



STATUTORY INSTRUMENTS.

S.I. No. 288 of 2015

EUROPEAN COMMUNITIES (CARRIAGE OF DANGEROUS GOODS
BY ROAD AND USE OF TRANSPORTABLE PRESSURE EQUIPMENT)
(AMENDMENT) (NO. 2) REGULATIONS 2015

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I, RICHARD BRUTON, 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) and for the purpose of giving effect to Commission Directive 2014/103/EU of 21 November 2014¹ and for the purpose of giving further effect to Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008² (insofar as that Directive relates to the transport of dangerous goods by road), hereby make the following regulations:

1. (1) 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 2015.

(2) The collective citation “European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2015” includes these Regulations.

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);

“Regulations of 2013” means the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2013 (S.I. No. 238 of 2013);

“Regulations of 2015” means the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2015 (S.I. No. 31 of 2015).

3. The Principal Regulations are amended in the Arrangement of Regulations, under the heading “Schedule 3” by deleting the headings “Part 1”, “Part 2” and “CERTIFICATE OF APPROVAL FOR VEHICLES CARRYING CERTAIN DANGEROUS GOODS UNDER REGULATION 51(3)”.

¹OJ. No. L 335, 22.11.2014. p. 15.

²OJ. No. L 260, 30.9.2008. p. 13.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th July, 2015.*

4. Regulation 2 of the Principal Regulations is amended—

(a) in paragraph (1)—

(i) in the definition of “ADR” by substituting “1 January 2015” for “1 January 2013”,

(ii) by inserting after the definition of “consignor” the following definition;

“‘contract of carriage’ means a written contract for the carriage of dangerous goods by road in which one or more of the parties have identified themselves as a particular participant with specific obligations as set out chapter 1.4 of the ADR;”,

(iii) 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 2008² as amended by Commission Directive 2014/103/EU of 21 November 2014¹ and Commission Implementing Decision 2015/974/EU of 17 June 2015³,”and

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

“‘the Directives’ means the Directive and Directive 2010/35/EU of the European Parliament and the Council of 16 June 2010⁴,”.

(b) in paragraph (9) by deleting subparagraph (c), and

(c) by inserting after paragraph (12) the following:

“(13) Notwithstanding paragraphs (6), (7), (8) and (9) and for the purposes of identifying the category of participant into which a person or enterprise falls under these Regulations, parties to contracts of carriage shall be identified in accordance with those contracts.”.

5. Regulation 10 of the Principal Regulations is amended—

(a) in paragraph (1)(e) by substituting “Environmental Protection Agency” for “Radiological Protection Institute of Ireland”,

(b) by substituting for paragraph (2) the following:

“(2) A competent authority shall—

(a) keep such records, and

³OJ No. L 157, 23.6.2015, p.53.

⁴OJ. L165. 30.6.2010. p.1.

(b) furnish such information in relation to its functions under these Regulations to the Minister and to any other Minister or competent authority whose functional responsibility may be concerned,

as the Minister, other relevant Minister or competent authority may, from time to time, require.”, and

(c) in paragraph (7) by substituting “Environmental Protection Agency” for “Radiological Protection Institute of Ireland”.

6. Regulation 11(1)(e) of the Principal Regulations is amended by the substitution of “Environmental Protection Agency,” for “Radiological Protection Institute of Ireland,”.

7. Regulation 44 of the Principal Regulations is amended by substituting “Environmental Protection Agency” for “Radiological Protection Institute of Ireland” in each place where it occurs.

8. Regulation 45 of the Principal Regulations is amended by substituting “Environmental Protection Agency” for “Radiological Protection Institute of Ireland” in both places where it occurs.

9. Regulation 51 of the Principal Regulations is amended by deleting paragraph (3).

10. Schedule 3 of the Principal Regulations is amended—

(a) by deleting the heading “Part 1”, and

(b) by deleting Part 2.



Given under my Official Seal,
9 July 2015.

RICHARD BRUTON,
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 into Irish law 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). Commission Directive 2014/103/EU gives effect to the changes to the ADR agreement that came into force on 1 January 2015.

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 third 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 2015.

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