

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

C (2026) 864

**Commission Regulation (EU) 2026/361 of 19 February 2026 amending
Regulation (EU) No 582/2011 as regards the emissions type-approval of heavy-
duty vehicles with on-board fuel and energy consumption monitoring devices**

Submitted by Department for Transport,

18 May 2026

SUBJECT MATTER

1. This Explanatory Memorandum sets out the implications for Northern Ireland of a European Commission Delegated Regulation relating to the EU's type-approval framework for motor vehicles. The Regulation amends existing EU emission type-approval rules for heavy-duty vehicles (HDVs) to better integrate requirements for On-Board Fuel and energy Consumption Monitoring (OBFCM) and On-Board Mass Monitoring (OBMM) systems within the emissions type approval regulation. These systems are used to enable verification and monitoring of real-world fuel consumption of HDVs against the simulated values determined at the point of approval.

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:

The Regulation is made under the delegated powers of Article 5(4)(e) of Regulation (EC) No 595/2009 of the European Parliament and of the Council, regarding the type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles.

ii. Voting Procedure:

This is a Commission Regulation amending technical implementing legislation. Voting was in accordance with the regulatory procedure with scrutiny, including seeking the opinion of the Technical Committee - Motor Vehicles.

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

The Regulation was published in the Official Journal of the European Union on 20 February 2026 and entered into force on 12 March 2026 (20 days after its publication).

POLICY AND LEGAL IMPLICATIONS

5. This regulation intends to strengthen the robustness of existing provisions on OBFCM and OBMM systems, which jointly contribute towards ensuring that real-world fuel consumption is reflective of simulated values at the point of vehicle approval. The regulation introduces new emissions characters to enable the identification of vehicles fitted with OBFCM systems via the vehicles certificate of conformity. It also introduces verification of the accuracy of the OBFCM system during on-road type approval emissions testing.
6. The OBFCM and OOBMM requirements introduced by this Regulation are mirrored in the latest amendments to UN Regulation No. 49 (UNR49), to which the UK is a signatory. Manufacturers can present approvals to the relevant UN regulations to meet the requirements of Great Britain, Northern Ireland and the EU without the need for separate type-approval testing.
7. This Regulation applies in Northern Ireland as part of the Windsor Framework but does not automatically apply in Great Britain, which currently applies the Euro VI Step D standard under Regulation (EU) No 582/2011 as retained in UK law. The Department does not anticipate significant divergence as a result of this new regulation, given that the same requirements are reflected in UNR49, which is commonly used for approval of HDVs.
8. The Department for Transport published an open consultation on 13 April 2026 on updating the minimum emission standard for new road vehicles to the Euro 7 standard in GB, which includes HDVs. One of the stated policy objectives of implementing Euro 7 in GB is to align with EU type-approval regulations in order to minimise regulatory divergence between Great Britain and Northern Ireland. The Department for Transport will be considering the necessity of any amendments of assimilated EU legislation to mirror those of Commission Regulation (EU) 2026/361 following the close of the consultation.

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 adopted amendments are to legislation in scope of the Windsor Framework and will apply directly in Northern Ireland, and 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 10 April 2025 - 08 May 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 line extending to the right.

Simon Lightwood MP

Parliamentary Under Secretary of State

Department for Transport