



STATUTORY INSTRUMENTS.

**S.I. No. 282 of 2017**

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EUROPEAN COMMUNITIES (CARRIAGE OF DANGEROUS GOODS  
BY ROAD AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT)  
(AMENDMENT) (NO. 2) REGULATIONS 2017

EUROPEAN COMMUNITIES (CARRIAGE OF DANGEROUS GOODS  
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I, FRANCES FITZGERALD Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) (as amended by section 2 of the European Communities Act 2007 (No. 18 of 2007)) and for the purpose of giving further effect to the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), and the protocol of signature thereto done at Geneva on 30 September 1957, and the amending protocol thereto adopted at Geneva on 28 October 1993, Council Directive 95/50/EC of 6 October 1995<sup>1</sup> on uniform procedures for checks on the transport of dangerous goods by road, Directive 2001/26/EC of the European Parliament and of the Council of 7 May 2001 amending Council Directive 95/50/EC<sup>2</sup>, Commission Directive 2004/112/EC of 13 December 2004 adapting to technical progress Council Directive 95/50/EC<sup>3</sup>, Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods<sup>4</sup>, Directive 2010/35/EU of the European Parliament and the Council of 16 June 2010 on transportable pressure equipment, Commission Directive 2010/61/EU of 2 September 2010<sup>5</sup> adapting for the first time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress (insofar as that Directive relates to the transport of dangerous goods by road)<sup>6</sup>, Commission Directive 2012/45/EU of 3 December 2012 adapting for the second time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress, (insofar as that Directive relates to the transport of dangerous goods by road)<sup>7</sup> and Commission Directive 2014/103/EU of 21 November 2014 adapting for the third time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress (insofar as that Directive relates to the transport of dangerous goods by road)<sup>8</sup> and for the purpose of giving effect to Commission Directive 2016/2309/EU of 16 December 2016<sup>9</sup> adapting for the fourth time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress and for

<sup>1</sup>OJ L249, 17.10.1995, p.35.

<sup>2</sup>OJ L168, 23.6.2001, p.23.

<sup>3</sup>OJ L367, 14.12.2004, p.23.

<sup>4</sup>OJ L260, 30.09.2008, p. 13.

<sup>5</sup>OJ L233, 3.09.2010, p.27.

<sup>6</sup>OJ L165, 30.06.2010, p.1.

<sup>7</sup>OJ L332, 4.12.2012, p.18.

<sup>8</sup>OJ L335, 22.11.2014, p.15.

<sup>9</sup>OJ. L345, 20.12.2016, p. 48.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 4th July, 2017.*

the purpose of giving further effect to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 (insofar as that Directive relates to the transport of dangerous goods by road), hereby make the following regulations:

1. (a) These Regulations may be cited as the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) (No. 2) Regulations 2017.
- (b) The Principal Regulations and these Regulations may be cited together as the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2017.
- (c) These Regulations shall come into operation on 1 July 2017.

2. In these Regulations “Principal Regulations” means the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 (S.I. No. 349 of 2011) as amended by the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2013 (S.I. No. 238 of 2013), by the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2015 (S.I. No. 31 of 2015), by the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) (No. 2) Regulations 2015 (S.I. No. 288 of 2015) and by the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2017 (S.I. No. 5 of 2017).

3. The Principal Regulations are amended—

(1) in Regulation 2, in paragraph (1) by the following amendments—

- (i) in the definition of “ADR” by substituting “1 January 2017” for “1 January 2015”,
- (ii) by substituting for the definition of “the Directive” the following:

““the Directive” means Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008<sup>10</sup>, as amended by Commission Implementing Decision 2015/974 EU of 17 June 2015<sup>11</sup> and Commission Directive 2016/2309/EU of 16 December 2016 (insofar as that Directive relates to the carriage of dangerous goods by road)<sup>12</sup>,”

(iii) by substituting for the definition of “the Directives” the following:

<sup>10</sup>OJ L260, 30.09.2008, p. 13.

<sup>11</sup>OJ L157, 23.06.2015, p. 53.

<sup>12</sup>OJ L345, 20.12.2016, p. 48.

““the Directives” means the Directive and Directive 2010/35/EU of the European Parliament and the Council of 16 June 2010<sup>13</sup>,”

- (iv) by substituting for the definition of ‘transportable pressure equipment’ the following:

“transportable pressure equipment” has the meaning as provided in Article 2(1) of Directive 2010/35/EU on transportable pressure equipment”.

- (v) by inserting the definition of “national tank” as “tank to which Regulation 54 of the Principal Regulations applies.”

- (2) by substituting “Regulation 13(4)” for “”section 13(4)” in Regulation 14(1)(c).

- (3) by substituting for Regulation 50 the following:

“50. (1) The exemptions set out in Regulations 51 to 57 apply only to the carriage of dangerous goods by road in the State.

(2) ADR tanks and national tanks subject to the Air Pollution Act 1987 (Petroleum Vapour Emissions) Regulations 1997 (S.I. No. 375 of 1997) shall be taken to comply with Regulations 7 to 9 of said regulations.”

- (4) Regulation 52 (2) is deleted.

- (5) Regulation 54 is amended by the deletion of the following:

“and as necessary, with Regulation 7 to 9 of the Air Pollution Act 1987 (Petroleum Vapour Emissions) Regulations 1997 (S.I. No. 375 of 1997)”

- (6) Regulation 55 is amended as follows:

- (a) by inserting “and in use within the State prior to 1 July 2017” after “before 1 July 2003” into first paragraph,

- (b) by substituting for subparagraph (a)(v) the following:

“(v) periodically inspected by an inspection body accredited type A or B or a competent person under the surveillance of an inspection body type A and otherwise in accordance with the relevant ADR subsections 6.2.1.6, 6.2.2.4, 6.2.3.5, 6.2.4.2 and at the intervals specified in the ADR and after any major repairs which may affect the integrity of the receptacle,”

<sup>13</sup>OJ L165, 30.06.2010, p.1.

- (c) by inserting “indelibly printed on the cylinder” after “the receptacle or” in subparagraph (b), and
  - (d) by replacing “competent person who carried out the test or examination.” with “inspection body responsible for the periodic inspection.” in subparagraph (b)(viii).
- (7) by substituting “paragraph (e)” for “paragraph (d)” in Regulation 57(f)(vi)(III).
- (8) by substituting for paragraph (1) of Regulation 59 the following:
- “59. (1) Transportable pressure equipment within the scope of Article 1(2)(a) of the TPE Directive shall meet the conformity assessment, periodic inspection, intermediate inspection and exceptional checks requirements set out in the ADR (Subsections 1.8.6, 1.8.7, 6.2.2.11, 6.2.3.6 to 6.2.3.8, and TA4 and TT9 of 6.8.4) and in Chapters 3 and 4 of the TPE Directive.”
- (9) by substituting for paragraph (1) of Regulation 60 the following:
- “60. (1) If the transportable pressure equipment within the scope of Article 1(2)(b) of the TPE Directive bears a marking referred to in Articles 14 and 15 of that Directive, it shall be subject to periodic inspection, intermediate inspection and exceptional checks requirements set out in the ADR (Subsections 1.8.6, 1.8.7, 6.2.2.11, 6.2.3.6 to 6.2.3.8, and TA4 and TT9 of 6.8.4) and Chapters 3 and 4 of the TPE Directive.”
- (10) by substituting for paragraph (2) of Regulation 74 as the following:
- “(2) Notified bodies shall participate in the activities of the coordination group referred to in paragraph (1), and ensure that their assessment personnel are kept informed of, and apply, the relevant guidance and standardisation procedures arising from the work of the group.”
- (11) by substituting “European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment Regulations 2011 to 2017” for “ European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment Regulations 2011 and 2013” at Part 2 of Schedule 2.

(12) by substituting “European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment Regulations 2011 to 2017” for “ European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment Regulations 2011 and 2013” at Schedule 3.



GIVEN under my Official Seal,  
30 June 2017.

FRANCES FITZGERALD,  
Minister for Jobs, Enterprise and Innovation.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation)*

These Regulations transpose the provisions of Commission Directive 2016/2309/EU of 16 December 2016 adapting for the fourth time the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress (insofar as that Directive relates to the transport of dangerous goods by road). Commission Directive 2016/2309/EU gives effect to the changes to the ADR agreement that came into force on 1 January 2017.

The Regulations also give further effect to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008.

These Regulations amend for the fifth time the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 (S.I. No. 349 of 2011).

These Regulations may be cited as the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) (No. 2) Regulations 2017.

These Regulations shall come into effect from 1 July 2017.

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