

Volkswagen Cleans Up Reputation After Emissions Scandal

INTRODUCTION

Volkswagen (VW) Group is the world's largest automaker in car production with twelve European brands: Volkswagen Passenger Cars, Audi, SEAT, ŠKODA, Bentley, Bugatti, Lamborghini, Porsche, Ducati, Volkswagen Commercial Vehicles, Scania, and MAN. Recently, VW set an all-time record of worldwide vehicle deliveries, despite shrinking overall markets. Nearly 40 percent of deliveries are now in China where VW is steadily increasing its share of the passenger car market. The automaker has continued to grow globally despite the diesel emissions scandal known as Dieselgate that tarnished its image in the United States.

In early 2017, the automaker pled guilty to three criminal felony charges related to defrauding the U.S. government, violating environmental regulations, obstructing justice, engaging in wire fraud, and violating import regulations. The company agreed to pay \$2.8 billion in criminal charges—only a small portion of the total costs VW will have to pay to resolve this scheme. Other costs include product fixes, legal fees, buyback costs, and more. Worse still, VW's reputation took a major hit. As a global firm, VW lost the trust of regulators, which is a major obstacle in building future global relationships.

VOLKSWAGEN'S HISTORY

Volkswagen was founded in 1937 by the German government, which was at the time controlled by Adolf Hitler. As his "pet project," he desired to develop an affordable and practical car. In fact, *Volkswagen* translates to "the people's car." Headquartered in Wolfsburg, Germany, the automaker's existence was precarious after Germany was defeated in the war. However, a British major opted to keep Volkswagen open, and the firm continued to grow.

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Sales of Volkswagen Beetles were slower in the United States than in other areas because of the company's origin. However, the vehicle's small size and odd shape, which was originally a turnoff for U.S. consumers, became the main selling points in a 1959 campaign. Volkswagen Beetle sales skyrocketed. Soon the Beetle had become the best-selling car import in the United States. When sales began to decline in the 1970s, VW began introducing new generations of cars. The company also started making a series of acquisitions, most notably the Bentley and Lamborghini brands in 1998 and the Porsche brand in 2012. VW would continue to sell versions of its iconic Beetle until it was discontinued in 2019.

In the decades since its founding, Volkswagen became a formidable competitor to global carmakers such as Toyota, Ford, and General Motors (GM). VW cars have been widely successful, winning a number of global awards. Until recently, VW was highly valued for its sustainability goals. It became the first car manufacturer to adopt ISO 14001 principles, international environmental principles that act as standards for global firms. The company adopted a number of sustainability goals in 2002—a time before sustainability became a hot topic. VW also began investing in vehicles that would reduce carbon emissions early, including electric and diesel vehicles. In 2014, VW introduced the VW XL1, which it claimed to be the most fuel-efficient car in the world at the time. The company's reputation for sustainability was so great that they won an international sustainability award. However, this reputation would soon be sullied by a scandal of large proportions.

THE EMISSIONS SCANDAL

VW's downfall stemmed from the same thing that enabled the company to commit such wide-scale misconduct in the first place: technology. Although the impact of technology has created benefits for businesses and consumers alike, it has also provided a greater opportunity to cheat ethical and legal requirements. Volkswagen, once lauded for its eco-consciousness, saw its reputation crumble after European testers noticed that VW vehicles did not perform as well on emissions testing on the road as they did in the lab. The testers commissioned a team in West Virginia to conduct research on VW

vehicles made for Americans because the United States has some of the toughest emissions standards in the world. The team in West Virginia used a portable emission system measurement to measure emissions on the road. They found that the measurements did not match up with what was shown in lab tests. The results were reported to the Environmental Protection Agency, which confronted Volkswagen with the evidence. Volkswagen eventually admitted that it had designed and installed a defeat device that could detect when the vehicle was being tested and modify its performance levels so that it would meet emissions requirements. During testing, the software made the vehicles run below performance, which released fewer emissions and met requirements. However, on the road, the cars ran at maximum performance and gave off up to 40 times the allowable limit for emissions in the United States.

Volkswagen estimated that 11 million vehicles in the United States and Europe were affected by this defeat device. Until the scandal broke, VW promoted itself as an eco-friendly company. Its commercials featured Volkswagen rally driver and host of *Top Gear USA* Tanner Foust driving elderly women around town in a TDI Volkswagen to dispel the myth that diesel is slow. As a result of its marketing, Volkswagen made large in-roads in gaining acceptance for its clean diesel vehicles, even though many car buyers had a negative view of diesel previously. This green image, which was beneficial for Volkswagen as consumers have started to value greener products, was threatened by the scandal.

The Impact

As a result of the scandal, Volkswagen's CEO resigned and governments demanded answers. Such a fraud not only violates ethical standards but also laws and regulations in Europe and the United States. The company agreed to pay more than \$25 billion to compensate consumers affected by the defeat devices, which included retrofitting and buying back impacted vehicles. Those who knew about or were responsible for the defeat device's installation have faced fines and prison time. Oliver Schmidt, who previously oversaw VW's U.S. environmental and engineering office, was sentenced to seven years in prison and charged a \$400,000 fine. Germany also launched a probe into whether former CEO Martin Winterkorn knew about the misconduct beforehand. Winterkorn claimed he did not become aware of the

misconduct until the scandal erupted in September 2015. However, the investigation on Winterkorn proved that was a lie. In April 2019, Winterkorn, along with four others, were indicted on charges of conspiracy, unfair competition, embezzlement, tax evasion, and giving false witness. If convicted, Winterkorn could face up to 10 years in prison and substantial fines, as well as the obligation to return his salaries and bonuses of nearly \$12.5 million. His indictment is the largest of any executive in Germany.

The investigation found that Winterkorn was aware of the conspiracy as early as 2014 and failed to report it to regulators or consumers. Prosecutors believe that he played a substantial role in the scandal. The indictment revealed that, in 2014, engineers at Volkswagen realized their illegal emission levels would be exposed through a study report issued by the International Council on Clean Transport. When senior managers were made aware that the report could uncover their deception, they set up a task force to handle official inquiries. Their objective was to be strategic in their responses by concealing their defeat devices while seemingly cooperating with regulators.

The most incriminating evidence leading to the indictment of Winterkorn was proof of documents given to him before the timeline of his initial statement. In late July 2015, Winterkorn received an internal PowerPoint explaining how the deception was occurring in the U.S. and what consequences VW could face as a result. They held meetings where management would discuss the possibilities of being uncovered and the impact it would have on them—one slide was even titled “Indictment?” The investigation revealed that Winterkorn agreed to continue the concealment plan of action outlined in the documents. This occurred over a month before the deception was publicized, proving Winterkorn’s claim of ignorance to be false. The U.S. Securities and Exchange Commission (SEC) also charged him with defrauding investors, but it is unlikely he will be extradited by German authorities because of his German citizenship.

The charges aimed at these individuals will likely initiate more allegations against the company as a whole. For example, in 2019, the SEC filed a claim that Volkswagen and Winterkorn defrauded investors specifically through selling corporate bonds and asset-backed securities while knowingly making false and misleading statements to government regulators, underwriters, and consumers about the

quality of their automobiles and their environmental compliance. The company made these false and misleading claims about their financial position to sell to investors at inflated prices. Volkswagen's concealment and deceit allowed them to benefit from hundreds of millions of dollars through issuing securities at attractive rates. A Volkswagen spokesman contested the SEC claim, stating that the investments were sold to sophisticated investors who were not harmed and who had received all interest and principal payments in full and on time. On the other hand, this attention by the SEC fueled the fire in the class action lawsuit in Germany where Volkswagen investors sought \$9.2 billion in damages from the fall in share prices when the U.S. sector went public in 2015. VW reached a settlement in 2020 with most of the claimants participating in the class action lawsuit, agreeing to pay out 620 million euros.

Perhaps the worst impact of the scandal was to VW's reputation. Many VW customers claimed they purchased the cars because they believed them to be better for the environment and felt utterly betrayed by the company. Consumer rights were violated because consumers did not have accurate information, meaning they were not able to make informed purchasing decisions. VW's reputation for sustainability was bruised, and two awards the company had been given for "Green Car of the Year" were pulled.

VW was not the only company implicated in the conspiracy. U.S. lawyers accuse German parts supplier Robert Bosch GmbH of designing the defeat devices and knowing that they were being installed in VW vehicles to cheat emissions standards. A 2008 email was used as evidence in which Robert Bosch allegedly demanded that VW indemnify the firm for any future legal repercussions, suggesting that the company knew full well that they were violating laws. Germany fined Robert Bosch \$100 billion for its participation in the scandal.

VW agreed to plead guilty and pay a criminal fine of \$2.8 billion in the United States, as well as additional fines for breaking civil, environmental, customs, and financial regulations. The penalty could have been as high as \$34 billion under U.S. laws but was reduced because of VW's cooperation with the investigation. This included a settlement with the Federal Trade Commission (FTC) to allegations that the company had engaged in false advertising by marketing its automobiles as "clean vehicles." Even after

pleading guilty to U.S. charges, VW's troubles are far from over as criminal investigations in the EU are still pending.

Rebuilding Its Reputation

VW has taken steps to restore consumer trust. For instance, they recalled vehicles and offered a \$1,000 goodwill package to its American car owners. They agreed to curb executive compensation as a result of the scandal. Yet even with incentives, VW will have to face this loss of goodwill for years to come. VW used a different tactic in Europe. Because of less consumer-friendly laws, VW was not as willing to compensate European drivers for damages. One major reason is that if the company paid out to the same extent in Europe as it did in the United States, the company would have faced serious financial struggles. VW claimed that under European definitions, its software did not qualify as an illegal defeat device. However, in 2020, an EU court ruled that VW is in fact subject to Dieselgate claims by EU consumers.

VW's progress in restoring its reputation has been slowed by additional missteps. For example, in 2020, VW was accused of a lack of sensitivity after releasing an advertisement promoting the Golf 8 that many viewers deemed to be racist. Shortly after, Germany's largest labor union accused VW of making management errors that continued to damage the carmaker's reputation and put jobs at risk. The union also highlighted software problems associated with the Golf 8 that halted delivery.

Looking to the future, VW has begun to rebuild its reputation for sustainability. The company sees its investments in electric vehicles (EVs) as a core strength crucial to restoring its brand image and becoming a market leader in energy-efficient vehicles. VW launched the "Electric for All" campaign and intends to release 70 EVs over the next decade at affordable prices. These vehicles will be based on the modular electric drive matrix (MEB), VW's technology platform for EVs. VW plans to sell its MEB platform to other automakers and is investing \$800 million to build an EV plant next to its current plant in Chattanooga, Tennessee. VW's investment in and promotion of EVs to curb the release of harmful greenhouse gases demonstrates a renewed commitment toward sustainability.

Despite the scandal, VW enjoyed record-breaking sales years in 2018 and 2019. However, in 2020, VW temporarily suspended operations in Europe in response to the global COVID-19 (coronavirus) pandemic. Though the company faced financial losses in the face of factory closures and declining sales, VW teamed up with other manufactures to help fight the pandemic. VW worked to produce 3D-printed hospital ventilators, using its resources and equipment to help hospitals around the globe. The company also used its Community-Driven Promise program to provide financial relief to customers through coronavirus car payment plans. At its U.S. assembly plant, the company initially paid employees in full while operations were suspended but later initiated emergency furloughs when it became evident that the pandemic would impact the company long-term. Even then, VW offered full paid healthcare benefits for workers. VW's focus on customers and employees received praise.

CONCLUSION

VW hopes the settlement with U.S. regulators will be the first step toward putting the scandal behind them. As part of its plea, VW agreed to a three-year probation, a ban on selling diesel vehicles in the United States, and an independent compliance monitor who will oversee VW's operations over a three-year period. However, truly restoring its reputation will require VW to incorporate ethical practices into the organization from the inside-out—something that was severely lacking in the firm's corporate culture prior to the scandal.

Because VW operates in an oligopoly, other global car companies may benefit from the scandal and gain market share from Volkswagen. At the same time, while they might benefit from a competitive standpoint, VW's conduct has caused problems for the industry as a whole. Consumers are now questioning the environmental claims of other car brands, and automakers will have to work harder to prove that its claims are accurate. Consumer trust is easily lost and is not restored overnight. However, if VW's continued interest in EVs proves successful, the company could be well on its way to rebuilding the trust they had spent years cultivating among customers. VW's efforts to become a market leader in

energy-efficient vehicles, particularly its investment in affordable EVs, could transform the passenger car market and create the next generation “people’s car.”

QUESTIONS FOR DISCUSSION

1. Explain how the culture of Volkswagen created this ethical scandal?
2. Since Volkswagen claimed to support ethics and sustainability, how can they recover from this ethical disaster?
3. Do you believe this scandal will lead to tougher scrutiny of companies’ environmental claims in the future? Why or why not?

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