COMMISSION RECOMMENDATION

of 27 November 1974

to the Danish Government concerning draft Orders implementing Council Regulations (EEC) No 2829/72, No 117/66/EEC, (EEC) No 516/72, (EEC) No 517/72 and Commission Regulations (EEC) No 1016/68 and (EEC) No 1172/72

(75/4/EEC)

1. By letter of 16 July 1974, the Office of the Danish Permanent Representative to the European Communities forwarded to the Commission the texts of three draft Orders that the Danish Government proposes to adopt in the implementation of respectively :

— Council Regulation (EEC) No 2829/72 [1] of 28 December 1972 on the Community quota for the carriage of goods by road between Member States ;

— Council Regulation No 117/66/EEC [2] of 28 July 1966 on the introduction of common rules for the international carriage of passengers by coach and bus and Commission Regulation (EEC) No 1016/68 [3] of 9 July 1968 prescribing the model control documents referred to in Articles 6 and 9 of Council Regulation No 117/66/EEC ;

— Council Regulation (EEC) No 516/72 [4] of 28 February 1972 on the introduction of common rules for shuttle services by coach and bus between Member States, Council Regulation (EEC) No 517/72 [5] of 28 February 1972 on the introduction of common rules for regular and special regular services by coach and bus between Member States and Commission Regulation (EEC) No 1172/72 [6] of 26 May 1972 prescribing the form of the documents referred to in Council Regulation (EEC) No 516/72 and Council Regulation (EEC) No 517/72.

This communication constitutes consultation of the Commission within the meaning of Articles :

— 7 of Regulation (EEC) No 2829/72,

— 10 of Regulation No 117/66/EEC,

— 6 of Regulation (EEC) No 1016/68,

— 24 of Regulation (EEC) No 516/72,

— 22 of Regulation (EEC) No 517/72.

The communication from the Danish Government is also to be regarded for the purposes of Article 6 of Regulation (EEC) No 1172/72 as informing the Commission of the provisions that the Danish Government is intending to adopt.

2. Before giving an opinion on the provisions submitted for consultation the Commission must express regret that the Danish Government was unable to adopt sooner measures implementing Regulation (EEC) No 2829/72, which entered into force on 1 January 1973 and did not comply with the deadline of 1 April 1973 specified in Articles 25 (b) and 23 (b) of Regulations (EEC) No 516/72 and (EEC) No 517/72 as regards the implementation of those Regulations.

3. The Commission finds that the provisions of the draft Order implementing Regulation (EEC) No 2829/72 correspond, both in spirit and in general content with the requirements laid down in that Regulation. It regrets, however, that the Danish Government has not complied with the request made in its recommendation of 29 June 1973 to supplement the implementing provisions, particularly as regards penalties, on the basis of the recommendation of 9 June 1969 addressed to the Member States by the Commission concerning the implementation of the rules relating to the Community quota.

The Commission therefore recommends that the Danish Government extend its draft Order in this manner.

4. The Commission finds that the provisions of the draft Order implementing Regulations No 117/66/EEC and (EEC) No 1016/68 fulfil the obligations imposed on Member States by those Community Regulations.

5. The Commission notes that Article 5 (1) of the draft Order implementing Regulations (EEC) No 516/72, (EEC) No 517/72 and (EEC) No 1172/72 lays down the condition to which the transfer of a regular service authorization or a special regular service authorization is subject, but does not provide for the transfer of the services concerned, which possibility is also specified in Article 22 of Regulation (EEC) No 517/72.

Consequently, the Commission recommends the Danish Government to remedy this situation by speci-

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(1) OJ No L 298, 31. 12. 1972, p. 16.
(2) OJ No 147, 9. 8. 1966, p. 2688/66.
(3) OJ No L 173, 22. 7. 1968, p. 8.
(4) OJ No L 67, 20. 3. 1972, p. 13.
(5) OJ No L 67, 20. 3. 1972, p. 19.
(6) OJ No L 134, 12. 6. 1972, p. 1.

fying if, and under what conditions, the operation of a regular or a special regular service can be transferred.

The Commission finds that the other provisions of the Danish draft Order fulfil the obligations imposed on Member States by the Community Regulations in question.

Done at Brussels, 27 November 1974.

For the Commission

The President

François-Xavier ORTOLI