COMMISSION DECISION

of 7.6.2012

authorising the United Kingdom to grant exemptions from the application of Article 3(1) of Council Regulation (EEC) No 3821/85 on recording equipment in road transport

(ONLY THE ENGLISH TEXT IS AUTHENTIC)
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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport¹, and in particular Article 3(3) thereof,

Whereas:


(2) According to Article 3(3) of Regulation (EEC) No 3821/85, Member States may, after authorisation by the Commission, exempt from application of that Regulation vehicles used for the transport operations referred to in Article 14 of Regulation (EC) No 561/2006.

(3) According to Article 14(1) of Regulation (EC) No 561/2006, Member States may, after authorisation by the Commission, grant exceptions from the application of Articles 6 to 9 of that Regulation to transport operations carried out in exceptional circumstances;

(4) Therefore, once the Commission has ascertained that certain transport operations are carried out in exceptional circumstances as referred to in Article 14(1) of Regulation (EC) No 561/2006, and without necessarily actually exempting them in accordance with that Article from the application of the social rules, the vehicles used for those transport operations can benefit from the exemption foreseen in Article 3(3) of Regulation (EEC) No 3821/85 from the obligation to install and use tachographs.

¹ OJ L 370, 31.12.1985, p. 8
(5) On 15 March 2012, the United Kingdom sent the Commission a letter requesting it to authorise it to exempt 150 buses from the requirement to install and to use the recording equipment (tachographs). Those 150 buses, which would be part of a fleet of vehicles transporting passengers during the London 2012 Olympic Games, would perform occasional transport operations falling within the scope of Regulation (EC) No 561/2006. The exemption would apply from 1 July 2012 until 15 September 2012, when an exceptionally high demand of buses and buses converted for disabled access is foreseen. Equipping those buses with tachographs, for a limited period of time, would not be cost effective.

(6) The drivers of buses benefiting from this exemption should enter the records of driving time and other periods of availability manually on a record sheet, instead of using a tachograph. Regulation (EC) No 561/2006, including maximum driving times and minimum rest periods, should continue to apply and therefore the exemption requested will not jeopardize the latter's objectives.

(7) Given the scale of the event and its rare occurrence in a particular Member State, the Commission is of the opinion that the transport operations envisaged by the United Kingdom can be considered as carried out in exceptional circumstances, within the meaning of Article 14 of Regulation (EC) No 561/2006.

(8) Therefore, the criteria laid down by Article 3(3) of Regulation (EEC) No 3821/1985 appear to be met and the request of the United Kingdom to be authorised to grant exemptions to Article 3(1) of Regulation (EEC) No 3821/85 should therefore be approved,

HAS ADOPTED THIS DECISION:

Article 1

(1) The United Kingdom is hereby authorised to exempt from the application of Article 3(1) of Council Regulation (EEC) No 3821/1985, in accordance with Article 3(3) of that Regulation 150 buses not fitted with recording equipment (tachographs) and used in connection with London 2012 Olympic and Paralympic Games.

These exemptions shall apply from 1 July 2012 until 15 September 2012.

(2) The exemptions to be granted in accordance with paragraph 1 shall comply with the following conditions:

(a) The provisions of Regulation (EC) No 561/2006 shall continue to apply to the drivers of the buses concerned;

(b) The drivers concerned shall enter the records of driving time and other periods of availability manually on a record sheet.
Article 2

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 7.6.2012

For the Commission
Siim KALLAS
Vice-President