



European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2017

Information Note

National legislation affecting ADR tanks and tank inspection service providers

A stakeholder consultation held in 2014 sought to amend the national exemption concerning “national transport only” tank-vehicles. The exemption allowed ADR tank-vehicles (constructed since 1 July 2003) to be treated as “national transport only” tank-vehicles and for these tanks to be tested and certified by a “competent person” inspection service (Regulation 54). The proposed amendment sought to remove this option and to bring all ADR tank-vehicles constructed since 1 July 2003, operating as national transport only tank-vehicles, back in line with ADR provisions over a specified time frame.

The first element of the proposed amendment was signed into legislation in January 2017, S.I. 5 of 2017. This S.I. amends Regulation 52(2) of the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2017, removing the option to treat ADR tank-vehicles as “national transport only” from 1 July 2017. This means that all ADR tank-vehicles registered from that date shall be subject to ADR and tank inspection, testing and certification must be carried out by an accredited inspection body approved by a national competent authority.

Due to this amendment, tank-vehicles that have been certified as “national transport only” since 1 July 2003 and up to 30 June 2017, will therefore be non-compliant with national legislation, however these tanks will be allowed to continue in service under a Competent Authority Exemption. This exemption will cover affected tank-vehicles for a period of 18 months, that is, until 31 December 2018 and for a further period until the next due date for inspection. Tank-vehicles falling into this category will be required to be brought fully into alignment with the Regulations and ADR from 1 January 2019. This provision will only take effect at the next due periodic or intermediate inspection from that date. The tank inspection table below provides an example of how the *option to avail of Regulation 54 (competent person inspection regime) may have been applied to ADR tanks constructed since 1 July 2003 (for illustrative purposes the table starts at 2007 and not July 2003).

ADR Tank (vehicle) inspection dates with optional Regulation 54 dates:

Tank vehicle registration date	*Regulation 54 (competent person) Inspection period and due dates		ADR inspection period (accredited inspection body) and due dates	
	3 yearly intermediate	6 yearly periodic	3 yearly intermediate	6 yearly periodic
2007	2010 and 2016	2013	2010 and 2016	2013 and 2019
2008	2011 and 2017	2014	2011 and 2017	2014 and 2020
2009	2012 and 2018	2015	2012 and 2018	2015 and 2021
2010	2013	2016	2013 and 2019	2016 and 2022
2011	2014	2017	2014 and 2020	2017 and 2023
2012	2015	2018	2015 and 2021	2018 and 2024
2013	2016	n/a	2016 and 2022	2019 and 2025
2014	2017	n/a	2017 and 2023	2020 and 2026
2015	2018	n/a	2018 and 2024	2021 and 2027
2016	n/a	n/a	2019 and 2025	2022 and 2028
2017	n/a	n/a	2020 and 2026	2023 and 2029

n/a – not applicable, ADR must be applied

Note. All ADR tank vehicles may be inspected by an accredited inspection body or competent person when availing of Regulation 54, but must be inspected by an accredited inspection body when operating internationally (fully ADR) and from the next due date of inspection on or after 1 January 2019.

It is expected that all reasonable effort will be made by tank-vehicle owner/operators to bring affected tank-vehicles back in line with ADR. In exceptional circumstances where this is not possible, operators may apply to the competent authority for an ad-hoc exemption, allowing the tank-vehicle to operate as a national transport vehicle for a limited period of time.

During the consultation, it was considered that tank-vehicles dedicated to diesel and kerosene may be exempted from the main proposal, however this element of the proposal was not fully supported, therefore no group or sector of tank vehicles are exempted from these new provisions. Regulation 54 remains in place for tanks, that is, fixed tank, demountable tank, portable tank, tank-container or multi-element gas container and their fittings, where these tanks were constructed **prior to 1 July 2003** and as a consequence, restricted to national use only. The inspection and testing of these tanks may continue to be carried out by competent persons.

The industry consultation also proposed that national tanks constructed **prior to 1 July 2003** would be subject to a revised tank inspection regime. Current requirements are set out in Regulation 54 and Schedule 4 of the regulations. It is intended that a new written scheme of inspection will be based on ADR referenced standards and best practice, as appropriate. Testing will involve hydraulic testing as appropriate. Competent persons may continue to provide an inspection and testing service based on the revised inspection regime where they possess the necessary expertise and facilities to perform this work (accreditation will not be mandatory). A revised inspection regime has yet to be approved by the competent authority but is expected to be in place by 2018/19.

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