



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR JUSTICE AND CONSUMERS

Directorate B – Consumers
Unit B.3 – Consumer enforcement and redress

Brussels, 25 February 2026
JUST.DDG.B.3/MPW/FV

Mr. Dag Rune Flaaten
mail: info@bilklager.no

Subject: Your email of 22 August 2025 regarding the Diesel gate scandal in Norway.

Dear Mr Flaaten,

With your email of 22 August 2025, you informed the Cabinet of Michael McGrath, Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection about the developments of the collective redress action against Volkswagen brought in Norway. Commissioner McGrath thanks you for the information provided and asked me to reply to you on his behalf. Please accept my apologies for the delay in replying to you.

Your email follows your previous emails of 21 September 2022 and 10 February 2023, replied to, by the European Commission services' letters of 11 November 2022 and 22 March 2023.

In your email, you explain that the redress action against Volkswagen was dismissed by the Oslo District Court and that you were willing to appeal that decision before the Borgarting Court of Appeal. You specifically contend that the procedural obstacles considered by the Oslo District Court, namely the excessive security deposit required, and the tight statute of limitations applied, threatened to undermine the rights of nearly 10,000 Norwegian consumers, while potentially deterring 150,000 affected owners of relevant cars from joining the action and seeking judicial redress.

As already stated in our previous correspondence of 22 March 2023, the Court of Justice of the European Union ('CJEU') continuously clarifies questions of interpretation of EU law in the context of the *Dieselgate* scandal. In its judgement in case [C-100/21](#) in case *QB v Mercedes-Benz Group AG* ⁽¹⁾, the CJEU clarified that it follows from Articles 18(1), 26(1) and 46 of the Framework Directive ⁽²⁾, read in conjunction with

⁽¹⁾ Judgment of the Court of 21 March 2023, C-100/21, *QB v Mercedes-Benz Group AG*, ECLI:EU:C:2023:229.

⁽²⁾ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive), OJ L 263, 9.10.2007, p. 1, as repealed by Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending

Article 5(2) of [Regulation No 715/2007 on type approval of motor vehicles](#) ⁽³⁾, that ‘*the Member States are required to provide that the purchaser of a motor vehicle equipped with a prohibited defeat device, within the meaning of Article 5(2) of that regulation, has a right to compensation from the manufacturer of that vehicle where that device has caused damage to that purchaser. In the absence of provisions of EU law governing the detailed rules under which purchasers concerned by the acquisition of such a vehicle may obtain compensation, it is for each Member State to determine those rules. That being said, national legislation which makes it, in practice, impossible or excessively difficult for the purchaser of a motor vehicle to obtain adequate compensation for the damage caused to him or her by the infringement, by the manufacturer of that vehicle, of the prohibition laid down in Article 5(2) of Regulation No 715/2007 would not be compatible with the principle of effectiveness.*’ ⁽⁴⁾. The CJEU recently reiterated the need to consider the principle of effectiveness of EU law in the context of the *Dieseldgate* scandal in case [C-666/23](#) ⁽⁵⁾.

In view of the above, please note that the services of the European Commission cannot intervene directly in the context of the specific judicial proceedings you refer to in your email. The services of the European Commission cannot intervene in individual criminal, civil or administrative cases before national courts or other national authorities of the European Economic Area countries in support of one of the parties in the proceedings, nor can the services of the European Commission give them instructions. The services of the European Commission are also not competent to review and change decisions of national courts or other national authorities. Such powers lie exclusively within national justice systems. It is therefore up to Norwegian courts to decide on the collective claims for compensation you are referring to.

We hope that this information is useful to you.

Yours sincerely,

electronically signed

Eduardo Cabrera Maqueda
Head of Unit

Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC, OJ L 151, 14.6.2018. p. 1.

⁽³⁾ Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information, OJ L 171, 29.6.2007, p. 1.

⁽⁴⁾ Judgment of the Court of 21 March 2023, C-100/21, *QB v Mercedes-Benz Group AG*, ECLI:EU:C:2023:229, paragraphs 91-93.

⁽⁵⁾ Judgment of the Court of 1 August 2025, C-666/23, *Volkswagen AG*, ECLI:EU:C:2025:604, paragraphs 68 and subsequent.

