COMMITTEE OF INQUIRY INTO EMISSION MEASUREMENTS IN THE AUTOMOTIVE SECTOR (EMIS)

MONDAY 28 NOVEMBER 2016

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Hearing of Ida Auken

Danish Minister for the Environment from 2011 to 2014
IN THE CHAIR: KATHLEEN VAN BREMPT
Chair of the Committee of Inquiry into Emission Measurements in the Automotive Sector (EMIS)

(The meeting opened at 15.10)

Chair. – Colleagues, ten past, so I think we need to start our interesting hearing of today. First of all, I invite you to look at the draft decision of the EMIS coordinator of 15 November. Today we have – unfortunately, I have to say – interpretation in six languages, and the reason why it is so low is that this is an extraordinary meeting. It was not in our agenda, and that is the reason why we have only a limited amount. But we do have Danish in passive, so you can speak Danish – so can our distinguished guest. But if you listen to translation, then you need to do that in English or any other language. So sorry for that. As always, webstreamed and paperless.

I would like to start the hearing, if there are no remarks, and welcome very warmly Ms Auken, who is here in her capacity as former Danish Minister for the Environment from 2011 to 2014, which was a very key period for the Real Driving Emissions (RDE) decision. She also held the Presidency during the Danish Presidency in 2012 and will provide, I think, insight into the discussion at that time from the side of the Council. I will not take any more of your time. I first give the floor to Ms Auken and then we start the questions. The floor is yours.

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Thank you for the invitation. I think we are discussing an important topic today. For me it is all about getting clean air to the people of Europe, and I think we should never forget that the real scandal here is that we have so many people dying from air pollution. Secondly, we are also discussing how we can have compliance and legal behaviour. This is very important, and I understand why you want to look into this area. I will do my best to answer your questions. It is a very technical area and, as a former Minister for the Environment, I did not actually work with car standards but with air pollution quality standards, so this is an area that I have had to look into in preparing for this hearing. So forgive me if I am not a specialist on that.

Today I am a Member of the Danish Parliament. I have been a Member since 2007, a regular Member from a very small party. I cover all the areas of environment, business, agriculture, IT and consumer affairs, and I was also responsible for research and development until recently. So I do have to cover quite a lot. Some of these things took place five years ago, so I have done all I could to recall what happened. I have called a lot of the people I was working with and people from the Ministry. I also asked the Danish Ministry for the Environment to help me prepare for this, and they gave me a timeline on what I did. You will be able to see that timeline, as it will be published. But I did not get help in answering your written questions and, since some of them are very technical, I could not answer them in advance of this hearing. That is the reason why you do not have them, and I apologise for that.

To go back to my role in this issue, I was elected in 2011 as Minister for the Environment. One of my top priorities was clean air and air pollution. At that time Copenhagen was having already having problems in living up to the NO₂, the Air Quality Directive. In 2010 we were already exceeding the limits and should have got something done about this. So this was an area of top priority for me, and I paid full attention to it as Minister. But I also quickly learned the terrible lesson many politicians must learn throughout their life, namely that change is difficult and that sometimes the tools that you want to use are very expensive and deliver very
little change. What seems very easy when you are in opposition sometimes becomes quite
difficult when you are in power. I think that is important to learn.

For instance, I learned that air pollution is airborne and that most air pollution is actually
produced internationally. Secondly, I learned that the tools we had to tackle air pollution,
especially in our cities, were limited. So in Copenhagen we started working for a clean air
zone where we would put SCR catalysts on vans and buses and also on trucks. At that time we
also thought that the Euro norms would take us quite a way along the road. So we built our
plan to live up to the Air Quality Directive on this. I also decided to start pushing this agenda
very strongly internationally. In my time as President for the Council, when Denmark had the
Presidency, we pushed very hard, and also in the IMO we pushed for stricter standards on
both sulphur and NOx. We actually played a not unimportant role, as a shipping nation, in
going the standards that we now have on SECA and NECA areas, both in the Baltic and in
the North Sea, and some of the global standards that are actually bringing sulphur down to
one tenth. In the EU I tried to push to get both better measurements and stricter standards, and
Denmark set very ambitious targets with the Gothenburg Protocol.

Turning now to what you call ‘Dieselgate’, my role is as follows. On 5 December 2012, the
Danish EPA became aware of problems with diesel car emissions of NOx when DG
Environment presented the latest results of the emission factors, based on the results of the
IIASA’s work. As many of you might remember, they were adjusting by a factor of five: five
times as many emissions as expected. That was, of course, a setback for clean air and was a
setback for Denmark. That is why my Ministry informed me – I was informed about this
around Christmas or maybe January 2013 – and we then sent a letter to both of the
Commissioners: Janez Potočnik, as Commissioner for the Environment, and Antonio Tajani,
as Commissioner for Industry, one of them being responsible for air pollution and the other
for industry standards. So we sent the letter, basically saying that we knew that this was not
working the way we thought, that the test lab did not match what was happening in reality,
and that we should speed up all procedures, not only on testing but actually also
on getting the new technologies implemented in cars. The purpose of this was to get the Commission to
speed up this process in order to give the Danes – and all of the European population –
cleaner air faster.

In March 2013 I received an answer from the Commission, and what became clear to me at
that point was that there was not a great deal of interest in this case. I felt quite alone on this
issue. No other Member States were raising these issues and there was not much pressure
from either the press or the European Parliament. So it was actually an agenda where I, as
Minister, looked at the EU and said that I was there, I had a few allies, but this was a difficult
area.

Regarding some of the questions that you sent me: as I recall, this was a time when everybody
knew that reality did not match the test in the lab. Everybody knew this or they were not
following the discussion. I think many of us thought it was due to a Volkswagen loophole –
my mother-in-law owns one of those and it definitely does not drive a hundred kilometres on
three litres of petrol – but that it would be in a closed lab where it was just driving and had no
side mirrors. Basically we thought that it was that kind of test facilities that made the big
difference. None of us heard about the fraud until the scandal broke. I think it was in
September 2015 that it came out that fraud was involved.

But to go back to my initial comment, I think the scandal was already there before the fraud. I
think we should learn from this. When we look at environmental problems we can sometimes
point at them, and it is a scandal that several hundred thousand people in Europe are losing
their quality of life and die prematurely due to air pollution. It does not matter whether it is
fraud or whether it is just that the regulation or the technology is not good enough. When we
look at any other new environmental problems, we should recall this so that we are not waiting for some kind of scandal to break out. It might already be there.

So for me it was not a matter of creating political pressure or scandal in order to expose anybody, but to get the problem solved. I wanted to bring clean air to the people of Copenhagen, so I did what I could to push the Commission at this time. I also talked to the Commissioner, of course, and we had a very close collaboration at that time and also after the Danish Presidency. You how this works: we talked about how we could advance the environmental agenda. But again – just to be clear – I never heard about any fraud.

If we look ahead, I think it is worth asking ourselves how we actually protect our industry. Is it by letting them do what they have always done? Is it by letting them use old standards, therefore not improving people’s lives by altering air quality in our cities, or is it actually to get them to solve problems and to be innovative to find new solutions? I think the latter. I think this was bad protection of the car industry in Europe. If you want to sell a car to China, you are going to have to put in technologies that are as clean as possible. It is not only Beijing or other Chinese cities that have problems. Look at Delhi. I think Delhi is the most polluted city on the planet. Air pollution is going to be a big issue and, if you want to sell cars, you might want to get the best technology going. We should think of mobility. We should think about not only putting electric vehicles into the same mobility system, but we should seriously start thinking about how our whole mobility system works. If this is going to be an interesting time in history and if anything good is going to come out of this scandal, I think it should be the transformation of both the car industry in Europe and mobility.

What I hope could come out of this hearing is that we would actually wake up and, rather than seeing protecting industries as always leaving things as they are and not regulating, actually going the other way and setting standards that could help create innovation and an advantage for creating better lives for people.

Gerben-Jan Gerbrandy (ALDE). – Thank you, Ms Auken, for being here. It is good to see you again in Parliament, not as Minister this time but as former Minister, and it is quite remarkable that you had to do all the work yourself, that the assistance from the Ministry was quite limited.

Anyhow, the reason why we thought it was important to invite you is that you have been one of the few national ministers focusing on this issue long before the scandal broke, and you sent this letter in January 2013, where you begin by stating that you received very important information about Euro 6 cars by far not meeting the norms. The reply from the Commission two months later was that the Commission was fully aware of the situation. Well, we have heard differently here, but okay, that is on paper. One element that you focus on in your letter, besides the new test, is to also come forward with additional measures for the current fleet, and my question is if you can express more clearly what you meant with that, because the Commission is only replying to the new car test, and it does give an opening for additional measures, but it does not fill it in. But what were your ideas from Denmark for additional measures?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Yes, thank you for that question. Well, I also asked the Ministry about this. And basically the brief answer I got was that they were informed by the producers of the green technology that it was actually possible to put in technology already now, both retrofitting where it makes sense, which would be probably on vans and trucks and some commercial vehicles, but also to put in standards for the Euro norm 6 or 5 that would be actually delivering, like it did in the US. So we were hearing that Volkswagen, paradoxically enough, were basically delivering better test
results and putting in this Selective Catalytic Reduction (SCR) in their cars already in the US but not doing it in Europe because we are not enforcing the current regulation properly. So this is what I have learned by looking into that sentence that we were talking about.

Today I have learned that Citroen and Peugeot, I think, actually have this SCR technology ready. It is still not living up to Euro norm 6, but it is getting there and it is probably the best available. So I would be interested in knowing what is actually technically possible, and I think there is a lot of discussion about that. But at this time we actually thought it was possible to deliver better results in real life than what was happening.

Gerben-Jan Gerbrandy (ALDE). – Absolutely, thank you for that. The Commissioners also responded, and I quote, that ‘in parallel, we are examining the options (both at EU and national level) to deal with those vehicles in the existing fleet which do not comply with the legal emission limits in normal driving conditions.’ Well, apparently, the examination did not have any result because they did not do anything, but did you follow up on that sentence later on in your exchanges with the Commission?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Again, some of this— as you know — is happening between the Environmental Protection Agency (EPA) and the civil servants from the cabinets of both Commissioners, and so what I know is that there were discussions again with the Vice-Director of the Danish EPA in September where they were looking into this. But what they discussed at that time I do not know, because I have not been briefed about what happened at those meetings.

Gerben-Jan Gerbrandy (ALDE). – A final question. You had quite intensive contact with Commissioners in those days. Did you have the feeling that the Commission was united in their approach vis-à-vis car emissions?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I do not know what happened internally in the Commission. I can just say that my feeling was that we were standing quite alone, those of us who were trying to push for this, and I know at least that Commissioner Potočnik was doing quite remarkable work to try and push this forward. So sometimes you have to take into account the current political situation, and these were not easy times. It was right after the financial crisis, so when you were talking about the environment — and you probably remember that, Mr Gerbrandy — people would look at you like, ‘we do not have time for that, you know’. So just to remember, those were the times, and we were not a lot of people pushing for this. So I probably — as I recall it was when I got that letter — I kind of got the feeling that this will not move very far from this point, and should I then use all my energy on that, or should I try to push other things like we, for instance, pushed the resource efficiency and circular economy?

Jens Gieseke (PPE). – Many thanks, Chair. Thank you too, Ms Auken, for coming here today. I see that you do not need any interpretation: I can speak German. Excellent: that will make things simpler in many respects.

Welcome to this committee! My colleague Mr Gerbrandy has just mentioned that it would have been nice for us if we had received the written questions in your answer in advance. However, I quite appreciate that you are not in a position to answer all our technical questions in writing if you are not receiving any help in Denmark now that you no longer hold ministerial office. Your explanation is entirely accepted, so you should not worry on that account.
I have listened to your introduction with interest, and would mention that I have noted your letter of 2013. The Commission responded to it. You then touched upon the fact that the press was not enormously interested either. And you said – or so it was interpreted into German – that there were no allies among the ministers, either. Now we have 28 Environment Ministers. Can you describe to us whether it was debated at Environment Minister level, or were you all on your own?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I can also reply in German, but I shall not do so. I shall answer in English again. But thank you for the question.

So basically, going back to 2012 – and again, remind yourself, this is five years ago; I do not know if you can recall who you talked to about what five years ago – but at least I tried to look into the Ministry and ask them: do you know if we raised this at a Council meeting? And several of those, especially those who left the Ministry, said: ‘I would think we did, but why do we not have any recordings of doing that?’. So I cannot actually tell you if I raised this at a Council meeting. I had quite a lot of agendas. We were not a lot of green ministers, so basically, every time I saw a colleague, I was trying to push them on a lot of things. So I am so sorry that I cannot be more precise, because we do not have any recordings of me raising this with other ministers. So this will be the best I can do at this time.

Jens Gieseke (PPE). – Many thanks. You have said that these discrepancies between NOX emission values on the road and in the laboratory were sufficiently well known. However, there was no national authority which raised the matter with the Commission in any form. How then did you interpret these discrepancies in Denmark?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Again, as in my first presentation, like everybody else we thought that test results were being improved in the sense that you would take everything away from the car and do it in a very closed environment, and then maybe do it with a hot engine and not a cold engine. Those things were our way of describing it, but when I look back at what happened in December, we should probably have asked ourselves – all of us – how could it could have been five times higher than it is. But who asked those questions? I do not know of anybody who did this. And honestly, again not being a technical technician on these things, if they tell me that this is why it is happening – that there is not the same connection in the test labs as in reality – you believe that. As a politician, we cannot go into the labs and look into everything when we are head of a very large portfolio, which the environmental portfolio is; you have to believe your technicians.

Jens Gieseke (PPE). – We have reached a very exciting stage of our work in this committee just now. The hearings have largely been completed, and it is now up to us to draw political conclusions. We shall do so with our reports in January and February.

Drawing on your experience as a former Environment Minister: how ought market surveillance to be organised in future so that such a – how should I put it – failure to enforce European law in the Member States does not recur?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I think we as politicians should do something that we do not do very much: focus on implementation. We love inventing new projects – new things we want to do, and new regulation – and we are not very focused on implementation. So I think we should start by looking at ourselves and saying that we should have learned something from this. If something comes to mind and I go back to something five times – honestly – I should have looked a little further into the technical side and started asking some questions. But how should we do it? We should be more careful.
If it looks as though two countries are approving everything and we do not have complete confidence in how it is going, we should have our own authorities look into that kind of approval. We should start asking some of those questions on the implementation side.

**Jens Gieseke (PPE).** – I agree with you 100% on that. It is a matter of enforcement. Ultimately, however, enforcement needs to be uniform in 28 Member States.

To take a practical example, perhaps not that of Volkswagen, but the issue of Fiat and the interpretation of European law: if a defeat device in a vehicle switches itself off after 22 minutes, but the test cycle lasts only 20 minutes, even if that is not software manipulation, it is at least – let me suggest – a thoroughly creative interpretation of enforcement. If certain Member States – in this case Germany and Italy – then disagree about the issue of interpretation, there ultimately needs to be a power of decision at European level.

What kind of body would you see as appropriate for that – an agency, a centralised authority? And what enforcement role, what powers would you assign to that authority so that it could do its job properly?

**Ida Auken, Danish Minister for the Environment from 2011 to 2014.** – To be honest, I think you can answer that better than I can. I am a Member of the Danish Parliament, and I do not do European regulation or that kind of enforcement. Either you decide that it is European and that you control the Member States – as with some of the directives, where you would actually look into how you are doing it, for example with the Water Framework Directive, where you are seriously looking into how the country is enforcing the regulation – or you do a European approval, where you put it on your own desk. It is either one or the other. It seems that, on some of these issues, there should be more follow-up of how it is being done – probably from the Commission’s side, but you would probably know more than me about how to do that in a more efficient way, since you are the one working in the system every day.

**Jens Gieseke (PPE).** – Thank you very much for the compliment. Of course we are happy to regard the European Parliament as a strong co-legislator, but we are a co-legislator.

And at the end of the day I have to pass the ball back. On the other side there are 28 strong ministers – ministers of transport, economic affairs and the environment – and they are often very reluctant actually to transfer any meaningful powers to the European level. That means that my question still remains open: how does one secure a majority within the Council?

Of course, we secure a majority as a legislator here at the European Parliament. That is just happening, too. Type approval is being overhauled – in the Committee on the Internal Market, not in this committee. But at the same time we need a majority within the Council too, and with that in mind we already need a practical tip from you as to how one secures that majority.

**Ida Auken, Danish Minister for the Environment from 2011 to 2014.** – But that is actually a political question. How do you get the Council behind doing stronger regulation? I fought with that for two and a half years. Getting them to do anything on environmental issues was, instead of going in the pipe regulation where you try to control everything, you try to start working with industries from the beginning. And that is what I find more interesting at this point in history, because we seriously have three institutions in some kind of crisis. It is a political crisis. How do you get that kind of political goodwill to say we want to give this kind of power to the institutions? This is such a huge question; if I had the answer to that I would be solving many of Europe’s problems.
It is a serious political question: how to get ministers to see the interest in giving that power to the European institutions, and I wish I could give you a better answer, but my main answer would be political: to show the benefit for every person around there. And, in this case, who was talking about the 400 000 people? Are we still talking about them? They do not care about standards and the Euro norms 4, 5, 6. They care about clean air, and I think we should look at that first, and remind ourselves what this is all about and not wait for scandals to break loose.

1-022-0000
**Jens Gieseke (PPE).** – One last question on this subject: as a minister, you were responsible for your officials at the Danish Environment Ministry. Now we have to formulate technical laws here. You are not answerable to the Commission, nor will it answer your questions. How technically competent do you believe that the Commission is to formulate such laws?

1-023-0000
**Ida Auken, Danish Minister for the Environment from 2011 to 2014.** – I do not think I am in a position to assess that. I would guess that they should be one of the prime authorities, and they should get the right technical knowledge on their side to be able to do it. They can do it in all the other areas, so they should be able to do it on this one too.

1-024-0000
**Christel Schaldemose (S&D).** – Madam Chair, since I have the opportunity to speak Danish, that is what I am going to do today. Thank you, Ms Auken, for coming here and trying to give us some answers, even though you have received no help from the ministry to go into the subject in detail, which I find most regrettable. My first question is this: what was your reaction to the Volkswagen scandal, when you heard about it back in September 2015?

1-025-0000
**Ida Auken, Danish Minister for the Environment, 2011-2014.** – Well, my reaction was like everyone else’s, I was really shocked, and then of course some things started to make sense. How could there be such a difference between the tests and reality? But what particularly shook me was how companies that were so trusted, that were famed for their German precision, could do something so stupid and downright illegal. So just like everyone else, I was really shocked about it. But you also have to ask yourself a few questions. Is the legislation we are coming up with good enough? If we were not even sure that the technology existed to make such things possible at the time, then what are we pretending to do here? And there has to be a certain amount of soul-searching right along the line: we have to come up with legislation, we have to deliver that, and we have to stick to our guns, and then we have to reward those who actually do deliver that! We should not be afraid to act, as we often are when we set standards for things, and if we do that I think the results will be innovation, a more competitive motor industry and clean air.

1-026-0000
**Christel Schaldemose (S&D).** – I agree that it is important to set out some demands, but we also need to bear in mind what we are actually capable of. When you received the answer to that letter – and I know it was five years ago – were you very disappointed, or was it pretty much what you had expected? Can you tell us something about that?

1-027-0000
**Ida Auken, Danish Minister for the Environment, 2011-2014.** – It is quite hard to remember exactly how I reacted to one letter that arrived in the pile of 25 000 other things that came across my desk as a minister, but I think my officials and I discussed the matter. And then I think we got the impression that we were pretty much in it on our own.

1-028-0000
**Christel Schaldemose (S&D).** – I think you are right there. That is also the impression we got in our work on this matter. Other colleagues have touched on this, and I understand that it can be difficult to say much about this politically, but in our discussions at the moment we are trying to find out what we can learn from the scandal, and how we can set up a new system
that means that we can actually identify irregularities that occurred in the past. One thing we are discussing is the extent to which we ought to bring in more powers at EU level, because it is clear that market regulation is not good enough in the Member States. With your experience in the Council from your time as Minister for the Environment, what else needs to happen to enable us to argue in favour of more EU? We have been talking about setting up an agency: that might make it possible to make savings at national level. It might also provide more of a level playing field for businesses. What else do you think should happen if we are to persuade the Member States either to carry out more market regulation themselves, or to give the EU the power to regulate?

1-029-0000
Ida Auken, Danish Minister for the Environment, 2011-2014. – In my view, market regulation is one area in which the public at large understands that the EU has an important role to play. You and I come from Denmark, which is a small country, and we are well aware that we are not always able to stand up to big industry and say, ‘Listen here, this is what you have to do now.’ We know that we need our European colleagues. But I think, when it comes to environmental legislation, we have the public on our side – that is my impression, although I am not an expert on the public in every Member State. But I think people can see that in this area of market regulation we are more able to regulate the market at European level than it is for each country to do so individually. So I think this is something important to do. And I think that with environmental legislation the focus should always be on the consequences, both of what is done, and what is not done. And I think that the EU, and those of us who are closely involved in the European project, are sometimes in such a rush to get into the details and solve the problems, that we never manage to let the public know what the problem is, and that we can actually solve it. So we rush headlong into things and start solving the problem, digging right into the details, and, you know, people out there cannot tell the difference between Euro 5 and 6, or indeed between 1 and 5. They might know whether their car has one kind of technology or another, and so on, so tell them that this is about clean air, and this is about not polluting their neighbourhood – they understand that.

1-030-0000
Christel Schaldemose (S&D). – But that is the public – I think the public are easier to convince on this, but what else needs to be done to convince the Council that much better market regulation, implementation and enforcement is needed than we have seen up to now? That was my last question.

1-031-0000
Ida Auken, Danish Minister for the Environment, 2011-2014. – How do we convince the Council? We sometimes have to go the long way round, via the public, because at the moment people in many countries feel that there is too much EU, and that things have gone too far, and that there is too much regulation. Politicians are people who react to what the public want, and to the public’s understanding of the world, but that does not mean that all we should do is follow in the footsteps of the public: we must be able to maintain a dialogue with the public, and say, ‘Why is this matter important?’ And there I think we should all look at ourselves again and ask, ‘Why is this important?’ This is a really good example of where we can turn to the public and say, ‘Denmark could not do anything, but now we are doing something, and now we can do something together’. So I think we should be ambitious in pressing on with this!

1-032-0000
Lieve Wierinck (ALDE). – Commissioner Potočnik, in front of this Committee, admitted that a substantial part of responsibility for the current situation falls on the Member States. Do you share this view? How important are market surveillance authorities in a Member State in enforcing these emission limits?
Ida Auken, Danish Minister for the Environment from 2011 to 2014. – To be honest with you, I did not know exactly how that worked with the control of the technology at each country level, because as a Minister for the Environment this is not a part of the regulation that is in your portfolio. It is a tool, like any other tool; these standards are there, and we can use them when we are calculating how to deliver clean air. I have learned that it is very important, and I agree with the Commissioner on that.

Lieve Wierinck (ALDE). – Have you ever discussed with your fellow colleagues, ministers from the other Member States, the potential withdrawal of type approval by the national type approval authorities which have issued them? If yes, were there any suggestions or conclusions on the further action needed? What possible further steps or measures did you try to initiate to tackle this problematic situation?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Again, as in the answer I gave Mr Gieseke, I cannot recall having discussed this bilaterally. We do think I raised it at a Council meeting, but we cannot find the recordings, from the help I had, and since it has not been that substantial from the Ministry, I cannot give you a better answer.

Lieve Wierinck (ALDE). – In your letter to Commissioners Tajani and Potočnik, you mentioned that you were aware that car manufacturers were able to match the Euro 6 emission limits for the American market and you correctly concluded that there were no technical barriers to achieving these in Europe. In his response to this, Mr Tajani says that the EU and US markets are not comparable because of the different number of diesel vehicles on their respective roads. Would you agree that the number of cars on the roads of each market was completely irrelevant to the technology that was being used? What was your first impression of this part of Mr Tajani’s answer?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – So if you look into the NO₂ problem, as I understand it, you need some kind of catalyst and some kind of liquid in order to collect the NO₂. And this is, of course, much easier to retrofit and to put into buses and trucks and some vans. And also getting a system that at that time was pretty big into a light duty vehicle or car is more difficult. So I do think it is relevant to think about whether we are talking about light duty vehicles or we are talking about large cars. But, as I understand it, we were at that time referring to Volkswagen selling cars with a better technology, with these Selective Catalytic Reduction (SCR), to the US market. But that was what I was informed at that time, and it turned out to be also on paper.

Paloma López Bermejo (GUE/NGL). – Madam Chair, I say to Ms Auken: thank you very much for attending this hearing, particularly as the national authorities appear very reluctant to participate in this committee, despite being a vital cog in the process of enforcing European legislation.

I will now refer to your correspondence with the Commission. You clearly state that, from 2012 the Commission was aware of the discrepancies between actual NOₓ emissions and the limits set in the legislation. I will not focus on this point because, although it contradicts the Juncker Commission’s initial statements on ‘dieselgate,’ we already have sufficient evidence from this scandal that it was the case.

I shall, however, refer to your opinion and your actions after receiving the Commission’s response. I have three short questions.
In response to ‘dieselgate,’ the Commission authorised a review of the Euro 6 standards to allow more emissions. What view do you take of this decision, given the roadmap that former commissioners Tajani and Potočnik had already announced in their letter, and do you believe that there was ever a genuine willingness to comply with Euro 6?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – It is very hard for me to do research into people’s motives, and I don’t consider it part of my job. But my feeling was that Commissioner Potočnik, who I was talking to, was very interested in trying to advance this agenda. He has always been someone who understands that industry needs to move forward – not getting stuck in old problems, but actually solving them and developing the technology. So, yes, my feeling was that he was trying to advance it, but again this 2012 or 2013. These were times of economic crisis, and environmental regulation was having a very tough time. Again, I have to go back to ask: what is Dieselgate? Is the scandal fraud, or is it that we let 400 000 people live with air pollution? If it is the latter, they were no doubt aware. Everybody knew – but if everybody knew, aren’t we all part of the scandal? If it is the fraud, it is a much more limited question, and it is clear to me that nobody knew that until 2015.

Paloma López Bermejo (GUE/NGL). – Ms Auken, could you provide any further clarification or did you receive any information on why diesel cars on the US market were able to comply with the emissions limits that the Commission considered and deemed to be impracticable in Europe?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Regarding my understanding of what we wrote in this letter, when I asked the Danish EPA what we were talking about, they said that this was information that we had from the Danish green tech industry telling us that better technology is installed in US cars because they are better at ensuring compliance. I think that technology was also part of the fraud.

So what do we know? My interest is in whether we have the technology and what we will do to advance it. We should have done that long ago. Now it is 2016, and I think we could have advanced this much quicker. That was actually what I wanted: I did not want to blame anybody or shame people. I just wanted to point out that we had a problem and we should solve it as quickly as possible. There is, of course, no doubt that it is not satisfactory that they did not move further on that.

Paloma López Bermejo (GUE/NGL). – Ms Auken, it is of course laudable that you introduced mechanisms to avoid this, but what greatly concerns me is the position of the Council and the Member States. I would like to know if, in meetings with other representatives in other Member States, any other governments expressed concerns at discrepancies between actual and reported emissions of diesel vehicles, and if you are aware of whether they took deliberate action on this matter?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – As I have already said a couple of times, I do not have the recordings from those meetings. Since we do not know this, we are not actually sure if I raised this at a Council meeting. I am sorry that I cannot be more precise. I know that I spoke with the Commission a couple of times about this, and we wrote the letter and tried to push them on this, but I cannot give you a better answer as to whether I discussed this with my colleagues at Council meetings. We were one of only a few countries that wanted to push the environmental agenda in quite a lot of areas, so at every Council meeting I ran around with ten different messages and I cannot tell you whether one of those was actually this question. I am sorry about that. We had chemicals,
water quality, air quality, the circular economy, sulphur and NOx, etc. We had a lot. So this is as close as I can get something to something that happened four or five years ago.

Chair. – Thank you very much. We will now move to the second round of questioning.

Sven Schulze (PPE). – Ms Auken! May I too thank you for taking the time to visit us today, on a Monday.

Before I come to the questions I was planning to ask, the answers you have given also prompt me to ask an extra one. You have said (and I paraphrase): what can we, a small country, do – I think that was what you said – what can Denmark do, as it is perhaps not comparable with – to take my own country – Germany? However, we have also had the experience of representatives from countries such as Luxembourg or other small countries who have behaved very self-confidently here. You do so too: I mean not as an individual but for your country. This is my question: when you were in a position of responsibility, did you ever feel for any reason that, in this group of 28 Member States, your country was assigned any less weight than it should have been in the context of these issues that we are discussing?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I don’t think that my country had any other position than how to get things done in politics. You do that by having a clear vision and an agenda and running as fast as you can to get as many people as possible to see their own interest in advancing that agenda. Everybody in this Parliament knows that is how you get things done. Personal relations also play a big role. You would look to the ministers to help you on these things, particularly where you know that the country has an interest in pushing some of these items.

I am not saying that small countries cannot do a lot; we can. I tell our people that we need the EU, and we need the European project in order to do something. If you work hard, you are visionary and you get the right allies, you can do a lot. So I don’t feel that we had any other status than that of any other country, but we did have the Presidency at a point in history in my time, and that is of course a different status.

Sven Schulze (PPE). – Very good, that is exactly what I wanted to hear. I just wanted that to be clarified, because I might have misunderstood.

Now I have a concrete question, about the sanction mechanism under Regulation 715. We have seen situations – and this has been something we have frequently heard in these hearings – where these sanction mechanisms have varied considerably from one Member State to another. Concerning the implementation, I would like to know how you did this in Denmark, whether in your opinion the sanctions were effective, proportionate or even deterrent, or how you interpreted the sanction mechanisms and whether in your view that was enough?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I am sorry, I had a bit of linguistic confusion between you and the two interpreters there.

But, as I understood you, you wanted to know if the measurements to... Can you repeat the question in German? I will listen to you in German. It did not help me to have the interpreter.

Sven Schulze (PPE). – I would speak Danish …

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Yes, that would be perfect! Please try!
Sven Schulze (PPE). – … but I don’t speak Danish. I am an engineer, not a language expert. So I will read out the question as I wrote it down.

Could you please explain to us to what extent the sanction mechanism introduced in Denmark for infringements of Regulation 715 is effective, proportionate or deterrent?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Yes, and I have no idea what this regulation is. Sorry. I may have known it in Denmark, but I don’t know what regulation this is or what you are talking about.

Sven Schulze (PPE). – But for a year already the regulation has been…

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Yes, but it is probably called something different in Denmark. Could you explain to me in ordinary terms what it is?

Sven Schulze (PPE). – I can already see two red dots [to show that my speaking time is up]. I will use my second slot to return to this question.

Seb Dance (S&D). – I notice I have quite a few speaking slots. Can I take them all together? To the relief of everyone, I won’t need the full 12 minutes.

If I could raise a point of order in 20 seconds – I don’t need this deducted – Mrs Auken, thank you very much for your explanation for not having been able to send the written responses. We understand and that has been made clear by others. I just want to make clear that for last week we had a set of written questions that were received the day before the committee hearing – and this is a point I meant to raise last week, but we were very short of time – and obviously with the resources at hand with some Member States’ civil services, I don’t think that it is acceptable that we received the answers the day before at the time that we did. I just wanted to make that point clear. That is not a point to you, Mrs Auken. Your explanation has been received with all the clarity associated.

I want to ask about the letter that you sent to Commissioners Tajani and Potočnik. The issue that you raised to do with the technology being available on the American market, but not for the European market, is something that we had heard at this committee beforehand, namely the fact that some manufacturers already have the technology, but they only implement it in the US market and not here. What was your response to the assertion in the responses that you received from the Commissioners that this was not an issue because there was not the same market with regard to light passenger vehicles for diesel? What was your instinctive response to that?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – My instinctive response – and it still is today – is that it does actually make sense. It is easier to put the large catalyst on buses and trucks and it is also more affordable. So when we in Denmark looked at regulation to bring down NO₂ levels, we focused very clearly on trucks, vans and buses in order to have a match between what we actually got for the money we invested and what we asked people to spend.

This was one of the things I raised in my first speaking points. As an environmentalist, you come in just wanting clean air and then you find out that it is so much more complicated, because 80% is from abroad, and in the end you get a tiny bit of improvement by asking people to do a lot of things if you want to retrofit. This is why we focused on getting cleaner
cars into the market – we thought they were working – and on retrofitting on the larger vehicles. So it would make sense for me initially – or intuitively – that, of course, if they are primarily selling vans, buses and trucks, it would be easier to put those systems into place there than in the European context, to be fair.

Seb Dance (S&D). – And was it your understanding at the time that the light passenger vehicles that were diesel – or, indeed, are diesel in the United States – were subject to the stricter standards and were meeting those, or that it was just the bigger vehicles – the trucks, vans and buses?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – When we wrote the letter, I would assume that we thought it was comparable, but when we got the answer, I then learned that it was a different fleet, which would basically make sense. But, still today, it is not completely clear to me what technology is actually there and how fast it could be advanced. What I wanted at that time – being concerned about the environment and not being the industry expert or the Minister for Industry – was getting something that worked, getting it faster, getting it retrofitted and, of course, having tests that matched reality. That was my political interest, and that was what I was pushing for.

Seb Dance (S&D). – And what would your view be on the conformity factors that were arrived at in the TCMV decision of October last year? As you know, the initial position of the Danish Government was for much lower – much stricter – conformity factors. Obviously, it was ultimately agreed that 2.1 would be the agreed conformity factor, which I believe was agreed by the Danish representative at the time. What is your view on the necessity of that conformity factor? Do you think that reflects the fact that there is a difference in fleet between the US and Europe, or is it unnecessary in your view?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Initially, I said I would answer questions from my period as Minister. This is much later, but I can say that I looked into what the Danish position was. As I understand it, they wanted a more ambitious position, but this is what they could get and they still consider it far better than what we have.

Seb Dance (S&D). – That is fair enough. I understand that you are unable to answer for your successors. In your letter, you asked the Commission to come forward with proposals in addition to RDE. We have heard a lot in this committee from Commission officials and Commissioners, both past and current, that the existence or the bringing-in of the RDE system would indeed mitigate many of the problems that we are talking about, but you have asked for additional ambitious proposals to the RDE. Are there any particular aspects, particularly of the type approval framework, that you had in mind at the time? Can you recall any specific measures that you would have wanted to have been introduced?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Again, I think this was a political letter to apply political pressure. It is not technical. At that time in history, you are not really that interested in how you are going to deliver on the political wish. What we wanted were better standards quicker, better legislation on compliance, and advancing the technology that we see emerging now. We do actually see that Citroen and Peugeot can actually perform better than they did with these SCR catalysts. I think we could have advanced this quicker – and that was what we wanted. But on exactly what kind of measurements, as long as it worked, I basically wanted a tool and did not care that much about how it worked, because I trusted the technical side. You have to do that as a minister. If you do not trust your technical people, you are lost. So we would trust both our own people and the Commission’s people to try to do it in the right way.
Seb Dance (S&D). – I think it is interesting that, just as we have a period in history where the logistical ability is becoming apparent, the political tools that we have – and you were talking earlier about needing to make the case for Europe and the case for a European-wide competency on those areas – are, in a way, going the other way, so we have to fight doubly hard to ensure that logistical ability and the political need marry up.

Finally, during your tenure as Minister, were there any entities – NGOs, pressure groups, whatever – who came to you on the issue of defeat devices? Even without specific examples or evidence, did anybody at any point raise the possibility that they might be in existence?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I never heard about the fraud, but, when you asked the question, I thought that there might have been some NGOs pointing at a study – perhaps Dutch – saying that everybody knew this. I think WWF or somebody basically tried to raise the point at some point, but when that was, or if it was closer to 15, I don’t honestly know. When you asked me just now, I could maybe remember some NGOs trying to raise the question, so maybe we are not all to blame. Maybe they were doing their best. I don’t know.

Seb Dance (S&D). – And there was nothing from the type approval authorities in Denmark, raising any flags, or – when you sent the letter – perhaps agreeing with the recognition of the discrepancy? Was there any kind of internal recognition of the need to look further into what was going on?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – This, again, was not under my ministry, but as I understand it, we do not have type approval for new cars – we do not have a car industry. But we should perhaps have had some kind of compliance mechanism, which I did not realise until this hearing was also a responsibility of the Member States.

Jens Gieseke (PPE). – Thank you, Madam Chair. Ms Auken, I have another question, which really follows on from the question that Seb Dance put on the RDE procedure.

You ultimately came down strongly in favour of ensuring that RDE was introduced, and speedily. Looking from a distance, and not knowing the details of every technical process in the European Parliament, it seems to take quite a long time. We have still not finished with the RDE legislation: it will take until 2017. So, although the problem is well known, it is still taking many years.

How do you see this process? Is it quick enough? Are some Member States slowing things down? Are there others which are maybe trying to speed things up? Could you describe it?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I agree very much that the process is too slow, and one of the things I wanted in the letter was to speed this up. And this was to actually be a Member State that was going the other direction. If somebody is slowing it down, we wanted to be somebody that was trying to speed it up and also show the Commission that there is also pressure from Member States to do this. And if I am to look at my own role, if I had known at that time, I would probably have run around to all my colleagues and said, ‘hey guys, we need to push for this’, and I did not. I do not recall really doing that. I recall it with a lot of other things, and I recall maybe having talked about it at a Council meeting. But honestly, I am not trying to play a hero here. I just wanted something that worked. I just wanted to have both tests that were real. I wanted to have the technology to come forward. We know that tests that show reality actually push technology, it pushes
innovation. That was my interest. So no, it is too slow, definitely, and I know that the Danish Environmental Protection Agency (EPA) was in September 2013 considering this conversation with the Commission on Real Driving Emissions (RDE), so that is more than three years ago.

**Jens Gieseke (PPE).** – Thank you for your answer. I also have a slightly different question to do with type approval and authorisation in the Member States. There are countries with little or no car production, such as Luxembourg or Malta, and yet quite a lot of type approval procedures take place there.

Could you try to explain this?

**Ida Auken, Danish Minister for the Environment from 2011 to 2014.** – It is maybe pushing a little bit, but when we know what we know today, common sense should always rule. Since Denmark is not doing a lot of type approvals because we do not have car industries, we might today wonder why other countries were doing type approvals. And that kind of common sense should basically be at work everywhere. I mean, we had a Danish problem with the emissions trading system (ETS), where a lot of companies registered in the Danish system. Somebody should have woken up and asked why they were registering in the Danish system. So common sense: yes please. And I do not know, since a lot of the countries without industry do not do type approvals: why are some countries doing it? And I am just asking a question. I am not alluding at anything.

**Fredrick Federley (ALDE).** – Thank you, Ida Auken, for being here. I do want to remind my colleagues of the reason for us asking you to come here. You are not being charged of anything, but you were an interesting person, since in your ministerial capacity you actually raised the question in a way that probably more countries should have done at the same time, to be sure to avoid the situation that we are all in. Also, I must say that it is maybe good that you did not get the ministerial preparation before coming here, because your answers, even though you are not up to date with all the details, are quite clear anyhow. Maybe a few others that we have been calling to the stand should actually have spoken more from the heart and not from the bullet points received by the administration.

But down to my question. Coming to the Real Driving Emissions (RDE) test and the comitology procedure, Denmark has continuously pointed out that you want to see a more speedy procedure. We also know that Denmark has written to the Commission in 2013, 2014 and 2015 to promote the process and the decision-making. But this did not happen. What would you say were the strongest powers against – talking against or slowing down the procedure – making sure that your wish was not the majority wish?

**Ida Auken, Danish Minister for the Environment from 2011 to 2014.** – I do not know this. First of all, I was only Minister until January 2014. But, secondly, I would guess that there are industry interests slowing some of this down, and this is for the Committee to look into. I do not know this by name, and I could not point at anybody. I will not do that.

**Fredrick Federley (ALDE).** – We have a secure reading room, as it is so nicely called, where we can read secret documents. In quite many of them, you can see that the industry is super active, and, of course, any government and any political body needs to be in a continuous dialogue with stakeholders who are concerned by the legislation. That is one of our tasks. You can see that they are quite present also in different working groups – sometimes even a large majority is representing the industry, and a small minority is representing the Member State.
Did you ever see or hear during Council meetings that national delegations were referring to parts attending the meetings or attending pre-meetings that were part of the industry?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – No, I do not recall that, but I would love to tell all industry in Brussels to get on the right side of things. Try not to be stalling things, because regulation could often be the thing that gets you going to innovation and gets you to get new technology that actually can help you improve your competitiveness. And I think that would be beautiful if more industry would actually go on that path and work together with us and try to see how we can set smart standards that actually deliver on both environment, health and resource efficiency – some of these things that we want – and at the same time does not destroy the business of the companies. And that is actually often possible if we work together. So you know I am not anti-business; I love working with business. I just hate it if they want to push their agendas on me, not wanting to get things going forward, and I just want to use the chance today to tell everybody that I think that would be really beneficial in Brussels if industry started playing a different role. And I think when we talk about resource efficiency, a circular economy, I actually see some of the same players I have been struggling with, trying to get them to come aboard, to start doing innovative things that are both good for the environment and for their own company and growth. So I think there are some agendas out there and I would be very delighted if things start moving. And, as I understand it, Volkswagen has now actually shifted a lot of their business model, and they could have done that long ago and they would not have been in these problems.

Sven Schulze (PPE). – You have just talked about ‘all industry in Brussels’, and I am a bit confused now. Could you please specify, because a blanket criticism like that in this committee is something I find extremely confusing.

What do you mean by that? You just said ‘all industry in Brussels’.

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – So, to my mind you can work with industry in two ways. I love working with industry when we try to set ambitious goals for an area. We have done that on the whole circular economy, and we have done it on resource efficiency. I see a lot of companies working very hard. To put it politely, I am not sure that those are the main experiences of the Committee on the Environment, Public Health and Food Safety, that that is how you meet industry. That they are standing there to talk to you about how to do regulation that is really beneficial for the environment and help competitiveness. I think, to be honest – and you might think I am very blunt – but yes, I think industry as their main ...

Sven Schulze (PPE). – You are not being blunt, you are generalising. I have a problem with that. I am happy for you to be blunt, but please don’t generalise. Be specific and say what you mean.

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I think, for instance, Business Europe could be much more progressive in their view on environmental legislation and competitiveness and the future of European industry as being not afraid of the work you do here in the Parliament and the work the Commission is doing, and in order to push up limits and standards for both health and environment. Yes, I think that would be a good thing. And I think I see the beginning of this. I mean, think of Volkswagen. I think they would have learned that there would have been a better way forward.
Sven Schulze (PPE). – Unfortunately I don’t have much time to go into detail on this, but I thought that this blanket criticism was inappropriate here, I want to say that clearly.

On the topic of RDE: Are you able to say anything about real driving emissions, or is this another topic you are not able to answer on in detail?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – What do you want to know?

Sven Schulze (PPE). – I would be interested to know, as you said you were very proactive about this: which countries, which Member States in your opinion were tending to hold things up on the topic of real driving emissions?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – Again, I think I have answered the question four or five times – that I am not in the working group, I am not the Danish Environmental Protection Agency (EPA), so I cannot tell you which countries are blocking this. I can just tell you that what I know is that Denmark has three or four times pushed to advance Real Driving Emissions (RDE), with both our letter in January 2013, with a meeting with the Danish Vice-President of the EPA in September 2013 and again with my successors in 2014 and 2015. I hope that is precise enough.

Jens Gieseke (PPE). – I don’t have a specific question either; I have already had enough opportunities to ask questions, but I would like to endorse what my colleague Sven Schulze has just said. I do not think it is helpful to make generalising statements here about industry, or Business Europe, or Greenpeace, or whoever it may be.

We should give specific answers to specific questions; that is part of our factual investigation work here. Thank you.

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I consider that a comment.

Chair. – Me too, I have to say.

Seb Dance (S&D). – I said I wouldn’t use my 12 minutes, and I won’t. I think I’m at 7.5 at the moment. Bearing in mind what you have just said about not being on those specific working groups, I just wanted to ask: what is your general impression of the comitology procedure? Obviously there are many nebulous elements, particularly in relation to the technical elements of this topic. But what is your general view on the way in which the comitology procedures work? In your experience of being a minister on, perhaps, different files, but nonetheless being subject to it, do you have any kind of recommendations that you would make generally on improving it?

Ida Auken, Danish Minister for the Environment from 2011 to 2014. – I think that working with comitology, it is important to know what is politics and what is technical, and to put technical, not political, questions in committee. It also seems a little backward that the committee is writing letters to a technical committee on how to do legislation. If we are going to be taken seriously by the European population, I think this is one of the questions that we need to be very clear on, especially working with the environment where often the devil is in the detail. Again, I have been completely honest, that I should maybe have looked more into why it was five times higher at that time, in view of what I know today.
Chair. – Colleagues, this concludes the hearing with Ms Auken. Thank you very much – I think the Members appreciate all the answer you gave, despite the fact that you are no longer a Minister and no longer have all the technical support that ministers or commissioners have – for being here and coming to Brussels. I will not ask for written procedure. I think we have had sufficient answers and will not ask for much more effort from you, but thank you so much for being here.

(The meeting closed at 16.25)