

Dag Rune Flaaten On behalf of nearly 10,000 Norwegian affected car owners claiming compensation from Volkswagen in relation to the Dieselgate scandal.

Fiona Knab-Lunny Head of Unit & Michael McGrath Commissioner of Justice, EU

Ref: Ares(2023)1025114 – 22/03/2023 Previous Refs: Ares(2022)7791937 – 11/11/2022; Ares(2022)6548161 – 04/11/2022

August 22, 2025

Dieselgate Norway – Urgent Request for Assistance in Ongoing Claim

Dear Ms. Knab-Lunny and Commissioner McGrath,

I am writing to you once again on behalf of nearly 10,000 Norwegian car owners affected by the Dieselgate scandal, all of whom are actively pursuing just compensation from Volkswagen. I have been leading this effort since 2016 and our group has grown significantly—from 3,200 participants in my letter of September 21, 2022, to over 5,700 in my follow-up of February 10, 2023, and now to nearly 10,000 dedicated claimants. This growth reflects the unwavering determination of Norwegian consumers to seek redress for the damages inflicted by Volkswagen's unlawful practices.

I refer to our previous correspondence, which has been instrumental in advancing our cause. In my initial letter of September 21, 2022, I requested confirmation that Norwegian consumers, as part of the European Economic Area (EEA), are entitled to compensation under EU consumer protection laws. Your response on November 11, 2022 (Ref: Ares(2022)7791937 / Ares(2022)6548161), affirmed that Volkswagen's commercial practices violated these laws, which apply equally in the EEA, and expressed the Commission's firm support for affected consumers across the Union and beyond. In my subsequent letter of February 10, 2023, I highlighted the lack of support from Norwegian authorities and sought your intervention to encourage their involvement. Your reply on March 22, 2023 (Ref: Ares(2023)1025114), reiterated the Commission's position, emphasizing the Court of Justice of the European Union's judgment in case C-100/21, which confirms the right to compensation for purchasers damaged by unlawful defeat devices. These exchanges have provided critical validation and moral authority to our claim, for which we remain deeply grateful.

However, despite these advancements and the Commission's clear stance, our struggle in Norway persists, and we now face significant procedural hurdles in the Norwegian courts that threaten to undermine the rights you have so strongly upheld.

The latest development is that Oslo District Court dismissed our lawsuits on July 18, and we now have until mid-September to appeal the ruling to Borgarting Court of Appeal. We are actively seeking to have our class action lawsuits accepted, but Oslo District Court raised two major obstacles:

1. **Insufficient Security Deposit:** The courts have deemed our deposited security of 5 million NOK inadequate to proceed with the class actions. This financial barrier is prohibitive for ordinary consumers and effectively denies us access to justice, contradicting the principles of effective consumer protection enshrined in EU/EEA law. Without adequate resources or institutional support, thousands of claimants risk being sidelined.
2. **Statute of Limitations Concerns:** More alarmingly, the courts are questioning whether the statute of limitations has expired, suggesting that affected owners "could have known" of their right to compensation prior to the European Court of Justice's pivotal ruling on July 14, 2022. This interpretation ignores the evolving legal clarity provided by EU jurisprudence, including the CJEU's judgments in cases like C-693/18 and C-100/21, which have progressively affirmed consumers' rights. It also overlooks the Commission's own interventions, such as the joint declaration of September 28, 2021, and Commissioner Reynders' outreach to Volkswagen in 2020, which underscored that compensation is due across the EU/EEA. Norwegian consumers, like their counterparts in Germany and the UK who secured settlements post-recall, should not be penalized for delays caused by Volkswagen's intransigence or initial uncertainties in national interpretations of EU law. The German Supreme Court's ruling in February 2022, extending the limitation period to 10 years, further supports a more generous timeline to ensure fairness.

These judicial roadblocks not only frustrate our nearly 10,000 participants but also endanger the rights of the remaining ca 150,000 affected Norwegian owners who have yet to join, potentially leading to a collective loss exceeding 1 billion euros if Volkswagen evades full accountability. Volkswagen continues to resist settlement in Norway, seemingly emboldened by the lack of coordinated pressure, despite having compensated consumers in other EEA countries. This disparity perpetuates injustice and erodes trust in the single market's consumer protections.

On behalf of these nearly 10,000 resolute participants—who have invested time, resources, and hope into this claim—I urgently appeal for the European Commission's direct assistance. We respectfully request:

- A formal statement or intervention addressed to the Norwegian authorities and courts, clarifying that EU/EEA consumer protection laws, as interpreted by the CJEU, support extending statutes of limitations in Dieselgate cases to account for the progressive legal developments, ensuring no premature foreclosure of claims.
- Guidance or pressure on Norwegian consumer authorities to actively support affected consumers, as envisioned in the Commission's June 2022 communications to member states/EEA countries, including calculating appropriate compensation sums (e.g., aligned with the 15% of new-car-price benchmark from the German settlement).
- Advocacy with Volkswagen to encourage a fair, out-of-court settlement for all Norwegian claimants, mirroring resolutions in Germany, the UK, and elsewhere, to avoid protracted litigation that burdens consumers.

Your previous responses have been beacons of hope, amplifying our voice and compelling action. With nearly 10,000 voices now united in this plea, we implore you to escalate your support at this critical juncture. A strong intervention from the Commission could tip the scales toward justice, preventing the Dieselgate scandal from claiming yet more victims through procedural denial. We stand ready to provide any additional details or documentation to facilitate this.

If you respond directly to Norwegian authorities, I kindly request a copy to keep our participants informed and to continue our advocacy.

Thank you for your unwavering commitment to consumer rights. We eagerly await your assistance in resolving this long-overdue matter.

With profound gratitude and best regards,

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