



STATUTORY INSTRUMENTS.

S.I. No. 27 of 2025

EUROPEAN UNION (ROAD TRANSPORT ACTIVITIES CHECKS)
REGULATIONS 2025

**EUROPEAN UNION (ROAD TRANSPORT ACTIVITIES CHECKS)
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I, DARRAGH O'BRIEN, 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 purpose of giving further effect to Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006¹, as amended by Commission Delegated Directive (EU) 2024/846 of 14 March 2024², 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) Regulations 2025.

2. (1) In these Regulations—

“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 2020⁸ and Commission Delegated Directive (EU) 2024/846 of 14 March 2024²;

“enforcement officer” means—

- (a) a transport officer appointed under section 15 of the Road Transport Act 1986 (No. 16 of 1986),
- (b) an officer of the Revenue Commissioners, or
- (c) a member of the Garda Síochána;

“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

¹ OJ No. L 102, 11.4.2006, p. 35

² OJ No. L 846, 31.5.2024, p. 1

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

⁸ OJ No. L 249, 31.7.2020, P. 49

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.

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

(3) A word or expression which is used in these Regulations and is also used in the Trade and Cooperation Agreement and Article 12 of Section 4 of Part B of the Annex has, unless the context otherwise requires, the same meaning in these Regulations as it has in that Agreement or that Part of the Annex.

3. The Road Safety Authority—

- (a) shall organise—
 - (i) a system of appropriate and regular checks on correct and consistent implementation of the provisions referred to in paragraph 2 of Article 2 of the Directive and paragraph (1) of Article 12(1) of Section 4 of Part B of the Annex, both at the roadside and at the premises of transport undertakings, covering each year a large and representative cross-section of mobile workers, drivers, undertakings and vehicles of all transport categories referred to in Article 2(1) of the Directive and Article 12(1) of Section 4 of Part B of the Annex,
 - (ii) roadside checks in accordance with Article 4 of the Directive and Article 12(1) of Section 4 of Part B of the Annex, including in various places and at any time, which shall cover a sufficiently extensive part of the road network to make it difficult to avoid road checkpoints,
 - (iii) concerted roadside checks in accordance with Article 5 of the Directive, and
 - (iv) checks at the premises of undertakings in accordance with Article 6 of the Directive and Article 12(1) of Section 4 of Part B of the Annex,
- (b) is the competent authority in the State to keep and record data for the purposes of Article 3 of the Directive,
- (c) is designated as the body which has the tasks referred to in Articles 7 (intracommunity liaison) and 8 (exchange of information) of the Directive,
- (d) is the competent authority for Article 12(1), (2), (3) and (6) of Section 4 of Part B of the Annex,
- (e) shall introduce a national risk rating system for undertakings in accordance with—

- (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 of Part B of the Annex,

and

- (f) in order to facilitate targeted roadside checks by competent control authorities of other Member States in accordance with Article 9(4), shall make the data contained on the risk rating system referred to in (e) accessible to the Minister for Transport.

4. Roadside checks shall be carried out in consultation with the Garda Síochána.

5. (1) An enforcement officer may board a vehicle for the purposes of a roadside check, or enter the premises of a transport undertaking for the purpose of carrying out a premises check, under Regulation 3(a).

(2) An enforcement officer may in carrying out a check under Regulation 3(a)—

- (a) make such examination and inquiry as may be necessary,
- (b) require the production of any record (and, in the case of information in non-legible form to produce it in legible form) which in the opinion of the enforcement officer is necessary for him or her to inspect, examine or require a copy of it or of any entry in it to be provided to him or her,
- (c) inspect and take copies of or extracts from any such records (including, in the case of information in non-legible form, a copy of or extract from the information in permanent legible form),
- (d) remove and retain the records for such period as may be reasonable for further examination or where it may be relevant in respect of proceedings,
- (e) require any person whom he or she has reasonable cause to believe to be able to give information relevant for the purposes of these Regulations to answer such questions with respect to matters to which the check relates as the officer thinks fit to ask,
- (f) require the production of any recording equipment,
- (g) direct that any recording equipment is left undisturbed for so long as is reasonably necessary for the purposes of the check,
- (h) in relation to any recording equipment found in any vehicle or at any premises, take possession of it and detain it for so long as is necessary to—
 - (i) examine or arrange for the examination of it and do to it anything which he or she has power to do for the purpose of the check,

- (ii) ensure that it is not tampered with before the examination is completed, or
- (iii) ensure that it is available for use as evidence in any proceedings,
- (i) require any person to afford him or her such facilities and assistance within his or her control or responsibilities as are reasonably necessary to enable him or her to exercise any of the powers conferred on him or her under this Regulation,
- (j) require any person by or on whose behalf data equipment is or has been used or any person having charge of, or otherwise concerned with the operation of, the equipment or any associated apparatus or material to afford the officer all reasonable assistance in relation to its use,
- (k) detain any vehicle for so long as to complete a roadside check,
- (l) if an infringement is detected, check on the joint liability of other instigators or accessories in the transport chain, such as shippers, freight forwarders or contractors, including to enter their premises and exercise all or any of the powers under this Regulation.

(3) The driver of a vehicle shall stop the vehicle on being so required by an enforcement officer in uniform. A driver who fails to comply with this paragraph commits an offence.

(4) An enforcement officer shall not, other than with the consent of the occupier, enter any part of a premises of a transport operator or other person used as a private dwelling unless he or she has obtained a warrant under paragraph (6) authorising such entry.

(5) Where an enforcement officer in exercise of his or her powers under this Regulation is prevented from entering any premises of a transport undertaking or other person, an application may be made under paragraph (6) for a warrant authorising such entry.

(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 premises check under Regulation 3(a), or serious infringements referred to in Article 6 of the Directive have been detected at the roadside relating to vehicles being operated by an undertaking 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 this Regulation.

6. A person who fails to comply with the request of an enforcement officer or obstructs or impedes an enforcement officer in carrying out a roadside check or a check at the premises of a transport undertaking or other person under these Regulations commits an offence.

7. (1) A transport undertaking responsible for drivers shall keep, for a period of one year, the documents, records of results and other relevant data passed to it by the Road Safety Authority or the relevant competent authority of another Member State concerning checks carried out on it at its premises or in its drivers at the roadside.

(2) A transport undertaking which fails to comply with this Regulation commits an offence.

8. (1) A person who commits an offence under these Regulations is liable on summary conviction—

- (a) in the case of a first offence, to a class C fine, or
- (b) in the case of a second or subsequent offence, to a class A fine.

(2) Proceedings for an offence under these Regulations may be brought and prosecuted summarily by the Road Safety Authority.

(3) Where an offence under these Regulations is committed by a body corporate and is proven to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager or secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person as well as the body corporate is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

9. A transport undertaking with a high risk rating under the risk rating system introduced by the Road Safety Authority and as referred to in Regulation 3(e) may make representations to the Authority regarding its rating. The Authority shall consider the representations and notify the undertaking of its conclusions.

10. The following are revoked:

- (a) the European Communities (Road Transport Activities Checks) Regulations 2007 (S. I. No. 545 of 2007);
- (b) the European Communities (Road Transport Activities Checks) (Amendment) Regulations 2007 (S. I. No. 116 of 2010);

- (c) the European Union (Road Transport Activities Checks) (Amendment) Regulations 2007 (S. I. No. 398 of 2022).

L.S.

GIVEN under my Official Seal,
11 February, 2025.

DARRAGH O'BRIEN,
Minister for Transport.

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 give effect to Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006, which sets down minimum enforcement activities to be implemented by Member States concerning social legislation relating to road transport undertakings, as amended by Commission Delegated Directive (EU) 2024/846 of 14 March 2024, which updates the classification and categorisation of certain road transport offences and Article 465 of the EU-UK Trade and Cooperation Agreement.

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