COMMISSION DECISION

of 22 December 1975

authorizing Ireland to take protective measures in respect of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport

(Only the English text is authentic)

(76/209/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Act concerning the conditions of accession and the adjustments to the Treaties, and in particular Article 135 thereof,

Whereas, by virtue of Article 133 of the Act of Accession and paragraph 1 of Table III of Annex VII to the Act, the application of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to national transport operations in the new Member States is postponed until 1 January 1976 ;

Whereas the Government of Ireland has requested by letter dated 18 December 1975 authorization under Article 135 of the Act of Accession for the taking of protective measures in the road transport sector, and in particular for the suspension until 31 December 1977 of the application of Regulation (EEC) No 543/69 to national traffic ;

Whereas the road transport industry in Ireland is made up largely of very small enterprises, many of them owner-drivers ;

Whereas, according to information supplied by the Government of Ireland, the freight industry is suffering, under the effects of the current recession, severe economic difficulties ;

Whereas geographical conditions in Ireland are such that the average length of journeys between major centres of population coupled with the standards of Irish roads means that typical return journeys on which the Irish industry is based, can only be effected with daily driving times somewhat in excess of those set out in Regulation (EEC) No 543/69 ; whereas enforcement of the new permitted hours of driving and distances would disrupt well established schedules and working rosters and would lead to serious opposition from employees on account of additional and unwanted absences from home or base ;

Whereas the application of Regulation (EEC) No 543/69 would add to the serious and persistent difficulties in the road transport industry ; whereas Ireland estimates that the application of the Regulation will cause a rise in costs of up to 30 % ; whereas in the present bad economic situation the burden of such additional costs on the road transport industry in Ireland is now relatively larger than was the case in the six original Member States when Regulation (EEC) No 543/69 entered into force under more favourable conditions ;

Whereas, under the present economic conditions, reduction in driving time attendant on Regulation (EEC) No 543/69 would not lead to an increase in the number of drivers and vehicles because of reduced productivity, lower capital utilization and a further reduction in the volume of traffic and the curtailment of services ;

Whereas the transport industry in Ireland is already characterized by high and increasing unemployment — 60 % rise in the case of drivers over the past year ; whereas this situation will be aggravated by the above-mentioned curtailment in services ;

Whereas it appears unlikely that employees in the industry would be willing to accept a reduction in earnings proportionate to the enforced reduction in driving times consequent on application of Regulation (EEC) No 543/69 ;

Whereas further time is required to allow employers and employees to adjust their terms and conditions of employment to the situation which application of the Regulation would bring about ;

Whereas in the present situation of reduced traffic particular problems of income reduction will be faced by owner-drivers ;

Whereas a further period of time is to be put at the disposal of the Irish Government in order to enable them by education and persuasion of both sides of the industry to achieve gradual acceptance of the measures ;

Whereas application of the Regulation would have particularly serious consequences in less developed parts of the country, where even now services are very limited and constitute to a certain degree already a social service ;

Whereas Regulation (EEC) No 1463/70 is due to be applied only to newly registered vehicles from 1

January 1976; whereas this will represent only a minor additional cost to the industry; whereas the gradual introduction in the manner planned represents an important step in education as to the benefits of the tachograph and in achieving user acceptability; whereas the tachograph introduced by Regulation (EEC) No 1463/70 is an important advance in check-up and control on social matters in road transport;

Whereas these difficulties faced by the Irish road transport industry are of such a nature as to render insufficient the period between accession and application of Regulation (EEC) No 543/69 provided for in the Act of Accession; whereas a further period of six months will give Ireland the opportunity to continue to rectify the situation and adjust the sector concerned to the economy of the common market; whereas a derogation from Articles 6 to 12, 14 and 15 is sufficient to achieve the objectives of Article 135 of the Act of Accession;

Whereas an authorization for a temporary derogation should not lead to any lowering of the existing social conditions enjoyed by road transport workers;

Whereas Ireland should report on the development of the situation in the sector concerned in order to enable the Commission to review its Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. Ireland is authorized to take national measures with respect to national transport operations for a period until 30 June 1976 derogating from Articles 6 to 12, 14 and 15 of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport.

2. These national measures shall be at least as favourable to transport workers as the existing national legislation, but may include measures which progressively implement the rules contained in Regulation (EEC) No 543/69.

Article 2

1. Ireland shall notify the Commission immediately of the measures taken in application of Article 1.

2. Ireland shall inform the Commission of the development of the situation in the sector concerned and shall forward to the Commission before 1 April 1976 a statement of the measures which are being taken to implement Regulation (EEC) No 543/69.

Article 3

1. The Commission shall review this Decision not later than 30 April 1976.

2. Without prejudice to the review provided for in the preceding paragraph, the Commission may modify or revoke the present Decision if it determines that the conditions which have led to its adoption have changed or that its effects prove to be more extensive than its purpose requires.

Article 4

This Decision is addressed to Ireland.

Done at Brussels, 22 December 1975.

For the Commission

The President

François-Xavier ORTOLI