



Mr Herbert Diess,
Chairman of the Board of Management of
Volkswagen AG

Mr Hans Dieter Pötsch,
Chairman of Volkswagen's Supervisory
Board Volkswagen AG

Brussels, May 22th, 2020

Re: New developments confirming VW will have to compensate consumers in Belgium, Spain, Italy and Portugal

Dear Mr Diess, dear Mr Pötsch,

We refer to our previous correspondence dd 27th April in this matter (again enclosed for ease of reference), to which, regrettably, we have not received any reaction.

As highlighted before, we applaud Volkswagen's decision to recognize the harm it has inflicted upon consumers. However, we are still very much baffled to see that only German consumers are being compensated, while other European victims are not.

Volkswagen has misled consumers all over Europe (and the rest of the world) over the true polluting effect of its cars and, as such, defrauded the interests of all of its European customers. By granting only German consumers access to fair compensation, the Volkswagen Group is not only indicating that it values its German costumers more than all its other European ones. It is also jeopardizing one of the core values of the European Union - that all European citizens are equal and should be treated that way.

Despite the lack of communication on behalf of Volkswagen, Euroconsumers would like to draw your attention to a series of recent developments that indicate Volkswagen ultimately and inevitably will need to compensate consumers in Belgium, Italy, Spain and Portugal:

- in proceedings pending before the European Court of Justice (case number: C-693/18), the Attorney-General corroborated an earlier judgment handed down by the High Court in the United Kingdom on 6 April 2020, and confirmed that Volkswagen used an illegal "defeat device" to fraud consumers.

We trust that the European Court of Justice in Luxembourg will similarly rule that Volkswagen's conduct was illegal and unlawful.

- Germany's Federal Court of Justice, the *Bundesgerichtshof* ("BGH"), heard for the first time arguments from a plaintiff seeking damages from Volkswagen resulting from the Dieselgate-scandal. The BGH ruled in a preliminary judgment against Volkswagen, and allowed the aggrieved plaintiff to continue to seek damages from Volkswagen.

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This decision is particularly important for the Belgian (opt-out) class action proceedings, since also in Belgium, aggrieved consumers seek Volkswagen to be condemned to a full refund of the purchase price paid for their affected vehicles.

- Again in Belgium, Test Aankoop/Test Achats (which is Euroconsumer's Belgian member organization) filed a petition with the court in Brussels, flagging that the settlement agreement which Volkswagen entered into with only German citizens is manifestly discriminatory. Test Aankoop / Test Achats is now requesting the court for a document production order.

At Euroconsumers we are fully confident about the positive outcome of our class actions launched in Belgium, Spain, Italy and Portugal and will continue litigation as long as needed.

However, in view of the fact that Volkswagen can no longer deny its fault, Euroconsumers calls again on Volkswagen to enter into amicable discussions for the purpose of reaching an out-of-court settlement for Belgian, Spanish, Italian and Portuguese consumers.

As the world's leading consumer cluster, gathering 5 national organizations and giving voice to over 1,5 million consumers, Euroconsumers has a long standing tradition in litigation, mediation and collaboration.

Not only can Volkswagen no longer justify compensating only German VW customers, while ignoring its legal and moral responsibility towards its Belgian, Italian, Spanish and Portuguese clients. Assuming responsibility towards all Dieselgate victims is also the only way for the Volkswagen group to close this chapter and focus again on the important challenges ahead.

Euroconsumers is at your disposal to sit down at your earliest convenience to discuss concrete steps in this direction. We look forward to hearing from you soon.

Yours sincerely,



Ivo Mechels, Executive Director Euroconsumers



Marco Pierani, Director of Public Affairs at Euroconsumers



Els Bruggeman, Head Policy and Enforcement at Euroconsumers



Gathering five national consumer organisations and giving voice to a total of more than 1.5 million people, Euroconsumers is the world's leading consumer cluster in terms of innovative information, personalised services and defence of consumer's rights. Our organisations work closely with BEUC and Consumers International to ensure safe, fair and honest relations between consumers, businesses and public authorities.

