COMMISSION DECISION

of 23 February 1977

modifying its 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)

(77/202/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 requested by letter dated 17 November 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 Commission in its Decision of 22 December 1975 authorized Ireland 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 legislation relating to road transport ;

Whereas in the Decision of 22 December 1975 the Commission also laid down certain conditions as to the maintenance of conditions at least as socially favourable to transport workers as those already in force in Ireland, as to notification of measures taken and as to the Commission's power to review the authorization ;

Whereas the Government of Ireland requested by letter dated 15 June 1976 for prolongation of the authorization granted by the Decision of 22 December 1975 up to and including 31 December 1977 ; whereas in its Decision of 23 June 1976 the Commission prorogated the authorization to Ireland to take the protective measures mentioned above, until 28 February 1977 ;

Whereas the Government of Ireland has now requested, by letter dated 15 February 1977, a prolongation of the authorization granted by the Decision of 23 June 1976 up to and including 31 December 1977, and has requested a similar deferment, for national transport, in respect of Council Regulation (EEC) No 1463/70 of 20 July 1970 on the introduction of recording equipment in road transports ;

Whereas the facts submitted by the Irish Government concerning the structure of the industry, the economic pressures to which it is subjected, the adverse impact on costs which a reduction in hours resulting from the application of the Regulation would have and the damaging effects which application of the Regulation would bring about to communications, all of which led the Commission to take its Decision, remain unchanged ;

Whereas Regulation (EEC) No 1463/70 applies only to newly-registered vehicles from 1 January 1976 ; whereas this represents 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 no new arguments in this matter have been advanced since December 1975 ;

Whereas under these circumstances the request for postponement in the application of Regulation (EEC) No 1463/70 in national transport cannot be granted ;

Whereas it is appropriate that the same conditions continue to be attached to the authorization for derogation,

HAS ADOPTED THIS DECISION :

Article 1

The Decision of 22 December 1975 is modified as follows :

In Article 1 (1) the date '31 December 1977' shall be substituted for the date '28 February 1977'.

In Article 2 (2) the date '1 September 1977' shall be substituted for the date '1 November 1976'.

Article 3 is replaced by the following text :

'Article 3

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 2

This Decision is addressed to Ireland.

Done at Brussels, 23 February 1977.

For the Commission

The President

Roy JENKINS