

Dag Rune Flaaten

On behalf of 5.700 Norwegian affected car owners claiming compensation from Volkswagen in relation to the Dieselgate scandal.

Marie-Paule Benassi

Head of Unit

&

Didier Reynders

Commissioner of Justice, EU

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### **Dieselgate Norway – Involvement from the Norwegian Consumer Authorities**

Dear Benassi and Reynders,

Thank you for your letter from 11 November 2022, in which you confirm that Norwegian owners have a right for compensation as well.

For Norwegian owners, this is actually the first confirmation received from any consumer authority. Needless to say, your letter brought a very welcome and long sought support and confirmation of our effort to come to an agreement with Volkswagen also in Norway.

In your letter, you wrote the following:

***Authorities concluded that Volkswagen's commercial practices as regards the marketing of diesel cars equipped with illegal exhaust gas manipulation systems violated EU consumer protection law. These consumer protection rules apply similarly also in the European Economic Area (EEA) and thus for Norwegian consumers.***

You ended your letter with the following words:

***I hope that this information is useful for you.***

It would be difficult to express the amount of gratitude I and all the participants in the claim have for your aid. After receiving your letter, I suggested to the participants that they send the letter to the Norwegian Consumer Authorities, together with a plea for involvement on our behalf. We wanted them to make the message known to the 96% of the Norwegian owners who still haven't joined the claim for compensation. Nearly 800 participants forwarded your letter to the Norwegian Consumer Authorities, but to our great surprise and devastation, they did nothing.

We had the letter sent to NAF, the Norwegian car owner organisation, as well as to the major Norwegian newspapers, but not a word.

I ended up sending out an SMS to people I knew were affected and still had no idea that they had a right for compensation. Last time I wrote you, I stated that we were more than 3.200 Norwegian owners that claim a compensation from Volkswagen. Now, we are more than 5.700 owners claiming to be compensated. The reason for this increase in numbers, is to a great extent the very SMS I sent.

According to Norwegian law, you should not send an SMS to people unless they have asked you for it on beforehand. The reason I chose to do it anyways, was that the affected owners had no idea they could claim compensation and those responsible for telling them, decided to do nothing.

The SMS didn't go unnoticed and the Norwegian Consumer Authorities, together with NAF, has repeatedly been in the media, warning people to join in on the claim. They still seem to think that Norwegian owners has no right to be compensated – even after receiving your very letter hundreds of times.

At the current, the very authorities have informed me that they plan to fine me.

I recall in June 2022, that the EU Commission informed member countries that they were expected to assist the consumers in receiving their compensation, and that the authorities were also to calculate the sum to be received by each affected owner.

This is mentioned in several articles, for example this one:

<https://www.rtve.es/noticias/20220602/abogado-general-ue-reconoce-derecho-pedir-indemnizacion-escandalo-del-dieselgate/2357843.shtml>

In Spain, a national court in Madrid shortly after demanded that the authorities informed each affected owner of their right to claim a compensation. The reason for this, was that the authorities years before had instructed the owners to have their cars altered (the so called fix), without informing them that they also could claim a compensation. As a result, the owner were now given an additional five years to claim their rightful compensation:

<https://www.elmundo.es/motor/2022/06/07/629ef4f1e4d4d8980c8b457f.html>

I am of course very motivated to see how the national courts and authorities are influenced by the statements and suggestions of the EU Commission. At the same time, I am very surprised and disappointed to how the Norwegian Consumer Authorities keeps ignoring the rights of their very consumers. Not only that, they actively keep suggesting that Norwegian consumers have no right to be compensated and that they should avoid registering to the claim.

On behalf of all the 144.000 affected car owners in Norway, but especially on behalf of the 5.700 who have actively chosen to demand a fair compensation, would you please find the time to communicate to the Norwegian Consumer Authorities that they are actually expected to assist the consumers in this case, and not discourage them from claiming compensation?

The director of The Consumer Authority is Trond Rønningen:

<https://www.forbrukertilsynet.no/ansatt/trond-ronningen>

We are decided not to give up until we receive a fair compensation, but our fair work is made extremely difficult through the involvement from the Norwegian Consumer Authorities. Actually, the Norwegian Volkswagen-lawyer, wrote me in January (on the day of the last warning to join through an article in one of the biggest Norwegian news-sites) that he had noticed that the authorities did not support our work nor our claim and that he would not respond to more of our inquiries.

Like I mentioned in my previous letter, I am sure we will come to an agreement in Norway as well, eventually, and your confirmation as of November 11 2022 is of great help in our work.

I am honoured that you found time to respond to my letter from September 21 2022, but I dare to ask for your assistance once more. Stating that it is true that the EU expects the national authorities to support the affected owners in their struggle to receive a fair compensation and to decide on the sum to be compensated. Together with hundreds of participants, I have made the Norwegian Consumer Authorities aware of this, but I am evidently not worthy of their attention.

If you respond to me, I will make the message heard and known.

If your respond directly to the Norwegian Consumer Authorities, I hope you will send me a copy of the letter, so that I know that the message has been received and can keep the affected population informed – until now, I have been the only voice in this work. I hope this to change shortly, and once again a few words from you would guaranteed have exactly that effect.

I will end this letter by mentioning that the 96% of the owners who have still not claimed to be compensated, will end up losing 1 billion euro on this. This, if only those claiming to be compensated end up being compensated – as it has been for every claim I have been handling over the last 10 years. If the Norwegian Consumer Authorities informs the owners of their right to be compensated, this huge loss will not occur.

Gratitudes and best regards,

  
Dag Rune Flaaten

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On behalf of 5.700+ affected Norwegian car owners, claiming their just compensation from Volkswagen in relation to the Dieselgate scandal.