

European Court rules: Purchasers of cars with defeat devices are entitled to compensation

Rotterdam - 21 March 2023

Earlier today, the Court of Justice of the European Union (CJEU) ruled that purchasers of vehicles equipped with unlawful defeat devices have a right to compensation. This judgment upholds the position taken by Stichting Car Claim in the various class action suits it has brought in the interest of millions of Dutch car owners.

Guido van Woerkom, director of Stichting Car Claim: *"Today's judgment is crystal-clear. Car manufacturers that violate EU legislation can be held accountable directly by affected consumers. After all, they were assured that the vehicles that they purchased complied with all the relevant EU legislation. If this proves not to be the case, the CJEU now gives them the right to go directly to the car manufacturer to seek compensation for any damage suffered. This is a ruling of unprecedented importance, for in the Netherlands alone millions of consumers have been affected by the scandal. Stichting Car Claim is conducting several class action suits for this group to get courts to acknowledge this right to compensation. The car manufacturers involved would do well to cease their needless legal battle and finally come clean and compensate consumers."*

As early as December 2020, the CJEU ruled that the use of test recognition defeat devices is prohibited. These defeat devices, a type of software, reduce the effectiveness of emission control systems if the diesel car is used outside of the emissions test conditions. In July 2022, the CJEU added that other devices reducing in whole or in part the effectiveness of emission control systems of diesel cars at temperatures and altitudes normal for Europe are also prohibited.

Today's judgment adds an concrete right to compensation. EU legislation requires car manufacturers to deliver a so called certificate of conformity with each car. This certificate is required for the purposes of registration and sale or entry into service of a vehicle, and provides consumers the guarantee that their car complies with all relevant regulations. Thus, the certificate of conformity affords the purchaser of a car protection against a manufacturer that fails to meet the obligation of selling cars that conform to the rules, the CJEU held. A violation of EU law now provides purchasers of diesel cars equipped with defeat devices an immediate right to compensation from the manufacturer of such cars.

About Stichting Car Claim

Established in October 2015, Stichting Car Claim represents the interests of car owners affected by the diesel emissions scandal. In this context, Stichting Car Claim earlier brought collective action against Volkswagen, Audi, SEAT, Škoda, Mercedes-Benz, Renault, Dacia, Peugeot, Citroën, DS and Opel. In July 2021, in a successful action against Volkswagen, Audi, Seat and Škoda, the Amsterdam District Court ruled that these car makers acted wrongfully against the car owners affected, who paid far too much for new (EUR 3,000) and second-hand (EUR 1,500) tampered cars.

More information about Stichting Car Claim and the pending procedures can be found on : www.derclaim.nl.

The press release by the CJEU can be consulted [here](#).

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