COMMISSION RECOMMENDATION

of 17 April 1974

to the German Government concerning the preliminary drafts of measures implementing Council Regulations (EEC) No 516/72 and (EEC) No 517/72 and Commission Regulation (EEC) No 1172/72

(Only the German text is authentic)

(74/256/EEC)

By a letter of 17 September 1973, the Permanent Representative of Germany communicated to the Commission preliminary drafts of a Regulation and of general administrative provisions for the implementation of :

— Council Regulation (EEC) No 516/72 [1] of 28 February 1972 ;

— Council Regulation (EEC) No 517/72 [2] of 28 February 1972 ;

— Commission Regulation (EEC) No 1172/72 [3] of 26 May 1972.

This communication was by way of consultation of the Commission pursuant to Article 24 of Regulation (EEC) No 516/72 and Article 22 of Regulation (EEC) No 517/72.

As regards Regulation (EEC) No 1172/72, the communication is to be treated as a notification to the Commission, under Article 6 of that Regulation, of the implementing provisions which the German Government proposes to adopt.

Firstly, the Commission notes with regret that the German Government has not observed the time limit set by Article 24 of Regulation (EEC) No 516/72 and by Article 22 of Regulation (EEC) No 517/72 for the adoption of implementing measures for these Regulations. As regards the contents of the preliminary draft regulation and general administrative provisions, the Commission makes the following recommendation :

1. Article 12 of the preliminary draft Regulation specifies the offences against the Community Regulations concerned and by reference to Article 61(4) of the Law on passenger transport makes them subject to the penalties thereby provided. It omits, however, to include among the offences subject to such penalties failure to provide the notice required under Article 10(1) of Regulation (EEC) No 517/72. The second paragraph of Article 22 of this Regulation expressly obliges Member States to provide for penalties for such failure.

The German Government is therefore recommended to make good this omission.

2. The Commission notes that the other provisions that have been submitted by the German Government satisfy the obligations of Member States under the Community Regulations considered.

Done at Brussels, 17 April 1974.

For the Commission

The President

François-Xavier ORTOLI

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[1] OJ No L 67, 20. 3. 1972, p. 13.
[2] OJ No L 67, 20. 3. 1972, p. 19.
[3] OJ No L 134, 12. 6. 1973, p. 1.