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N° 19

**Exchange of letters constituting an Agreement between the
Government of Ireland and the Government of Great Britain and
Northern Ireland, to exempt road transport vehicles engaged in
certain categories of international transport activities from EU
tachograph and drivers' hours rules**

Letters exchanged on 21 July 2011

Entered into force on 1 September 2011

Presented to Dáil Éireann by the Minister for Foreign Affairs and Trade

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENT OF IRELAND AND THE GOVERNMENT OF GREAT BRITAIN AND NORTHERN IRELAND, TO EXEMPT ROAD TRANSPORT VEHICLES ENGAGED IN CERTAIN CATEGORIES OF INTERNATIONAL TRANSPORT ACTIVITIES FROM EU TACHOGRAPH AND DRIVERS' HOURS RULES

An Roinn Gnóthai Eachtracha
Department Of Foreign Affairs
Baile Átha Cliath 2
Dublin 2

21 July 2011

The Chargé d'Affaires a.i.
The British Embassy
29 Merrion Road
Dublin 4

Dear Sir

I have the honour to acknowledge the receipt of your Excellency's Letter dated 21 July 2011 regarding the establishment of a new Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland on the granting of common exceptions under Article 13.1 of European Regulation (EC) No.561/2006 which replaced Regulation (EEC) No. 3820/85, the main elements of which came into force on 11 April 2007.

I have the honour to inform your Excellency that the proposals contained therein concerning the granting of common exceptions under Article 13.1 of European Regulation (EC) No. 561/2006 together with corresponding exemptions under Article 3(2) of European Regulation (EEC) No 3821/85 are acceptable to the Government of Ireland. In particular the Government of Ireland agrees to exempt the same exemptions on its territory from the provisions of Articles 6, 7, 8 and 9 of European Regulation No. 561/2006 and the corresponding exemption under Article 3(2) of Council Regulation (EEC) 3821/85 as amended in respect of vehicles operating on cross-border journeys which fall within any of the following categories:-

- (a) vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100km from the base of the undertaking.

This exemption does not include a vehicle which is being used by a fishery undertaking for any purpose other than:

- (i) to carry live fish; or

- (ii) to carry a catch of fish from the place of landing to a place where it is to be processed.
- (b) agricultural tractors and forestry tractors used for agricultural or forestry activities, within a radius of up to 100km from the base of the undertaking which owns, hires or leases the vehicle;
- (c) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5. tonnes used:
 - by universal service providers as defined in Article 2 (13) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service to deliver items as part of the universal service; or
 - for carrying materials, equipment or machinery for the driver's use in the course of his work;
 - within a 50km radius of the base of the undertaking and on condition that driving the vehicle does not constitute the driver's main activity;
- (d) vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road maintenance and control, door to door household refuse collection and disposal, telegraph and telephone services, radio and television broadcasting and the detection of radio or television transmitters or receivers;
- (e) vehicles with between 10 and 17 seats used exclusively for the non-commercial carriage of passengers;
- (f) specialised vehicles transporting circus and funfair equipment;
- (g) specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary;
- (h) vehicles used for milk collection from farms and the return to farms of milk containers or milk products intended for animal feed;
- (i) vehicles used for carrying animal waste or carcasses which are not intended for human consumption; and
- (j) vehicles used for the carriage of live animals from farms to local markets and vice versa or from markets to local slaughterhouses within a radius of up to 50km

I accordingly confirm that your letter and this reply shall constitute an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland which shall come into force on 1 September 2011 and shall replace the agreement of 08 June 1987.

Eamon Gilmore T.D.

Tánaiste and Minister for Foreign Affairs and Trade

British Embassy
29 Merrion Road
Dublin 4
Ireland

21 July 2011

Mr Eamon Gilmore T.D.
Tánaiste and Minister for Foreign Affairs and Trade
Department of Foreign Affairs and Trade
79-80 St. Stephen's Green
Dublin 2

Dear Minister,

I have the honour to refer to the exchange of letters on 4 and 5 June 1987 between the then Chargé d'Affaires of the British Embassy and the then Tánaiste and Minister for Foreign Affairs. The correspondence constituted an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland, which came into force on 8 June 1987, on the granting of exception from the provisions of Council Regulation (EEC) No 3820/85 and exemption from the provisions of Council Regulation (EEC) No 3821/85 for certain category's of vehicle making cross border journeys.

Council Regulation (EEC) No 3820/85 has now been repealed and replaced by European Regulation (EC) No 561/2006, the main elements of which entered into force on 11 April 2007. In the light of this, the Agreement of 8 June 1987, referred to above, is now obsolete and a new one is required.

I, therefore, now have the honour further to confirm that the Government of the United Kingdom of Great Britain and Northern Ireland agrees to grant on its territory, exception from the provisions of Articles 6, 7, 8 and 9 of European Regulation (EC) No 561/2006 and exemption from the provisions of Council Regulation (EEC) No 3821/85, as amended, in respect of vehicles operating on cross-border journeys which fall within any of the following categories:

- (a) vehicles used or hired, without a driver, by agricultural, horticultural, forestry, farming or fishery undertakings for carrying goods as part of their own entrepreneurial activity within a radius of up to 100km from the base of the undertaking. This exemption does not include a vehicle which is being used by a fishery undertaking for any purpose other than:
 - (i) to carry live fish; or
 - (ii) to carry a catch of fish from the place of landing to a place where it is to be processed.

- (b) agricultural tractors and forestry tractors used for agricultural or forestry activities, within a radius of up to 100km from the base of the undertaking which owns, hires or leases the vehicle;
- (c) vehicles or combinations of vehicles with a maximum permissible mass not exceeding 7.5. tonnes used:
 - by universal service providers as defined in Article 2 (13) of Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service to deliver items as part of the universal service; or
 - for carrying materials, equipment or machinery for the drivers use in the course of his work;

within a 50km radius of the base of the undertaking and on condition that driving the vehicle does not constitute the drivers main activity;

- (d) vehicles used in connection with sewerage, flood protection, water, gas and electricity maintenance services, road maintenance and control, door-to-door household refuse collection and disposal, telegraph and telephone services, radio and television broadcasting and the detection of radio or television transmitters or receivers;
- (e) vehicles with between 10 and 17 seats used exclusively for the non-commercial carriage of passengers;
- (f) specialised vehicles transporting circus and funfair equipment;
- (g) specially fitted mobile project vehicles, the primary purpose of which is use as an educational facility when stationary;
- (h) vehicles used for milk collection from farms and the return to farms of milk containers or milk products intended for animal feed;
- (i) vehicles used for carrying animal waste or carcasses which are not intended for human consumption; and
- (j) vehicles used for the carriage of live animals from farms to local markets and vice versa or from markets to local slaughterhouses within a radius of up to 50km

on the basis that the Government of Ireland agrees to grant the same exceptions on its territory.

If the foregoing proposals are acceptable to the Government of Ireland, I have the honour to propose that the present letter, and your reply to that effect, shall be regarded as constituting an Agreement between the Government of the United Kingdom of Great Britain and

Northern Ireland and the Government of Ireland in this matter which shall come into force on 1 September 2011 and shall replace the Agreement of 8 June 1987.

Yours

Julian King