



5<sup>th</sup> November 2015

## **RE: Volkswagen scandal and related concerns about type approval**

Dear General Secretary,

On behalf of KEPKA – Consumers' Protection Centre we are writing in relation to the recent scandal involving the Volkswagen Group's use of defeat devices and related concerns we have about type approval procedures.

First and foremost, we are exceedingly disappointed by the actions of the Volkswagen Group to install illegal defeat devices in passenger cars and are deeply concerned about the possible impacts (including financial implications) on consumers in Greece.

We think that a number of key steps need to be taken to ensure that consumers are treated fairly on the back of this scandal but also to restore trust amongst consumers in the type approval process.

### **National investigations**

We support the European Commission's request for all Member States to conduct investigations into issues surrounding type approval and the use of defeat devices and call for the following issues to be addressed:

- Investigations should explore why it is that defeat devices have not been detected as a result of type approval tests conducted under the authority of Greece. As a result of this analysis, conclusions should be drawn and necessary corrective measures should be taken.
- Investigations should not only focus on the Volkswagen Group's use of defeat devices, but should also explore whether other car manufacturers are using such devices and whether devices have been installed to influence CO2/fuel consumption as well;
- Investigations should be independently carried out and fully transparent (reports must be publically available);
- Investigations should explore whether the manner in which the Greece Type Approval Authorities oversee vehicle testing is deemed adequate. As a result of this analysis, conclusions should be drawn and necessary corrective measures should be taken.

### **Proactive response to recalls**

We are encouraged to hear from the Volkswagen Group that a full recall will take place from the start of 2016 in order to repair all affected European vehicles. We expect [country] authorities will play a proactive role in overseeing this process and ensure that the measures taken by the Volkswagen Group meet the following criteria:

- All owners of affected vehicles shall bear no costs associated to the repair work;
- A courtesy car should be provided to all affected owners during the time it takes for the necessary repair work to be carried out and the vehicle to be returned to the owner.

### **Mandatory Recall?**

We understand that the German Federal Motor Transport Authority (KBA) has ordered the Volkswagen Group to issue a recall of all affected Volkswagen vehicles across Europe. It is, however, not clear whether this decision obliges the Volkswagen Group to conduct a compulsory





recall for all cars, not only in Germany, but also for all other Member States of the European Union. We call on you to inform us whether this decision is binding for Greece or whether a mandatory recall will be issued for vehicles affected by Volkswagen's emissions scandal in Greece.

### Compensation

Our organisation together with our European umbrella organisation BEUC which unites a network of 41 national consumer organisations is currently considering ways to achieve compensation for consumers in case (1) the repair work carried out during the recall would produce a negative impact on the performance of the cars (e.g. the fuel consumption performance) or resale value or (2) if it is determined that any damages caused by or related to the 'defeat devices' installed in vehicles purchased by consumers has led to a reduction in the resale value of the affected vehicles. We hope that Greece authorities will support consumers endeavours in this respect.

### Vehicle tax

Some owners of affected Volkswagen Group vehicles will have purchased the cars based on the tax benefits associated to the environment performance of the vehicles. Being that the environmental performance of the vehicle might be affected as a result of the work carried out during the recall, it is essential that owners are not asked to make any retroactive additional tax payments. If [COUNTRY] government authorities consider that they should be reimbursed as a result of the misleading information presented by Volkswagen on the environmental performance of their cars, it is Volkswagen who should make such a reimbursement.

### Improving EU legislation and its enforcement

We also call on you to proactively work to ensure that necessary improvements are made to existing EU legislation in the area of vehicle testing, not only for air pollutant emissions but also for fuel consumption/CO2. Specifically, we call on you to support efforts towards ensuring more stringent test requirements that result in more realistic performance values of vehicles being reported to consumers and to strengthen existing market surveillance activities.

In relation to the use of "green claims" by car manufacturers, we call for more stringent enforcement and controls as to the substantiation of such claims.

The discovery of the use of 'defeat devices' has caused a great deal of alarm, anger and confusion amongst consumers and we think it is essential that [COUNTRY] authorities act on the recommendations we have included in this letter. We look forward to hearing from you and we would be delighted to assist you further in your work on this important consumer topic.

Yours sincerely,

For the Board

Nikolaos Tsemperlidis

Evangelia Kekeleki



President KEPKA,  
Member of the Executive  
Committee of Economic and

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