



STATUTORY INSTRUMENTS.

S.I. No. 398 of 2022

EUROPEAN UNION (ROAD TRANSPORT ACTIVITIES CHECKS)
(AMENDMENT) REGULATIONS 2022

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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purposes of giving further effect to Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006¹, as amended by Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020², and giving full effect to Article 465 of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, which entered into force on 1 May 2021³ approved, on behalf of the European Union, by Council Decision (EU) 2021/689 of 29 April 2021⁴., hereby make the following regulations:

1. These Regulations may be cited as the European Union (Road Transport Activities Checks) (Amendment) Regulations 2022.

2. In these Regulations “Principal Regulations” means the European Communities (Road Transport Activities Checks) Regulations 2007 (S.I. No. 545 of 2007).

3. Regulation 2 of the Principal Regulations is amended —

(a) in paragraph (1), by deleting the definition of “Directive” and inserting the following:

“ ‘Annex’ means Annex 31 Transport of Goods By Road of the Trade and Cooperation Agreement;

‘Directive’ means Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006¹ as amended by Commission Directive 2009/4/EC of 23 January 2009⁵, Commission Directive 2009/5/EC of 30 January 2009⁶, Commission Regulation (EU) 2016/403 of 18 March 2016⁷ and Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020²;

¹ OJ No. L 102, 11.4.2006, p. 35

² OJ No. L 249, 31.7.2020, p. 49

³ OJ No. L 149, 30.4.2021, p. 10

⁴ OJ No. L 149, 30.4.2021, p. 2

⁵ OJ No. L 21, 24.1.2009, p. 39

⁶ OJ No. L 29, 31.1.2009, p. 45

⁷ OJ No. L 74, 19.3.2016, p. 8

‘Trade and Cooperation Agreement’ means the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, which entered into force on 1 May 2021³ approved, on behalf of the European Union, by Council Decision (EU) 2021/689 of 29 April 2021⁴,”, and

- (b) by inserting after paragraph (2) the following:

“(3) A word or expression that is used in these Regulations and is also used in the Trade and Cooperation Agreement and the Annex shall have in these Regulations the same meaning as it has in the Trade and Cooperation Agreement and the Annex unless the contrary intention appears.”.

4. The following is substituted for Regulation 3 of the Principal Regulations:

“3. The Road Safety Authority—

- (a) shall organise a system of appropriate and regular checks both at the roadside and at the premises of transport undertakings for the purposes of, and in accordance with, the Directive and Article 12 of Section 4, Part B, of the Annex,
- (b) is the competent authority in the State for the purposes of Article 3 of the Directive,
- (c) is designated as the body which has the tasks referred to in Articles 7 and 8 of the Directive,
- (d) shall introduce a risk rating system for undertakings for the purposes of—
 - (i) Article 9 of the Directive, including to make the data contained in the national risk rating system accessible to enforcement officers, and
 - (ii) Article 12(4) of Section 4, Part B, of the Annex, and
- (e) shall ensure the information contained in the risk rating system established pursuant to Article 9 of the Directive is made accessible to the Minister for Transport for the purposes of Article 9(5) of the Directive.”.

5. Regulation 5 of the Principal Regulations is amended—

- (a) in paragraph (1), by substituting “premises check under Regulation 3(a)” for “check under Article 6 of the Directive”,

- (b) in paragraph (2), by substituting “under Regulation 3(a)” for “for the purposes of the Directive”,
- (c) in subparagraph (2)(e), by inserting “or Article 12 of Section 4, Part B, of the Annex” after “Directive”,
- (d) in subparagraph (2)(i), by substituting “this Regulation, the Directive or Article 12 of Section 4, Part B, of the Annex” for “this Regulation or the Directive”,
- (e) in paragraph (5), by substituting “these Regulations” for “this Regulation or Article 6 of the Directive”, and
- (f) by substituting paragraph (6) for the following:

“(6) If a judge of the District Court is satisfied on the sworn information of an enforcement officer that there are reasonable grounds for believing that a premises is a transport premises or the premises of other instigators or accessories in the transport chain, contains information for the purposes of a check under Article 6 of the Directive or Article 12(1) or (2) of Section 4, Part B of the Annex, or serious infringements referred to in Article 6 of the Directive have been detected at the roadside relating to vehicles being operated from the premises, the judge may issue a warrant authorising an enforcement officer, accompanied by other enforcement officers, at any time or times within one month from the date of issue of the warrant, to enter, if need be by reasonable force, the premises and exercise all or any of the powers conferred on an enforcement officer under these Regulations.”.

6. Regulation 8(1) of the Principal Regulations is amended—

- (a) in subparagraph (a), by substituting “to a class C fine” for “to a fine not exceeding €2,000”, and
- (b) in subparagraph (b), by substituting “to a class A fine” for “to a fine not exceeding €5,000”.

7. Regulation 9 of the Principal Regulations is amended by substituting “and as referred to in Regulation 3(d)” for “under Article 9 of the Directive”.



L.S.

GIVEN under my Official Seal,
27 July, 2022.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

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

This Statutory Instrument amends the European Communities (Road Transport Activities Checks) Regulations 2007 (S.I. No. 545 of 2007) to give further effect to Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006, as amended by Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 and Article 465 of the EU-UK Trade and Cooperation Agreement.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach 6
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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