

(English version)

**Priority question for written answer P-001541/24
to the Commission
Jan-Christoph Oetjen (Renew)
(22 August 2024)**

Subject: Are millions of vehicle owners in the EU facing an immediate driving ban?

According to media reports, the Commission has taken a legal position in an ongoing court case ⁽¹⁾ before the Court of Justice of the European Union (CJEU), which, if upheld by the Court, could result in millions of vehicles with internal combustion engines in Europe being decommissioned.

EU legislation ⁽²⁾ sets out emission limits for vehicle types, which must be adhered to during standardised test procedures that are carried out under prescribed test conditions. The Commission made it clear, both in several documents ⁽³⁾ and when real driving emissions testing was introduced, that the New European Driving Cycle (NEDC) tests must be regarded as standardised test conditions and that they would not consider extending these to other driving situations. The opposite view was taken and expressed in the aforementioned court proceedings. This means that emission limits would also apply outside of the NEDC conditions in any driving situation, even when driving at full load on an incline.

1. Does the Commission take the view that vehicles must comply with the emission limits beyond the NEDC conditions in every driving situation?
2. Will the Commission ensure that the vehicle owners concerned can continue to use their vehicles without any restrictions?

Submitted: 22.8.2024

**Answer given by Executive Vice-President Vestager on behalf of the European Commission
(16 October 2024)**

While the Commission cannot comment on ongoing cases ⁽¹⁾ before the Court of Justice of the European Union (CJEU), the spirit and letter of EU emissions legislation is well-known.

These cases concern vehicles for which the new European driving cycle (NEDC) is the reference test. The CJEU clarified in its judgment in Case C-128/20 ⁽²⁾ that the emission behaviour must comply with the standardised NEDC test conditions, as well as with Annex I of Regulation (EC) No 715/2007 ⁽³⁾ and with implementing measures, not only at the moment of the procedure of type-approval, but also during normal conditions of use of the vehicle present in the territory of the EU.

The Commission has not taken the view that these vehicles should comply with these rules in ‘any driving situation’, including when driving full load and incline and any report making claims in that sense is therefore misleading.

The Commission will continue to promote solutions that favour clean and healthy air as well as a predictable and implementable legal framework for EU citizens and operators.

¹ ⁽¹⁾Hearing before the CJEU regarding a request for a preliminary ruling from the Landgericht Duisburg in joined cases C-251/23 and C-308/23 (Mercedes-Benz Group e.a.).

² ⁽²⁾Regulation (EC) No 715/2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6).

³ ⁽³⁾For example, in the communication of 19 July 2008 when Regulation (EC) No 715/2007 on emissions from light-duty vehicles (Euro 5 and Euro 6) entered into force.

⁽¹⁾ Joined cases C-251/23 and C-308/23, *Mercedes-Benz Group*.

⁽²⁾ Judgment of 14 July 2022, *GSMB Invest*, C-128/20, EU:C:2022:570, paragraphs 40-42.

⁽³⁾ OJ L 171, 29.6.2007, p. 1-16.