

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION/DOCUMENTS
WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND THE WINDSOR
FRAMEWORK**

C (2026) 1811 final

COMMISSION DELEGATED REGULATION (EU) .../... amending Regulation (EU) 2018/858 of the European Parliament and of the Council as regards the standardised access to vehicle on-board diagnostics information and repair and maintenance information, and the requirements and procedures for secure access to on-board diagnostic information

Submitted by the Department for Transport

18 May 2026

SUBJECT MATTER

1. This Explanatory Memorandum sets out the implications for Northern Ireland of a proposed EU Commission Delegated Regulation the EU's type-approval framework to motor vehicles. The amendments are to clarify manufacturers' obligations regarding access to vehicle repair and maintenance information following a recent ruling by the European Court of Justice, and to update them to include provisional of information to repair and calibrate driver assistance and automated driving technologies.

SCRUTINY HISTORY

2. There has been no previous scrutiny of this proposal.

MINISTERIAL RESPONSIBILITY

3. The Secretary of State for Transport.

INTEREST OF THE DEVOLVED GOVERNMENTS (DGs)

4. Type approval is a reserved matter. The Devolved Governments, particularly in Northern Ireland, have an interest and have been consulted in the preparation of this EM. No comments were received.

LEGAL AND PROCEDURAL ISSUES

i. Legal Base:

Article 61(11) of Regulation (EU) 2018/858, the type-approval framework regulation for road vehicles.

ii. Voting Procedure:

In accordance with Article 82 of Regulation (EU) 2018/858, a Delegated Regulation shall only enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act. That period may be extended by a further two months at the request of either body. We are not aware that such a request has been made.

iii. **Timetable for adoption and implementation:**

The proposal was adopted by the Commission on 23 March 2026. It will enter into force 20 days after it is published in the Official Journal of the EU.

POLICY AND LEGAL IMPLICATIONS

5. The amendments follow a ruling by the European Court of Justice (ECJ) regarding a requirement by Fiat Chrysler Automobiles that independent repairers must subscribe to its 'Secure Access' gateway to access its vehicle repair and maintenance information. The ECJ ruled that this was not permitted under the obligations set out in the EU's type-approval framework.
6. The amendments clarify that manufacturers cannot place further burdens on accessing that information and that the requirements regarding vehicle cyber security, set in UN Regulation 155, are without prejudice to those obligations. In addition, access to manufacturers' systems by independent repairers must be equivalent to that given to a manufacturer's authorised dealer.
7. As vehicles are increasingly being fitted with driver assistance and automated driving technologies, the amendments also clarify that access to such systems for repair and calibration must also be made available to independent repairers.
8. The GB type-approval scheme contains similar requirements and as a result independent repairs in Northern Ireland may potentially have greater access to vehicle repair and maintenance information than those in Great Britain. In line with the Government's commitment to a presumption of alignment with changes to the EU type-approval scheme for road vehicles, the Department is considering whether equivalent amendments to the GB type-approval scheme. As with other proposals to amend the GB type-approval scheme, a public consultation would be held, and I will write to the Committee if a consultation is published.
9. There is no effect on Northern Ireland's participation in the UK's free trade agreements as the automotive elements of such agreements are based on the recognition of international UN Regulations where available.
10. There is no effect on Northern Ireland's participation in the UK's Common Frameworks.
11. The proposed amendments are to legislation in scope of the Windsor Framework and will apply directly in Northern Ireland, no further legislation is required.

CONSULTATION

12. The European Commission consulted Member States and industry stakeholders via its Motor Vehicles Working Group, the proposal was endorsed by Member States at a meeting of the Member States Expert Group. A formal consultation on the proposal was held between 4 November-2 December 2025, there were no responses from businesses based in Northern Ireland.

FINANCIAL IMPLICATIONS

13. There are no financial implications for the UK.

A handwritten signature in blue ink, appearing to read 'Simon Lightwood', with a long horizontal flourish extending to the right.

Simon Lightwood MP
Parliamentary Under Secretary of State
Department for Transport