

[REDACTED]

European Commission

[REDACTED]
Directorate-General Justice and Consumers
Rue de la Loi, 200
1049 Brussels

Belgium

21 July 2021

Your letter of 13 July 2021

Dear [REDACTED]

Thank you for your letter dated 13 July 2021.

In your letter you refer to the judgment of the European Court of Justice of 17 December 2020 (Case C-693/18) as well as further court decisions at national level and encourage Volkswagen to consider offering EU level remedial voluntary commitments to the Consumer Protection Corporation network.

As set out in our letter dated 20 October 2020, Volkswagen is of the view that voluntary payments to European consumers would neither be justified nor legally possible. Because of the differences to the legal situation in Germany, there is no sufficient legal basis for Volkswagen to make payments to all claimants in other Member States let alone all consumers.

Our position has not been changed by the recent court decisions referred to in your letter.

The judgment of the European Court of Justice provides that a manufacturer cannot install a defeat device which systematically improves, during approval procedures, the performance of the vehicle emission control system and thus obtain approval of the vehicle. The judgment does not have any bearing on the question of whether European consumers suffered any compensable financial or economic loss resulting from such device. Volkswagen remains of the firm belief that European consumers did not suffer any such loss, as the technical measures have been implemented in the vast majority of the vehicles in Europe and the vehicle values have not been affected by the issue.

The recent judgments rendered by the courts of first instance in Madrid, Venice and Amsterdam do not lead to a different assessment. In our view, these judgments are legally flawed. In particular, claimants in each of the proceedings failed to demonstrate the damage allegedly suffered by consumers. The courts' findings against Volkswagen are therefore unfounded. Volkswagen will seek to have the judgments overturned on appeal.

Yours sincerely,

