

COMMISSION DECISION

of 4 October 1973

in connection with social legislation relating to road transport refusing approval
of the use of the Swiss individual control book

(73/318/EEC)

THE COMMISSION OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing the European
Economic Community;

Having regard to Council Regulation (EEC) No
543/69⁽¹⁾ of 25 March 1969 on the harmonization of
certain social legislation relating to road transport, as
amended by Council Regulations (EEC) Nos 514/72
and 515/72⁽²⁾ of 28 February 1972, and in particular
Article 14 (1) thereof;

Whereas the second subparagraph of Article 14 (1) of
Council Regulation (EEC) No 543/69 provides that
the Commission shall, on the application of a
Member State, approve a control book of a model
different from the model shown in the Annex, on
condition that such model does not differ in essential
points from the model laid down by the Community;

Whereas by letter dated 16 October 1972 the German
Government applied to the Commission for approval
of the individual control book (*Livret de travail du
conducteur professionnel de véhicules automobiles*)
currently in use in Switzerland;

Whereas this control book, however, differs from the
Community model in the following respects in parti-
cular:

- total weekly driving time is not shown, whereas it
is an essential aim of current Community rules
that this be shown;
- permissible maximum weight is not shown,
whereas on this factor depends the application of
Article 6 of Regulation (EEC) No 543/69, relating
to double-manning for distance exceeding 450
kilometres;
- as regards the carriage of passengers, no provision
is made for a choice of daily rest period arrange-
ments as provided for in Article 11.

Whereas these differences from the Community
model concern essential points within the meaning of
Article 14 of Council Regulation (EEC) No 543/69 of

25 March 1969, as amended by Regulation (EEC) No
514/72 of 28 February 1972; whereas the points in
question are intended to ensure that certain basic prin-
ciples of Council Regulation (EEC) No 543/69 are
observed;

Whereas the fact that vehicles registered in Switzer-
land are fitted with a tachygraph, thus enabling a
check to be kept on total weekly driving time, is not
conclusive in this connection, for, besides being
outside the requirement prescribed by the provision
in question for the approval of control books of a
model different from the Community model, it does
not in any case remedy the other two deficiencies
pointed out above;

Whereas the control book submitted for approval does
not therefore enable a proper check to be kept in
compliance with Council Regulation (EEC) No
543/69;

HAS ADOPTED THIS DECISION:

Article 1

Following the application by the German Govern-
ment under the second subparagraph of Article 14 (1)
of Council Regulation (EEC) No 543/69 of 25 March
1969 on the harmonization of certain social legisla-
tion relating to road transport, as amended by Article
4 of Council Regulation (EEC) No 514/72 of 28
February 1972, approval for the Swiss control book is
refused.

Article 2

This Decision is addressed to all Member States.

Done at Brussels, 4 October 1973.

For the Commission

The President

François-Xavier ORTOLI

⁽¹⁾ OJ No L 77, 29. 3. 1969, p. 49.

⁽²⁾ OJ No L 67, 20. 3. 1972, pp. 1 and 11.