

In wake of VW scandal European Parliament relaxes emissions regulations

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In the wake of the revelation that Volkswagen and other automakers massively manipulated the results of emissions testing, the European Parliament has responded by increasing the emissions levels permitted.

On 3 February, the European Parliament adopted regulations for new emissions tests on diesel vehicles by a slim margin of 323-317. Instead of being conducted in a laboratory, the tests are to be carried out under more realistic road conditions starting in 2017. However, new vehicles will be allowed to surpass the Euro 5 and Euro 6 emissions norms decided years ago by 2.1 times in 2017 and 1.5 times in 2020. These rates will only apply to vehicles newly allowed in the market from 2019 and 2021. The parliamentary decision does not mandate when the rates must be fully enforced.

The new legislation is a reaction to the VW scandal and its impact. Last autumn, it was revealed that Volkswagen manipulated the emissions readings in 11 million diesel vehicles and hundreds of thousands of petrol models by the use of special software. Independent tests, by the German environmental organisation DUH, identified significantly heightened emissions levels in the vehicles of several automakers.

Since the vehicles were in breach of existing emissions guidelines, the European and national authorities by all rights should have removed the licensing of several million cars and compelled the automakers to cut emissions. Instead, it submitted to a campaign by the automakers and works councils to prevent this.

Daimler works council chair Michael Brecht warned in mid January against too strict regulation in the aftermath of the VW scandal. "We are trying to maintain contact with Brussels so that hyperactivity does not result and pose us with insurmountable problems". The DUH stated in a press release on the European Parliament's decision, "The new provision was imposed under severe pressure from the German automakers and the German Chancellor".

Along with VW vehicles, cars from BMW, Mercedes, Opel, Peugeot, Renault and Fiat also showed higher

emissions levels during road travel. DUH revealed last Tuesday that Fiat's 500X SUV model emitted 22 times more nitrogen oxide in certain conditions than is permitted by EU regulations, according to tests by Bern University.

Last year, DUH detected heightened emissions levels in a VW Zafira and Renault Espace. The Zafira reportedly emits up to 17 times the legal limit, depending on the measuring method used, and the Espace between 13 and 25 times, DUH national director Jürgen Resch said at the time.

At the beginning of February, controllers with the Dutch testing institute TNO uncovered extremely high concentrations of nitrogen oxide in the C class Mercedes-Benz model. TNO measured emissions levels 40 times higher when the vehicle was driving on the road as it had in the lab.

When tested in controlled conditions, the model was ostensibly one of the cleanest models of its type. As *Spiegel Online* reported, Mercedes announced that TNO had recorded the high levels because they conducted tests in "remarkably low" temperatures of less than 10 degrees Celsius. In the engine controls of the diesel C class there is a device, which regulates nitrous gas emissions, according to Mercedes.

This control apparently switches off the device regulating emissions as soon as the vehicle is outside of the 25 degrees temperature in the factory. The control served to protect the engine and was therefore allowed, the automaker claimed. "Vehicles from Mercedes-Benz correspond fully to the country-specific regulations applicable at the time of licensing", the company asserted.

Audi was compelled to acknowledge a similar procedure last year. With 2-litre engines, which are used in several models, an "apparently suspect" piece of software was found, Audi said. A "computer-controlled auto-timer" regulated combustion in the engine. This control of emissions, which is allegedly designed to protect the catalyser, switches off after 1,400 seconds. This is somewhat longer than the average length of an emissions test in the United States.

The magazine Frontal 21 broadcast on ZDF television also looked at the tests for a Mercedes C class model and a BMW 320d. During normal use, these produced three times the amount of nitrogen oxide emissions.

According to industry expert Axel Friedrich, who previously worked for the environment ministry and now works as an independent consultant and witnessed the tests for DUH and ZDF, this is “physically and chemically inexplicable”. He did not want to directly answer the question of whether there could be another explanation apart from an illegal control switch. “My liability insurance is insufficient to make a statement on that”, he said.

The background to Friedrich’s remark is that Mercedes and BMW are taking action against people who report divergent emissions measurements in their vehicles. DUH received a letter from Berlin-based lawyer Christian Schertz on behalf of Mercedes’ parent company, Daimler AG. If the DUH “even merely suggests the allegation” that Mercedes “had manipulated emissions readings”, they would take action against it “with all appropriate firmness” and make the organisation “liable for all of the economic losses which result for my client”, the lawyer threatened. At the same time, he demanded that the letter not be published otherwise “extreme legal measures” would follow. DUH published the letter online.

ZDF’s Frontal 21 received similar letters from the companies prior to the broadcast of its programme.

The result of these independent tests—which DUH could find no institution willing to conduct in Germany, forcing it to go to Switzerland—demonstrates that the emissions fraud at Volkswagen was no isolated episode. Fraud has become the norm.

Since the 1980s, the global automakers have been under constant pressure from their shareholders to boost their profits and dividends. The guiding principle of the business is not the long-term development of production—and certainly not the environment. The short-term securing of new market share, the increase of the productivity of labour and the reduction of labour costs determine the rise and fall of entire companies. This is why they commit fraud on such things as emissions readings.

The giant automakers are supported by their respective capitalist governments. The German government makes no secret that it is the tool of the critical auto industry. The automakers have never had anything to fear from it in recent years.

This continues to be the case in relation to the emissions scandal. Transport minister Alexander Dobrindt (Christian Social Union) established a “commission of investigation” immediately after the VW scandal became public and tasked the federal vehicle office (KBA), a federal body under the

control of the transport ministry, to investigate the emissions from 50 models of various producers. Nothing has been heard from the KBA since. It has kept its readings secret for more than four months.

Dobrindt kept the composition of the commission secret for some time. According to him, the purpose of the commission is to find out “if the vehicles concerned have been built and tested in conformity with German and European regulations”. Dobrindt now states that the commission will be made up of eight members, five from his ministry, two from the KBA and one “independent expert”, Professor Georg Wachtmeister. Wachtmeister heads the department of combustion-powered machinery at Munich’s Technical University. He has also worked for the vehicle industry in the past, the *Süddeutsche Zeitung* wrote. The controllers are thus testing themselves.

The sole purpose of the investigatory commission is to conceal the government’s close relations with the auto industry and the government cover-up of the emissions test scandal.

That the government was fully aware was demonstrated by the response of the transport ministry to a question tabled in parliament by the Greens on 28 July 2015 concerning the use of control switches on both petrol and diesel vehicles. In reply, the government said it “shares the view of the European Commission, that the concept of preventing control switches has to date not been comprehensively implemented in practice”.

“In this context” the government supported “the current work to further develop the EU’s regulatory framework, particularly with the goal of further reducing the real emissions from engine-powered vehicles”. Six months later the German government has enforced the exact opposite in the European Parliament.



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