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Stichting Volkswagen Car Claim responds to German ban on cheating diesels

Non-profit organisation Stichting Volkswagen Car Claim (the 'Foundation') responds to judgment of Bundesverwaltungsgericht (Leipzig, Germany).

Today, the highest German administrative court ordered that German municipalities are allowed to impose driving bans on diesel cars that pollute more NOx than allowed under European legislation, in order to guarantee the air quality in city centres. Guido van Woerkom, board member of the Foundation: ***“The confirmative judgment clarifies that the car industry’s approach using ‘software updates’ is absolutely insufficient in order to resolve emission problems. Millions of car owners are being victimised as a result. It is perplexing that companies like Volkswagen keep refusing to take their responsibility.”***

The imposed bans also apply to diesel cars that received a software update following 'Dieselgate'. Today's judgment also confirms earlier judgments on potential driving bans in the cities of Stuttgart and Düsseldorf. As a consequence, there is a genuine risk that driving bans may be imposed in more than seventy German cities in the near future.

Since the start of the discussion about the admissibility of cheating diesels in the city centres, the resale value of second-hand cheating diesels in Germany and in its surrounding European countries has dropped spectacularly. Today's judgment is expected to result in further price drops.

It is obvious that the judgment of the German *Bundesverwaltungsgericht* will also have an impact on the Netherlands, where poor air quality in city centres is also a hot topic. In this regard, the Health Council of the Netherlands recently published a condemning report on the contribution of diesel vehicles to the deterioration of air quality in the Netherlands. Therefore, the Foundation foresees that restrictions on the use and the depreciation of cheating diesels in the Netherlands are also to be expected.

The Foundation has filed legal proceedings at the Amsterdam district court against the Volkswagen group, its responsible board members, the Dutch importer Pon, Dutch Volkswagen dealers and Bosch, who supplied the cheating software. The proceedings are in the interest of over 170,000 Dutch car owners of cheating diesels from Volkswagen group (i.e. Volkswagen, Audi, SEAT and SKODA). Van Woerkom:

“Today’s judgment shows once again that aggrieved car owners are facing huge problems as a consequence of the car industry’s actions. And given the fact that Volkswagen persists in its refusal to discuss a solution for the emission problems with us, the Dutch court will have to interfere in order to ensure that the negative consequences of the scandal are borne by the parties who are responsible.”

About Stichting Volkswagen Car Claim

Stichting Volkswagen Car Claim is a non-profit organisation. The Foundation was incorporated on 2 October 2015, with the aim to ascertain the financial and other consequences for all car owners who have purchased a vehicle from one of the brands within the Volkswagen AG group (Volkswagen, Audi, Skoda, Seat and Porsche) and who have suffered damage as a result of the misconduct of Volkswagen et al.

The Foundation is committed to reaching a solution where affected car owners are reasonably compensated for any and all negative effects resulting from ‘Dieselgate’. The Foundation also wants Volkswagen to guarantee that all affected car owners can continue to drive their car in the future without any possible negative consequences. In the Netherlands, the Foundation is represented by law firm AKD N.V. More information about the Foundation can be obtained via the website www.derclaim.nl.

The Foundation carries out its activities in line with the principles of the Claim code 2011. The Claim code is a code of conduct and governance for claims foundations and promotes a proper and independent functioning of this type of foundations.

Board

The Foundation is governed by an independent management board and supervisory board and advised by an advisory board. The management board consists of Fausto Pocar (former president of the International Criminal Tribunal for the former Yugoslavia (ICTY)), Guido van Woerkom (former president of the Royal Dutch Touring Club (ANWB)) and Arie van der Steen (accountant and former CFO of a number of private companies). The supervisory board consists of Marten Oosting (former National Ombudsman and former member of the Council of State) and Ulrike Wolf (senior legal counsel at the Austrian Consumer Association (VKI)). Gerhart Baum, former German Minister of Interior, is chairman of the Foundation’s advisory board.

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