COMMISSION DECISION

of 23 December 1975

authorizing the Kingdom of Denmark 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 Danish text is authentic)

(76/210/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 the Kingdom of Denmark has requested by letter dated 19 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 the Kingdom of Denmark is made up largely of very small enterprises, many of them owner-drivers;

Whereas, according to existing information, the freight industry in the Kingdom of Denmark is suffering, under the effects of the current recession, severe economic difficulties;

Whereas geographic conditions in Denmark are such that ferry boats are used to a large extent in national transport, which means that in some cases it is difficult to fulfil the requirements of Regulation (EEC) No 543/69;

Whereas the application of Regulation (EEC) No 543/69 would add to the serious and persistent difficulties in the road transport industry; whereas in the present bad economic situation the burden of additional costs on the road transport industry in the Kingdom of Denmark 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 the transport industry in the Kingdom of Denmark is already characterized by high and increasing unemployment;

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 a further period of time is required for education and persuasion of the industry to achieve gradual acceptance of the measures;

Whereas these difficulties faced by the Danish 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 the Kingdom of Denmark 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 the Kingdom of Denmark 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. The Kingdom of Denmark 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. The Kingdom of Denmark shall notify the Commission immediately of the measures taken in application of Article 1.

2. The Kingdom of Denmark 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 the Kingdom of Denmark.

Done at Brussels, 23 December 1975.

For the Commission

A. BORSCHETTE

Member of the Commission