



InfluenceMap

EU NOx emissions: how the
automotive industry shaped policy

A report prepared for the European Parliament
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EU NOx emissions: how the automotive industry shaped policy

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Introduction

The following report was prepared by UK based non-profit InfluenceMap CIC for the Greens/EFA Group within the European Parliament in December 2015. The study analyses how the automotive sector may be influencing EU automotive NOx policy (directly and via Member States and trade bodies) prior to and in the wake of the VW scandal, with particular reference to the formulation of the NOx automotive emissions standards in EURO/5/6 Regulation 715/2007/EC and associated testing processes (hence referred to as "EU NOx policy"). This report was prepared with reference to publicly available documents, non-public documents made available to InfluenceMap and expert interviews. All conclusions are referenced fully. The sections of the report are as follows.

- A glossary of terms and abbreviations
- A background to the need for this report
- Executive Summary
- Profiles of the relative positions of the key policy making institutions (state actors), NGOs and automotive industry players on aspects of EU NOx policy
- We present our detailed methodology in the Appendix sections

All evidence is referenced with sources and hyperlinks where public documents are available. Where needed, links are back to InfluenceMap's site where non public documents are catalogued.

InfluenceMap's proprietary methodology for analysing and ranking engagement by groups of entities on regulatory issues is outlined for global climate policy on [our website here](#). We modified this to analyse the EU NOx policy process as described in the appendix.

About lobbying and influence

We recognise that corporations are manifestly involved in the progress of policy and legislation formation (in all areas, not only environmental issues) affecting their business and they regard the need to do this as part of their operating model. [Research](#) has indicated that this influence likely extends beyond the activities normally associated with the word "lobbying" (e.g. donations to clearly motivated political actors) and includes the domination of the public discourse via their hugely powerful messaging channels (e.g. advertising, PR, social media, access to influential meetings and politicians) as well as the use of influencers like trade associations and advocacy groups who are engaged in these activities in a focused and consistent manner. We also note the secondment of technical staff and provision of technical advice from the automotive sector to key technical committees within the EU system. It is in this context that we use the word lobbying. See [here for a full discussion](#).

Glossary of Terms

Term	Definition and Meaning in Context of this Report
ACEA	The European Automobile Manufacturers Association (ACEA) represents the European automobile industry, and actively engages in European policy decisions and processes. Member companies of ACEA include Ford, BMW, Daimler, Renault, and Volkswagen.
CCFA	The French Automobile Manufacturers Association (CCFA) (Comité des Constructeurs Français d'Automobiles) represents the French automobile industry. Member companies include PSA Peugeot Citroen and Renault
Conformity Factor	The Conformity Factor (CF) determines the stringency of emissions limit. The Conformity Factor denotes the permitted divergence in emissions between the regulatory limit determined in the laboratory, and measured during RDE. The European Commission aims to reduce the CF to 1.5% (thereby allowing 50% more emissions) by 2021 for all new vehicles.
EU NOx policy	Policy measures devised within the EU system to reduce emissions of NOx from vehicle tailpipes. Present EU NOx policy includes Real Driving Emissions (RDE), which aims to reduce NOx emissions via more robust testing standards.
Euro 5/V Euro 6/VI	The Euro standards refer to the emissions standards for light-duty (denoted by Arabic Numerals) and heavy-duty (denoted in Roman Numerals). Euro 5 was introduced for all vehicles sales and registration in 2011/13, and Euro 6 for all new vehicles sales and registration in September 2015. Euro 5 and Euro 6 are directly enforceable in all Member States of the European Union.
GTR	Global Technical Regulations (GTR) was developed in 1998 as a voluntary initiative, which focuses on performance-based test procedures.
MAC	Mobile Air Conditioning (MAC) is a European emissions testing procedure.
NEDC	The New European Driving Cycle (NEDC) is a test cycle for vehicle emissions. Last updated in 1997, the NEDC has faced numerous accusations of producing figures that do not reflect real-world emissions. The NEDC is due to be replaced by the WLTP and RDE reforms from 2016.
NTE	Not To Exceed (NTE) refers to a testing mechanism introduced by the US Environmental Protection Agency (EPA) to measure heavy-duty emissions. The NTE does not comprise of a specific driving cycle, but rather any type of driving that could occur in the NTE control area.
PEMS	Portable Emissions Measuring Systems (PEMS) measure emissions from combustion engines during the testing process, and thus are a central component of RDE.
PN	The Particle Number (PN) refers to the number of particles that comprise a

	thermodynamic system.
RDE (Real World Driving)	RDE is a new test cycle for vehicle emissions, which will assess the performance of vehicles on the road. RDE will replace the New European Driving Cycle (NEDC) from 2016 and ideally reduce the disparity observed between emissions measured in laboratory testing and real-world driving.
TCMV	The Technical Committee for Motor Vehicles (TCMV) is a regulatory committee of the European Commission.
TNO	The formal name for TNO is the Dutch Organization for Applied Scientific Research .
VDA	The German Association of the Automotive Industry (VDA) represents the German automobile industry, and is highly engaged in German policy processes.
WHO	The World Health Organization (WHO) recognizes the adverse impact NOx has on general health, causing bronchial symptoms, lung inflammation, reduced lung function and increased mortality.
WLTP	The World Harmonized Light Vehicle Testing Procedure (WLTP) is a new test cycle for light vehicle emissions, which aims to provide a harmonized global standard for measuring emissions of vehicle types.

Background to this Report

The Volkswagen NOx scandal has shed light on the broader issue of how progressive EU NOx automotive emissions policy, initially recommended by the European Commission [in the late 1990s](#), has been influenced and captured by the automotive industry and its political champions in the Member States. It is now evident that the devices used to reduce [harmful NOx](#) and other emissions from diesel engines in passenger cars and which allowed, for example Volkswagen's 2008 Clean Diesel marketing push, consume significant amount of power. This resulted in a technical struggle within the automakers promoting diesel between meeting both NOx standards and fuel efficiency/CO2 emissions standards, both in the US and the EU.

In the US, where Volkswagen is by far the leader in diesel fueled passenger vehicles through its [Clean Diesel](#), the use of software to purposely deceive the NOx testing process has been widely publicised following the [EPA announcement](#) in September 2015. In the EU, where diesel passenger vehicles are sold by a larger group of companies, there are allegations that the industry's response to the technical challenge of meeting both CO2 and NOx standards was to influence and capture the EU NOx policy process, focusing on details of allowable compliance levels (the Conformity Factor) and emissions testing processes and facilities which allowed them [considerable "wiggle" room](#) to meet the standards under test conditions while not in actual physical emissions.

The extent of this capture of the NOx policy process by industry is such that despite the introduction of Euro 4 in 2006, Euro 5 in 2007, and Euro 6 in 2015, which each significantly reduced the legal limit of NOx emissions, evidence suggests [no clear reduction in the level NOx emissions](#) from automobiles when tested in real world conditions. This appears to undermine nearly ten years of legislative progress by the EU to protect public health from an emission that is reported to cause the premature death of at least [400,000 European citizens annually](#), as well causing numerous other health complications.

Consequently, the European Parliament launched a [Committee of Enquiry](#) on December 17 2015 and the [ENVI rejected the Commission's proposal](#) on December 2014 to introduce a Conformity Factor that allows automobile manufacturers to continue to greatly exceed legal limits on NOx emissions, with the European Parliament's vote on the issue [proponed on January 14 2015](#). The Commission's proposal on the Conformity Factors was however taken with the almost unanimous approval of European Member States, despite the same governments being demonstrably aware of the science surrounding NOx emissions.

The subject of this report is to thoroughly map out the activities and positions of the key participants in the EU NOx policy process over the last decade and in the wake of the Volkswagen scandal to show in an objective fashion how the original, public health motivated intent of the EU system on NOx policy was captured to suit the economic needs of the automotive industry.

Executive Summary

In this summary, hyperlinks to InfluenceMap's web site where evidence is stored and other external sources are provided for brevity rather than include full sources/details and footnotes.

- The European Commission (EC), and in particular DG Growth, is responsible for the implementation of EU NOx policy. This is a policy stream originating in research conducted by the the [EEA](#) and EC's [Auto-Oil](#) Program in the late 1990s and recommending regulatory action to prevent human health risk due to NOx emissions. The Volkswagen scandal, revealed in late 2015, has led to allegations that the progression of the EU NOx policy process has been captured by automotive industry interests at the expense of human health and environmental goals.

- It is likely the automotive sector exerts high level political influence on the basis of its economic clout in Europe, particularly via the leverage of employment of large numbers of skilled employees in countries where manufacturing facilities are located. The relationship is particularly close in Germany where the current President of the VDA (Matthias Wissman), previous to his VDA appointment in 2007, served in government in the ruling Christian Democrat Union party. The German Chancellor Merkel herself has reportedly intervened directly globally on behalf of the German automotive industry on NOx regulations, most notably, according to the [Wall Street Journal](#), in a 2010 visit to the California Air Resources Board to press VW's case for less stringent NOx standards.

- The European auto industry trade association [ACEA](#), along with manufacturers [Daimler](#) and [BMW](#) in particular have opposed the implementation of Real World Driving Emissions (RDE) aspect of EU NOx policy. They do this in part through seconding specialist staff to key EC committees, such as the Technical Committee for Motor Vehicles (TCMV), and through the issuance of technical papers and positions, for example, defining what constitutes a fair measure of vehicle emissions.

- A number of automotive manufacturers have been advocating to policy makers that current Euro 5/6 standards are too stringent and damaging to the industry. [Daimler](#) has claimed the Euro 5/6 standards resulted in a loss of competitiveness, [Fiat Chrysler](#) publicly emphasized the “additional cost pressures”, and [Volkswagen](#) and [Renault](#) highlighted the negative impact on diesel vehicle sales. [Ford](#) also suggested in a [correspondence with the EC](#) that it had been anticipating that NOx emissions testing would be weakened or emissions targets relaxed.

- The automotive industry also influenced certain Member State governments for a lower Conformity Factor ahead of the TCMV meeting on October 28 2015. For example PSA Peugeot Citroen lobbied the French Government. In Germany the auto industry association (the VDA) [lobbied on behalf of the German companies](#), although Daimler and BMW were also directly involved in the process. Ford also influenced the office of the UK Prime Minister against an ambitious Conformity Factor policy in 2015, according to leading industry watcher Greg Archer of [Transport & Environment](#).
- The decision of the EC DG Growth's Technical Committee Motor Vehicle Committee (TCMV) to increase the Conformity Factor was supported by key Member States. Germany, the UK and France appear were reportedly important in driving the decision with Germany leading against an ambitious Conformity Factor outcome supported by the Netherlands, a position subsequently supported by France and the UK, according to Transport & Environment. Spain and Italy had been advocating for a factor three times that of the EC proposed regulations.
- The UK auto industry trade association (the [SMMT](#)) appears to have been misleading about their actual knowledge of real world diesel emissions in public facing messaging. The SMMT in [March 2015 launched a campaign](#) promoting diesel engines as the “cleanest ever”.
- Some parts of the European automotive sector downplay NOx health risk. French auto-maker [PSA](#) in 2014 stated that [Euro 5/6 engines do not release noxious particles](#). The French auto industry association [CCFA](#) claimed that in 2014 modern diesel engines with filters [could reduce NOx emissions equivalent to clean air levels](#), and has also [critiqued WHO NOx health risk findings](#), both contradictory to accepted science. Reacting to the Volkswagen scandal, [BMW](#) suggested NOx emissions from vehicles [only affect people with existing respiratory problems](#), a position contradicted by most scientists on the subject.
- The EC, and DG Growth which leads within the EC on vehicle emissions policy, was aware that real world diesel emissions were many times in excess of laboratory testing following a report by the [Joint Research Council \(JRC\)](#) (which conducts research on behalf of the European Commission) that clearly detailed this in 2011. The JRC and other NGO reports also clearly stated that automotive manufacturers were deliberately manipulating emissions testing. Similarly there are indications that the EC DG Growth had been [aware of the use of defeat devices since 2013](#), as they were implementing Portable Emissions Measuring (PEMs) systems to specifically address the use of defeat devices.

The Scores Compared

InfluenceMap analysed government, EU, industry and NGO entities using our proprietary analysis and scoring software for measuring influence over policy. The scores range from 100% (highly supportive of progressive EU NOx policy) to 0% (highly obstructive of progressive EU NOx policy). Here is an overview of the scores of the various entities concerned, with full details of each in the pages to follow.

Entity	Type	NOx Support Score
Transport and Environment	NGO	96%
Friends of the Earth	NGO	93%
The ENVI Committee (EP)	EU Institution	85%
European Commission	EU Institution	53%
France	Member State	49%
Germany	Member State	46%
PSA	Automobile Manufacturer	45%
SMMT (UK)	Trade Association	44%
BMW	Automobile Manufacturer	41%
CCFA (France)	NGO	41%
Fiat Chrysler Automobiles	Automobile Manufacturer	37%
Renault	Automobile Manufacturer	37%
Volkswagen	Automobile Manufacturer	36%
Italy	Member State	35%
TCMV	EU Institution	33%
United Kingdom	Member State	32%
VDA (Germany)	Trade Association	32%
Daimler	Automobile Manufacturer	31%
Ford	Automobile Manufacturer	22%
ACEA	Trade Association	19%
Spain	Member State	18%


Details on Government, Industry and NGO Entities

Within the tables below the following topics are covered in the table headings (with reference to our methodology described in the Appendix) - see the glossary above for definitions of terms.

Heading in Tables	Issues Covered
EU NOx emissions standards and testing	Query 1: Science of NOx and health risk Query 2: The need for regulations as determined by the EC Query 3: EU NOx standards: Euro 5/6 Query 5: Real world testing (RDE)* Query 6: Emissions testing implementation reform
Conformity factor	Query 7: Conformity factor (i.e. compliance flexibility)
Testing Fraud & VW Scandal issues	Query 8: Messaging and transparency around testing fraud and EU NOx policy in general amid the Volkswagen scandal

*Q4 was removed from our system

Member States



France

The full InfluenceMap profile [can be found here](#).

**InfluenceMap
Score: 49%**

EU NOx emissions standards and testing

The French appears to support the EU NOx policy process.¹ The French government has also shown support for the euro standards by using them to set the qualifying values within their own air pollution categorisation scheme for vehicles. This scheme categorised engine type in a way that showed recognition that diesel emissions are more toxic than the equivalent petrol emissions.² With regards to vehicle testing, the French government appears to have supported RDE since 2014: “France continues to fully support the Commission proposal on RDE as it will be an important tool to limit the emissions of gaseous pollutant such NOx”.³ After the Volkswagen scandal, Ségolène Royal reaffirmed the French government’s position towards RDE, asking the European Commission to take all the necessary steps to finalise RDE before the end of the year in order to take better account of vehicle emissions.⁴

Conformity factor issues

France appears to have been lobbied by Peugeot Citroen PSA (PSA),⁵ to in turn lobby the Commission for a less stringent Conformity Factor⁶. French reportedly lobbied for a conformity factor

¹ French Ministry of Ecology, Sustainable Development and Energy website, 2015

² French Ministry of Ecology, Sustainable Development and Energy website, Un « certificat qualité de l’air », 2015

³ French comments on RDE proposal, October 2014

⁴ French Ministry of Ecology, Sustainable Development and Energy website, press release, 2015

⁵ Interview with Greg Archer, Transport Environment, December 18 2015

of 1.8 between 2017 and 2019 and for 1.4 after this.⁷ In a written submission ahead of the TCMV vote on the on the Conformity Factor, France stated they wanted an ambitious but realistic target, and put forward that the conformity factor should not be any more than 2.0 in moderate conditions for the first phase and that the second stage should not be any lower than 1.4.⁸ This also included the supporting the extension of the Conformity Factor as 1.4 until 2020 as opposed the Commission's original proposal for 2019.

Testing fraud issues

The French Minister of Ecology, Sustainable Development and Energy, Ségolène Royal, has actively responded to the Volkswagen emissions scandal. On September 25 2015, a week after the scandal broke, she launched a full investigation in coordination with the EU to determine any testing malpractices in France. As part of this investigation, Ségolène Royal requested that the French testing agency liaise with the U.S. investigators⁹ that uncovered the Volkswagen's fraud) and announced random checks for roughly 100 types of vehicles.¹⁰ A number of Renault vehicles coming under investigation, causing a drop in share price for Renault and for the recall of 15000 vehicles.¹¹ The French Government did appear to be aware of the disparity between laboratory testing for vehicles and real-world driving emissions at least two years prior to the Volkswagen emissions scandal.¹²



Germany

The full InfluenceMap profile [can be found here](#).

**InfluenceMap
Score: 46%**

EU NOx emissions standards and testing

The German government is aware of the public health risks posed by NOx emissions and has stated clear support for corresponding regulations.¹³ It has also communicated its support for RDE¹⁴, regarding it as an essential component of emissions regulation¹⁵ that should be

⁶ [Transport & Environment website, October 28 2015](#)

⁷ [LeMonde, October 28 2015](#)

⁸ [Letter from the French government to the TMVC regarding new standards](#)

⁹ [French Ministry of Ecology, Sustainable Development and Energy website, September 25 2015](#)

¹⁰ [Le Monde, September 28 2015](#)

¹¹ [Autoworld, January 18 2016](#)

¹² [French position on WLTP, CIRCABC September 2013](#)

¹³ [The German Federal Ministry for the Environment, Conservation, and Construction and Nuclear Safety, September 30 2013](#)

¹⁴ [German Comments on RDE Proposal, European Commission Consultation, October 31 2014;](#)

¹⁵ [Federal Ministry for the Environment, Conservation, and Construction and Nuclear Safety Website, March 3 2015](#)

introduced swiftly.¹⁶ However, there is also indication that the government has taken actions to slow the introduction of RDE. In a correspondence to the TCMV in October 2015, the German government called for the revision of RDE legislation: “we consider the RDE procedures to be a component of a possible solution to the problem. However, a more comprehensive solution should be sought, and the Commission is invited to conduct more thorough scrutiny of the European type approval procedure”.¹⁷ It further appears to have emphasized issues with the WLTP (World Harmonized Light Vehicle Testing Procedure), suggesting external factors could remain a perennial challenge to reformed testing methods.¹⁸

Conformity factor issues

In October 2015 the German Federal Environment Minister Barbara Hendricks praised the proposal of the Commission to increase the stringency of compliance levels to 1.2 by 2019 as monumental progress.¹⁹ However, in a formal correspondence to the TCMV prior to a vote October 2015 vote on the Conformity Factor, the German government appears to emphasize the need for realism in developing the factor, calling for “an ambitious figure, but at the same time one that is as pragmatic as possible”.²⁰ The German government also appears to challenge the accuracy of Commission’s calculations for the development of the Conformity Factor, and seems to threaten formal opposition: “The current Commission proposal cannot be finally assessed by the Federal Government, nor is a comprehensive and detailed technological impact assessment possible. On the basis of what is currently known, the Conformity Factor should be adjusted appropriately”.²¹ The correspondence also warns against overt ambition in the short-term (reportedly between in the range of 1.6 to 2.2²²). It advocated a Conformity Factor of 1.4 beyond 2020.²³

Testing fraud issues

Despite acknowledging the health risks of NOx emissions as early as 2013²⁴, the German government has also been accused of passive compliance in the Volkswagen emissions

¹⁶ Federal Ministry for the Environment, Conservation, and Construction and Nuclear Safety Website, Statement by State Secretary Jochen Flasbarth, September 21 2015

¹⁷ German government correspondence with European Commission on RDE, October 2015

¹⁸ Federal Government answer: CO2 and fuel consumption, July 28 2015

¹⁹ German comments on RDE Proposal, European Commission consultation, October 2014

²⁰ German Government letter to the European Commission, October 2015

²¹ German Government letter to the European Commission, October 2015

²² Transport and Environment, ‘Real-world Driving Emissions tests: the facts’, December 2015

²³ German Government letter to the European Commission, October 2015

²⁴ German Parliament Report, May 23 2013

scandal by consistently ignoring reports of the striking disparity in emissions measured in the laboratory and real-world driving,²⁵ whilst other allegations in the German Parliament suggest that the Government was aware of the use of defeat devices before the Volkswagen scandal.²⁶ The German government has notable for its strong links to BMW, Volkswagen and Daimler and is reportedly “influenced at the economics ministry and then the Chancellery.”²⁷ The German Chancellor has reportedly intervene directly globally on behalf of the German automotive industry on NOx regulations, most notably, according to the [Wall Street Journal](#), in a 2010 visit to the California Air Resources Board to press VW's case for less stringent NOx standards.



Italy

The full InfluenceMap profile [can be found here](#).

**InfluenceMap
Score: 35%**

EU NOx emissions standards and testing

The Italian Government (Italy) is [aware](#) of the health risks created by NOx emissions.²⁸ Despite this, it appears to have a mixed stance on reforming EU regulations for vehicle NOx emissions. Since the Volkswagen emission scandal, the Department of Transport have called for “[rapid and effective action to resolve the problems](#)”.²⁹ However, [media reports](#) suggest that the Italian Minister of Economic Affairs Federica Guidi warned the EU Commission of Industry that responding to the Volkswagen emission scandal with stricter rules would have a negative impact on European Automobile manufacturing industry competitiveness.³⁰

Prior to the Volkswagen emissions scandal, the Italian Government appears to have been more obviously opposed to EU NOx policy reform. A [consultation document](#) sent from Italy to the Commission in November 2014 calls the proposed emission testing program (RDE) “complex and onerous”, and suggests that mandatory RDE testing is not cost-effective and is therefore unsuitable for passenger vehicles.³¹ Italy has correspondingly advocated delaying the full implementation of more stringent emission regulations. In October 2014, it [wrote to](#)

²⁵ [Application to the Federal Government, October 14 2015](#)

²⁶ [The Telegraph, September 23 2015](#)

²⁷ [Interview with Greg Archer, Transport Environment, December 18 2015](#)

²⁸ [The Italian Ministry for the Environment, Land and Sea website, 2015](#)

²⁹ [The Italian Ministry for Transport, Press Release, October 2015](#)

³⁰ [la Repubblica, October 28th 2015](#)

³¹ [Italian Suggested Amendments to RDE procedure in EURO 6, European Commission Consultation, November 13th 2014](#)

the [Commission](#) suggesting that “The RDE requirement should apply in two phases: the first one with moderate requirement only for new vehicle types starting from 2017 and the second and more stringent phase, three years after the first phase, that could apply also to new registration (as from 2020).”³²

Conformity factor issues

Italy has also endeavored to lower compliance standards related to the new regulations. In a [submission to the TCMV](#) just before compliance standards were decided by vote on the October 28 2015, Italy suggested an extended period of low compliance set at a Conformity Factor of 3.³³ This would allow auto-manufacturers to emit over three times as much as the limits suggested by the Commission and would significantly delay the real world reduction of NOx emissions.

Testing fraud issues

Italy had shown awareness of the problems surrounding real world NOx emissions prior to the scandal; the Ministry for the Environment, Land and Sea previously explained in an [emissions reduction planning document](#) that efforts to reduce roadside emissions will not be effective until vehicle NOx reductions observed in tests can be replicated under actual driving conditions.³⁴ In the wake of the scandal, Italy initiated its [own investigation](#)³⁵ with the [aim of finding out](#) whether the same offenses committed in the U.S have also occurred within the E.U.³⁶ However, Italian [media reports](#) allege that they also knew specifically about automotive manufacturers gaming emission tests³⁷ and that the Volkswagen emission scandal has only [brought into the spotlight](#) what has been known for a long time.³⁸

³² Italian Remarks on the Draft Proposal on Real Driving Emissions, European Commission consultation, October 27 2014

³³ Transport and Environment, 'Real-world Driving Emissions tests: the facts', December 2015

³⁴ The Italian Ministry for the Environment, Land and Sea website, 2015 (link to document)

³⁵ The Guardian, September 22 2015

³⁶ The Italian Ministry for Transport, Press Release, September 2015

³⁷ L'ultima Ribattuta, September 24th 2015

³⁸ Il Giornale, September 26th 2015



Spain

**InfluenceMap
Score: 18%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

The Spanish Ministry for Agriculture, Food and the Environment [recognizes](#) the public health impact from NOx³⁹ and acknowledges in their [strategy for Air Quality](#) that Euro 5/6 regulation is needed to reach EU air quality goals,⁴⁰ However, the Spanish government does not support reforms to testing procedures, having emphasized the negative economic impact of RDE reform in a October 2015 [letter sent to the TCMV](#).⁴¹ [Media sources](#) further report that the Spanish Government advocated delaying RDE to beyond 2020.⁴²

Conformity factor issues

Spain [advocated](#) for lower compliance standards for EU NOx policy, with a Conformity Factor of 2.3 (184 mg/km in practical terms⁴³) [“in order to allow manufacturers to gradually adapt to the RDE rules”](#).⁴⁴ Spain further appears to have [advocated](#) for a year delay on the Commission’s proposal of 2019 for the implementation of a second more stringent Conformity Factor, asking that “the second step should follow 3 years after [the first step in 2017] and with a Conformity Factor of 1.6”.⁴⁵

Testing fraud issues

There does not appear to be much clarity in the Spanish Government’s communications after the Volkswagen emissions scandal. The responsibility for the issue was delegated from the Environment Minister to the Industrial Minister, who [communicated](#) that his main concern was the planned investments in Spain by Volkswagen.⁴⁶ These Ministers also [stated](#) in October 2015 that the EU NOx standards are infeasible⁴⁷ and [warned of the adverse impact](#) of the new standards on economic activity, investment and employment.⁴⁸ It was [widely reported](#) in the [media](#) that that there was [a lack of clarity](#) from Spanish Government regarding the investigation of emissions cheating.⁴⁹⁵⁰⁵¹⁵²

³⁹ [The Spanish Ministry for Agriculture, Food and Environment website, 2015](#)

⁴⁰ [Spanish Strategy for Air Quality, Spanish Ministry for Agriculture, Food and Environment website, 2015](#)

⁴¹ [Position of Spain on RDE, October 28 2015](#)

⁴² [The Guardian, October 27 2015](#)

⁴³ [La Vanguardia, October 17 2015](#)

⁴⁴ [Position of Spain on RDE, October 28 2015](#)

⁴⁵ [Spanish position paper to EU TCMV committee, October 27 2015](#)

⁴⁶ [EI Confidencial, September 25 2015](#)

⁴⁷ [Minister of Agriculture, Food and the Environment comments in a press release, October 29, 2015](#)

⁴⁸ [Eldiario, October 20 2015](#)

⁴⁹ [Eldiario, September 23, 2015](#)

⁵⁰ [Economia Digital, September 22 2015](#)

⁵¹ [Diaro Motor, September 30, 2015](#)

⁵² [EI Confidencial, September 25 2015](#)



The UK

The full InfluenceMap profile [can be found here](#).

**InfluenceMap
Score: 32%**

EU NOx emissions standards and testing

The UK government appears to have a mixed and potentially contradictory approach to EU NOx policy. Whilst [claiming](#) to support improved NOx emission regulation (especially in reaction to the Volkswagen emission scandal⁵³), the U.K government appears to have quietly worked against legislative reforms, both in the years before the scandal and since it has broken. A clear example of this mixed approach is Prime Minister David Cameron's public support for "[sensible and proportionate regulation](#)"⁵⁴ in the wake of the scandal in September 2015, despite [reportedly](#) moving to obstruct European emissions regulation in 2013 at the request of German Chancellor Angela Merkel.⁵⁵ Both the [Department for Transport \(DoT\)](#)⁵⁶ and the [Department for Environment, Food and Rural Affairs \(DEFRA\)](#)⁵⁷ identify the health risks associated NOx emissions when communicating their own policy (although DEFRA has simultaneously released [a report](#) that suggests "significant uncertainties" in the link between NOx emissions and adverse health effects⁵⁸). Also, in [consultation with the Commission](#), the U.K government appears to have supported a timely introduction of RDE.⁵⁹ However, [media reports](#) allege that the DoT previously wrote to the Commission, arguing in support of the old testing regimes.⁶⁰ On top of this, [a letter leaked to The Observer](#) newspaper which was sent from the Department for Environment, Food and Rural Affairs (DEFRA) in September 2015 urged British MEPs to obstruct emission testing reform, explaining that "the legislation is unclear and legally unnecessary".⁶¹

Conformity factor issues

The U.K Government has also worked against the reform process by calling for weakened compliance in view of the the implementation new testing standards. Prior to a vote in the TCMV Committee on October 28 2015, the U.K government [wrote to the Commission](#) saying that, although it agrees with a 'Step-1' implementation for RDE in 2017, it should be accompanied by a period of low compliance standards. Specifically the U.K Government states, "we currently do not see a rationale for agreeing a Step-1 Conformity Factor less than the 2.2 upper limit of the Commission's stated range".⁶² This would permit auto-manufacturers to emit over double the emissions set by the Commission proposed NOx limits. The U.K government further [suggested](#) that 'Step-2', set at a Conformity Factor of 1.4, should be

⁵³ [Department for Transport Press Release, November 10 2015](#)

⁵⁴ [Telegraph, September 28 2015](#)

⁵⁵ [BT News, September 26 2015](#)

⁵⁶ [Department For Transport website, May 2015](#)

⁵⁷ [DEFRA document, September 2015](#)

⁵⁸ [DEFRA report, September 2015](#)

⁵⁹ [UK Government, correspondence with EU Commission, November 2014](#)

⁶⁰ [The Guardian, September 24 2015](#)

⁶¹ [Guardian, September 27 2015](#)

⁶² [UK Government, correspondence with EU Commission, October 2015](#)

delayed until “1 September 2020 (for new model types) and 1 September 2021 (for all new vehicles)”.⁶³ This would significantly delay the real world reduction of vehicle NOx emissions.

Testing fraud issues

Both the [Department for Transport](#)⁶⁴ and the [Department for Environment, Food and Rural Affairs](#)⁶⁵ appear to have been aware of the divergence between EU Euro 5/6 regulation targets and lack of NOx emissions reductions before the issue was brought to light by the Volkswagen emission scandal. [Media reports](#) allege that the Government had also been aware specifically of auto-manufacturers gaming of emissions testing.⁶⁶ In the wake of the scandal, the U.K Government has initiated its own [inquiry](#)⁶⁷, whilst Transport Secretary Patrick McLoughlin [claimed](#) that he had “called for a Europe-wide investigation into the use of ‘defeat devices’, in parallel to the work we are doing in the UK”⁶⁸

⁶³ UK Government, correspondence with the Commission, October 2015

⁶⁴ Department for Transport website, May 2015

⁶⁵ DEFRA document, September 2015

⁶⁶ Belfast Telegraph, September 25 2015

⁶⁷ The BBC, September 24 2015

⁶⁸ Department for Transport Press Release, October 2 2015

European Institutions



The European Commission

**InfluenceMap
Score: 53%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

The European Commission (Commission) is aware of the negative impacts to [human health from NOx emissions](#).⁶⁹ The Commission's response to this, since 1991, has been to introduce vehicle standards, with the most recent the [Euro 5/6](#), which limit NOx emissions to 180 mg/km in 2009 and 80 mg/km in 2014.⁷⁰ The Commission, and in particular DG growth, has been driving a process to reform automobile emissions testing to "significantly reduce the currently observed differences between emissions measured in the laboratory, and those measured on road under real-world conditions".⁷¹ The Commission reached an agreement through the TCMV on [October 28 2015](#) that RDE would apply to all newly approved vehicle types from September 2017 and all new vehicles from September 2019".⁷² It has however faced criticism from the [European Parliament](#) and independent [expert groups](#)⁷³ for being too slow to implement these measures⁷⁴ and for its decision to introduce RDE in January 2016 initially only for monitoring purposes, allowing another year before full compliance.⁷⁵ The Commission rejects the suggestion from the European Parliament that the [process is moving too slowly](#), emphasizing that the EU is the "first and only region in the world to mandate these robust testing methods".⁷⁶

Conformity factor issues

The Commission has also faced criticism of its willingness to accept a Conformity Factor that significantly weakened Euro 6 emissions regulations. The Commission, at the deciding meeting on October 28 2015, had originally proposed a Conformity Factor of 1.6 for new models (128 mg/km) in September 2017 and 1.2 (96 mg/km) for January 2019.⁷⁷ The Commission's proposal was however rejected by nearly all Member States, the exception being the Netherlands.⁷⁸ The Commission counter proposed 2.1 in September 2017 (168 mg/km) and 1.5 (120 mg/km) by January 2020, which was accepted. The Commission [blames this change on the Member States](#) stating: "This text is a

⁶⁹ European Commission, Environment, 2015

⁷⁰ European Commission, DG Growth, October 29 2015

⁷¹ European Commission, DG Growth, October 29 2015

⁷² European Commission Press release, October 28 2015

⁷³ Transport & Environment, Don't Breathe Here, September 2015

⁷⁴ ENVI debate in the European Parliament, Brussels. October 10 2015

⁷⁵ European Commission, DG Growth website, October 29 2015

⁷⁶ European Commission, Press release, October 28 2015

⁷⁷ ClientEarth, Legality of the Conformity Factors in the RDE tests, December 2015

⁷⁸ ClientEarth, Legality of the Conformity Factors in the RDE tests, December 2015

compromise, you are right. We started with far more ambitious levels and the Member States indicated that this is not what they could agree upon”.⁷⁹

Testing fraud issues

The Commission has been aware through its own Joint Research Council (JRC) from at least 2011 that there were [significant discrepancies](#) between emissions recorded in laboratories and in the real world.⁸⁰ The Commission had been communicating that the emissions [testing regime was inadequate](#) before the Volkswagen scandal broke,⁸¹ in their words “[time and time again](#)”,⁸² as far back as 2012.⁸³ Following the Volkswagen revelations the Commission claimed it was not [aware of defeat devices](#) being used (their theoretical use was known as the Commission had banned them in 2007).⁸⁴ However a report produced in 2013 by the JRC suggests that the Commission may have had some awareness as it flagged the “[the use of defeat strategies](#)” in testing as a key issue and provided an information box on defeat devices.⁸⁵ Leading NGO Transport and Environment claims the Commission was ignoring evidence. He has argued that “they were aware of these suspect results around 18 months ago. The difference is, in the US they investigated and found the cheating. But here in Europe, nothing happened with those results”.⁸⁶ The scale at which automotive manufacturers were gaming the testing regime was clearly known by the Commission as in 2013 it produced a presentation observing that testing of actual on-the-road emissions had shown “[little or no progress in NOx emissions after Euro 3](#)”,⁸⁷ suggesting a correlation between regulations becoming more stringent and an increase in cheating. That the scale of the cheating had to be exposed by the U.S. in mid 2015 appears to suggest the Commission, and DG GROW, has been negligent, whether wilfully or not, in its responsibility to effectively control automobile NOx emissions and protect the health of European citizens.

⁷⁹ Reuters, December 14 2015

⁸⁰ JRC Scientific and Technical Reports, [Analyzing on-road emissions of light-duty vehicles with Portable Emission Measurement Systems \(PEMS\)](#), EUR 24697 EN - 2011

⁸¹ DG Growth Presentation, RDE testing, June 26 2015

⁸² European Commission, DG Growth, October 29 2015

⁸³ SUN Conference, European Commission, DG Joint Research Centre, September 2012

⁸⁴ Elzbieta Bienkowska, European Commissioner for Internal Market, industry, entrepreneurship, SMEs, Remarks at the press conference after the Competitiveness Council on November 30 2015

⁸⁵ European Commission, Joint Research Centre, Institute for Energy and Transport (IET), [A complementary emissions test for light-duty vehicles](#), 2013

⁸⁶ Euranetplus-inside, September 30 2015

⁸⁷ DG Enterprise and Industry, Cars 2020, Lowering emissions in real driving – RDE project, September 6 2013



The Committee on the Environment, Public Health and Food Safety (The ENVI Committee)

**InfluenceMap
Score: 85%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

The European Parliament Committee on the Environment, Public Health and Food Safety (ENVI) recognizes the link between NOx emissions and [premature deaths](#)⁸⁸ and has advocated for more stringent measures to protect public health.^{89 90} Following the Volkswagen emissions scandal, the ENVI called for the rapid implementation of Real Driving Emissions (RDE), calling for “real-life, emissions test procedure to be enforced by 2017”.⁹¹ It has also stated that the RDE transition period being advocated for by the automotive industry is “simply [delaying](#) a deadline that was set in order to meet those standards of 80 (mg/km)”.⁹² The ENVI has further emphasized that if the EU does not succeed in the “[rapid and ambitious](#) implementation of the RDE test procedure”,⁹³ it will officially recommend that the EU move to a centralised [U.S. style surveillance system](#).⁹⁴

Conformity factor issues

On October 10 2015 the ENVI voted 66 to 1 in favour of a Conformity Factor that did not provide additional leeway for companies “reflecting only the possible tolerances of the emissions measurement procedure in place by 2017”⁹⁵ and against giving manufacturer's longer to comply with NOx emissions standards, as one MEP said “additional time to get closer to the limits that we already agreed in 2007”.⁹⁶ On December 14 2015 the ENVI [opposed the decision of the TCMV](#) on Conformity Factors, passing a motion for resolution to reject the draft (which will be considered in the January 18-21 European Parliament plenary session).⁹⁷ The ENVI on January 19 2015 called for a [Conformity factor of 1.1](#) with the introduction of RDE,⁹⁸ which is almost full compliance with Euro 6 standards, and nearly half the level of permitted emissions being proposed by the Commission.

Testing fraud issues

The ENVI claims to have been unaware about the current use of [defeat devices](#)⁹⁹ and has demanded to know what the Commission and automobile industry knew about [emissions testing abuse](#) and the

⁸⁸ [European Parliament press release, July 15 2015](#)

⁸⁹ [European Parliament, Strasbourg debate, October 15 2015](#)

⁹⁰ [European Parliament, Strasbourg debate, October 6 2015](#)

⁹¹ [ENVI Press Release, September 24 2015](#)

⁹² [Debate in the European Parliament, Baz Eickhout, ENVI committee member, November 10 2015](#)

⁹³ [Transport Environment letter to TCMV, October 12 2015](#)

⁹⁴ [Meeting of the Committee on the Environment, Public Health and Food Safety on the State following the Volkswagen scandal, Christofer Fjellner, MEP, September 23 2015](#)

⁹⁵ [ENVI debate in the European Parliament, Brussels. October 10 2015](#)

⁹⁶ [ENVI debate in the European Parliament, Brussels. October 10 2015](#)

⁹⁷ [European Parliament press release, December 14 2015](#)

⁹⁸ [European Parliament News](#)

⁹⁹ [European Parliament, Strasbourg debate, October 6 2015](#)

use of defeat devices, and when they knew it.¹⁰⁰ The ENVI appears to be particularly interested in knowing what, if anything, was communicated to the Commission by the U.S. EPA before the Volkswagen emissions scandal broke, and whether the Commission was aware of the use of defeat devices as far back as 2013.¹⁰¹



The Technical Committee - Motor vehicles (TCMV)

**InfluenceMap
Score: 33%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

The TCMV has responsibility for implementing [Euro 5/6 regulations](#) through a process known as Comitology that has led the technical development of RDE. The TCMV is run by DG Grow. It also receives technical input and resources from the automobile industry. Key decisions of the TCMV are voted on by Member State representatives. Evidence suggests the committee may have actually slowed the development of the new NOx emissions testing regime [as recently as October 2015](#).¹⁰² In March 2015 the committee rejected the Commission's proposal on RDE, primarily over [disagreement](#) about boundary conditions (which relate to how vehicles are tested on the road) and not-to-exceed limits (that inform how much a vehicle can exceed regulatory standards in a single testing window)¹⁰³. There are also suggestions that corporate representatives, such as the ACEA, have used the TCMV committee to emphasise technical issues, such as boundary conditions, in order to create a series of "loopholes and hurdles".¹⁰⁴ According to the European Parliament the TCMV has been [unacceptably slow](#) in introducing RDE.¹⁰⁵

Conformity factor issues

The TCMV is also notable for effectively lowering NOx emissions requirements of automobile manufacturers until at least 2021. On [October 28 2015](#) Member State representatives that sit within the committee all voted (with the exception of the Netherlands) to weaken new vehicle compliance with RDE. The Commission had proposed a conformity factor of 1.6 (128 mg/km) in September 2017 and 1.2 (96 mg/km) for January 2019. Following the committee's rejection of the proposal, the Commission

¹⁰⁰ [Debate in European Parliament, Strasbourg, on: Emission measurements in the automotive sector. La Via Giovanni, Chair of the ENVI, addressing the floor, October 10 2015](#)

¹⁰¹ [Debate in European Parliament, Strasbourg, on: Emission measurements in the automotive sector. Bas Eickhout of the ENVI, addressing the floor, October 10 2015](#)

¹⁰² [The Guardian, October 2 2015](#)

¹⁰³ [Summary of the minutes 47th TCMV, May 19 2015](#)

¹⁰⁴ [Interview with Greg Archer, Transport and Environment, December 18 2015](#)

¹⁰⁵ [European Parliament, Strasbourg debate, October 6 2015](#)

proposed a compromise of 2.1 (168 mg/km) by September 2017 and 1.5 (120 mg/km) by January 2020.¹⁰⁶

Testing fraud issues

It is unclear how the TCMV responded to the Volkswagen emissions scandal and whether the revelations informed the TCMV's approach to NOx emissions policy. In their first meeting following the revelations, it is only recorded that "The EC representative asked if the affected vehicles were still being sold in Germany and if yes, what would be done in case the vehicles were not in conformity with the legislation. It was agreed that the focus should be on Euro 6 vehicles. All Member States were asked whether the sale of the affected vehicles had been stopped".¹⁰⁷ Information about the TCMV's decision process is limited as TCMV's meeting minutes, names of attendees, and communications with Member States are not publicly available. Correspondingly, there is no indication¹⁰⁸ that the TCMV has specifically reacted to an increasing body of information from investigations that have followed the Volkswagen scandal,¹⁰⁹ to address the immediate implications of a testing regime that is abjectly failing in its primary purpose to accurately measure the release emissions from vehicles.

¹⁰⁶ ClientEarth, [Legality of the Conformity Factors in the RDE tests](#), December 2015

¹⁰⁷ [Summary of the minutes 51st TCMV meeting, October 28 2015](#)

¹⁰⁸ See records of TCMV meetings of the TCMV on October 6 & 28 2015, November 17 2015, December 16 2015

¹⁰⁹ [Financial Times](#), September 25 2015; [ICCT, NOx Control Technologies For Euro 6 Diesel Passenger Cars](#), September 2015;

Automotive Manufacturers



BMW

The full InfluenceMap profile [can be found here](#).

**InfluenceMap
Score: 41%**

EU NOx emissions standards and testing

In 2015 BMW Group clearly stated [support for Euro 6](#)¹¹⁰ and suggested it was “[playing a pioneering role](#)”¹¹¹ in reaching the Euro 6 emissions standards in 2014. Following the Volkswagen emissions scandal, BMW Group also pledged support for “[the swift introduction of new regulations](#)”¹¹² and emphasized the industry’s need for regulatory “[clarity](#)”.¹¹³ However speaking to investors in March 2014, former CEO Norbert Reithofer reportedly advocated for delaying the implementation of the World Harmonized Light Vehicle Testing Procedure (WLTP) from 2017 to 2020 in order to avoid creating an “[additional burden for the automotive industry](#)”.¹¹⁴

Conformity factor issues

InfluenceMap has not been able to find evidence of BMW Group’s direct engagement in the development of the Conformity Factor. However, BMW Group CEO Harald Krüger is [Chairman of the Board of Management](#) at the European Automobile Manufacturers Association (ACEA)¹¹⁵ that reportedly aims to retain a Conformity Factor of 1.7 beyond 2020¹¹⁶, which is significantly less ambitious than the Commission’s (originally proposed) long-term Conformity Factor of 1.2.¹¹⁷ Harald Krüger is also on the Managing Board of the German Association of the Automotive Industry (VDA)¹¹⁸ that advocated for an extremely [lenient Conformity Factor of 7.1 in 2014](#)¹¹⁹ and has since allegedly [influenced the German government’s decision](#) to reduce its Conformity Factor proposal from 1.4 to 2.1 in November 2015.¹²⁰

Testing fraud issues

The BMW Group’s response to the Volkswagen emissions scandal has been mixed. It [condemned the manipulation of testing software](#) and emphasized that BMW exhaust systems were “active whether rolling on the test bench or driving on the road”.¹²¹ In October 2015 BMW Group described defeat-devices as a “[no-go](#)”.¹²² Yet the BMW Group has also responded to the scandal by promoting diesel as [indispensable](#)¹²³ to reaching the “tough [EU] standards for CO2 and other emissions”.¹²⁴

¹¹⁰ [BMW Group Press Release, September 24 2015](#)

¹¹¹ [BMW Group Sustainable Value Report, 2014](#)

¹¹² [BMW Press Release, September 24 2015](#)

¹¹³ [BMW Press Release, September 24 2015](#)

¹¹⁴ [Financial Times, April 21 2014](#)

¹¹⁵ [ACEA website, 2016](#)

¹¹⁶ [Auto Express, October 3 2015](#)

¹¹⁷ [ClientEarth, Legality of the Conformity Factors in the RDE tests, December 2015](#)

¹¹⁸ [VDA website, 2014](#)

¹¹⁹ [VDA Position on RDE Key Points, European Commission Consultation, October 27 2014](#)

¹²⁰ [Der Spiegel, November 6 2015](#)

¹²¹ [BMW Press Release, September 24 2015](#)

¹²² [Reuters, October 1 2015](#)

DAIMLER

Daimler

**InfluenceMap
Score: 31%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

Daimler has since at least 2011 been advocating against NOx emissions regulations, for example describing calling Euro VI, as a “[cost-intensive step](#)”.¹²⁵ A Daimler’s 2014 report further appeared to suggest that Euro VI regulation was a factor, alongside slow economic growth rates, behind the prospect of a 10% market contraction.¹²⁶ Head of Daimler Trucks Division Wolfgang Bernhard appeared to use his support for Euro VI to advocate against increasing Euro emissions standards in December 2013: “With Euro VI, emissions will be so minimal they’re actually hard to measure. Hence, we strongly believe that a further tightening of limits beyond Euro VI is not necessary”.¹²⁷ Daimler has pledged support for Real Driving Emissions (RDE) reform following the Volkswagen emission scandal. In November 2015 Daimler CEO Dieter Zetsche appeared to [praise](#) the Commission’s reform for having a stronger focus towards on-the-road vehicle emissions.¹²⁸ However, Daimler was reportedly part of a German-industry led challenge to EU NOx policy reform in October 2015, which advocated for delayed implementation of RDE reform to allow industry to adapt to the new policies.¹²⁹ Furthermore, in December 2014 Daimler representative Klaus Land, speaking to the ENVI Committee on behalf of ACEA, appeared to counter RDE by proposing a revised air quality package “of comparable stringency to the Euro VI RDE programme”.¹³⁰ In his presentation, Land used a graph on “Introduction Scenario and Flexibility” to argue that “no hardware change is possible” before 2020.¹³¹ Land argued for the Final Step of RDE to be implemented only in 2021, with an “appropriate conformity factor”. Land also appeared to suggest that reaching EU NOx standards did not fall in the remit of automotive manufacturers, but depended on the rate at which RDE-compliant vehicles were deployed on the road, which “is not in the control of industry”.

Conformity factor issues

Daimler representative Klaus Land advocated for an “appropriate” two-stage Conformity Factor (CF). He proposed the “Intermediate CF Step” to be implemented from 09/2017 to 09/2020 and a “Final CF Step” from 09/2020 onwards.¹³² Land does not specify the number of the Conformity Factor, but advocates for “sensible RDE regulation”.¹³³ Daimler CEO Dieter Zetsche is Chairman of the Board of

¹²³ [Die Zeit, November 5 2015](#)

¹²⁴ [BMW Press Release, September 24 2015](#)

¹²⁵ [Daimler Blog, June 27 2011](#)

¹²⁶ [Daimler Interim Report Q3 2014](#)

¹²⁷ [ACEA Transport Policy Event, December 13 2013](#)

¹²⁸ [Automobilwoche, November 4 2015](#)

¹²⁹ [Stuttgarter Zeitung, October 28 2015](#)

¹³⁰ [Air Quality News, December 4 2015](#)

¹³¹ [Klaus Land, Presentation to ENVI Committee, December 2014](#)

¹³² [Klaus Land, Presentation to ENVI Committee, December 2014](#)

¹³³ [Klaus Land, Presentation to ENVI Committee, December 2014](#)

Management at the European Automobile Manufacturers Association (ACEA)¹³⁴ and has described the alignment of Daimler to ACEA as “consistent”.¹³⁵ ACEA reportedly aims to retain a Conformity Factor of 1.7 beyond 2020,¹³⁶ which is significantly less ambitious than the Commission’s proposal of a long-term Conformity Factor of 1.2. Daimler CEO Dieter Zetsche is Vice President of the European Automobile Manufacturers Association (VDA)¹³⁷, which reportedly **influenced** the German Government’s decision to lower its compliance level proposal from 1.4 to 2.1 in November 2015.¹³⁸

Testing fraud issues

Following the Volkswagen emissions scandal, Daimler has categorically denied the manipulation of testing loopholes.¹³⁹ However, Daimler’s response to the scandal has lacked transparency. In November 2015 Daimler CEO Dieter Zetsche claimed that there was “no reason” for an investigation of Daimler’s testing procedures.¹⁴⁰



Fiat Chrysler

**InfluenceMap
Score: 37%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

On its [website](#), Fiat Chrysler appears to broadly support NOx regulation. It claims that its work “to reduce fuel consumption and CO2 emissions is paired with an even greater effort to develop devices that reduce polluting emissions, including particulates and oxides of nitrogen (NOx)”.¹⁴¹ However, in its 2014 [SEC Annual Filing](#) submitted to the U.S. Securities Exchange Commission and directed at investors, Fiat Chrysler draws its shareholders attention to the “additional cost pressures” created by implementing the technology needed to meet the Euro 6 standards. It suggests that the “already challenging European market,” may not be able to cope with the increased costs and uncertainty of new regulation.¹⁴² Commenting on Fiat Chrysler’s ability to meet more stringent emissions regulation, Fiat Chrysler CEO Sergio Marchionne stated in January 2015 that “[we can meet the regulations - we can make a truck comply](#).” He alternatively appears to [oppose rapid roll out](#) of the new regulation, stating “I’m not trying to minimise the objectives, don’t get me wrong, but perhaps we need to revise our expectations in terms of the speed of the roll-out.”¹⁴³

¹³⁴ [ACEA website 2016](#)

¹³⁵ [Daimler response to CDP Climate Change Information Request 2014](#)

¹³⁶ [Auto Express, October 3 2015](#)

¹³⁷ [VDA website, 2014](#)

¹³⁸ [Der Spiegel, November 6 2015](#)

¹³⁹ [Daimler, press release, September 25 2015](#)

¹⁴⁰ [Stuttgarter Nachrichten, November 4 2015](#)

¹⁴¹ [Corporate website, 2015](#)

¹⁴² [Fiat Chrysler Automobiles 2014 SEC filing, December 2014](#)

¹⁴³ [Car Magazine, January 13 2015](#)

Conformity factor issues

From the available evidence it is not clear how Fiat Chrysler may have been influencing the Conformity Factor either directly or through the countries they have significant operations (the U.S. and Italy).

Testing fraud issues

[Research](#) released in the light of the Volkswagen emissions crisis show that certain Fiat Chrysler vehicles emit considerably more NOx under real world conditions than in the lab - with one model reportedly emitting up to 6x more.¹⁴⁴ Responding to the Volkswagen emission scandal in September 2015, Fiat Chrysler reportedly sent a [private message](#) to car dealerships assuring them of its support for the rapid reform of testing procedures.¹⁴⁵ However, CFO and COO for Europe, Africa and the Middle East, Alfredo Altavilla responded to the scandal differently, calling on policymakers not to react with a '[regulatory backlash](#)' whilst emphasizing the extra costs that any new regulation might create.¹⁴⁶



Ford

**InfluenceMap
Score: 22%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

In their 2014/15 [Sustainability Report](#), Ford recognizes the health risks related to tailpipe emissions¹⁴⁷ and in the light of the Volkswagen emission scandal Ford Executive Director Bob Shanks [claimed to investors](#) that testing reform is “actually something that we have been a part of an industry group that has been advocating anyway”.¹⁴⁸ This is repeated on Ford’s website where they further claim that they are “working with the European Commission and other stakeholders to define a new emissions test procedure”. This positive attitude towards EU NOx policy is contradicted by other, more specific Ford messaging targeting investors and regulators. Ford has [drawn its shareholders’ attention](#) to the rising costs caused by NOx emissions, explaining that additional requirements will “further erode the fuel economy cost/benefit advantage of diesel vehicles”.¹⁴⁹ Seemingly acting upon this analysis, Ford has been critical of reform proposals when corresponding with the Commission. An [email](#) sent from Ford on March 19 2015, told the Commission directly that its proposals were, “contrary to all principles of good regulation, and therefore, unacceptable for the automotive industry.”¹⁵⁰ In conjunction with the industry group ACEA, of which Ford is a member, its efforts to influence EU NOx policy appear to have

¹⁴⁴ [The Guardian, September 2015](#)

¹⁴⁵ [Motori Online, September 29 2015](#)

¹⁴⁶ [Il Giornale, December 06 2015](#)

¹⁴⁷ [Ford Motor Corporate Website, 2015](#)

¹⁴⁸ [Alacra Store, Ford Transcript, November 19th 2015](#)

¹⁴⁹ [Ford SEC 10-K 2014, December 2014](#)

¹⁵⁰ [Ford email correspondence with European Commission, March 19 2015](#)

been focused on 'technical discussions' within the Commission concerning new vehicle testing procedures (RDE).¹⁵¹ [Email correspondence](#) between Ford and the Commission shows that Ford used its position to push for delay in the phasing-in of new testing procedures, as well as provisions that would relax test stringency.¹⁵² Confident in their ability to influence these decisions, Ford told its investors in a [SEC filing from 2014](#) that they were preparing for the delayed implementation and that, even if this delay wasn't possible, the Commission had assured them the stringency of meeting the corresponding NOx targets would be relaxed in compensation.¹⁵³

Conformity factor issues

Ford reportedly also made its influence felt in vote by Member States to decide levels of compliance to new emission regulations in the TCMV. Director of the NGO Transport and Environment, Greg Archer, argues that "Ford lobbied the UK at a very high level" in the run up to the vote on Conformity Factors on October 28 2015.¹⁵⁴ The U.K subsequently [suggested a low compliance level](#) set at a Conformity Factor of 2.2, which would permit auto-manufacturers emit double the level of NOx specified by the Commission's proposals.¹⁵⁵

Testing fraud issues

Investigations in the [U.K](#)¹⁵⁶ and [Germany](#)¹⁵⁷ initiated in light of the Volkswagen emission scandal have targeted Ford's models. [One report](#) in the U.K suggests that testing has found Ford's engines to emit well in excess of the Euro 6 limit in real world conditions.¹⁵⁸ Responding to these investigations, [Ford has commented](#), "we do not have any so-called 'defeat devices' in our vehicles. As we have consistently stated, our vehicles and engines – including our advanced-technology diesel engines – meet all applicable emissions requirements. We also fully support efforts to ensure that test procedures more closely match the real-world conditions that customers experience under normal driving."¹⁵⁹

¹⁵¹ [Ford email correspondence with European Commission, March 19 2015](#)

¹⁵² [Ford email correspondence with European Commission, March 19 2015](#)

¹⁵³ [Ford Motor Company SEC 10-K filing 2014, December 2014](#)

¹⁵⁴ Interview with Greg Archer, Transport Environment, December 18 2015

¹⁵⁵ [UK Government, correspondence with EU Commission, October 2015](#)

¹⁵⁶ [The Daily Mail, October 4 2015](#)

¹⁵⁷ [The Guardian, November 11 2015](#)

¹⁵⁸ [The Daily Mail, October 4 2015](#)

¹⁵⁹ [This is Money, November 2015](#)


PSA Peugeot Citroen
**InfluenceMap
Score: 45%**

 The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

PSA Peugeot Citroen (PSA) appears unsupportive of existing and new EU NOx policy. In comments to the French National Assembly, PSA President Carlos Taveres emphasized the danger of rapidly evolving regulation for emissions, stating that it puts them in difficulties and that they need time to adapt to these regulations.¹⁶⁰ The PSA Research & Design Director also voiced concern regarding the implementation of EU NOx policy in February 2015, saying that it forces them to make bets on technology and causes higher prices.¹⁶¹ PSA also appears to challenge the scientific justifications for NOx regulations between 2013 and 2014, as part of a campaign to highlight the positive benefits of diesel.¹⁶² This includes a video that appears to suggest that it was “wrong” that modern diesel engines emit particles that are harmful to health.¹⁶³ The President of PSA, Carlos Tavernes, further argued to the French National Assembly in May 2014 that diesel engines in compliance with Euro 5 and 6 were perfectly clean.¹⁶⁴ PSA does not appear consistent in their support for reform. In light of the Volkswagen emissions scandal, it has emphasized their support for reform: “PSA supports introducing the new procedure; the worldwide harmonized light vehicles test procedure [WLTP] plus Real Driving Emissions [RDE] from September 2017 in its most demanding version”.¹⁶⁵ However, in a presentation to the European Commission in October 2015, PSA suggested WLTP could “slow down mass improvements.”¹⁶⁶

Conformity factor issues

PSA were also reportedly involved in influencing the French Government not to support an ambitious Conformity Factor.¹⁶⁷

Testing fraud issues

Prior to the Volkswagen emissions scandal in May 2014, PSA President Carlos Tavernes spoke before a session in the French Assembly, and appeared to be sure that diesel engines under Euro 5 and 6 standards were not producing harmful levels of emissions, stating that he had talked to experts at his company on the matter. However, he also accepted there was some scepticism surrounding the issue of diesel emissions and assured the National Assembly that PSA would be completely transparent on the issue.¹⁶⁸ Media reports from October 2015 suggest PSA had been aware of the disparity between

¹⁶⁰ [Comments to the French National Assembly, April 15 2015](#)

¹⁶¹ [L'Usine Auto, February 26 2015](#)

¹⁶² [PSA Peugeot Citroën Youtube channel, January 30 2014](#)

¹⁶³ [PSA Peugeot Citroën Youtube channel, August 26 2015](#)

¹⁶⁴ [Assemblée Nationale, May 21 2014](#)

¹⁶⁵ [PSA statement on affiliated Peugeot website September 25 2015](#)

¹⁶⁶ [PSA Presentation to European Commission, CIRCABC, October 24 2015](#)

¹⁶⁷ [Interview with Greg Archer, Transport Environment, December 18 2015](#)

¹⁶⁸ [Assemblée Nationale, May 21 2014](#)

emissions measured in laboratory testing and real-world driving, with comments from Peugeot appearing in the Wall Street Journal saying that the NEDC was “widely recognized as not reflecting real-world driving”.¹⁶⁹



Renault

**InfluenceMap
Score: 37%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

In light of the Volkswagen emissions scandal, Renault has voiced their support for emissions testing reform: “Renault Group said it backs the implementation of European homologation tests which aim to be representative of real conditions”.¹⁷⁰ However, media reports suggest that Renault CEO Carlos Ghosn does not regard reform as immediately viable: “ACEA chairman and Renault CEO Carlos Ghosn said, in a letter to EU officials, that no significant progress on NOx was possible before 2019”.¹⁷¹ In October 2015 Ghosn stated that “no consumer is willing to pay (the extra) 500-600 euros” that Euro 6 regulations would add to the price of a car.¹⁷²

Conformity factor issues

Renault’s position on the Conformity Factor has not been clearly communicated. However, Renault’s CEO Carlos Ghosn, as head of ACEA, The European Automobile Manufacturers’ Association, would have overseen the association’s advocacy for an unambitious conformity factor of 1.7.¹⁷³ It has been revealed that Renault vehicles have particularly exceeded the Euro 6 standards when tested in real world driving conditions. For example, when the ICCT tested a new Renault vehicle in RDE conditions, it was found to be 8.8 times over the Euro 6 limit. During the NEDC testing this same vehicle’s Conformity Factor was 1.0. (fully compliant).¹⁷⁴ Another investigation, commissioned by DUH group, suggests Renault’s flagship Espace minivan exceeds the Conformity Factor by 25 times.¹⁷⁵

Testing fraud issues

Renault CEO Carlos Ghosn appears to defend the testing procedure at the time of the scandal, suggesting that U.S. authorities deliberately targeted Volkswagen to protect their own manufacturers from significant diesel technology. In a leaked letter sent to EU policymakers he said: “All manufacturers have heavily invested in innovation, developing advanced diesel technology which

¹⁶⁹ [Wall Street Journal, October 26 2015](#)

¹⁷⁰ [BT News, October 7 2015](#)

¹⁷¹ [Paultan, October 12 2015](#)

¹⁷² [Reutersl, October 2 2015](#)

¹⁷³ [ACEA Presentation to the European Commission, October 1 2015](#)

¹⁷⁴ [ICCT, NOx Control Technologies For Euro 6 Diesel Passenger Cars, September 2015](#)

¹⁷⁵ [Euroactiv, November 25 2015](#)

consumes less fuel, thus reducing CO2 emissions [...] We understand that the US want [sic] to challenge the leadership role that European manufacturers have taken globally in this [diesel] technology”.¹⁷⁶ Reports also suggest that Carlos Ghosn wrote a letter to EU trade ministers asking them “not to impose austere measures that could hurt the European diesel sector in the wake of the VW emissions-rigging scandal.”¹⁷⁷



Volkswagen

**InfluenceMap
Score: 36%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

Before the Volkswagen emissions scandal became public knowledge, Volkswagen did not appear to fully support EU NOx policy. In an earnings call from July 2014 Volkswagen emphasized the regulatory risk of EU emissions policy and suggested that CO2 emissions legislation was “creating a number of very significant uncertainties”.¹⁷⁸ During the next earnings call, in October 2014, Volkswagen acknowledged emissions regulation as one of the “main drivers” behind the rise in costs.¹⁷⁹ In March 2015 Volkswagen described Euro 6 as having a “dampening effect”¹⁸⁰ on the trucks and buses market. Prior to the scandal, Volkswagen did not appear to support EU NOx policy reform. The 2014 Volkswagen Sustainability Report appeared to defend the New European Driving Cycle (NEDC) from allegations of misrepresenting on-the-road vehicle emissions values.¹⁸¹ In November 2014 Volkswagen appears to have encouraged European policymakers to revise the technical boundaries of the Real Driving Emissions (RDE) reform, in order to decrease the stringency of the legislation.¹⁸² Documents released by the Commission reveal that on November 21 2014 an email labeled “ACEA Comments” was sent from a Volkswagen corporate email address, proposing a smaller speed range and the removal of “cold-starts” from the RDE legislation.¹⁸³

Conformity factor issues

InfluenceMap was not able to identify evidence of Volkswagen’s engagement with the Conformity Factor following the scandal in 2015. Observers have suggested this would be because Volkswagen would currently be seen as a political “liability”.¹⁸⁴

¹⁷⁶ [International Business Times, October 03, 2015](#)

¹⁷⁷ [IB Times, October 3 2015](#)

¹⁷⁸ [Q2 2014 Volkswagen Earnings Call](#)

¹⁷⁹ [Q3 2014 Volkswagen Earnings Call](#)

¹⁸⁰ [Transcript of Volkswagen media and investor conference speech, March 12 2015](#)

¹⁸¹ [Volkswagen Sustainability Report 2014](#)

¹⁸² [New York Times, December 1 2015](#)

¹⁸³ [ACEA Comments on Vehicle Testing, email from Volkswagen account to European Commission, November 2014](#)

¹⁸⁴ [Interview with Greg Archer, Transport Environment, December 18 2015](#)

Testing fraud issues

While pledging compliance with emissions regulation,¹⁸⁵ Volkswagen's deliberate manipulation of emissions testing was exposed in September 2015. Volkswagen was not fully transparent about the scandal, conceding in October 2015 that "the software used in some diesel vehicles can theoretically detect a dynamometer set-up and influence the emission strategy".¹⁸⁶ Volkswagen appears to have become more transparent about the scandal. In October 2015 Volkswagen's CEO stated: Up to 11 million of our diesel engine vehicles have software installed that was designed to optimize NOx emissions during dynamometer runs. Let me be clear, these actions were apparent, far removed from all the values Volkswagen stands for. But the reality is it happened, and we have to accept responsibility".¹⁸⁷ Volkswagen holds board membership of the European Automobile Manufacturers Association (ACEA)¹⁸⁸ and is a member of the German Association of the Automotive Industry (VDA)¹⁸⁹, who have both sought to obstruct EU NOx policy. A considerable degree of complicity appears to exist between the German government and the German automobile industry. A clear example is the Volkswagen Law of 1960, which ensures Prime Ministers of Lower Saxony a place on the Volkswagen supervisory board during their premiership. Former Lower Saxony Prime Ministers and former Volkswagen board members include Gerhard Schröder (former Chancellor of Germany), Sigmar Gabriel (current Economics Minister and Vice-Chancellor), Christian Wulff (former President of Germany), David McAllister (Member of the European Parliament for the ruling Christian Democratic Union). Sigmar Gabriel, who recently praised Volkswagen for their transparency in reporting their emissions scandal, was employed as a consultant for Volkswagen from 2003 to 2005, following which he was appointed as the Minister for the Environment.

¹⁸⁵ Conference report of the 34th International Vienna Motor Symposium, April 2013

¹⁸⁶ [Autocar, October 9 2015](#)

¹⁸⁷ Q3 2015 Volkswagen Earnings Call, Fair Disclosure Wire, October 2015

¹⁸⁸ [ACEA website, 2016](#)

¹⁸⁹ [VDA website, 2014](#)

Trade Associations



ACEA

**InfluenceMap
Score: 19%**

The full InfluenceMap profile [can be found here](#)

EU NOx emissions standards and testing

ACEA which represents the largest European automobile manufacturers is deeply involved in the EU policy making process, particularly through the provision of technical resources and policy relevant material.¹⁹⁰ ACEA does not appear to fully support European emissions policy which it in 2015 labeled a “[regulatory burden](#)” on European industry.¹⁹¹ In July 2015 ACEA challenged EU NOx policy on the grounds of [alleged incompatibility](#) to EU CO2 targets and potential damage to the diesel industry.¹⁹² It stated that “such measures make no sense from an environmental point of view” and proposed that fleet renewal was a more sensible mechanism for reducing air pollution.¹⁹³ ACEA pledged support for a “[robust but realistic RDE package](#)”¹⁹⁴ following the Volkswagen emissions scandal. However in March 2015 ACEA opposed RDE as a “[piecemeal approach](#)” in a formal correspondence to the Commission.¹⁹⁵ ACEA has also potentially delayed the implementation of introducing RDE through repeatedly proposing revisions of RDE boundary requirements including the temperature¹⁹⁶, speed¹⁹⁷ and mass range,¹⁹⁸ which serves to create “hurdles” that bogs-down reform in technical details. In March 2014 ACEA emphasized the need for a gradual process of reform, stating: “[it] should not be rushed to part-completion simply to meet an impractical deadline or as a box ticking exercise.”¹⁹⁹ It also advocated for the second phase of RDE to be delayed beyond 2020²⁰⁰, beyond the timeline proposed by the Commission.

Conformity factor issues

ACEA appears to have [advocated to EU policymakers](#) for the development and inclusion of a Conformity Factor in RDE legislation in July 2015.²⁰¹ ACEA proposed a compliance level of 1.7²⁰² in October 2015, although [reports suggest](#) that ACEA hopes to retain the 1.7 Conformity Factor beyond 2020²⁰³, a less stringent standard than the Commission's proposal of a long-term Conformity Factor of 1.2. In a public hearing on EU Air Quality Policy in December 2014, ACEA appeared to advocate for an

¹⁹⁰ [ACEA website, 2015](#)

¹⁹¹ [ACEA website, 2015](#)

¹⁹² [ACEA Open Letter to European Policy Makers, July 8 2015](#)

¹⁹³ [ACEA Open Letter to European Policy Makers, July 8 2015](#)

¹⁹⁴ [ACEA Press Release, October 12 2015](#)

¹⁹⁵ [ACEA Letter to European Commission DG GROW, March 19 2015](#)

¹⁹⁶ [ACEA Letter to European Commission, October 7 2014](#)

¹⁹⁷ [ACEA Letter to European Commission, October 7 2014](#)

¹⁹⁸ [ACEA Submission to European Commission, November 21 2014](#)

¹⁹⁹ [ACEA Summary views on RDE, submission to the European Commission, March 28 2014](#)

²⁰⁰ [ACEA letter to European Commission \(DG GROW\), March 19 2015](#)

²⁰¹ [ACEA Letter to the European Commission, July 31 2015, pp.5-6,](#)

²⁰² [ACEA Presentation to the European Commission, October 1 2015](#)

²⁰³ [Auto Express, October 3 2015](#)

extremely lenient Interim Conformity Factor of 2.75 (2017-2020) and a Final Conformity Factor of 1.5 (2020 onwards).²⁰⁴

Testing fraud issues

ACEA appeared to have recognized the divergence of laboratory testing from real-world emissions in May 2015, prior to the Volkswagen emissions scandal. ACEA General Secretary Erik Jonnaert directly denied that the automotive industry was involved in the [manipulation of testing software](#)²⁰⁵ and emphasized that emissions measured in the laboratory would never mirror those released during real-world driving, stating: “this can never correspond to reality”.²⁰⁶ ACEA has responded to the Volkswagen emissions scandal by portraying the manipulation of software as an unfortunate, [isolated incident](#)²⁰⁷, which should not damage the reputation of laboratory-based emissions testing: “It has always been fully understood that driving under a laboratory test cycle (NEDC currently; WLTP in the future) may be different to real-life driving conditions”.²⁰⁸



Comité des Constructeurs Français d'Automobiles (CCFA)

**InfluenceMap
Score: 41%**

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

The CCFA (Comité des Constructeurs Français d'Automobiles) is the French Automotive Manufacturers Association, representing the interests of its members Alpine, Citroën, Peugeot, Renault and Renault Trucks in France, and for certain issues, at a European level. In April 2015, the President of CCFA Patrick Blain suggested that he did not support the European regulatory response to emissions but favoured actions designed to encourage fleet renewal.²⁰⁹ In January 2014, a director from the CCFA gave the impression that there was no public health danger from NOx emissions, as the filters on modern diesel engines produced entirely clean air.²¹⁰ The CCFA also appears to have questioned the health risks of NOx emissions through challenging the WHO guidelines on the link between NOx emissions and cancer.²¹¹ In an article in Le Figaro in October 2015, a spokesperson for CCFA emphasized the negative economic impact of the Euro 5/6 regulations on diesel vehicle sales,

²⁰⁴ [AECC Newsletter, December 2014](#)

²⁰⁵ [Euractiv, May 29 2015](#)

²⁰⁶ [Euractiv, May 29 2015](#)

²⁰⁷ [ACEA press release, December 04 2015](#)

²⁰⁸ [ACEA press release, December 04 2015](#)

²⁰⁹ [CCFA press release, April 14 2015](#)

²¹⁰ [IHEST, January 08 2014](#)

²¹¹ [Avem, December 11 2012](#)

stating that they add cost to vehicles that makes them less interesting to the consumer. He also attributed the overall decline of diesel to European regulation.²¹² Although CCFA did state in September 2015 that all of their members supported the European emissions testing reform for 2017²¹³.

Conformity factor issues

InfluenceMap has not been able to determine the position of CCFA on the proposed Conformity Factor.

Testing fraud issues

The CCFA has clearly stated that there was no fraud in France like the fraud undertaken by Volkswagen²¹⁴. It supported the French investigation into fraud in the French automotive sector, as it would prove that French automotive manufacturers respect all standards and testing.²¹⁵ However, the CCFA has also acknowledged it was normal for manufacturers to push the limits of the test.²¹⁶ Additionally, French Senators have condemned the CCFA after the Volkswagen scandal in October 2015 for not appearing before a round-table for diesel motor emissions at a critical time in investigations.²¹⁷



Society of Motor Manufacturers and Traders (SMMT)

InfluenceMap Score: 44%

The full InfluenceMap profile [can be found here](#).

EU NOx emissions standards and testing

The UK based industry group, The Society of Motor Manufacturers & Traders (SMMT) is actively engaged in promoting the role of diesel in the UK's vehicle fleet. It appears to be broadly supportive of Euro 5/6 regulations mainly because it has used them as a selling point for diesel; claiming that the vehicles are "the cleanest ever"²¹⁸, the SMMT has petitioned U.K policymakers to incentivize diesel instead of "demonizing" it with further emissions regulation.²¹⁹ The SMMT does not appear to support any further additions or reforms to NOx regulation, seemingly believing that current regulations are

²¹² [Le Figaro, October 7 2015](#)

²¹³ [CCFA website, September 23 2015](#)

²¹⁴ [BFM TV, September 23 2015](#)

²¹⁵ [CCFA website, september 23 2015](#)

²¹⁶ [France Inter, November 6, 2015](#)

²¹⁷ [French Senate website, October 12 2015](#)

²¹⁸ [The SMMT Press Release, May 21 2015](#)

²¹⁹ [The SMMT press release, March 11 2015](#)

adequate. In March 2015, the [SMMT Chief Executive Mike Hawes stated](#) that “allegations against diesel vehicles [...] threaten to misguide policy making and undermine public confidence in diesel.”²²⁰ [On its website](#), the SMMT has defended the record of the old testing cycle, the NEDC²²¹, but has [separately admitted](#) that these procedures are now “out of date,” further explaining, “The industry is seeking agreement from the European Commission for a new emissions test that embraces new testing technologies and which is more representative of on-road conditions”.²²²

Conformity factor issues

The SMMT broadly recognized the Commission’s timeframe for reform on its [website](#)²²³ although this does clearly indicate whether the SMMT supports full compliance by with Euro 6 by 2017. The SMMT appears to have a close relationship with the UK Government, specifically engaging with the Department of Business, Innovation and Skills’ ‘[Automotive Sector Team](#)’.²²⁴ The UK Government itself has [advocated to the TCMV](#) for low a compliance standard and a delayed, 2-step implementation of reformed vehicle emission regulation.²²⁵

Testing fraud issues

In their attempt to sell diesel to UK policy makers, the SMMT appears to have misrepresented the evidence around NOx emissions and the problems with vehicle emissions testing. In March 2015 the SMMT launched their ‘[Diesel Facts](#)’ campaign, actively celebrating Euro-6 diesel engines as the “[cleanest ever](#)”²²⁶ and calling upon U.K policy makers to incentivise the uptake of diesel vehicles²²⁷. [Environmental groups argued](#) at the time claimed that this campaign used data that does not reflect real world driving conditions and therefore misrepresented how clean diesel engines actually are.²²⁸ The SMMT has also has attempted to ‘[myth-bust](#)’ the allegations made against the old emission testing cycle, the NEDC.²²⁹ [In the press](#) in December 2015, it has batted down allegations of cheating in the EU stating: “The EU operates a fundamentally different system to the US - with all European tests performed in strict conditions as required by EU law and witnessed by a government-appointed independent approval agency.”²³⁰ [On its website](#), it explains away the discrepancies between laboratory and real world testing, arguing that a vehicle’s actual performance depends “on a range of factors including driving style, the route taken, maintenance standards, climatic conditions and load carried.”²³¹

²²⁰ [The SMMT press release, March 11 2015](#)

²²¹ [The SMMT website, 2015](#)

²²² [The SMMT press release, September 22 2015](#)

²²³ [The SMMT website, 2015](#)

²²⁴ [UK Government website, BIS Automotive Team Sector, 2015](#)

²²⁵ [UK Government, correspondence with EU Commission, October 2015](#)

²²⁶ [The SMMT press release, March 11 2015](#)

²²⁷ [The SMMT press release, March 11 2015](#)

²²⁸ [Air Quality News, March 11 2015](#)

²²⁹ [The SMMT press release, September 24 2014](#)

²³⁰ [The BBC, December 10 2015](#)

²³¹ [_The SMMT website, 2015](#)



VDA German automotive industry association

**InfluenceMap
Score: 32%**

The full profile on [InfluenceMap](#) is [here](#).

EU NOx emissions standards and testing

The German Association of the Automotive Industry (VDA) does not appear to support comprehensive emissions regulation and suggested in October 2015 that CO₂ and NO_x emissions standards were incompatible.²³² It also in response to the [formal warning given to Germany](#) by the Commission for failure to comply with the EU Air Quality Directive²³³ in July 2015, the VDA stated: “the European Commission has chosen the wrong target”.²³⁴ VDA promotes Euro 6 as having [solved the problem of vehicle emissions](#)²³⁵ and in July 2015 [opposed Real Driving Emissions \(RDE\)](#) reform on the grounds that the Commission had failed to produce a “usable proposal”.²³⁶ VDA has also challenged the World Harmonized Light Vehicle Testing Procedure (WLTP), emphasizing the unavoidable challenge posed by external factors (such as weather) to the accuracy of real-world testing.²³⁷ VDA has opposed the planned implementation of RDE in 2017/18 and advocated for a revision of the timeline under the guidance of a “[cost-benefit ratio](#)”.²³⁸ In a formal correspondence to the Commission in October 2014 VDA proposed [delaying the second phase of RDE](#) to beyond 2021.²³⁹ The current President of the VDA (Matthias Wissman) has, previous to his VDA appointment in 2007, served in government in the ruling Christian Democrat Union party.

Conformity factor issues

VDA has proposed that [a more lenient Conformity Factor](#) apply for up to five years after EU NO_x policy becomes law.²⁴⁰ VDA also appears to have misconstrued a report published by the International Council on Clean Transportation (ICCT) to advocate for a target Conformity Factor of 7.1²⁴¹ (this figure was only used in the ICCT report to describe the average conformity to the Euro 6 emissions standards in 2014²⁴²). The VDA reportedly [influenced the German Government’s decision](#) to lower its compliance level proposal from 1.4 to 2.1 in November 2015.²⁴³

²³² VDA Submission, Committee for Transport and Digital Infrastructure, October 28 2015

²³³ Clean Air Europe, 2015

²³⁴ VDA press release, July 10 2015

²³⁵ Schiene Strasse Luft, September 14 2015

²³⁶ VDA Press Release, July 10 2015

²³⁷ VDA Politikbrief, November 19 2015

²³⁸ Corporate website, 2015

²³⁹ VDA Position on RDE Key Points, European Commission Consultation, October 27 2014

²⁴⁰ Corporate website, 2015

²⁴¹ VDA Position on RDE Key Points, European Commission Consultation, October 27 2014

²⁴² ICCT presentation on diesel emissions, October 2014

²⁴³ Der Spiegel, November 6 2015

Testing fraud issues

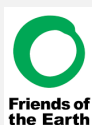
VDA appears to have been only partially transparent about the Volkswagen emissions scandal. In August 2014 VDA demonstrated knowledge of the divergence of laboratory testing from real-world emissions, proposing that fuel consumption of diesel engines “will generally be higher in normal daily use, and there are a whole series of good reasons why this is the case”.²⁴⁴ VDA nonetheless did not advocate for a revision of the New European Driving Cycle (NEDC), but [appeared to defend the NEDC](#) on the grounds that “despite these unavoidable deviations from reality, it [the NEDC] still enables different drive systems to be compared”.²⁴⁵ VDA did however acknowledge the occurrence of software manipulation following the Volkswagen emissions scandal.²⁴⁶

²⁴⁴ VDA Publication, August 4 2014

²⁴⁵ VDA Publication, August 4 2014

²⁴⁶ VDA Politikbrief, November 19 2015

NGOs



Friends of the Earth

**InfluenceMap
Score: 93%**

The full InfluenceMap profile [can be found here](#)

EU NOx emissions standards and testing

Friends of the Earth are actively engaged in campaigning for a reformed and strengthened EU NOx policy. In [providing information](#) on the environmental and health risks created by excess NOx emissions, they have attempted to inform policy decisions by providing a “counter-balance to short-term ‘cost’ arguments which do not in fact stand up to critical examination, but nonetheless can be politically attractive.”²⁴⁷ In [press releases](#)²⁴⁸, [policy reports](#)²⁴⁹ and in [communication with the EU government](#)²⁵⁰, Friends of the Earth have repeatedly emphasized the link between NOx emissions and premature death, and have presented [evidence](#) to demonstrate that the long-term benefits to public health outweigh the immediate costs of regulation.²⁵¹

Conformity factor issues

Friends of the Earth does not appear to have communicated its position on regulatory compliance in the language of Conformity Factors and implementation dates, but evidence suggest that they support the swift introduction of a strict regulatory compliance. Director of Friends of the Earth Europe Magda Stoczkiewicz [co-authored a letter](#) to the Presidents of the European Council, Commission and Parliament and specifically criticized the existence of low compliance standards in recent EU policy proposals.²⁵² It further advocated in response that policymakers “Strengthen the enforcement of environmental legislation at EU and Member State level, including by equipping public environmental inspectorates with the mandate and powers to protect public health and the environment”.²⁵³

Testing fraud issues

Friends of the Earth appears to have communicated about serious discrepancies between testing and real world emissions shortly before the Volkswagen scandal broke in August 2015. Talking to the [Memo](#) on August 11 2015, London Friends of the Earth campaigner Jenny Bates said “There was some dodgy testing and what they’ve actually found is that in real world driving the emissions produced by diesel vehicles are actually much worse than petrol vehicles”.²⁵⁴ In reaction to the

²⁴⁷ Joint policy report prepared by the Institute for European Environmental Policy, August 2013

²⁴⁸ Friends of the Earth press release, September 29 2015

²⁴⁹ Joint policy report prepared by the Institute for European Environmental Policy, August 2013

²⁵⁰ Friends of the Earth letter to the Presidents of the European Council, Commission and Parliament, November 2015

²⁵¹ Joint policy report prepared by the Institute for European Environmental Policy, August 2013

²⁵² Friends of the Earth letter to the Presidents of the European Council, Commission and Parliament, November 9 2015

²⁵³ Friends of the Earth letter to the Presidents of the European Council, Commission and Parliament, November 2015

²⁵⁴ The Memo, August 11 2015

scandal, Director Magda Stoczkiewicz's [co-authored letter](#) EU policy chiefs criticized what it described as the "agenda in favour of cutting compliance costs and replacing the role of the public regulator with corporate co- and self-regulation."²⁵⁵ Stoczkiewicz appears to have used the emissions scandal as evidence to argue for much wider reform of the EU's approach to devising environmental regulation. The letter advocates for "a fundamental re-think of the way in which European and national institutions, including the European Commission, legislate and enforce environmental, consumer and health standards, and engage with vested interests".²⁵⁶



Transport & Environment

**InfluenceMap
Score: 96%**

The full InfluenceMap profile [can be found here](#)

EU NOx emissions standards and testing

Transport Environment (T&E) appear closely connected with the development of vehicle emissions policy. Its potential ability to influence policy makers is derived through its position as one of the few EU facing, non-business aligned organisations with a specialism in automobile manufacturing. It has repeatedly called for stronger emissions regulation to protect health²⁵⁷ and has repeated this message directly to the Commission.²⁵⁸ Likewise, in communications with the TCMV, it has been advocating for a new testing regime that reflects real world emissions, with proper enforcement, at the earliest possible date.^{259 260} T&E has often drawn attention to the slow pace of RDE development and has suggested that the process has been deliberately delayed by automobile manufacturers with high emitting fleets, in particular by BMW and Mercedes.²⁶¹

Conformity factor issues

T&E has been advocating - in direct communication with the TCMV as well as externally - for a Conformity Factor that would mean full compliance by 2019 and an interim Conformity Factor of 1.5 for 2017-2019²⁶². It gave the following reasons for this proposal: "an interim CF of 1.5 will entail minimal development work to deliver an acceptable short-term target to operate in between 2017 and 2019. For the second step to be enforced by 2019, a CF of 1 is the only way forward".²⁶³ T&E has also advocated

²⁵⁵ Friends of the Earth letter to the Presidents of the European Council, Commission and Parliament, November 9 2015
²⁵⁶ Friends of the Earth, letter to the Presidents of the European Council, Commission and Parliament, November 9 2015
²⁵⁷ Transport and Environment press release, November 30 2015
²⁵⁸ Transport and Environment, presentation to European Consultation, September 6 2013
²⁵⁹ Transport & Environment blog post, November 4 2015
²⁶⁰ Transport & Environment letter to TCMV, September 8 2015
²⁶¹ Interview with Greg Archer, Transport Environment, December 18 2015
²⁶² Transport & Environment, TCMV letter, CIRCABC September 8, 2015
²⁶³ Transport & Environment, letter to TCMV members, October 12 2015

strongly against the decision taken by the TCMV to the lower regulatory compliance level, stating “The legal limits already set must be met – not diluted through the backdoor”.²⁶⁴ T&E’s director of Clean Vehicles has further emphasised the unnecessary nature of the proposed Conformity Factor “It seems governments would rather citizens die as a result of diesel exhaust emissions than require carmakers to fit technology typically costing 100 euros”.²⁶⁵

Testing fraud issues

For a number of years, Transport & Environment has expressed warnings about discrepancies with emissions testing and released a report in 2013 called Mind the Gap²⁶⁶ concerning the issue specifically. The report claimed that “the gap between what vehicles emit in reality and what they are officially measured as emitting has grown to nearly a quarter, and continues to grow”.²⁶⁷ Before the Volkswagen scandal broke, T&E were claiming that the issues were well known within the industry. In the years prior to the scandal, T&E had been vocal about how “carmakers cheat the tests for diesel vehicles”.²⁶⁸ In August 2015, just before the scandal broke, T&E asserted on Twitter that “lab results not real, everyone admits, even VDA”.²⁶⁹ Generally speaking, T&E considers the Volkswagen scandal to be the “tip of iceberg” of a much bigger problem that the “European Commission needs to get a grip on”.²⁷⁰

²⁶⁴ [Transport & Environment website, November 04 2015](#)

²⁶⁵ [Reuters, October 28 2015](#)

²⁶⁶ [Transport Environment, Mind the Gap, March 2013](#)

²⁶⁷ [Transport & Environment website, March 2013](#)

²⁶⁸ [The Guardian, February 3 2015](#)

²⁶⁹ [Transport & Environment Twitter Account, August 25 2015](#)

²⁷⁰ [Transport & Environment website, September 21 2015](#)

Appendix

Methodology

InfluenceMap's proprietary methodology for analysing and ranking engagement by groups of entities on regulatory issues is outlined for global climate policy on [our website here](#). We modified this to analyse the EU NOx policy process as described below.

Stage 1: Breaking down the policy process

Based on the assumption that environmental/health policy follows the pattern of realisation of health risks to understanding the need for a policy response through to the detailed regulations and standards enacted, we devise a set of "queries". The purpose of this is to break down the process into these queries so we can assess the relative positions of the entities (i.e. the state and non-state actors). Clearly these queries will have different weightings in terms of their importance in the EU NOx policy process and we note these in the table, with 10 being very important and 1 less important.

Table of queries making up the EU NOx policy process

EU NOx policy process query	Comment	Weighting
Q1: NOx health risk as guided by the WHO	We look at alignment with the World Health Organizations (WHO) position on the science of NOx health risk	3
Q2: Need for policy response as guided by the EEA and EC's Auto-Oil Program	We look at alignment with the initial assessments by the EU system as to the need for a policy response to the health risk as assessed by the WHO	4
Q3: The EU NOx regulatory framework	We look at the position on the overall policy response formulated by the EU system on NOx	8
Q4: Emissions testing method reform support (New European Driving Cycle, Real World Testing Driving Emissions)	We look at positions and alignment with the current testing cycle process progression from NEDC, and its reform to RDE and other systems.	10
Q5: Emissions testing implementation reform	We look at positions and alignment with the practices of the testing process and testing facilities used.	10
Q6: Policy towards compliance with standards	We look at positions and alignment with regards to the flexibility allowed on compliance with the Euro 5 & 6 standards	10
Q7: Transparency on systemic problems with EU automotive NOx regulation and the VW scandal	We look at the messaging concerning compliance and the EU NOx policy process amid the VW scandal	6

Stage 2: Data sources to run the queries over

The next stage involves selecting data sources over which the queries above can be run and an assessment and scoring made. Again we can assign weightings to the importance of the data source in overall assessment, with 10 being very important and 1 less important.

Table of data sources

Type	Data Source	Comment	Weighting
Organization's Promotional Information	D1: Organization Web Sites	We search the main organizational Web site of the organization and its major departments or sub units	6
	D2: Other Organizational Messaging	We search other media and sites funded or controlled by the organization, such as social media (Twitter, Facebook) and direct advertising campaigns of the organization.	5
Disclosures to Governmental Channels	D3: Legislative Consultation	Legislative consultation documents from government sources through the EU and national governmental systems on NOx automotive emissions.	10
	D4: Financial Disclosures	We search national government financial disclosure systems for mention of regulatory risk by corporations (e.g. the FCA) We search earnings comments via Edgar Online and Fair Disclosure Wire.	8
	D5: EU Institutions	Information available through the EU Transparency Register , CIRCABC , and the European Parliament	5
External Data	D6: External Reports on the Organization	Here we search in a consistent manner (the organization name + relevant query search terms) a set of Web sites of representing reputable news or data aggregations. Supported by targeted searches of LexisNexis proprietary databases and other respected sources like Reuters.	7
	D7: External Reports on CEO Messaging	Here we search in a consistent manner (the CEO/Chairman + organization name + relevant query search terms) a set of Web sites of representing reputable news or data aggregations. Supported by targeted searches of LexisNexis proprietary databases and other respected sources like Reuters.	8

	D8: Expert Interviews	Here we conduct interviews with experts on the various topics in the queries table with questioning focused on the table of state and non-state actors.	9
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Stage 3: The scoring matrix

Running the queries over the data sources results in a matrix structure as below with cells which can be scored.

The scoring matrix

Query/ DataSource	D1	D2	D3	.....	D8	Sub Totals
Q1	1	1	-1	.....	-1	2
Q2	0	2	NA	.....	NA	5
Q3	-2	NS	NA	.....	2	3
.....
Q8	0	-1	0	.....	1	4
Sub Totals	8	4	6	.....	4	X

Each cell represents a scoring opportunity and we have a 5 point scale of -2 through to +2. Weightings for each cell in the overall scoring process are computed by our algorithm based on the query and data source weightings noted above. If we find no evidence or the cell does not apply to the organization concerned (e.g. financial disclosures do not apply to governments), we mark this NS (not scored) or NA (not applicable) and the weighting for that cell is redistributed evenly through the rest of the query row. The scoring is done by our London based team using comprehensive guidelines as for each cell with set criteria over how to award the scores -2, -1, 0, 1, or 2. The following are some extracts from this system.

Table of scoring examples

Scoring	Details	Examples of Scores for Some Queries
Quantitative Scoring (-2 to 2 points)	Points taken away (-2, -1)	Q5: Advocating against any further increase in testing stringency would score: -2 Q1: Propose alternative NOx health risk guidelines would score: -2
	Points neither taken or given (0)	Q3: Recognizing need for regulation although not clearly supporting would score: 0 Q1: No clear messaging on NOx health risks would score: 0
	Points given (2,1)	Q5: Supporting real world testing by 2017 would score: 2 Q6: Full conformity and compliance by 2017 would score: 2

Based on the scoring matrix, the weightings and the actual scores -2 to + 2 awarded to each organization in its matrix cells, a numerical % score may be computed which is a reflection of its relative support of progressive EU NOx policy as described by our methodology above.

The entire process is automated via our proprietary online software system which catalogues evidence, allows input of scores and comments and computes the required metrics.