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News | 11.07.2018

Challenging Dieselgate Secrecy

Official complaint to EU Ombudsman on lack of transparency

Bas Eickhout has submitted an official complaint to the European Ombudsman to challenge the secrecy of the Commission and Council around the Dieselgate scandal which has been hitting headlines across Europe since 2015.

The Dieselgate revelations were a scandal on many different fronts, affecting consumer rights, public health, environmental protection, public confidence in regulators and oversight bodies and also the share price of many car companies. Weaknesses were revealed at all levels, and the public furore that resulted actually led the European Parliament to take specific steps to set up an inquiry committee to investigate what went wrong and, above all, to make recommendations to ensure that something like this would never happen again.

FIGHTING SECRECY
"THE DIESEL GATE
SCANDAL SHOWED THAT
THERE IS AN URGENT
NEED TO ENSURE
TRANSPARENCY AND
ACCOUNTABILITY,
PARTICULARLY AROUND
DECISION MAKING
PROCESSES THAT
DIRECTLY AFFECT
PUBLIC HEALTH AND THE
ENVIRONMENT."

Bas Eickhout, Greens/EFA
Member of the European
Parliament



Dieselgate opacity - complaint to ombudsman

However, Members of the European Parliament that were part of the specific inquiry committee on emissions in the automotive sector (aka the [EMIS committee](#)) were not allowed to access key documents, unless they went to a closed reading room and promised not to tell anybody about the information they had seen.

This approach is unacceptable. Not only should MEPs have had access to these documents in order to do their jobs properly, but actually the public also has a fundamental right to access information, and we believe that information on how EU legislation is applied, especially when it aims to protect public health, consumer rights and the environment, should be out in the open.

However, both the Council and the Commission are secretive in their approach, and they refuse to comply with the levels of transparency that are needed in order to ensure proper oversight and accountability.

This is why we are challenging the situation by filing an official complaint to the European Ombudsman, who acts on behalf of European citizens in defence of their rights.

What's the complaint to the Ombudsman about?

We asked the European Commission for public access to the minutes of meetings in the Technical

Committee on Motor Vehicles (TCMV), which is composed of representatives from every EU Member State and which is responsible for taking technical decisions - together with the EU Commission - on how to implement EU legislation, in this case on emissions limits.

However, the Commission has refused us access to:

- The **names of the government representatives** and Commission representatives that are taking part on the meetings
- Information that they claim will **harm the commercial interests of a company** and that they say could damage a company's reputation (about a steering wheel system, and also about a Commission investigation)
- The **positions of the different governments during the meetings**, and also the **results of votes** in the Technical Committee on Motor Vehicles, because they claim that giving access to this information would seriously undermine the decision-making process. They also refer to the danger of *"targeted external pressure by various external actors, including industry and non-governmental organisations on the representatives of Member States in the Committee"* and they claim that public access to this information would prevent participants in these meetings from frankly expressing their views.

[Redacted text block]

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The Commission representative answered that the regulation is only amending the WLTP regulation and does not affect the Regulation (EC) No 692/2008 which will still be in force and apply in parallel.

[Redacted text block]

example of dieselgate secrecy

Of course, we disagree with this assessment, hence our decision to make a formal complaint. Watch this space for more information! We expect the Ombudsman's office to make a decision and recommendations within the next few months.

You can read our complaint and the Commission's arguments by clicking on the links on the right hand side of the page.

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Responsible MEPs



Bas Eickhout

Co-President

Contact person



Pam Bartlett Quintanilla

Team leader - Outreach and campaigns

Attached documents

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