

SUBSIDIARY LEGISLATION 65.22

**MOTOR VEHICLES (CARRIAGE OF DANGEROUS GOODS
BY ROAD) REGULATIONS**

1st May, 2004

LEGAL NOTICE 211 of 2003, as amended by Legal Notices 349 of 2005, 216 of 2007 and 212 of 2009; Act XV of 2009; and Legal Notices 226 of 2011, 181 of 2013, 193 of 2017 and 360 of 2018 and 38 of 2019 and 200 of 2021, 116 of 2023 and 176 of 2025.

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PART I

PRELIMINARY

Citation.

1. The title of these regulations is the Motor Vehicles (Carriage of Dangerous Goods by Road) Regulations.

Definitions.

*Amended by:**L.N. 349 of 2005;**L.N. 216 of 2007;**L.N. 212 of 2009;**XV. 2009.49;**L.N. 360 of 2018;**L.N. 38 of 2019;**L.N. 200 of 2021;**L.N. 116 of 2023;**L.N. 176 of 2025.*

2. In these regulations, unless the context otherwise requires:

"activities" means the transport of dangerous goods by road and shall include any necessary loading, mixed loading and unloading;

"ADR" means the European Agreement concerning the International Carriage of Dangerous Goods by Road, concluded at Geneva on the 30th September 1957, as amended, and has the same meaning and interpretation given to it by Directive 2008/68/EC, as amended;

"Annex A and Annex B to the ADR" means the annexes to the ADR, as applicable from from 1st January 2025, it being understood that "contracting party" is substituted by "Member State" as appropriate.'

"authorisation" means any authorisation in any form issued by the competent authority in terms and for the purposes of these regulations;

"check" means any check, control, inspection, verification or formality carried out by the competent authorities for reasons of safety inherent in the transport of dangerous goods;

"Community" means the European Community;

"Commission" means the Commission of the European Union;

Cap. 499.

"competent authority" means the Authority for Transport in Malta as established under the Authority for Transport in Malta Act;

"dangerous goods" means those substances and articles the transport of which by road is prohibited or authorized only in certain circumstances by Annex A and Annex B to the ADR;

"DGSA certificate" means the Dangerous Goods Safety Adviser vocational training certificate issued in accordance with the model given in the Fifth Schedule;

"examination body" means any body designated by the competent authority to hold examinations;

"enforcement action" means any disciplinary, administrative or penal measures, sanctions or penalties which may be imposed by the competent authority on any defaulting vehicles or persons, as may be prescribed from time to time;

"existing vehicle" means a vehicle which is intended for the carriage of explosives or a vehicle which is intended for the carriage of dangerous goods in a tank and which was already registered with the Authority for Transport in Malta for that purpose before the 1st May, 2004

"international transport" means transport between two or more State Parties, including transport to or from Malta;

"Malta" has the same meaning as is assigned to it in article 124

of the Constitution of Malta;

"MEGC" means multiple element gas container;

"public highway" means national, arterial, distributor, access and local access roads;

"safety adviser for the transport of dangerous goods", hereinafter referred to as "adviser", means any person appointed by the head of an undertaking whose role is to carry out the tasks and fulfil the functions defined in regulation 16 and who holds the training certificate provided for in regulation 17;

"State Party" means a State which is Party to the ADR;

"third country" means any country not being a State Party;

"transport" means any road transport operation performed by a vehicle wholly or partly on public roads within the territory of Malta or of a State Party, including the activity of loading, mixed loading, unloading and handling, covered by Annex A and Annex B to the ADR, without prejudice to any arrangements laid down by the laws of Malta or of the State Parties concerning liability in respect of such operations. It shall not include transport wholly performed within the perimeter of an enclosed area;

"transportable pressure equipment" means any receptacles and tanks, including demountable tanks, tank wagons, cylinders, tubes, and pressure drums, used for the transport of gases or other dangerous substances;

"undertaking" means any natural or legal person, whether or not profit-seeking, any association or group of persons without legal personality, whether or not profit-seeking, and any body coming under a public authority, whether itself possessing legal personality or dependent on an authority having such personality, which carry, load, unload or handle dangerous goods or cause them to be carried and those which temporarily store, collect, package or take delivery of such goods as part of a transport operation and are located in the territory of Malta or the Community;

"vehicle" means any motor vehicle which is intended for use on the road, having at least four wheels and a maximum design speed exceeding 25 km/h, and any trailer, with the exception of vehicles which run on rails, mobile machinery and agricultural and forestry tractors that do not travel at a speed exceeding 40 km/h when transporting dangerous goods.

PART II

MANNER OF CARRIAGE OF DANGEROUS GOODS

3. (1) Without prejudice to regulations 6 and 7, dangerous goods the transport of which is prohibited by Annex A and Annex B to the ADR, as applicable with effect from the 1st January, 2017, shall not be transported by road.

(2) Save as otherwise provided in these regulations, the transport of other dangerous goods listed in Annex A to the ADR shall be authorized subject to compliance with the conditions

Limitation and prohibition of transport of goods.
Amended by:
L.N. 212 of 2009;
L.N. 226 of 2011;
L.N. 181 of 2013;
L.N. 193 of 2017.

imposed in Annex A and Annex B to the ADR, in particular to:

- (a) the packaging, packing, and labelling of the goods in question;
- (b) the construction, equipment and proper operation, including the placarding and marking, of the vehicle, tanks containers, MEGCs, and receptacles, carrying the goods in question; and
- (c) the documentation, fire-fighting appliances and other miscellaneous equipment to be carried on board transport units.

(3) These regulations shall not apply to the transport of dangerous goods by vehicles belonging to or under the responsibility of the Armed Forces of Malta.

Air or sea
transport.

4. (1) Notwithstanding the provisions of regulation 3, dangerous goods classified, packaged and labelled in accordance with the international requirements for maritime or air transport may, whenever a transport operation involves a sea or air voyage, be transported by road without any of the requirements mentioned in Annex A and Annex B to the ADR provided the vehicle is appropriately placarded and the driver is authorised to carry such goods.

(2) Any provisions in Annex A and Annex B to the ADR concerning the use of languages in relevant markings or documentation shall not apply to transport operations confined to the territory of Malta.

Applicability of
Schedules and
Annex A and
Annex B of the
ADR.

5. (1) Save as otherwise provided in these regulations, the Schedules to these regulations and Annex A and Annex B to the ADR shall form an integral part of these regulations and are to apply to any transport of dangerous goods by road in Malta.

(2) All exemptions mentioned in Annex A and Annex B to the ADR shall equally be applicable to any transport of dangerous goods by road in Malta.

(3) Save as otherwise provided in these regulations, all definitions mentioned in Annex A and Annex B to the ADR shall have the same meaning for the purposes of these regulations.

(4) Save as otherwise provided in these regulations, the classification of substances or articles, packing groups, classification codes or groups, and the United Nations numbers mentioned in Annex A and Annex B to the ADR shall apply to these regulations.

Derogations.

6. (1) The competent authority may grant temporary derogations from Annex A and Annex B to the ADR for the purpose of carrying out within Malta any necessary trials, provided that at no time the safety of the vehicle crew and roads open to the public are compromised.

(2) Any abovementioned derogation is to be applied without discrimination on grounds of nationality or the place of

establishment of the consignor, haulier or consignee.

(3) Any derogation granted in accordance with the provisions of this regulation may extend for a period not exceeding five years, which period may not be renewed.

7. (1) Notwithstanding the provisions of these regulations, the competent authority may authorise single transports of dangerous goods which are either prohibited by Annex A and Annex B to the ADR or which are to be performed under conditions different from those laid down in Annex A and Annex B to the ADR.

Authorisation for single transports.

(2) Written authorisation from the competent authority shall be required for every such single transport as is mentioned in subregulation (1).

8. All participants in the transport of dangerous goods, including, but not limited to, the person of the consignor, carrier, consignee, driver, loader, packer, filler, the tank-container or portable tank operator, and all others persons involved in the transport of dangerous goods shall conform to the requirements and fulfil all the obligations prescribed in Annex A and Annex B to the ADR.

Participants in transport of dangerous goods.

9. Subject to the laws of Malta in force at the time regulating market access, vehicles registered or put into circulation shall be authorized to perform the international transport of dangerous goods within Malta if the transport in question complies with all these regulations.

Vehicles which have been already registered.

PART III

CHECKS ON TRANSPORT OF DANGEROUS GOODS

10. (1) This Part shall apply to checks and enforcement action carried out by the competent authority on vehicles travelling in Malta or entering Malta from a third country.

Checks and enforcement action.

(2) This Part shall not, however, affect the right of the competent authority, to carry out checks on national and international transport of dangerous goods within Malta performed by vehicles not covered by Part II.

(3) The checks to be carried out by the competent authority will vary depending on the goods being carried.

11. (1) All checks and enforcement actions carried out by the competent authority are to ensure compliance with these regulations.

Control points.

(2) For this purpose, checks shall be carried out at frontier control points and extensively throughout Malta.

(3) This Part shall *mutatis mutandis* apply to road transport operations effected by means of transport registered or put into circulation in a third country or to road transport operations entering Malta from any such third country.

Check certificate
and place of
inspection.

12. (1) In carrying out checks the competent authority is to record all results upon inspection in a form provided for in the First Schedule. A copy of this checklist or a certificate showing the result of the check shall be given to the driver of the vehicle:

Provided that notwithstanding the provisions of the last preceding paragraph, the Minister may from time to time order the granting to the competent authority of the right to carry out additional specific measures for detailed checks and specific enforcement action.

(2) The checks shall be random and may be performed on any road open to the public.

(3) The places chosen for the checks to be performed must permit defaulting vehicles to rectify any deficiencies on the spot, or, to be detained there if the competent authority carrying out the check considers it necessary or appropriate to immobilize the vehicle and this without causing a safety hazard.

(4) Checks may also be carried out at the premises of undertakings as a preventive measure, or, where infringements which jeopardize safety in the transport of dangerous goods have been recorded, at the roadside.

(5) The duration of the checks shall not exceed a reasonable length of time and the transport unit shall not be delayed for longer than is necessary.

(6) Where appropriate, and provided that this does not constitute a safety hazard, samples of the goods transported may be taken for testing to laboratories approved by the competent authority.

Immobilization of
defaulting
vehicles.
*Amended by:
L.N. 212 of 2009.*

13. (1) Without prejudice to other penalties which may be imposed, vehicles infringing one or more of these regulations, in particular infringements listed in the Second Schedule, may be immobilized either on-the-spot or at any place designated for this purpose by the competent authorities carrying out the check.

(2) All vehicles so immobilized will be required to rectify any deficiencies before continuing their journey or may be subject to other appropriate measures, depending on the circumstances or the requirements of safety, including where appropriate, refusal to allow such vehicles to enter or leave Malta.

(3) Where one or more infringements, in particular those listed the Second Schedule, have been established in respect of vehicles which at the time are at an undertaking, the vehicle will not be allowed to leave the premises until all deficiencies are rectified and is in conformity with any other appropriate measures imposed on the said vehicle by the competent authority.

PART IV

SAFETY ADVISERS

Exemption.

14. (1) This Part shall not apply to undertakings involved in transport activities of dangerous goods having in each transport

unit quantities smaller than those specified in Annex A and Annex B to the ADR.

(2) The provisions of this Part shall be without prejudice to any provisions on health and safety of workers at the workplace in force at the time in Malta.

15. (1) Undertakings involved in transport activities of dangerous goods by road, shall each appoint one or more safety advisers for the transport of dangerous goods.

Appointment of safety advisers.

(2) The safety adviser shall assist the undertaking in taking all steps necessary to prevent the risks inherent in such activities with regard to persons, property and the environment.

16. (1) The safety adviser shall under the responsibility of the head of the undertaking and within the limits of the relevant activities of that undertaking, to facilitate the conduct of the activities of the undertaking in accordance with the rules applicable and in the safest possible way. In particular he is to perform all the duties listed in the Third Schedule relevant to the undertaking's activities.

Duties of safety advisers.

(2) The adviser may also be the head of the undertaking, a person with other duties in the undertaking, or a person not directly employed by that undertaking, provided that that person is capable of performing the duties of safety adviser.

(3) Each undertaking concerned shall, on request, inform the competent authority of the identity of its adviser.

17. (1) A safety adviser shall hold a Dangerous Goods Safety Advisor (DGSA) certificate issued by the competent authority or by the competent authority of another State Party which certificate will only be valid for the mode or modes of transport concerned.

Safety adviser certification.

(2) Candidates wishing to obtain the DGSA certificate shall undergo training and pass an examination approved by the competent authority.

(3) The main aims of the training shall be to provide candidates with sufficient knowledge of the risks inherent in the transport of dangerous goods, of the laws, regulations and administrative provisions applicable to the modes of transport concerned and of the duties listed in the Third Schedule.

(4) The examination shall cover at least the subjects listed in the Fourth Schedule.

(5) The DGSA certificate shall be in the form laid down in the Fifth Schedule.

18. The DGSA certificate referred to in the preceding regulation shall be valid for a period not exceeding five years. The period of validity of a DGSA certificate shall be extended automatically for five years at a time where, during the final year before each expiry, its holder shall have followed refresher courses or passed an examination both of which must be approved by the competent authority in accordance with any regulations which may

DGSA certificate.

be made by the Minister from time to time.

Reports.

19. Whenever an accident affects any person, property or the environment or results in damage to property or the environment during transport activities carried out by the undertaking concerned, the adviser shall, after collecting all the relevant information, prepare an accident report for the management of the undertaking. This report shall be made available to the competent authority whenever so requested:

Provided that this report shall not replace any report to be drawn up by the management of the undertaking which may be required under any other international, Community or national legislation.

Examinations.

20. (1) The competent authority or examining body shall organise a compulsory written examination which it may supplement with an oral examination to assess whether candidates possess the necessary level of knowledge required to carry out the tasks of adviser in order to obtain the DGSA certificate, in accordance with the Fourth Schedule.

(2) The DGSA certificate must clearly indicate that it is valid only for the type or types or class or classes of goods on which the adviser has been examined in accordance with the requirements of these regulations.

PART V

THE TRANSPORT OF EXPLOSIVE SUBSTANCES AND ARTICLES

Exemption.

21. (1) This Part is not applicable to the transport of:

- (a) substances which are not themselves explosive but which may form an explosive mixture of gas, vapour or dust;
- (b) water or alcohol-wetted explosives of which the water or alcohol content exceeds the limits specified and those containing plasticizers;
- (c) explosives which, on the basis of their predominant hazard, are classified as organic peroxides;
- (d) devices containing explosive or pyrotechnic substances in such small quantity or of such a character that their inadvertent or accidental ignition or initiation during carriage would not cause any manifestation external to the device by projection, fire, smoke, heat or loud noise.

(2) The regulations in this Part shall be without prejudice to any other regulations issued by the Minister from time to time relating to the transport of Class 1 materials or other dangerous goods.

(3) This Part is applicable to vehicles designated "EX/II" and "EX/III" to be used in the transport of Class 1 materials, as stipulated in Annex B to the ADR.

22. (1) In international transport, all explosive substances and articles transported on the roads in Malta shall be transported in the approved packaging prescribed in Annex A and Annex B to the ADR, depending on the substances or articles transported.

Packaging.

(2) In national transport operations, all explosive substances and articles transported on the roads in Malta shall be transported in the approved packaging as is prescribed in writing by the competent authority, for the goods being transported.

23. (1) All new vehicles which are intended to transport explosive substances and articles under this Part are to conform with all the requirements laid down in Annex B to the ADR, depending on the goods being transported.

New vehicles' roadworthiness.

(2) All new vehicles must be duly certified as being roadworthy.

(3) All new vehicles must be inspected and checked by the competent authorities.

(4) All new vehicles being certified as roadworthy and certified by the competent authorities as fulfilling all the requirements of these regulations will be issued a certificate of approval, as is laid down in the Sixth Schedule, allowing the vehicle to be used in transport of goods in this Part. The certificate must be produced upon request as proof of the vehicle's conformity with these regulations.

(5) The certificate mentioned in subregulation (4) will be valid for a period not exceeding one year.

24. (1) All existing vehicles used in the transport of explosive substances and articles under this Part before the commencement date of these regulations, are to fulfil the minimum requirements laid down in subregulation (2) of this regulation.

Existing vehicles' roadworthiness.

(2) All existing vehicles must:

- (a) be duly certified as being roadworthy and have a valid roadworthy certificate;
- (b) be of diesel propulsion system;
- (c) have a cargo area of metal construction and must be completely isolated from the driver or any other person on the vehicle;
- (d) the cargo body must be totally enclosed and lockable. If the cargo body is open the vehicle must have a head, side and tail board and loads must be completely sheeted by means of a water-proof and fire-resistant tarpaulin;
- (e) the driver's cab must be of metal construction and fully enclosed.

(3) All existing vehicles which fully comply with the above requirements may carry explosive articles and substances under this Part provided that the vehicle is clearly placarded and labelled as is prescribed in Annex A and Annex B to the ADR.

(4) All explosive substances and articles under this Part which are to be transported must be at all times securely stowed.

(5) All explosive substances and articles under this Part which are to be transported must be packaged, marked, stowed and/or segregated in the manner prescribed in Annex A and Annex B to the ADR. Mixed loading is not permitted unless the substances or articles are compatible.

Driver
certification.

25. (1) All drivers of both new and existing vehicles shall hold an ADR Training Certificate for Drivers of Vehicles Carrying Dangerous Goods, as laid down in the Seventh Schedule, issued by the competent authority or by the competent authority of another State Party valid for the mode of transport concerned.

(2) Candidates wishing to obtain the ADR Training Certificate for Drivers of Vehicles Carrying Dangerous Goods shall undergo training and pass an examination approved by the competent authority.

(3) The main aims of the training shall be to provide candidates with sufficient knowledge of the risks inherent in the transport of explosive articles and substances, of the laws, regulations and administrative provisions applicable to the modes of transport concerned and of the duties listed in Annex A and Annex B to the ADR.

(4) Any person accompanying the driver in the vehicle must also be in possession of an ADR Training Certificate for Drivers of Vehicles Carrying Dangerous Goods.

PART VI

GENERAL REQUIREMENTS CONCERNING THE CONFORMITY OF CERTAIN VEHICLES AND THE CERTIFICATION OF CREWS TO TRANSPORT DANGEROUS GOODS

Applicability.

26. (1) The application of this Part is without prejudice to the applicability of the other Parts and Schedules to these regulations and Annex A and Annex B to the ADR.

(2) This Part is applicable to vehicles designated "FL", "OX" and "AT".

For the purpose of this Part:

"FL" means a vehicle intended for the carriage of liquids having a flash-point of not more than 61°C (with the exception of diesel fuel complying with standard EN 590:1993, gas oil, and heating oil (light) - UN No. 1202 - with a flash-point as specified in standard EN 590:1993) or flammable gases, in tank-containers, portable tanks or MEGCs of more than 3m³ capacity, fixed tanks or demountable tanks of more than 1m³ capacity or a battery vehicle of more than 1m³ capacity intended for the carriage of flammable gases;

"OX" means a vehicle intended for the carriage of hydrogen peroxide, stabilized or hydrogen peroxide, aqueous solution

stabilized with more than 60 per cent hydrogen peroxide (Class 5.1, UN No. 2015) in tank-containers or portable tanks of more than 3m³ capacity, fixed tanks or demountable tanks of more than 1m³ capacity;

"AT" means a vehicle, other than FL or OX, intended for the carriage of dangerous goods in tank containers, portable tanks or MEGCs of more than 3m³ capacity, fixed tanks or demountable tanks of more than 1m³ capacity or a battery vehicle of more than 1m³ capacity other than an FL vehicle.

27. (1) All road vehicles, including tractor and trailer units used for the transport of dangerous goods must be certified to be roadworthy and fit for the purpose for which they are being used.

General vehicle requirements.

(2) All road vehicles, including tractor and trailer units used for the transport of dangerous goods must conform to all product safety requirements in force at the time.

(3) All road vehicles, including tractor and trailer units used for the transport of dangerous goods must conform to all the requirements prescribed in Annex B to the ADR.

28. (1) All vehicles, tractor or trailer unit designated as "FL", "OX" and "AT" will be subject to an annual check and if such vehicles result to be roadworthy and fulfil the requirements of these regulations they shall be certified as such.

Vehicle certification.

(2) All vehicles, tractor or trailer unit designated as "FL", "OX" and "AT" are to be checked by the competent authority to ensure that such vehicles conform to all the requirements prescribed in Annex B to the ADR.

(3) All vehicles, tractor or trailer unit successfully passing all tests and inspections will be issued a Certificate of Approval for Vehicles Carrying Certain Dangerous Goods as is prescribed in the Sixth Schedule, subject however to the requirements set out in Part VII regarding the approval and certification of fixed tanks, tank containers, portable tanks, multiple-element gas containers (MEGCs), and demountable tanks.

(4) All vehicles certified under the previous subregulations can be used for both national and international transport, subject to the requirements prescribed in Annex A and Annex B to the ADR.

29. All vehicles, including tractor and trailer units used for the transport of dangerous goods must be roadworthy and fit for the purpose for which they are being used.

Vehicle requirements.

30. (1) All existing vehicles used in the transport of dangerous goods in Malta which do not conform with the requirements prescribed in Annex B to the ADR, or any of the requirements mentioned in Part VII, will not qualify to be issued the Certificate of Approval for Vehicles Carrying Certain Dangerous Goods.

Non-certified existing vehicles.

(2) All existing vehicles as is mentioned in subregulation (1) cannot be used for international transport of dangerous goods.

(3) All existing vehicles as are mentioned in subregulation (1) may be used for national transport of dangerous goods provided

that:

- (a) the vehicle is subject to the annual roadworthiness check and is maintained in such a condition as to make it fit to use safely;
- (b) the tank, tank container, multiple-element gas container (MEGCs) and demountable tanks fitted to, or carried by the vehicle, is to be subject to regular and periodic inspection and or tests required by the competent authority;
- (c) the driver holds the necessary ADR Training Certificate for Drivers of Vehicles Carrying Dangerous Goods, as mentioned in regulation 25, or has been suitably trained depending on dangerous goods being carried and the quantity of goods carried;
- (d) the vehicle and its load, including the tank, tank container, multiple-element gas container (MEGC) and demountable tanks are all suitably placarded and labeled as required by Annex A and Annex B to the ADR.

Driver
certification.

31. (1) All drivers of both new and existing vehicles shall hold an ADR Training Certificate for Drivers of Vehicles Carrying Dangerous Goods, as laid down in the Seventh Schedule, issued by the competent authority or by the competent authority of another State Party, which is valid for the mode of transport concerned.

(2) Candidates wishing to obtain the ADR Training Certificate for Drivers of Vehicles Carrying Dangerous Goods shall undergo training and pass an examination approved by the competent authority.

(3) The main aims of the training shall be to provide candidates with sufficient knowledge of the risks inherent in the transport of the dangerous goods transports, of the laws, regulations and administrative provisions applicable to the modes of transport concerned and of the duties listed in Annex A and Annex B to the ADR.

(4) Any person accompanying the driver in the vehicle must also be in possession of an ADR Training Certificate for Drivers of Vehicles Carrying Dangerous Goods.

PART VII

THE USE OF TANKS, TANK CONTAINERS, MULTIPLE-ELEMENT GAS CONTAINERS (MEGCs), DEMOUNTABLE TANKS AND TRANSPORTABLE PRESSURE EQUIPMENT

Use of tanks, tank
containers, etc.

32. (1) All tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment used in the transport of dangerous goods are to comply with the requirements mentioned in Annex A and Annex B to the ADR.

(2) The competent authority may at any time check such tanks,

tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment to ensure conformity with the requirements laid down in Annex A and Annex B to the ADR and to ensure that the tanks or containers being used are fit and designed for the safe transport of dangerous goods.

(3) The competent authority may direct the owner of such tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment to undergo a check at any place designated by the competent authority for that purpose.

(4) Checks are to be performed to all new tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment as well as to existing tanks, tank containers and transportable pressure equipment used in the transport of dangerous goods.

(5) The checks which must be carried out may be varied by the competent authority from time to time to ensure the safe transport of dangerous goods.

33. (1) If the tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment, are found to be fit and designed to safely transport dangerous goods and also satisfy the requirements of Annex A and Annex B to the ADR, a certificate will be issued by the competent authority.

Fitness certificate.

(2) This certificate will be valid for a period not exceeding one year, at the expiration of which all tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment must be checked before a new certificate can be issued.

34. All existing tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment in operation not certified as mentioned in regulation 33 may be used only in national transport after the said tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment are checked by the competent authorities and certified as being safe.

Existing tanks in operation.

35. (1) The checks which must be carried out may be varied by the competent authority from time to time to ensure the safe transport of dangerous goods.

Inspections and checks.

(2) All checks are to be held in a place designated by the competent authority and by personnel authorised by the competent authority for that purpose.

(3) The competent authority may at any time demand that another check be held if the competent authority reasonably believes that the person performing the check was not competent or if for any other reason believes that the safety of the transport of dangerous goods, has been, or could be compromised.

(4) The competent authority shall from time to time issue guidelines relating to all inspections and checks under this Part.

- Placarding. **36.** All tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment are to be properly marked and placarded as is required in Annex A and Annex B to the ADR.
- Prohibition of use of tanks, etc. **37.** The competent authority may at any time suspend the use of any tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment, if the said competent authority is unsure of its continued safety in operations involving the transport of dangerous goods by road.
- Marking. **38.** (1) All tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment must bear a clear and legible mark indicating the tank, container, or pressure equipment is in conformity with these regulations.
- (2) Where the tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment do not bear a mark as required in subregulation (1), the tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment shall not be placed on the market for sale or used for the transport of dangerous goods.
- Documentation. **39.** (1) All persons who have purchased any tanks, tank containers, multiple element gas containers (MEGCs), demountable tanks and transportable pressure equipment to be used in the transport of dangerous goods shall present to the competent authority all documents relating to the said tank, container or pressure equipment and in particular all certificates or documents indicating that the tank, container or pressure equipment is in conformity with these regulations.
- (2) The competent authority, or any body or persons designated by the competent authority, shall keep records of all such documentation.

PART VIII

TRAINING OF PERSONS INVOLVED IN THE CARRIAGE OF DANGEROUS GOODS

- Training of personnel. **40.** All persons employed or involved in transport activities of dangerous goods, shall receive training in the requirements governing the carriage of dangerous goods appropriate to their responsibilities and duties as set out in Annex A and Annex B to the ADR.
- Training to be provided by employer. **41.** (1) The employer shall provide general awareness training to all persons employed by him in transport activities of dangerous goods to make all such employees familiar with the general requirements of the provisions for the carriage of dangerous goods laid down in Annex A and Annex B to the ADR.
- (2) Where the carriage of dangerous goods involves a multimodal transport operation, all persons employed or involved

in transport activities of dangerous goods shall also be given training to be familiar with the requirements concerning other modes of transport.

42. (1) Commensurate with the degree of risk or injury or exposure arising from an incident involving the transport activities of dangerous goods, all persons employed or involved in such transport activities, shall receive, from the employer, training covering the hazards and dangers presented by dangerous goods.

Nature and extent
of training.

(2) The training provided shall aim to make persons involved or employed in transport activities of dangerous goods acquainted with the safe handling and emergency response procedures.

(3) All persons involved or employed in the transport of Class 7 radio-active materials shall also receive from the employer, appropriate training concerning the radiation hazards involved and the precautions to be observed in order to ensure restriction of their exposure and that of other persons who might be affected by their actions.

(4) All training shall be periodically supplemented with refresher training to take account of any changes in regulations in force at the time.

(5) All refresher training must be provided at least once every five years.

43. (1) All training courses offered shall be approved by the competent authority. The competent authority shall make all necessary recommendations to ensure that the training is adequate and effective.

Training details of
employees.

(2) Both employers and employees involved in any transport of dangerous goods are to maintain records detailing all training undertaken and all such details are to be verified upon commencing new employment.

(3) The competent authority may at any time request the production of training details of any employee.

(4) If the competent authority is of the opinion that any employee is not duly qualified or trained, and consequently the safety of the transport of dangerous goods may be jeopardized, the competent authority may take all necessary steps to suspend, or to order the training of the said employee.

Substituted by:
L.N. 349 of 2005.

FIRST SCHEDULE
(Regulation 12)

CARRIAGE OF DANGEROUS GOODS CHECKLIST

This certificate of inspection is provided in accordance with Council Directive 95/50/EC and Commission Directive 2004/112/EC on uniform procedures for checks on the transport of dangerous goods by roads and relates solely to the findings of the check carried out by the signatory to this document in relation to the vehicle referred to and at the place, date and time specified. It is provided without prejudice to the findings of any previous or subsequent check which has been or may be carried out in accordance with these Directives or under any relevant statutory provision and any legal proceedings which may have been or which may be commenced in respect of an alleged contravention of any such provision. Nothing in this certificate shall be taken as indicating compliance with any relevant statutory provision or relieving any person of any statutory duty under any such provision.

1. Place of check		2. Date	3. Time
4. Vehicle nationality and registration number		5. Trailer/semi-trailer nationality mark and registration number	
6. Undertaking carrying out transport/address		7. Driver/driver's assistant	
8. Consignor, address, place of loading ⁽¹⁾ ⁽²⁾		9. Consignee, address, place of unloading ⁽¹⁾ ⁽²⁾	
10. Total quantity of dangerous goods per transport unit	11. ADR 1.1.3.6 quantity limit exceeded Yes ☐ No ☐	12. Mode of transport in bulk ☐ package ☐ tank ☐	

Documents on board

13. Transport document	☐ inspected	☐ infringements established	☐ not applicable
14. Instructions in writing	☐ inspected	☐ infringements established	☐ not applicable
15. Bilateral/multilateral agreement/national authorization	☐ inspected	☐ infringements established	☐ not applicable
16. Vehicle approval certificate	☐ inspected	☐ infringements established	☐ not applicable
17. Driver's training certificate	☐ inspected	☐ infringements established	☐ not applicable

Transport operation

18. Goods authorised for transport	☐ inspected	☐ infringements established	☐ not applicable
19. Vehicles authorized for goods carried	☐ inspected	☐ infringements established	☐ not applicable
20. Provisions related to the mode of transport (bulk, package, tank)	☐ inspected	☐ infringements established	☐ not applicable
21. Mixed loading prohibition	☐ inspected	☐ infringements established	☐ not applicable
22. Loading, securing of the load and handling ⁽³⁾	☐ inspected	☐ infringements established	☐ not applicable
23. Leakage ⁽³⁾ of goods or damage to package	☐ inspected	☐ infringements established	☐ not applicable
24. UN packaging marking/tank marking ⁽²⁾ ⁽³⁾ (ADR 6)	☐ inspected	☐ infringements established	☐ not applicable
25. Package marking (e.g. UN no.) and labelling ⁽²⁾ (ADR 5.2)	☐ inspected	☐ infringements established	☐ not applicable
26. Tank/vehicle placarding (ADR 5.3.1.)	☐ inspected	☐ infringements established	☐ not applicable

27. Vehicle/transport unit marking (orange plate, elev. temp.) (ADR 5.3.2-3)	☐ inspected	☐ infringements established	☐ not applicable
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Equipment on board

28. General purpose safety equipment specified in ADR	☐ inspected	☐ infringements established	☐ not applicable
29. Equipment according to the goods carried	☐ inspected	☐ infringements established	☐ not applicable
30. Other equipment specified in the instructions in writing	☐ inspected	☐ infringements established	☐ not applicable
31. Fire extinguisher(s)	☐ inspected	☐ infringements established	☐ not applicable
32. The most serious risk category of established infringements, if any	Category I	Category II	Category III

33. Remarks

34. Authority/Officer who carried out the inspection

-
- (¹) To be filled only if relevant for an infringement
 (²) To be stated under 'remarks' for groupage transport operations
 (³) Check of visible violations

*Substituted by:
L.N. 349 of 2005.*

SECOND SCHEDULE

(Regulation 13)

PART I

INFRINGEMENTS

The following non-exhaustive list, classified into three risk categories (Category 1 being the most serious), gives a guideline on what is to be regarded as infringement.

The determination of the appropriate risk category must take account of the particular circumstances and be left to the discretion of the enforcing body/officer at the roadside.

Failures that are not listed under the risk categories shall be classified according to the descriptions of the categories.

In the event there are several infringements per transport unit, only the most serious risk category (as indicated under item 32 in the First Schedule) shall be applied for reporting purposes (Part II of this Schedule)

1. Risk Category I

Where failures to comply with relevant ADR provisions create a high-level risk of death, serious personal injury or significant damage to the environment such failures would normally lead to taking immediate and appropriate corrective measures such as immobilization of the vehicle.

Failures are:

1. The dangerous goods being carried are prohibited for transport
2. Leakage of dangerous substances
3. Carriage by a prohibited mode or an inappropriate means of transport
4. Carriage in bulk in a container which is not structurally serviceable
5. Carriage in a vehicle without an appropriate certificate of approval
6. Vehicle no longer complies with the approval standards and presents an immediate danger (otherwise it goes in risk category II)
7. Non-approved packaging is used
8. Packaging does not conform to the applicable packing instruction
9. The special provisions for mixed packing have not been complied with
10. The rules governing the securing and stowage of the load have not been complied with
11. The rules governing mixed loading of packages have not been complied with
12. The permissible degrees of filling of tanks or packages have not been complied with
13. The provisions limiting the quantities carried in one transport unit have not been complied with
14. Carriage of dangerous goods without any indication of their presence (e.g. documents, marking and labelling on the packages, placarding and marking on the vehicle)
15. Carriage without any placarding and marking on the vehicle
16. Information relevant to the substance being carried enabling determination of a risk category I offence is missing (e.g. UN number, proper shipping name, packing group)
17. Driver does not hold a valid vocational certificate
18. Fire or an unprotected light is being used
19. The ban on smoking is not being observed.

2. Risk Category II

Where failures to comply with relevant ADR provisions create a risk of personal injury or damage to the environment such failures would normally lead to taking appropriate corrective

measures such as requiring rectification at the site of control if possible and appropriate, but at the completion of the current transport movement at the latest.

Failures are:

1. The transport unit comprises more than one trailer`semi-trailer
2. Vehicle no longer complies with the approval standards but does not present an immediate danger
3. The vehicle is not carrying operational fire extinguishers as required: a fire extinguisher can still be deemed operational if only the prescribed seal and`or the expiry date are missing; however, this does not apply if the fire extinguisher is visibly no longer operational, e.g. pressure gauge at 0
4. The vehicle does not carry the equipment required in the ADR or in the instruction in writing
5. Test and inspection dates and use periods of packaging , IBCs or large packaging have not been complied with
6. Packages with damaged packaging, IBCs or large packaging or damaged uncleaned empty packaging are being carried
7. Carriage of packaged goods in a container which is not structurally serviceable
8. Tanks/tank containers (including ones that are empty and uncleaned) have not been closed properly
9. Carriage of a combination packaging with an outer packaging which is not closed properly
10. Incorrect labelling, marking or placarding
11. There are no instructions in writing conforming to the ADR, or the instructions in writing are not relevant to the goods carried
12. The vehicle is not properly supervised or parked.

3. Risk Category III

Where failures to comply with relevant provisions result in a low level of risk of personal injury or damage to the environment and where appropriate corrective measures do not need to be taken at the roadside but can be addressed at a later date at the undertaking.

Failures are:

1. The size of placards or labels or the size of letters, figures or symbols on placards or labels does not comply with the regulations
2. Information in the transport documentation other than that in risk category I/(16) is not available
3. The training certificate is not on board the vehicle but there is evidence that the driver holds it.

Part 2

Form for the report to be sent to the European Commission
concerning infringements and penalties

Country:Year:

CHECKS ON THE TRANSPORT OF DANGEROUS GOODS BY ROAD

		Place of registration of vehicle ⁽¹⁾			Total Number
		Country of check	Other EU Member States	Third countries	
Number of transport units on the basis of the contents of the load (and ADR)					
Number of transport units not conforming to ADR					
Number of transport units immobilised					
Number of infringements noted, according to risk category ⁽²⁾	Risk category I				

Number of penalties imposed, according to penalty type	Risk category II				
	Risk category III				
	Caution				
	Fine				
	Other				

ESTIMATED TOTAL QUANTITY OF DANGEROUS GOODS TRANSPORTED BY ROAD:	 t	or t.km
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⁽¹⁾ For the purposes of this Part the country of registration is that of the motor vehicle.

⁽²⁾ In the event that there are several infringements per transport unit, only the most serious risk category (as indicated under item 32 in the First Schedule) shall be applied.

THIRD SCHEDULE

(Regulation 16)

DUTIES OF THE SAFETY ADVISER

1. The adviser has the following duties in particular:
 - a) monitoring compliance with the rules governing the transport of dangerous goods;
 - b) advising his undertaking on the transport of dangerous goods;
 - c) preparing an annual report to the management of his undertaking or a local public authority, as appropriate, on the undertaking's activities in the transport of dangerous goods. Such annual reports shall be presented for five years and made available to the national authorities at their request.
 2. The adviser's duties also include monitoring the following practices and procedures relating to the relevant activities of the undertaking:
 - a) the procedures for compliance with the rules governing the identification of dangerous goods being transported;
 - b) the undertaking's practice in taking account, when purchasing means of transport, of any special requirements in connection with the dangerous goods being transported;
 - c) the procedures for checking the equipment used in connection with the transport, loading or unloading of dangerous goods;
 - d) the proper training of the undertaking's employees and the maintenance of records of such training;
 - e) the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the transport, loading or unloading of dangerous goods;
 - f) investigating and, where appropriate, preparing reports on serious accidents, incidents or serious infringements recorded during the transport, loading or unloading of dangerous goods;
 - g) the implementation of appropriate measures to avoid the recurrence of accidents, incidents or serious infringements;
 - h) the account taken of the legal prescriptions and special requirements associated with the transport of dangerous goods in the choice and use of sub-contractors or third parties;
 - i) verification that employees involved in the transport, loading or unloading of dangerous goods have detailed operational procedures and instructions;
 - j) the introduction of measures to increase awareness of the risks inherent in the transport, loading and unloading of dangerous goods;
 - k) the implementation of verification procedures to ensure the presence on board means of transport of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with the regulations;
 - l) the implementation of verification procedures to ensure compliance with the rules governing loading and unloading.
-

FOURTH SCHEDULE

(Regulations 17 and 20)

DGSA CERTIFICATE QUALIFICATIONS

The knowledge required to qualify for a DGSA certificate must include at least the following:

- I. General preventive and safety measures:
 - a) knowledge of the types of consequences which may be caused by an accident involving dangerous goods; and
 - b) knowledge of the main causes of accidents.
- II. Provisions relating to the mode of transport used under national law, Community standards, international conventions and agreements, with regard to the following in particular:
 - a. the classification of dangerous goods:
 - i. the procedure for classifying solutions and mixtures;
 - ii. the structure of the description of substances;
 - iii. the classes of dangerous goods and the principles of their classification;
 - iv. the nature of the dangerous substances and articles transported; and
 - v. their physical, chemical and toxicological properties;
 - b. general packaging requirements, to include tankers, tank-containers, MEGCs and pressurized equipment:
 - i. types of packaging, codification and marking;
 - ii. packaging requirements and prescriptions for testing packaging;
 - iii. the state of packaging and periodic checks;
 - iv. danger markings and labels;
 - v. the markings on danger labels;
 - vi. the placing and removal of danger labels; and
 - vii. placarding and labelling;
 - c. references in transport documents:
 - i. information in the transport document; and
 - ii. the consignor's declaration of conformity;
 - d. the method of consignment and restrictions on dispatch:
 - i. full load;
 - ii. bulk transport;
 - iii. transport in large bulk containers;
 - iv. container transport;
 - v. transport in fixed and removable tanks;
 - vi. the transport of passengers;
 - vii. prohibitions and precautions relating to mixed loading;
 - viii. the segregation of substances;
 - ix. limits on the quantities carried and quantities exempt;
 - e. handling and stowage:
 - i. loading and unloading (filling ratios);
 - ii. stowage and segregation;
 - iii. cleaning and/or degassing before loading and after unloading;
 - iv. crews: vocational training;
 - f. vehicle papers:
 1. the transport document,
 2. written instructions,
 3. the vehicle-approval certificate,
 4. the vehicle driver's training certificate,
 5. the attestation of training in inland waterway transport,

- 6. copies of any derogations,
 - 7. other documents,
 - 8. safety instructions: implementation of the instructions and driver-protection equipment;
 - g. surveillance obligations: parking;
 - h. traffic and navigation regulations and restrictions;
 - i. operational and accidental discharges of pollutants;
 - j. requirements relating to transport equipment.
-

FIFTH SCHEDULE

(Regulation 17)

CERTIFICATE OF TRAINING AS SAFETY ADVISER FOR THE TRANSPORT OF DANGEROUS GOODS

Form of certificate

Certificate of training as safety adviser for the transport of dangerous goods

Certificate No:

Distinguishing sign of the State issuing the certificate:

Surname:

Forename(s):

Date and place of birth:

Nationality:

Signature of holder:

Valid until for undertakings which transport dangerous goods and for undertakings
which carry out related loading or unloading:

☐ by road

☐ by rail

☐ by inland waterway

Issued by:

Date: Signature:

Extended until: By:

Date: Signature:

SIXTH SCHEDULE
(Regulation 23)

Substituted by:
L.N. 349 of 2005;
L.N. 226 of 2011.

**CERTIFICATE OF APPROVAL FOR VEHICLES CARRYING
CERTAIN DANGEROUS GOODS**

The certificate of approval shall have the same layout as the model below. Its dimensions shall be 210 mm x 297 mm (format A4). Both front and back may be used. The colour shall be white, with a pink diagonal stripe. The certificate of approval for a vacuum-operated waste tank-vehicle shall bear the following remark: "vacuum operated waste tank-vehicle".

CERTIFICATE OF APPROVAL FOR VEHICLES CARRYING CERTAIN DANGEROUS GOODS This certificate testifies that the vehicle specified below fulfils the conditions prescribed by the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)			
1. Certificate No.:	2. Vehicle manufacturer	3. Vehicle Identification No.:	4. Registration number (if any):
5. Name and business address of carrier, operator or owner:			
6. Description of vehicle: ¹			
7. Vehicle designation(s) according to 9.1.1.2 of ADR: ²			
EX/II	EX/III	FL	OX AT MEMU
8. Endurance braking system: ³			
☐ Not applicable ☐ The effectiveness according to 9.2.3.1.2 of ADR is sufficient for a total mass of the transport unit oft ⁴			
9. Description of the fixed tank(s)/battery-vehicle (if any):			
9.1 Manufacture of the tank			
9.2 Approval number of the tank/battery-vehicle			
9.3 Tank manufacturer's serial number/identification of elements of battery-vehicle			
9.4 Year of manufacture			
9.5 Tank code according to 4.3.3.1 or 4.3.4.1 of ADR			
9.6 Special provisions TC and TE according to 6.8.4 of ADR (if applicable) ⁶			
10. Dangerous goods authorised for carriage:			
The vehicle fulfils the conditions required for the carriage of dangerous goods assigned to the vehicle designation(s) in No. 7.			
10.1 In the case of an EX/II or EX/III vehicle ³			
☐ goods of Class 1 including compatibility group J ☐ goods of Class 1 excluding compatibility group J			
10.2 In the case of a tank-vehicle/battery-vehicle ³			
☐ only the substances permitted under the tank code and any special provisions specified in No. 9 may be carried ⁵ or ☐ only the following substances (Class, UN Number, and if necessary packing group and proper shipping name) may be carried:			
Only substances which are not liable to react dangerously with the materials of the shell, gaskets, equipment and protective linings (if applicable) may be carried.			
11. Remarks:			
12. Valid until:		Stamp of issuing service Place, Date, Signature	

- 1 According to the definitions for power-driven vehicles and for trailers of categories N and O as defined in Annex 7 of the Consolidated Resolution on the Construction of Vehicles (R.E.3) or in Directive 97/27/EC.
- 2 Strike out what is not appropriate.
- 3 Mark the appropriate.
- 4 Enter appropriate value. A value of 44t will not limit the 'registration / in-service maximum permissible mass'

- indicated in the registration document(s).
- 5. Substances assigned to the tank code specified in No. 9 or to another tank code permitted under the hierarchy in 4.3.3.1.2 or 4.3.4.1.2 taking account of the special provision(s), if any.
 - 6. Not required when the authorised substances are listed in No.10.2

13. Extensions of validity:	
Validity extended until	Stamp of issuing service, place, date, signature

Note: This certificate shall be returned to the issuing service when the vehicle is taken out of service; if the vehicle is transferred to another carrier, operator or owner, as specified in No. 5; on expiry of the validity of the certificate; and if there is a material change in one or more essential characteristics of the vehicle.

SEVENTH SCHEDULE
(Regulation 25)

Substituted by:
L.N. 226 of 2011.

Model for the training certificate for drivers of vehicles carrying dangerous goods

Front	ADR DRIVER TRAINING CERTIFICATE ** (Insert driver photograph) * 1. (CERTIFICATE No.)* 2. (SURNAME)* 3. (OTHER NAME(S))* 4. (DATE OF BIRTH dd/mm/yyyy)* 5. (NATIONALITY)* 6. (DRIVER SIGNATURE)* 7. (ISSUING BODY)* 8. VALID TO: (dd/mm/yyyy)*				
Back	VALID FOR CLASS(ES) OR UN Nos.: <table><tr><td>TANKS</td><td>OTHER THAN TANKS</td></tr><tr><td>9. (Enter Class or UN Number(s))*</td><td>10. (Enter Class or UN Number(s))*</td></tr></table>	TANKS	OTHER THAN TANKS	9. (Enter Class or UN Number(s))*	10. (Enter Class or UN Number(s))*
TANKS	OTHER THAN TANKS				
9. (Enter Class or UN Number(s))*	10. (Enter Class or UN Number(s))*				

* Replace the text with appropriate data.

** Distinguishing sign used on vehicles in international traffic (for Parties to the 1968 Convention on Road Traffic or the 1949 Convention on Road Traffic, as notified to the Secretary General of the United Nations in accordance with respectively article 45(4) or Annex 4 of these conventions).