COMMISSION

COMMISSION RECOMMENDATION

of 27 April 1973

to the Government of Denmark on the draft order implementing Regulation No 117/66/EEC and Regulation (EEC) No 1016/68

(73/157/EEC)

In a letter dated 5 February 1973, the Office of the Danish Permanent Representative sent to the Commission the text of a draft order laying down provisions for the implementation of Council Regulation No 117/66/EEC [1] of 28 July 1966 on the introduction of common rules for the international carriage of passengers by coach and bus and of Commission Regulation (EEC) No 1016/68 [2] of 9 July 1968 prescribing the model control documents referred to in Articles 6 and 9 of Council Regulation No 117/66/EEC.

This constitutes consultation within the meaning of Article 10 of Council Regulation No 117/66/EEC, which Article is moreover referred to in Article 6 of Regulation (EEC) No 1016/68.

The Commission takes note of the fact that the implementing measures laid down in the Danish draft order are those which Member States are obliged to take pursuant to the abovementioned Council and Commission Regulations. As regards Regulation No 117/66/EEC, such measures must cover, *inter alia,* the organization of, procedure for and means of control and the penalties for breaches of the provisions of the Regulation and, as regards Regulation (EEC) No 1016/68, the period of validity of the book of passenger waybills and the processing and filing of the top copy and copy of passenger waybills. They may also relate to any stamping of passenger waybills by authorized inspecting officers.

1. The Commission notes that the draft order repeats certain provisions already contained in the two abovementioned Community Regulations.

Under Article 189 of the Treaty, those Regulations are directly applicable in Member States and entered into force in Denmark on 1 January 1973. There is therefore no need to incorporate their provisions in national instruments. This could lead to confusion as to the entry into force or the direct applicability of Community regulations as such. The repetition, even in part, of provisions of a Community regulation in a national legal instrument should at most be permitted only where necessary in order to make the instrument comprehensible to users.

The Commission accordingly recommends the Danish Government to delete from the draft order the following provisions, for which there is no justification:

Article 7

'The top copy the passenger waybill shall be detachable. Each passenger waybill shall be kept on the vehicle throughout the journey to which it refers.'

Article 8

'The passenger waybill must be produced at the request of any authorized inspecting officer.'

2. The provisions of Articles 9 and 10 of the draft order relate to control procedures and penalties. Pursuant to the two abovementioned Community Regulations, the provisions relating to controls and penalties adopted by Member States must refer to those Regulations. The Commission recommends the Danish Government to make the appropriate additions to Articles 9 and 10.

3. As regards their intention and general substance the other provisions of the draft order fulfil the requirements of the two abovementioned Regulations.

Done at Brussels, 27 April 1973.

For the Commission
The President
François-Xavier ORTOLI

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(1) OJ No 147, 9. 8. 1966, p. 2688/66.
(2) OJ No L 173, 22. 7. 1968, p. 8.