COMMISSION OPINION

of 6 January 1978

addressed to the Government of the Kingdom of the Netherlands pursuant to the consultation arrangements laid down in Article 18 of Regulation (EEC) No 543/69 on the harmonization of certain social legislation relating to road transport

(78/133/EEC)

1. By letter dated 5 April 1977 from the office of its Permanent Representative, the Netherlands Government forwarded the final version of the draft royal decree which is to replace the 1971 decree on driving periods (Rijtijdenbesluit 1971), together with an explanatory memorandum, pursuant to the consultation procedure laid down in Article 18 of Council Regulation (EEC) No 543/69 of 25 March 1969.

This decree contains the national provisions for the implementation in the Netherlands of the relevant Community Regulations.

2. The Commission finds that, in general, the proposed provisions comply with Community Regulations.

It would, however, make the following remarks :

(a) Article 10 of the draft royal decree stipulates that one of the prerequisites for authorization to drive a bus, coach or goods vehicle exceeding 7·5 tonnes is that the applicant must hold a certificate, recognized by the competent ministers, stating that its holder has successfully completed appropriate training courses. It would be desirable for such recognition to be extended to cover certificates issued by the other Member States.

(b) The Commission notes with satisfaction that Article 11 of the draft decree provides for a spreadover system similar to the one put forward in its proposal of 3 March 1976 [1].

(c) Article 14 (a) of the draft royal decree provides for a 30-minute break during a spreadover lasting at least four-and-a-half but less than seven-and-a-half hours. However, Article 7 (1) of Regulation (EEC) No 543/69 stipulates that there must be a break, after four hours of driving, and Article 8 (1) provides that the break must last one hour, with the possibility of replacing this break by two breaks of 30 minutes each. For certain categories of vehicle the total break may be restricted to 30 minutes (Article 8 (2) of the Regulation). The Netherlands Government is requested to amend its draft accordingly.

(d) Article 19 (1) of the same draft stipulates that the competent ministers shall determine the format of the work book (werkmap). It is pointed out that the model of the individual control book, an integral part of the work book, has been laid down in Regulation (EEC) No 543/69.

(e) Chapter 7 of the royal decree confers authority on the competent minister to grant derogations or exemptions. These derogations or exemptions must not be allowed to exceed the limits authorized by Regulation (EEC) No 543/69.

In this respect, the Commission considers that the draft decree should specify that derogations and exemptions are authorized 'with due regard to the provisions of Regulations (EEC) No 543/69 and (EEC) No 1463/70'.

3. In conclusion, the Commission delivers a favourable opinion on the draft royal decree, subject to the amendments referred to in points 2 (c) and (e).

Done at Brussels, 6 January 1978.

For the Commission

Richard BURKE

Member of the Commission

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[1] OJ No C 103, 6. 5. 1976.