



STATUTORY INSTRUMENTS.

S.I. No. 197 of 2018

EUROPEAN COMMUNITIES (CARRIAGE OF DANGEROUS GOODS
BY ROAD AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT)
(AMENDMENT) REGULATIONS 2018

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I, HEATHER HUMPHREYS, Minister for Business, 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 1995¹ 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 2001² amending Council Directive 95/50/EC, Commission Directive 2004/112/EC of 13 December 2004³ adapting to technical progress Council Directive 95/50/EC, Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008⁴ on the inland transport of dangerous goods, Directive 2010/35/EU of the European Parliament and the Council of 16 June 2010⁵ on transportable pressure equipment, Commission Directive 2010/61/EU of 2 September 2010⁶ 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), Commission Directive 2012/45/EU of 3 December 2012⁷ 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) and Commission Directive 2014/103/EU of 21 November 2014⁸ 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), and for the purpose of giving effect to Commission Directive 2016/2309/EU of 16 December 2016⁹ 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

¹OJ L249, 17.10.1995, p.35.

²OJ L168, 23.6.2001, p.23.

³OJ L367, 14.12.2004, p.23.

⁴OJ L260, 30.09.2008, p. 13.

⁵OJ L165, 30.06.2010, p.1.

⁶OJ L233, 3.09.2010, p.27.

⁷OJ L332, 4.12.2012, p.18.

⁸OJ L335, 22.11.2014, p.15.

⁹OJ. L345, 20.12.2016, p. 48.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 15th June, 2018.*

progress (insofar as that Directive relates to the transport of dangerous goods by road) and Commission Directive (EU) 2018/217 of 31 January 2018¹⁰ amending Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods by adapting Section I.1 of its Annex I to scientific and technical progress (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) Regulations 2018.

(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 2018.

(c) These Regulations shall come into operation on 3 July 2018.

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), 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), by the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) (No. 2) Regulations 2017 (S.I. No. 282 of 2017) and by the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) (No. 3) Regulations 2017 (S.I. No. 555 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 “3 January 2018” for “1 January 2017”,

(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 2008¹¹ as amended by Commission Implementing Decision 2017/695 EU of 7 April

¹⁰OJ. L42, 15.02.2018, p. 52

¹¹OJ L260, 30.09.2008, p. 13.

2017¹² and Commission Directive (EU) 2018/217 of 31 January 2018¹³ amending Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods by adapting Section I.1 of its Annex I to scientific and technical progress;”

(2) Regulation 10(1)(f), is substituted by the following:

“(f) the National Roads Authority, or “Transport Infrastructure Ireland” (specified as a name by which the National Roads Authority may describe itself for operational purposes in accordance with the Roads Act 2015 (Operational Name of National Roads Authority) Order 2015 (S.I. No. 297 of 2015)), in respect of matters relating to the carriage by road of dangerous goods through the following tunnels required under the relevant road transport statutory provisions—

(i) Dublin Tunnel;

(ii) Jack Lynch Tunnel, Cork;

(iii) Limerick Tunnel; and

(iv) any other tunnel on a national road subject to the provisions of the European Communities (Minimum Safety Requirements for Tunnels in the Trans-European Road Network) Regulations 2006 (S.I. No. 213 of 2006); and”.

(3) by substituting for Regulation 52(1) (a) and (b) the following:

“52. Notwithstanding Regulation 51 and following the examination of a vehicle referred to in that Regulation in accordance with Part 9 of the ADR, where a competent authority or its appointed authorised tester is satisfied that the vehicle complies with the requirements of Part 9 of the ADR, that authority or tester shall, in the case of a vehicle referred to in paragraph (1) or (2) of Regulation 51, issue a vehicle certificate of approval (national transport only) for that vehicle in the format set down in Part 1 of Schedule 3.”

(4) Regulation 53(1) is amended as follows:

by substituting “Regulation 52” for “Regulation 52(1) and 52(2)”

(5) by inserting after Regulation 56, the following:

“Retail distribution by road

56A. (1) This exemption does not apply to the carriage of Class 1, 4.2, 6.2 or 7 goods.

¹²OJ L101, 13.04.2017, p. 37

¹³OJ. L42, 15.02.2018, p. 52

(2) Subject to paragraph 1, the requirements for packaging to be a combination package as specified in ADR 3.4.2 or 4.1 and for markings to be affixed for the final stages of the carriage operation in ADR 5.2 and 6.1.3 need not be complied with if:

- (a) the goods for carriage by road were originally packed in limited quantities in accordance with ADR 3.4 or combination packagings in accordance with ADR 4.1;
- (b) the quantity carried on the transport unit does not exceed 30 kilograms or litres per type, colour, strength or inner package size of a substance or an article, and a total of 333 kilograms or litres per transport unit; and
- (c) the goods have been removed from their outer packaging for the final stages of the carriage operation between a distribution centre and a retailer or end-user, or a retailer and end-user, or between an end-user and retailer or distribution centre.”



GIVEN under my Official Seal,
8 June 2018.

HEATHER HUMPHREYS,
Minister for Business, 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 (EU) 2018/217 of 31 January 2018¹⁴ amending Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods by adapting Section I.1 of its Annex I to scientific and technical progress (insofar as that Directive relates to the transport of dangerous goods by road). Commission Directive (EU) 2018/217 gives effect to the changes to the ADR agreement that came into force on 3 January 2018.

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 seventh time the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 (S.I. No. 349 of 2011) and can be cited together with all previous amending statutory instruments as the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2018.

These Regulations may be cited as the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2018.

These Regulations shall come into effect from 3 July 2018.

¹⁴OJ. L42, 15.02.2018, p. 52

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