

COMMISSION DECISION

of 21 December 1977

authorizing Ireland to take measures in respect of national road transport involving exemptions from certain provisions of Council Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport, as last amended by Council Regulation (EEC) No 2827/77

(Only the English text is authentic)

(78/86/EEC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 2827/77 of 12 December 1977 amending Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport, and in particular Article 2 thereof,

Having regard to the request of the Government of Ireland for authorization to adopt protective measures involving exemptions from Regulation (EEC) No 543/69,

Whereas, pursuant to Article 2 of Regulation (EEC) No 2827/77, the Commission may authorize the Member States to adopt measures involving exemptions from the provisions of Articles 7 to 12 of Regulation (EEC) No 543/69 in the event of serious difficulties in the field of transport or difficulties which could lead to a serious deterioration in a national or regional economic situation; whereas these exemptions may not apply after 31 December 1980; whereas, furthermore, at the request of the Member State concerned, the Commission shall prescribe the exemptions which it considers necessary and specify the conditions and special procedure, which must include a programme for a progressive return by regular stages to the provisions of Regulation (EEC) No 543/69;

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

Whereas this sector is suffering under the effects of the current recession, severe economic difficulties;

Whereas the full application of Regulation (EEC) No 543/69 on 1 January 1978 will involve additional costs estimated at 30 %;

Whereas the Irish road infrastructure is less developed than that of the other Member States; whereas the

state of the road network does not allow average speeds of more than 50 km/h for road haulage; whereas many of the regions served are sparsely populated and lack accommodation for crews;

Whereas there is a high rate of unemployment on the Irish labour market;

Whereas an increase in drivers' earnings resulting from the full application of Regulation (EEC) No 543/69 would lead to wage claims by workers in other economic sectors; whereas such a situation would be scarcely compatible with the wages policy pursued by the Irish Government;

Whereas the exemptions authorized by the Commission must provide for the smooth advance by regular stages, to the full implementation of the provisions of Regulation (EEC) No 543/69; whereas it is therefore necessary to lay down stages of gradual approximation leading to the full application, by 1 January 1981 at the latest, of the rules laid down in the Regulation; whereas, within these limits, the exemptions concern in particular driving periods and rest periods; whereas the request of the Irish Government does not meet these conditions in every respect,

HAS ADOPTED THIS DECISION:

Article 1

Ireland is authorized to take measures with respect to national road transport operations for a period until 31 December 1980 derogating from Articles 7, 11 and 12 of Council Regulation (EEC) No 543/69 as last amended by Regulation (EEC) No 2827/77 of 12 December 1977.

These measures may be adopted within the limits laid down below; Article 8 of Regulation (EEC) No 543/69 shall apply in accordance with the continuous driving periods authorized by the Commission on the basis of this Decision.

1. Article 7 (1) (continuous driving period) :

- from 1 January 1978 to 30 November 1978, the continuous driving period shall not exceed five-and-a-half hours,
- from 1 December 1978 to 31 December 1979, the continuous driving period shall not exceed five hours,
- from 1 January 1980 to 31 December 1980, the continuous driving period shall not exceed four-and-a-half hours.

2. Article 7 (2) (daily driving period) :

- from 1 January 1978 to 30 November 1978, the daily driving period shall not exceed 11 hours,
- from 1 December 1978 to 30 June 1979, the daily driving period shall not exceed ten-and-a-half hours,
- from 1 July 1979 to 31 December 1979, the daily driving period shall not exceed 10 hours,
- from 1 January 1980 to 30 June 1980, the daily driving period shall not exceed nine-and-a-half hours,
- from 1 July 1980 to 31 December 1980, the daily driving period shall not exceed nine hours.

3. Article 7 (4) (weekly and fortnightly driving periods) :

- from 1 January 1978 to 30 June 1979, the driving period shall not exceed 63 hours in any one week or 124 hours in any two consecutive weeks,
- from 1 July 1979 to 31 December 1979, the driving period shall not exceed 60 hours in any one week or 118 hours in any two consecutive weeks,
- from 1 January 1980 to 30 June 1980, the driving period shall not exceed 57 hours in any one week or 112 hours in any two consecutive weeks,
- from 1 July 1980 to 31 December 1980 the driving period shall not exceed 54 hours in any one week or 106 hours in any two consecutive weeks.

4. Article 11 (1) and (2) (daily rest periods) :

- from 1 January 1978 to 30 June 1979 every crew member shall have had a daily rest period of 10 consecutive hours during the 24-hour

period preceding any time when he is performing any activity covered by Article 14 (2) (c) or (d) of Regulation (EEC) No 543/69 which may be reduced to nine hours provided that the following daily rest period is at least 12 hours,

- from 1 July 1979 to 31 December 1980 the daily rest period shall be ten-and-a-half hours which may be reduced to nine hours provided that the following daily rest period is at least 12 hours.

5. Article 12 (weekly rest period) :

- from 1 January 1978 to 31 December 1978 for the carriage of goods and from 1 January 1978 to 30 September 1979 for the carriage of passengers, the weekly rest period may be taken at any time between 0000 Sunday and 2400 Saturday,
- from 1 January 1979 for the carriage of goods and from 1 October 1979 for the carriage of passengers, any period of seven consecutive days must include a weekly rest period,
- from 1 January 1978 to 30 September 1978 the weekly rest period may be reduced to at least 24 consecutive hours, not necessarily preceded or followed immediately by a daily rest period,
- from 1 October 1978 to 31 December 1979 the weekly rest period may not be less than at least 29 hours, not necessarily preceded or followed immediately by a daily rest period,
- from 1 January 1980 to 31 December 1980 the weekly rest period may be reduced to 24 hours, immediately preceded or followed by a daily rest period.

Article 2

Ireland shall notify the Commission immediately of the measures taken in application of this Decision.

Article 3

This Decision is addressed to Ireland.

Done at Brussels, 21 December 1977.

For the Commission

The President

Roy JENKINS