European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) (Amendment) Regulations 2026.

Introduction

The technical annexes to the International Carriage of Dangerous Goods by Road (ADR)[1], enacted in Irish law by S.I. 349/2011[2], are regularly amended to take account of technical and scientific progress.

Commission Delegated Directive (EU) 2025/1801[3] was published in the EU Official Journal on 13 October 2025 and entered into force on 02 November 2025. This Directive amends Annexes I and II to Directive (EU) 2022/1999[4] of the European Parliament and of the Council on uniform procedures for checks on the transport of dangerous goods by road, adapting to scientific and technical progress. A transitional period applies for Member States and economic operators until 23 June 2026, after which the application of the Directive will have full effect.

Under Directive (EU) 2022/1999, Member States are obliged to carry out specific checks on a representative proportion of consignments of dangerous goods transported by road and to report to the Commission every two years. These checks must be conducted in accordance with the relevant legal requirements, using the standard checklist set out in Annex I and the risk categories defined in Annex II.

The checklist in Annex I sets out the respective safety obligations of participants in the transport chain for dangerous goods established under the ADR, who may be responsible for an infringement, (namely consignors, carriers, consignees, loaders,

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[1] Agreement (without Annexes) | UNECE
[2] S.I. No. 349/2011 - European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011.
[3] http://data.europa.eu/eli/dir_del/2025/1801
[4] http://data.europa.eu/eli/dir/2022/1999

packers, fillers, tank operators and unloaders), thus making their specific responsibilities clear, transparent and enforceable.

Reports to the Commission include the number of infringements classified by risk category as set out in Annex II. These risk categories have been updated by amendments to the ADR under Section I.1 of Annex I to Directive 2008/68/EC.[5]

Directive 2008/68/EC establishes mandatory technical and administrative requirements for both national and international transport of dangerous goods within the EU. The uniform checks required by the Directive apply to all carriage of dangerous goods by road, including within a Member State or entering a Member State from a non-EU country, regardless of the country of origin or registration of the transport unit.

Annexes I and II to Directive (EU) 2022/1999 have therefore been amended accordingly, and for reasons of clarity, should be replaced in national law.

Review and Impact Assessment

The Expert Group on Inland Transport of Dangerous Goods was established to support the Commission in preparing delegated acts to update the annexes to Directive (EU) 2022/1999 in line with scientific and technical progress, including amendments to Directive 2008/68/EC.

The draft act was discussed with the Expert Group at six formal and ad hoc meetings in 2023 and 2024, and their comments were incorporated. Member States were also consulted in writing between 13 February and 14 March 2025, with six responses received and considered. In addition, the draft was subject to public consultation on the "Have your say" portal from 18 February to 18 March 2025, resulting in eight stakeholder submissions, which were also considered.

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[5] http://data.europa.eu/eli/dir/2008/68

National Approach

These Regulations have been drafted to ensure that consistency is achieved with Annexes A and B to the ADR, as adapted and applied by Section 1 of Annex I to Directive 2008/68/EC. They amend all references to Directive (EU) 2022/1999 to include reference to Delegated Directive (EU) 2025/1801.

Additional offence numbers have been added to Schedule 2 Part 1 of these Regulations to reflect the new infringements set out in Annex II of Delegated Directive (EU) 2025/1801. Corresponding offences have been added to Schedule 2 Part 3 with associated offence identification numbers, identifiers, risk categories, and summaries.

As the checklist specified in Annex I of Commission Delegated Directive (EU) 2025/1801 is not currently incorporated into Ireland's national regulations, no legislative amendments were required in this regard. However, administrative revisions will be made to the vehicle inspection checklist to align with the updated Annex 1 of Delegated Directive (EU) 2025/1801. This revised checklist will be used by roadside vehicle inspectors from the transposition date of 23 June 2026.

The Regulations do not introduce any additional administrative or financial burden on compliant SMEs. However, existing processes and associated costs will remain unchanged.

SME Test - Think Small First

An Roinn Fiontar,
Trádála agus Fostaíochta
Department of Enterprise,
Trade and Employment

Screening questions

Is the new policy, primary or secondary legislation, or regulatory compliance requirement relevant for SMEs[6]?

The following questions must be answered:

- Are SMEs within the scope of the measure? Yes ☒ No ☐
- Does the measure specifically target SMEs? Yes ☐ No ☒
- Will or could SMEs be impacted directly or indirectly by the measure? Yes ☒ No ☐
- Are SME impacts likely to be more substantial than on other companies, for example, in terms of adverse effects? Yes ☐ No ☒

If you said yes to any of the above, complete Sections 1-5.

1. Consultation

1. What consultation will/has taken place to capture input from the SME community, particularly those most impacted by this measure?

Public consultation	☒
Online consultation	☐
Consultation with SME representative bodies	☒
Notifications of consultation to database of interested stakeholders	☒
Interviews and panels with experts	☐
Webinars	☐
Roundtables	☐
Public meetings	☐
Other	☐

If Other, please provide details:

6 Medium <250 employees, Small < 50 employees, Micro SME <10 employees
As per EU definition of an SME: https://single-market-economy.ec.europa.eu/smes/sme-definition_en

2. Identification of affected businesses

2a: Please identify the type of SMEs that will be directly or indirectly (i.e. SMEs not in scope, but potentially affected indirectly, for instance through impacts on supply chain) affected by proposed policy change -

Micro (1-9 employees) ☐

Small (10-49 employees) ☐

Medium (50-249) employees ☐

All of the above ☐

There is currently no information available from the HSA in relation to the number of employees in each of the companies who operate ADR vehicles. Existing companies, irrespective of size fall within the existing ADR legislation if they are transporting chemicals.

2b: Has an estimate been carried out of the numbers of micro, small and medium companies affected directly or indirectly by the measure?

Yes ☐ No ☐

There are approximately 3,500 ADR vehicles operating in Ireland. However, the HSA have indicated that they are unable to estimate the numbers that will be affected by the measure.

2c: Will the proposed policy change have a greater impact on SMEs in any particular economic sector?

Yes ☐ No ☐

If Yes, please specify.

Companies involved in the transport of dangerous goods by road will be directly affected by the measures. Companies operating in the waste sector will be particularly impacted due to updated requirements on waste packaging under ADR. The HSA have made companies aware of changes to ADR inspections from 2027.

2d: Will the proposed policy change have a greater impact on SMEs in any particular region?

Yes ☐ No ☒

If Yes, please specify.

SME Test - Think Small First

3. Assessment of the impacts on SMEs

3a: What are the expected positive impacts of the policy change on SMEs ?

- Improved regulatory framework Yes ☒ No ☐
- Improved working conditions Yes ☒ No ☐
- Cost savings Yes ☐ No ☒

If other, please provide details.

3b: Will the proposed changes result in any of the following impacts for SMEs?

- Administrative costs, including the obligation to provide information on the activities or products of the company, including one-off and recurring administrative costs?Yes ☐ No ☒
- Compliance costs, including the obligation to pay fees or duties; and costs created by the obligation to adapt the nature of the product/service and/or production/service delivery process to meet economic, social or environmental standards. Yes ☒ No ☐
- Other impacts, including on business entry and exit; competition and competitiveness? Yes ☐ No ☒
- Discourage entrepreneurship or innovation? Yes ☐ No ☒
- Impacts of any proposed exemption thresholds on business growth? Yes ☐ No ☒
- Impacts on SME population composition and location? Yes ☐ No ☒
- Additional reporting requirements? Yes ☐ No ☒

The Regulations do not introduce any additional administrative or financial burden on compliant SMEs and so there will be no significant impact to companies, with the exception of those operating in the waste sector who will be required to update packaging. However, existing processes and associated costs will remain unchanged for other sectors. Changes are primarily related to conditions under which inspectors can issue fixed payment notices.

4. Assessment of alternative options and mitigating measures

4a. If the analysis above has shown that the proposed policy changes will result in negative impacts on SMEs, has there been consideration of any measures to mitigate against these impacts.

Examples of mitigating measures include

- Exemption for certain SME cohorts (e.g. micros);
- Simplification of administrative procedures and use of plain English;
- Reduction of information requirements;
- Less onerous or less frequent inspection regimes for small businesses;
- Provision of longer transitions periods for SMEs so that they can have more time to allocate resources when dealing with policies;
- Lower administrative fees;
- Access to financing or lower interest rates in order to comply;
- Training and assistance with compliance;
- Requirement for SMEs to have only to register for a certain activity rather than having to be fully licensed;
- One-stop shops.

Yes ☐ No ☒

Please provide details.

It is not considered that the additional measures will have adverse effects on compliant SMEs.

5. Post-completion of SME Test

5a: Have you noted the outcome of the SME Test identifying the impacts and provision for mitigating measures, under the Impacts section of the Memorandum for Government proposing the policy changes?

Yes ☐ No ☒

5b: Have you made this form available publicly on your Department website?

Yes ☒ No ☐

If not, please give reason why[7].

For further information please contact: ESBPU@enterprise.gov.ie

Entrepreneurship and Small Business Unit

Department of Enterprise, Trade and Employment

[7] It is expected that all completed Tests will be published. Redactions may be made to sensitive material. Very robust reasons must be provided if not publishing.