



STATUTORY INSTRUMENTS.

S.I. No. 386 of 2011



EUROPEAN COMMUNITIES (ROAD TRANSPORT) (EXEMPTIONS)
REGULATIONS 2011

(Prn. A11/1296)

EUROPEAN COMMUNITIES (ROAD TRANSPORT) (EXEMPTIONS)
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I, LEO VARADKAR, Minister for Transport, Tourism and Sport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving full effect to Regulation (EC) No. 561/2006¹ of the Council and of the European Parliament of 15 March 2006 and Council Regulation (EEC) No. 3821/85 of 20 December 1985² hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Road Transport) (Exemptions) Regulations 2011.

(2) These Regulations come into operation on 1 September 2011.

2. (1) In these Regulations—

“Recording Equipment Regulation” means Council Regulation No. 3821/85/EEC of 20 December 1985² on recording equipment in road transport, as amended by—

(i) Commission Regulation (EEC) No. 3314/90 of 16 November 1990³,

(ii) Council Regulation (EEC) No. 3572/90 of 4 December 1990⁴,

(iii) Council Regulation (EEC) No. 3688/92 of 21 December 1992⁵,

(iv) Commission Regulation (EC) No. 2479/95 of 25 October 1995⁶,

(v) Commission Regulation (EC) No. 1056/97 of 11 June 1997⁷,

(vi) Council Regulation (EC) No. 2135/98 of 24 September 1998⁸,

(vii) Commission Regulation (EC) No. 1360/2002 of 13 June 2002⁹,

¹OJ No. L102, 11.04.06, p. 1

²OJ No. L370, 31.12.85, p. 8

³OJ No. L318, 17.11.90, p. 21

⁴OJ No. L353, 17.12.90, p. 12

⁵OJ No. L347, 22.12.92, p. 12

⁶OJ No. L256, 26.10.95, p. 8

⁷OJ No. L154, 12.09.97, p. 21

⁸OJ No. L274, 09.10.98, p. 1

⁹OJ No. L207, 05.08.02, p. 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 22nd July, 2011.*

- (viii) Commission Regulation (EC) No. 1882/2003 of 29 September 2003¹⁰,
- (ix) Commission Regulation (EC) No. 432/2004 of 5 March 2004¹¹,
- (x) Commission Regulation (EC) No. 561/2006 of 15 March 2006¹,
- (xi) Council Regulation (EC) No. 1791/2006 of 20 November 2006¹²,
- (xii) Commission Regulation (EC) No. 68/2009 of 23 January 2009¹³,
- (xiii) Regulation (EC) No. 219/2009 of the European Parliament and of the Council of 11 March 2009¹⁴, and
- (xiv) Commission Regulation (EU) No. 1266/2009 of 16 December 2009¹⁵,

“Road Transport Regulation” means Regulation (EC) No. 561/2006 of the Council and of the European Parliament of 15 March 2006¹ on the harmonisation of certain social legislation relating to road transport as amended by Regulation (EC) No. 1073/2009 of the European Parliament and of the Council of 21 October 2009¹⁶.

(2) A word or expression which is used in these Regulations and which is also used in the Recording Equipment Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Recording Equipment Regulation.

3. (1) Pursuant to Article 3 of the Recording Equipment Regulation and Article 13(1) of the Road Transport Regulation the categories of vehicle registered in the State set out in paragraph (2) of this Regulation are exempted from the provisions of the Recording Equipment Regulation and from Articles 6 to 9 of the Road Transport Regulation in respect of carriage by road between the State and Great Britain and Northern Ireland, and the said categories of vehicle registered in Great Britain and Northern Ireland are exempted from the provisions of the Recording Equipment Regulation and from Articles 6 to 9 of the Road Transport Regulation in respect of carriage by road in the State.

(2) The following are the categories of vehicles referred to in paragraph (1):

- (a) vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of 100 km from the base of the undertaking, but only where, in the case of a vehicle being used by a fishery undertaking, such vehicle is being used—

¹⁰OJ No. L284, 31.10.03, p. 1

¹¹OJ No. L71, 10.03.04, p. 3

¹²OJ No. L363, 20.12.06, p. 1

¹³OJ No. L21, 24.01.09, p. 3

¹⁴OJ No. L87, 31.03.09, p. 109

¹⁵OJ No. L339, 2.12.2009, p. 3

¹⁶OJ No. L300, 14.11.2009, p. 88

- (i) to carry live fish, or
 - (ii) to carry a catch of fish from the place of landing to a place where it is to be processed;
- (b) agricultural tractors and forestry tractors used for agricultural or forestry activities, within a radius of 100 km from the base of the undertaking which owns, hires or leases the vehicle;
- (c) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5 tonnes used—
- (i) by universal service providers as defined in Article 2(13) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997¹⁷ on common rules for the development of the internal market of Community postal services and the improvement of quality of service to deliver items as part of the universal service, or
 - (ii) for carrying materials, equipment or machinery for the driver's use in the course of his work,
- but only if, in the case of any such vehicle, it is used within a radius of 50 km from the base of the undertaking, and on condition that driving the vehicles does not constitute the driver's main activity;
- (d) vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road maintenance and control, door-to-door household refuse collection and disposal, telegraph and telephone services, radio and television broadcasting, and the detection of radio or television transmitters or receivers;
- (e) vehicles with between 10 and 17 seats used exclusively for the non-commercial carriage of passengers;
- (f) specialised vehicles transporting circus and funfair equipment;
- (g) specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary;
- (h) vehicles used for milk collection from farms and the return to farms of milk containers or milk products intended for animal feed;
- (i) vehicles used for carrying animal waste or carcasses which are not intended for human consumption;
- (j) vehicles used for the carriage of live animals from farms to local markets and vice versa or from markets to local slaughterhouses within a radius of 50 km.

¹⁷OJ No. L15, 21.1.98, p. 14

4. The European Communities (Road Transport) (Exemptions) Regulations 1987 (S.I. No. 138 of 1987) are revoked.



GIVEN under my Official Seal,
19 July 2011.

LEO VARADKAR.
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

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

The purpose of these Regulations is to exempt road transport vehicles engaged in certain categories of international transport activities between the State and Great Britain and Northern Ireland from:

- a. the requirements of Regulation (EEC) 3821/85 (as amended) on the introduction of recording equipment (tachographs) in road transport; and
- b. Articles 6-9 of Regulation (EC) 561/2006 on the harmonization of certain social legislation relating to road transport

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