle document requests from committees of inquiry as well as from journalists and citizens under respective applicable document access rules, in a timely manner and with an acceptable level of quality; urges the Commission to release these documents in their native format and refrain from time-consuming and potentially content-altering format changes and format conversions; further instructs the Commission to make sure that information that is stored in a machine-readable format, e.g. a database, is also released in a machine-readable format;

84. Notes that it is the responsibility of the committee of inquiry to make any determinations as to whether information within the scope of a request is relevant for the work of the committee; notes that this task should not be pre-empted by the recipient of such a document request; instructs the Commission to properly reflect this responsibility in its guidelines on access to documents requests;

85. Urges the Member States to respect their legal obligations towards committees of inquiry as laid down in Decision 95/167/EC, Euratom, ECSC, and specifically Article 3 thereof; also calls on them, given the significant delays in response rates encountered, to assist committees of inquiry in a manner respectful of the principle of sincere cooperation as laid down in Article 4(3) TFEU;

86. Calls on those Member States that have undertaken national investigations on pollutant emissions from passenger cars to convey to the Commission and Parliament without delay the full data sets and results from their investigations;

87. Considers that the first part of the committee's mandate should be devoted to the collection and analysis of written evidence before the start of the public hearings; deems it useful to build in a 'cooling-off' period between the end of the hearings and the drafting of the final report so that the collection of evidence can be completed, properly analysed and included fully in the report;

88. Considers that the 12-month time limit on committees of inquiry is arbitrary and often insufficient; believes that the members of the inquiry committee are best placed to determine whether an inquiry should be extended and, if so, for what period;

89. Notes that Rule 198 of Parliament's Rules of Procedure should define more clearly when the duration of a committee of inquiry should start; suggests that there should be sufficient flexibility to ensure that there is enough time for the investigations; calls for the work of the committee of inquiry to start only once the requested documents have been received from the EU institutions;

90. Considers that an interim report should not necessarily be included in future mandates in order not to pre-empt the final conclusions of the inquiry;

91. Considers that in the future committees of inquiry should be organised differently in order to ensure greater efficiency and effectiveness in organising and conducting the committees' work, in particular during the public hearings;

92. Underlines that Parliament's internal administrative rules are aligned to the established practice of standing committees and as such are often not suited to the ad-hoc and temporary nature of a committee of inquiry, which operates under more unusual circumstances, with a very specific scope and during a limited time frame; considers, therefore, that the development of a defined set of rules relating to the effective functioning of committees of inquiry in regard to the conducting of hearings and missions, for example, in a way that guarantees fair political representation, would increase efficiency; considers that there is a risk that financial constraints may prevent committees of inquiry from hearing all the experts deemed necessary for the committee to perform its duty; considers that internal authorisation deadlines for hearings and missions should be made more flexible;

93. Considers that committees of inquiry should have prioritised access and dedicated resources within the relevant Parliament services to enable the latter to deal in particular with requests for studies, briefings, etc., within the time frame allowed by the rules;

**Tuesday 4 April 2017**

94. Notes that the current rules on accessing classified and other confidential information made available by the Council, the Commission or the Member States to Parliament in the context of an inquiry do not provide full legal clarity but are generally interpreted as excluding accredited parliamentary assistants (APAs) from consulting and analysing non-classified 'other confidential information' in a secure reading room; notes that a number of Members have found that this rule stands in the way of effective and thorough consultation of such documents within the limited time available to committees of inquiry, and that the TAX2 Committee (Special Committee on Tax Rulings and Other Measures Similar in Nature or Effect), during which access was temporarily and exceptionally granted to APAs, was able to make use of these resources in a more comprehensive and effective manner; calls, therefore, for the introduction of a clearly worded provision guaranteeing the right of access to documents for APAs on the basis of the 'need to know' principle, in their support role for Members, in a renegotiated Interinstitutional Agreement; urges the relevant bodies to expedite the renegotiation of this point so as not to hamper the effectiveness and efficiency of future and ongoing parliamentary inquiries;

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95. Instructs its President to forward this recommendation and the final report of the Committee of Inquiry to the Council and the Commission and to the parliaments of the Member States.

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