



STATUTORY INSTRUMENTS.

S.I. No. 5 of 2017.

EUROPEAN COMMUNITIES (CARRIAGE OF DANGEROUS GOODS
BY ROAD AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT)
(AMENDMENT) REGULATIONS 2017

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I, MARY MITCHELL O'CONNOR, 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 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) 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 2017.

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, 3.9.2010, p.27.

⁷OJ L332, 4.12.2012, p.18.

⁸OJ L335, 22.11.2014, p.15.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 20th January, 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.

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) and 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).

3. The Principal Regulations are amended by substituting in paragraph (2) of Regulation 52 for “A tank-vehicle constructed since 1 July 2003, or in the case of mobile explosive manufacturing units, since 1 July 2009,” the following—

“Mobile explosive manufacturing units constructed since 1 July 2009 which are”.

4. These Regulations shall come into operation on 1 July 2017.



GIVEN under my Official Seal,
17 January 2017.

MARY MITCHELL O’CONNOR,
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 remove an existing provision for ADR tank-vehicles that allows certification as “national use only” tank vehicles under a competent person inspection and test scheme. These Regulations impose the requirement for such tank-vehicles to instead be inspected and tested to ADR standards by an appointed inspection body.

The Regulations shall come into operation on 1 July 2017.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

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