

**EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION  
WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND  
NORTHERN IRELAND PROTOCOL**

**COMMISSION DELEGATED REGULATION (EU) .../... of 20.5.2021 amending Annex X to 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 access to vehicle security information**

**ANNEX to the Commission Delegated Regulation (EU) .../... amending Annex X to 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 access to vehicle security information**

Submitted by Department for Transport

29 June 2021

**SUBJECT MATTER**

1. The European Commission is proposing enhancements to the current “right to repair” regime within the road vehicle type approval framework. The current regime requires vehicle manufacturers to provide the independent repair sector with essential technical information to enable repair and maintenance of their vehicles, in the same way that they provide such information to franchised dealers. As vehicle type approval is part of the Northern Ireland Protocol, these new measures will apply to manufacturers placing vehicles on the market in Northern Ireland, and repairers located there.
2. The proposal contains two elements. The first is to cite an international standard (EN ISO 18541, agreed by the International Organization for Standardization and the European Committee for Standardisation CEN/ISO), for the format in which the repair information shall be provided to independent repairers. Development of this standard involved representatives of both the vehicle manufacturing sector and the independent repair sector.

3. The second element of the proposal is to set up a third-party vetting process to ensure that independent repair organisations and their staff are checked prior to being given access to vehicle security information. This is to ensure car thieves and businesses that tamper with vehicle emission and pollution control systems are not able to access this information.

## **SCRUTINY HISTORY**

4. The proposal that resulted in Regulation (EU) 2018/858 was the subject of EM 5712/16. The House of Commons European Scrutiny Committee considered the EM at its meeting on 9 March 2016, recommended that the proposal was of political importance and did not clear it pending further information and developments (Report 25, Session 2015-16, 37497). The House of Lords Select Committee on the European Union referred the EM to the Internal Market Sub-Committee for further consideration following the 1613<sup>th</sup> sif of 8 March 2016. Ministerial letters were sent to the Committees on 13 May 2016 (Lords only), 17 January 2017, 19 April 2017, 7 November 2017 and 5 December 2017 (both Committees). The EM was cleared by the Commons Committee on 13 December 2017 (Report 6, Session 2017-19) and by the Lords Committee on 27 April 2017.

## **MINISTERIAL RESPONSIBILITY**

5. The Secretary of State for Transport.

## **INTEREST OF THE DEVOLVED ADMINISTRATIONS**

6. The topic of type approval is a reserved matter. The Devolved Administrations, particularly in Northern Ireland, have an interest and have been consulted in the preparation of this EM.

## **LEGAL AND PROCEDURAL ISSUES**

7.

- i. Legal Base

Article 114 of the Treaty on the Functioning of the European Union, approximating laws to create an internal market.

- ii. Voting Procedure

Objection only, through qualified majority in the Council of Ministers or majority of the European Parliament

- iii. Timetable for adoption and implementation

The timetable for adoption of the proposals into EU law is not yet known

## **POLICY IMPLICATIONS**

8. This measure is a delegated act under Regulation (EU) 2018/858 (framework for vehicle type approval), which is listed in Annex II of the Northern Ireland Protocol. Therefore, it is in scope of the Protocol.
9. Manufacturers of vehicles that are sold in Northern Ireland will be required to comply with these Regulations once they are in force. To access security related vehicle repair and maintenance information, independent operators based in Northern Ireland will have to gain accreditation from a conformity assessment body.
10. By contrast, manufacturers of vehicles to be sold solely in Great Britain will not be required to comply – although existing rules on providing access will continue, and in practice, there should be no reason why repairers in GB would not be able to access the repair information being made available in the new standardised format.
11. The Government has not committed to aligning rules in Great Britain with those in the EU or following the EN ISO standard. The Government will decide whether similar requirements will be mandated in Great Britain once the full GB type approval scheme is established. This will follow a planned public consultation with stakeholders on that scheme during 2021.

## **CONSULTATION**

12. The motor vehicle manufacturing industry and independent repair sector were consulted by the Commission during the development of this measure. The Commission has not prepared an impact assessment.

## **FINANCIAL IMPLICATIONS**

13. There are no financial implications for the UK.

*Vere of Norwich*

Baroness Vere  
Parliamentary Under-Secretary of State  
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