

(English version)

**Question for written answer E-001642/24  
to the Commission**

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(6 September 2024)

*Subject:* Potential retroactive ban on diesel-powered passenger vehicles

The German Minister for Transport, Volker Wissing, has warned against a potential retroactive ban on diesel-powered passenger vehicles that have completed the NEDC test, in connection with a legal opinion submitted by the Commission in the context of a request for a preliminary ruling by the Court of Justice of the European Union. Commissioner Thierry Breton informed Minister Wissing that the Commission has no intention of taking retroactive measures in this specific case.

1. Although the Commission has stressed that it does not intend to apply the emissions legislation retroactively, what would be the consequences if the Court of Justice were to rule otherwise?
2. What kind of measures, including legislative proposals or any other urgent actions, is the Commission prepared to adopt to clarify the scope of the existing legislation, to potentially avoid the unnecessary decommissioning of millions of Euro 5 and Euro 6 vehicles in the EU, and to address the concerns raised by the Member States' authorities?
3. Could the Commission explain the source of the potential misinterpretation and outline how it intends to prevent the misinterpretation of European standards in this area in future?

Submitted: 6.9.2024

**Answer given by Executive Vice-President Séjourné on behalf of the European Commission**  
(31 January 2025)

While the Commission cannot comment on ongoing cases <sup>(1)</sup> before the Court of Justice of the European Union (CJEU) nor prejudge the outcome of the Court's pending proceeding, the Commission will continue to promote solutions that favour clean and healthy air as well as promote a predictable and implementable legal framework.

Irrespective of the outcome of the CJEU judgment, the Commission will ensure with the Member States a proper follow up. In accordance with Article 11 of Regulation (EU) 2018/858 <sup>(2)</sup>, the Forum for Exchange of Information on Enforcement (composed of representatives from Member States type-approval and market surveillance authorities) provides for coordination of activities and exchange of best practices towards a uniform implementation of the applicable legislation across the EU.

The spirit and letter of EU emissions legislation are well known. It was clarified in the CJEU judgment in Case C-128/20 <sup>(3)</sup> that the vehicles' emission behaviour must comply with the standardised New European Driving Cycle test conditions <sup>(4)</sup>, as well as with Annex I of Regulation (EC) No 715/2007 <sup>(5)</sup> and with implementing measures, as agreed by the co-legislators, the Council of the European Union and the European Parliament.

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<sup>(1)</sup> C-251/23 and C-308/23, *Mercedes-Benz Group*.

<sup>(2)</sup> OJ L 151, 14.6.2018, p. 1-218.

<sup>(3)</sup> Judgment of 14 July 2022, *GSMB Invest*, C-128/20, EU:C:2022:570, paragraph 40.

<sup>(4)</sup> Commission Regulation (EC) No 692/2008 implementing and amending Regulation (EC) No 715/2007, OJ L 199, 28.7.2008, p. 1-136.

<sup>(5)</sup> OJ L 171, 29.6.2007, p. 1-16.