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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**laying down specific and temporary measures in view of COVID-19 outbreak and concerning the validity of certain certificates, licences and authorisations and the postponement of certain periodic checks and training in certain areas of transport legislation**

(Text with EEA relevance)

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • **Reasons for and objectives of the proposal**

The objective of this draft Regulation is to lay down specific and temporary measures applicable to the renewal and extension of the period of validity of certain certificates, licences and authorisations and the postponement of certain periodic checks and training in response to the extraordinary circumstances caused by the COVID-19 outbreak in the area of road, rail and inland waterways transport and maritime security.

The COVID-19 outbreak and the associated public health crisis presents an unprecedented challenge to the Member States and is a high burden for national authorities, EU citizens, and economic operators, including in particular transport sector. The COVID-19 crisis has created extraordinary circumstances that affect the normal activities of the competent authorities in the Member States and the work of transport undertakings as regards the administrative formalities to be carried out in different transport sectors. Those circumstances could not reasonably have been anticipated at the time of adoption of such Union legislation.

Due to public measures that have become necessary in view of the COVID-19 outbreak, the transport operators and other persons concerned are in many cases not able to complete the necessary formalities or procedures to comply with certain provisions of Union law related to the renewal, extension or continued validity of certificates, licences or authorisations. In addition, and for the same reasons, the competent authorities of the Member States may be unable to comply with the obligations established by Union law and to ensure relevant requests introduced by the transport operators are dealt with before the expiry of the applicable deadlines.

This is the case, for instance, with driving licences, roadworthiness tests for motor vehicles and their trailers, Community licences and driver attestations for the provisions of road haulage services, rail single safety certificates or authorisations, boatmasters' certificates or port security assessments etc. It is most likely that those certificates, licences, authorisations which, in accordance with Union law, would expire between 1 March 2020 and 31 August 2020 could not be renewed in due time.

In order to ensure the smooth functioning of the internal market, a high level of transport safety, to provide legal certainty, and to avoid potential market disruption, it is necessary to adopt temporary provisions extending the validity of those certificates, licences or authorisations that would expire between 1 March 2020 and 31 August 2020 and ensuring that they remain valid during a reasonable period of time during and after the COVID-19 outbreak.

Likewise, time limits for relevant formalities should be extended and the validity of licences, certificates and similar documents should be maintained accordingly. Where relevant, alternative means intended to enable proper controls should be allowed and made mandatory. This is the case for example in the area of tachographs, in case driver cards expire and the issuance of a new card is not feasible.

In addition, it is possible that due to measures taken by the Member State concerned, intended to prevent or contain the spread of COVID-19, the renewal of the certificates, licences or authorisations remains impracticable beyond the timeframe referred to in one or the other relevant provision of in this Regulation. Where, upon a request submitted by the Member State concerned in such case, the Commission finds that the circumstances so warrant the Commission shall authorise the Member State concerned to apply an extension of the relevant

period or periods. Such extension should be limited to the period during which the difficulty to renew the certificates, licences or authorisations is likely to persist in that Member State.

- **Consistency with existing policy provisions in the policy area**

The legislation concerned by this Regulation does not contain explicit provisions, which would allow extending the validity of certificates, authorisations or licences in situations such as those created by the COVID-19 crisis. It is therefore necessary to adopt relevant provisions in order to take into account the effects of the current crisis and to provide legal certainty to individuals and economic operators, as well as to the Member States' authorities.

- **Consistency with other Union policies**

The effective functioning of the internal market in transport and related services depends on the continuous provision of transport services by the operators. The negative consequences of the current crisis could, due to the impossibility for undertakings to fulfil the applicable requirements, compromise the conduct of their activity. It could also result in a shortage of staff available for such activity, for lack of the necessary valid documents allowing them to exercise their profession legally. The provisions of the Regulation proposed herewith address this major concern by ensuring legal certainty and allowing the exercise of the professions in transport.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The proposal is based on Article 91 and Article 100(2) of the Treaty on the Functioning of the European Union.

- **Subsidiarity (for non-exclusive competence)**

According to the principle of subsidiarity, Union action may only be taken if the envisaged aims cannot be achieved by Member States alone. The issues giving rise to the present proposal are linked to the terms of Union law and can therefore be remedied only through provisions of Union law, i.e. in form of temporary derogations.

- **Proportionality**

This Union action is necessary to achieve the objective of the proper operation of the mechanisms provided for by the relevant pieces of Union law, taking into account the magnitude and gravity of the current COVID-19 outbreak. The proposed Regulation contains targeted temporary measures, which are strictly linked to the current COVID-19 outbreak and limited to what is necessary to ensure legal certainty, transport safety and the smooth functioning of the internal market.

- **Choice of the instrument**

This proposal concerns specific provisions that affect the application of several Directives and Regulations. The provisions of the act proposed should apply immediately and be directly applicable in order to guarantee legal certainty without delay, for the transport operators and other persons concerned, as well as the Member States' authorities. The validity of relevant certificates, authorisations and licences, as well as the obligation to undergo periodic checks, training or examinations should be therefore prolonged *ex lege*, even where the relevant matters are governed by a Directive. This legislative act should therefore take the form of a Regulation that is directly applicable and does not require transposition into national law.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Stakeholder consultations**

Given the urgency of the matter, formal stakeholder consultation has not been carried out. However, both Member States authorities and stakeholders have called upon the Commission to adopt a proposal for appropriate measures, and several of them have expressed concerns about the fragmentation that could result without the Union action. In fact, several Member States have already adopted, or announced imminent adoption, of national measures extending the validity of certificates and licences. Transport associations raised concerns about such uncoordinated national initiatives.

- **Collection and use of expertise**

As explained, the proper collection of expertise was not possible due to the urgency of the situation.

- **Impact assessment**

Given the urgency of the situation, no impact assessment has been carried out. This proposal does not alter the principles and mechanisms of the Union legislation concerned and does not impose new obligations on the concerned parties. It primarily aims at providing, for exceptional reasons in the context of the current COVID-19 pandemic, extensions of the validity of certificates, licences or authorisations and of certain time limits, for a short period of time.

- **Fundamental rights**

Not applicable

### **4. BUDGETARY IMPLICATIONS**

Not applicable

### **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

The measure does not include any specific monitoring or reporting arrangements. However, given the remaining uncertainty about the further developments regarding COVID-19, and in particular possible occurrence of subsequent waves of infections and the potential reintroduction of lockdowns, as well as the need to take account of situations individual to the different Member States, the Commission should be empowered, following a request submitted by any Member State, to authorise the application of additional time periods. Similarly, to what is provided for in Article 14 of Regulation (EC) No 561/2006<sup>1</sup>, the terms of the procedure are simple and thus allow swift adoption of any necessary decisions.

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<sup>1</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

- **Detailed explanation of the specific provisions of the proposal**
- **Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC<sup>2</sup>.**

Directive 2003/59/EC lays down the initial qualification and periodic training requirements for professional drivers of trucks and buses with the objective to ensure safety on European roads. The purpose of the Directive is to set harmonised minimum competence standards throughout the Union. The Directive requires drivers to follow initial training and then periodic training every five years. Due to the current COVID-19 outbreak, the drivers subject to the training obligation may not be able to comply with it or they may not be able to renew the documents that prove the periodic training obligation has been complied with. It is therefore necessary to extend the validity of the certificates of professional competence (CPCs), of the marking of harmonised Union code ‘95’ made either on the driving licence or on the driver qualification card, based on such CPCs or the driver qualification card which, in accordance with these provisions, would expire between 1 March 2020 and 31 August 2020. The validity of these documents should be deemed to be extended for a period of six months and they should remain valid accordingly in order to ensure the continuity of road transport.

- **Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (Recast)<sup>3</sup>.**

Directive 2006/126/EC provides for the mutual recognition of the driving licences issued by Member States based on a Union model driving licence. It lays down a series of minimum requirements for these driving licences in order to improve road safety, to facilitate the freedom of movement for citizens moving inside the Union and to reduce the possibility of fraud. The Directive has therefore introduced harmonised validity periods for all driving licence categories. Due to the current COVID-19 outbreak, driving licence holders may not be able to renew, or exchange, their driving licence. It is therefore necessary that driving licences which, in accordance with these provisions, would otherwise expire between 1 March 2020 and 31 August 2020 should be deemed to be extended for a period of six months in order to ensure the continuity of mobility by road.

- **Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport<sup>4</sup>.**

Compliance with the rules on driving time, working time and rest periods is essential to preserving the principles of road safety and fair competition in the internal road transport market. Tachographs and driver cards record the information necessary to assess compliance with those rules. According to Article 23 of Regulation (EU) No 165/2014 (“Tachograph Regulation”), tachographs shall be subject to inspection by approved workshops every two years in order to assess the correct functioning, calibration and security features of the device

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<sup>2</sup> OJ L 226, 10.9.2003, p. 4.

<sup>3</sup> OJ L 403, 30.12.2006, p. 18.

<sup>4</sup> OJ L 60, 28.2.2014, p. 1.

installed in the vehicle. Driver cards are personal and are issued by the national authorities for a period of five years. When a driver card expires, it must be renewed with a new card, in compliance with Article 28 of the Tachograph Regulation. According to Article 29 of the Tachograph Regulation if the driver card is damaged, malfunctions or is lost or stolen, the driver shall, within seven calendar days, apply for its replacement to the competent authorities of the Member State of his normal residence. Those authorities shall supply a replacement card within eight working days after their receipt of a detailed request to that effect. Member States have informed the Commission of difficulties in performing the periodical inspections of the tachographs and renewing the driver cards according to the deadlines provided for in the Union legislation. These difficulties are due to the current exceptional circumstances linked to the COVID-19 outbreak. In such circumstances, the Member States should be allowed to authorise, for a limited period of time, the continued circulation of vehicles equipped with tachographs whose inspection has not been carried out when it was due.

Additionally, as regards the expired driver cards, drivers who have requested a new card according to Article 28 of the Tachograph Regulation should be put in a position and obliged to resort to viable alternatives to keep a record of their activity, until the card-issuing authorities have issued a new card for the driver. The procedure foreseen in Article 35(2) of the Tachograph Regulation for damaged, malfunctioning, lost or stolen driver cards, should apply *mutatis mutandis* to drivers whose card expired. This approach will ensure the appropriate balance between the necessary continuity of transport and the need not to put road safety at risk.

- **Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC<sup>5</sup>.**

Directive 2014/45/EU defines the harmonised minimum requirements for periodic roadworthiness testing. These include notably the frequency of testing and as a consequence the validity of the roadworthiness certificates. Due to the current exceptional circumstances linked to the COVID-19 outbreak, these activities may be rendered impracticable. It is therefore necessary that roadworthiness tests due to be carried out between 1 March 2020 and 31 August 2020 could be carried out at a later date, but not later than six months after the original time limit and that the certificates concerned should remain valid accordingly.

- **Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC<sup>6</sup>.**

Regulation (EC) No 1071/2009 lays down common rules concerning the conditions to be complied with to pursue the occupation of road transport operator. Under the current circumstances, more transport undertakings are likely to be at risk of not fulfilling the financial standing criterion, given the reduced level of activity and, consequently of turnover, which can lead to a reduction in their level of own resources. As a result, operators which are otherwise structurally viable could risk losing their operating licence, implying the end of their transport activity. In accordance with Article 13(1)(c) Regulation (EC) No 1071/2009, when transport undertakings no longer meet the requirement of financial standing, the competent authorities may set a time limit not exceeding six months in order to demonstrate that that requirement will again be satisfied on a permanent basis. However, given the current

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<sup>5</sup> OJ L 127, 29.4.2014, p. 51.

<sup>6</sup> OJ L 300, 14.11.2009, p. 51.

lack of activity and revenues, this maximum period appears too short, and should thus be extended to twelve months, for assessments made and decisions taken from 1 March 2020 until 31 December 2020.

- **Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market<sup>7</sup>.**
- **Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006<sup>8</sup>.**

The international carriage of goods by road and international carriage of passengers by coach and bus are subject to the possession of a Community licence by the professional carriers providing those services, under the conditions provided for in Article 6 of Regulation (EC) No 1072/2009 for the carriage of goods and Article 4 of Regulation No 1073/2009 for carriage of passengers.

The Community licence attests that the transport operators are established in the Union and comply with the necessary requirements to provide international transport services. Additionally, in the case of international carriage of goods, when the driver is a national of a third country, this driver should be in possession of a driver attestation in accordance with the provisions laid down in Chapter II of Regulation No 1072/2009. It allows Member States to check effectively whether drivers from third countries are lawfully employed or at the disposal of the professional carrier responsible for a given transport operation.

The provision of regular services by bus and coach is subject to authorisation in accordance with the provisions laid down in Chapter III of Regulation No 1073/2009. The procedure for their renewal is also subject to the same procedure, *mutatis mutandis*. The authorisation is subject to a number of conditions to ensure the suitability of a particular carrier to provide a specific regular service. Community licence and authorisation for regular services are interdependent in the sense that, to issue the latter, it is necessary to be in possession of a Community licence. Community licences, driver attestations and authorisations for regular services by bus and coach are issued by the competent authorities of the Member States at the request of the carriers for periods of up to ten years (Community licence) and five years (driver attestation and authorisation) that can be renewed. Their renewal is subject to the verification that the conditions under which they were issued are still satisfied. Member States have informed the Commission about difficulties to renew these licences, attestations and authorisations within the time limits provided for in the Union legislation or to carry out the necessary verifications before renewing them. This is due to the current exceptional circumstances linked to the COVID-19 outbreak. On the other hand, it is essential to ensure continuity of transport services. It is therefore necessary to extend the validity of the above Community licences, attestations and authorisations for a limited period of time.

- **Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety<sup>9</sup>.**
- **Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on**

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<sup>7</sup> OJ L 300, 14.11.2009, p. 72.

<sup>8</sup> OJ L 300, 14.11.2009, p. 88.

<sup>9</sup> OJ L 138, 26.5.2016, p. 102.

**the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)<sup>10</sup>.**

Directive 2004/49/EC and Directive (EU) 2016/798 regulate safety certification and authorisation in the Union. Directive 2004/49/EC is repealed by Directive (EU) 2016/798 with effect from 16 June 2020. Until this date, it still applies to those Member States that have extended the transposition period of Directive (EU) 2016/798 until the same date, in accordance with Article 33 (2) of the latter Directive.

In accordance with Article 10(13) of Directive (EU) 2016/798, a railway undertaking has to possess a single safety certificate issued either by the European Union Agency for Railways or by a national safety authority, to be renewed upon application at intervals not exceeding five years. In accordance with Article 12(2) of Directive (EU) 2016/798, the safety authorisation of infrastructure managers is valid for five years.

In accordance with Article 10(5) of Directive 2004/49/EC, a safety certificate is to be renewed upon application by the railway undertaking at intervals not exceeding five years. In accordance with Article 11(2) of Directive 2004/49/EC, the safety authorisation is to be renewed upon application of infrastructure manager at intervals not exceeding five years.

Due to the extraordinary situation caused by the COVID-19 outbreak national authorities, railway undertakings and infrastructure managers face difficulties when it comes to the renewal of (single) safety certificates and of safety authorisations or, in view of a forthcoming expiry of existing safety authorisations, the issuance of such authorisations for a subsequent period. It is therefore necessary to extend the time limit of renewal and validity of these documents to ensure that the operation of the railway undertakings and the infrastructure managers is not undermined. An extension of six months should address the difficulties for national safety authorities to conduct on-site inspections and complete other administrative work required.

– **Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community<sup>11</sup>.**

In accordance with Article 14(5) of Directive 2007/59/EC, a licence shall be valid for ten years, subject to Article 16(1). Due to the extraordinary situation caused by the COVID-19 outbreak, the competent authorities face difficulties with renewing licences within the prescribed conditions. Licences due to be renewed within the period during which such renewal is impracticable should remain valid for an additional six months' period. Similarly, train drivers should be granted an additional six months to complete periodic checks.

– **Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area<sup>12</sup>.**

Article 24(3) of Directive 2012/34/EU specifies that in case where a licence is suspended or revoked on grounds of non-compliance with the requirement for financial fitness, the licensing authority may grant a temporary licence pending the reorganisation of the railway

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<sup>10</sup> OJ L 164, 30.4.2004, p. 44.

<sup>11</sup> OJ L 315, 3.12.2007, p. 51.

<sup>12</sup> OJ L 343, 14.12.2012, p. 32.



undertaking, provided that safety is not jeopardised. However, the maximum period of validity of a temporary licence is six months. Due to the extraordinary circumstances caused by the COVID-19 outbreak, authorities have serious difficulties in taking the relevant decisions, namely on the issuance of new licences for the period after the expiry of a temporary licence. Therefore, the validity of the temporary licences concerned, issued or expiring from 1 March 2020 until 30 August 2020, should be prolonged by six months.

Article 25(2) of Directive 2012/34/EU requires the licensing authority to decide on the application for the issuance of a licence within three months. However, for the reasons already mentioned, the licensing authorities are not in a position to act timely. It is thus proposed to grant those authorities an extension of six months in this respect, for applications submitted between 12 January 2020 and 31 August 2020.

Pursuant to Directive 2012/34/EU, licensing authorities may suspend or revoke the licence of any railway undertaking, which may not be able to fulfil the requirements of financial fitness. If that is the case, the authorities may grant a temporary licence to such railway undertakings following the licence revocation or the suspension. A temporary licence is intended to allow the railway undertaking to restructure and pursue its activity, provided safety is not compromised. However, experience has shown that it also sends a very negative signal to the market about the ability of a railway undertaking to survive, which in turn aggravates its financial problems, in particular in terms of cash flow. It is likely that many railway undertakings, which were financially stable before the crisis, will end up in a situation in which their licence would need to be suspended or revoked, given their financial situation. In the context of the current crisis, this may be unwarranted, in particular in economic and safety terms. Moreover, railway undertakings might need more time to financially stabilise in the period following the containment of COVID-19 outbreak.

It is therefore proposed to temporarily permit Member States to maintain an existing licence unaltered, i.e. abstain from revoking or suspending it and from issuing a temporary licence, provided that safety is not at risk. Member States would remain able to monitor the financial fitness of the railway undertakings in question, notably in order to protect passengers from undue safety risks. As a result, railway undertakings would not be subject to undue constraints and would find better conditions to financially recover.

- **Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community**<sup>13</sup>.

Article 6(2) of Directive 96/50/EC requires the holders of the certificate of a boatmaster to undergo a medical examination after reaching 65 years in the following three months and subsequently every year. However, as the access to the medical service is limited for non-emergency examinations, due to the measures taken in relation to the COVID-19 outbreak, holders of boatmasters' certificates may not be able to undergo the medical examinations due within period concerned by those measures. Therefore, for cases in which the time limit for undergoing medical examinations would expire between 1 March 2020 and 31 August 2020, that time limit should be extended by six months in each of the cases concerned.

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<sup>13</sup> OJ L 235, 17.9.1996, p. 31.

- **Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC<sup>14</sup>.**

The period of validity of Union inland navigation certificates is limited in accordance with Article 10 of Directive (EU) 2016/1629. Moreover, Article 28 of Directive (EU) 2016/1629 provides for the continued validity of documents falling within the scope of that Directive and issued by the competent authorities of the Member States under the previously applicable Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC<sup>15</sup>.

The measures taken in view of the COVID-19 outbreak may make it impractical and sometimes impossible for the competent authorities to carry out the technical inspection in order to extend the validity of relevant certificates or, in case of documents referred to in Article 28 of Directive (EU) 2016/1629, to replace them.

Therefore, in the interests of legal certainty and in order to allow the continued operation of relevant inland waterways vessels, it is appropriate to extend by a period of six months the validity of Union inland navigation certificates as well as documents falling within the scope of Article 28 of Directive (EU) 2016/1629, which would otherwise expire between 1 March 2020 and 31 August 2020.

- **Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security<sup>16</sup>.**
- **Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security<sup>17</sup>.**

The COVID-19 outbreak has made the conduct of maritime security inspections and surveys difficult in this period, as they require the physical presence of inspectors in port, port facilities and ships. This often means that it is impracticable to renew the certificates, assessments and plans required by Union maritime security legislation, under the set deadlines. Therefore, it is necessary to provide flexible and pragmatic solutions while not compromising security, by extending the validity of these documents by a reasonable amount of time, as necessary. This also applies to the periodicity of maritime security drills and exercises, which may also be difficult to carry out during respective national lockdowns.

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<sup>14</sup> OJ L 252, 16.9.2016, p.118.

<sup>15</sup> OJ L 389, 30.12.2006, p. 1.

<sup>16</sup> OJ L 129, 29.4.2004, p. 6.

<sup>17</sup> OJ L 310, 25.11.2005, p. 28.

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**laying down specific and temporary measures in view of COVID-19 outbreak and concerning the validity of certain certificates, licences and authorisations and the postponement of certain periodic checks and training in certain areas of transport legislation**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 and Article 100(2) thereof,

Having regard to the proposal from the European Commission

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>18</sup>,

Having regard to the opinion of the Committee of the Regions<sup>19</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The COVID-19 outbreak and the associated public health crisis present an unprecedented challenge to the Member States and constitute a heavy burden for national authorities, citizens of the Union, and economic operators in particular transport operators. The COVID-19 crisis has created extraordinary circumstances that affect normal activity of the competent authorities in the Member States and the work of transport undertakings as regards the administrative formalities to be completed in different transport sectors that could not reasonably have been anticipated at the time of adoption of the relevant measures. Those extraordinary circumstances have a significant impact on various areas covered by Union transport law.
- (2) In particular, transport operators and other persons concerned may not be able to complete the necessary formalities or procedures to comply with certain provisions of Union law related to the renewal or extension of certificates, licences or authorisations or to complete other steps necessary to maintain their validity. For the same reasons, the competent authorities of the Member States may be unable to comply with the obligations established by Union law and to ensure that relevant requests introduced by the transport operators are dealt with before the applicable deadlines. It is therefore necessary to adopt measures intended to overcome those situations and to ensure both legal certainty and the proper operation of the acts concerned. Adaptations to that effect should be provided for, notably in respect of certain time limits, combined with

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<sup>18</sup> OJ C [...], [...], p. [...].

<sup>19</sup> OJ C [...], [...], p. [...].

the possibility for the Commission to authorise extensions upon request by any Member State.

- (3) Directive 2003/59/EC of the European Parliament and of the Council<sup>20</sup> lays down rules applicable to the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers. Those drivers must hold a certificate of professional competence and must prove they have completed the periodic training by holding a driving licence or a driver qualification card, on which the training is registered. Due to the difficulties in completing the periodic training and in renewing certificates of professional competence certifying that training as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, it is necessary to extend the validity of those certificates for six months after their expiry date, in order to ensure the continuity of road transport.
- (4) Directive 2006/126/EC of the European Parliament and of the Council<sup>21</sup> lays down rules on driving licences. It provides for the mutual recognition of driving licences issued by Member States based on a Union model driving licence, and lays down a series of minimum requirements for those licences. In particular, motor vehicle drivers must hold a valid driving licence, which must be renewed or, in some cases, exchanged upon the expiry of its administrative validity. Due to difficulties in renewing driving licences as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, it is necessary to extend the validity of certain licences for six months after their expiry date, in order to ensure the continuity of mobility by road.
- (5) Regulation (EU) No 165/2014 of the European Parliament and of the Council<sup>22</sup> lays down rules on tachographs in road transport. Compliance with the rules on driving time, working time and rest periods, as set out in Regulation (EC) No 561/2006 of the European Parliament and of the Council<sup>23</sup> and Directive 2002/15/EC of the European Parliament and of the Council<sup>24</sup>, is essential to ensure fair competition and road safety. Due to the need to ensure the continuity of provision of road transport services despite difficulties in performing the periodic inspections of tachographs as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, inspections referred to in Article 23(1) of Regulation (EU) No 165/2014 which should have been carried out between 1 March 2020 and 31 August 2020 should now be carried out no later than six months following the date on which they had to be carried out according

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<sup>20</sup> Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

<sup>21</sup> Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).

<sup>22</sup> Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

<sup>23</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

<sup>24</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

to that Article. For the same reason, difficulties in renewing and replacing driver cards as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak justify that authorities be granted additional time for these purposes, and drivers should be put in a position and be obliged to resort to viable alternatives for recording the necessary information related to driving time, working time and rest periods until a new card is received.

- (6) Directive 2014/45/EU of the European Parliament and of the Council<sup>25</sup> lays down rules on periodic roadworthiness tests for motor vehicles and their trailers. Periodic roadworthiness testing is a complex task designed to ensure that vehicles are kept in a safe and environmentally acceptable condition during their use. Due to difficulties in carrying out periodic roadworthiness testing as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, the periodic roadworthiness tests which should have been carried out between 1 March 2020 and 31 August 2020 should now be carried out at a later date, but not later than six months after the original time limit and the certificates concerned should remain valid accordingly.
- (7) Regulation (EC) No 1071/2009 of the European Parliament and of the Council<sup>26</sup> lays down common rules concerning the conditions to be complied with to pursue the occupation of road transport operator. The COVID-19 crisis has serious repercussions on the financial situation of the sector, and some transport undertakings no longer meet the requirement on financial standing. Given the reduced level of activity entailed by the crisis, it can be anticipated that it will take longer than usual for undertakings to demonstrate that this requirement will again be satisfied on a permanent basis. It is therefore appropriate to extend the maximum time limit established for those purposes in Article 13(1)(c) of Regulation (EC) No 1071/2009 from six to twelve months, for assessments made and decisions taken from 1 March 2020 until 31 December 2020.
- (8) Regulation (EC) No 1072/2009 of the European Parliament and of the Council<sup>27</sup> and Regulation (EC) No 1073/2009 of the European Parliament and of the Council<sup>28</sup> lay down common rules for access to the international road haulage market and the international market for coach and bus services, respectively. The international carriage of goods by road and the international carriage of passengers by coach and bus are subject, *inter alia*, to the possession of a Community licence and, in the case of drivers from third countries conducting freight transport operations, to a driver attestation. The provision of regular services by bus and coach is also subject to authorisation. Those licences, attestations and authorisations may be renewed after verification that the relevant conditions are still complied with. Due to difficulties in renewing the licences, attestations and authorisations as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, it is necessary to

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<sup>25</sup> Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).

<sup>26</sup> Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

<sup>27</sup> Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

<sup>28</sup> Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

extend their validity for six months after their expiry date, in order to ensure the continuity of road transport.

- (9) Directive (EU) 2016/798 of the European Parliament and of the Council<sup>29</sup> lays down rules on railway safety. Given the confinement measures combined with the additional workload involved in containing the COVID-19 outbreak, the national authorities, railway undertakings and infrastructure managers are facing difficulties in the context of Articles 10 and 12 of that Directive, when it comes to the renewal of single safety certificates and, in view of a forthcoming expiry of existing safety authorisations, the issuance of such authorisations for a subsequent period. The time limit for renewal of single safety certificates should therefore be extended by six months, and the existing single safety certificates concerned should remain valid accordingly. Likewise, the validity of safety authorisations should be extended by six months.
- (10) In accordance with Article 33(2) of Directive (EU) 2016/798, certain Member States extended the transposition period of that Directive. The rules of Directive 2004/49/EC of the European Parliament and of the Council<sup>30</sup> therefore remain applicable in those Member States. It is thus necessary to also provide for an extension of the time limits for renewal of safety certificates and safety authorisations issued under Articles 10 and 11 of Directive 2004/49/EC and to clarify that the safety certificates and authorisations concerned remain valid accordingly.
- (11) Directive 2007/59/EC of the European Parliament and of the Council<sup>31</sup> lays down rules on the certification of train drivers operating locomotives and trains on the railway system in the Union. Article 14(5) of that Directive provides that the validity of train drivers' licences is limited to ten years and is to be subject to periodic checks. Due to the difficulties in renewing licence as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, the validity of licences expiring between 1 March 2020 and 31 August 2020 should be prolonged. Similarly, train drivers should be granted an additional six months to complete the periodic checks.
- (12) Directive 2012/34/EU of the European Parliament and of the Council<sup>32</sup> establishes a single European railway area. Under Article 24(3) of that Directive, national licensing authorities may suspend or revoke a licence on grounds of non-compliance with the requirement for financial fitness and grant a temporary licence pending the reorganisation of the railway undertaking provided that safety is not jeopardised. Due to the extraordinary circumstances caused by the COVID-19 outbreak, authorities have serious difficulties in taking the relevant decisions, namely on the issuance of new licences for the period after the expiry of a temporary licence. Therefore, the validity of the temporary licences concerned, expiring from 1 March 2020 until 30 August 2020, should be prolonged by six months.

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<sup>29</sup> Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

<sup>30</sup> Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (OJ L 164, 30.4.2004, p. 44).

<sup>31</sup> Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51).

<sup>32</sup> Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).

- (13) Article 25(2) of Directive 2012/34/EU requires licensing authorities to take decisions on applications for licences within three months. Due to difficulties in taking the relevant decisions as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, it is necessary to extend that time limit by six months.
- (14) Railway undertakings, which were financially stable before the COVID-19 outbreak, face liquidity problems that could trigger their licence to be suspended, revoked and possibly replaced by a temporary licence without structural economic need. The granting of a temporary licence pursuant to Article 24(3) of Directive 2012/34/EU could send a negative signal to the market about the ability of railway undertakings to survive, which in turn would aggravate any, otherwise temporary financial problems. It should therefore be provided that, on the basis of the assessment of the licensing authority carried out and through a decision taken during the period from 1 March 2020 to 31 August 2020, the licence of such railway undertakings may not be suspended or revoked provided that safety is not at risk, and that there is a realistic prospect of a satisfactory financial reconstruction within a six month period. At the end of this six month period, the undertaking should be subject to general rules laid down in Article 24(1) of Directive 2012/34/EU.
- (15) Directive 96/50/EC<sup>33</sup> lays down conditions for obtaining boatmasters' certificates for the carriage of goods and passengers by inland waterways in the Union. On reaching the age of 65 years, holders of boatmaster certificates are required to undergo periodic medical examinations. In view of the measures taken in relation to the COVID-19 outbreak, and in particular the limited access to medical services for medical checks, holders of boatmasters' certificates may not be able to undergo the medical examinations due within period concerned by those measures. Therefore, for cases in which the time limit for undergoing medical examinations would expire between 1 March 2020 and 31 August 2020, that time limit should be extended by six months in each of the cases concerned.
- (16) Directive (EU) 2016/1629 of the European Parliament and of the Council<sup>34</sup> lays down technical requirements for inland waterway vessels. Article 10 of that Directive limits the period of validity of Union inland navigation certificates. Moreover, Article 28 of Directive (EU) 2016/1629 provides that documents falling within the scope of that Directive and issued by the competent authorities of the Member States before 6 October 2018 under the previously applicable Directive 2006/87/EC of the European Parliament and of the Council<sup>35</sup> are to remain valid until they expire. The measures taken in view of the COVID-19 outbreak may make it impractical and sometimes impossible for the competent authorities to carry out technical inspections in order to extend the validity of relevant certificates or, in case of documents referred to in Article 28 of Directive (EU) 2016/1629, to replace them. Therefore, in order to allow the continued operation of relevant inland waterways vessels it is appropriate to extend by a period of six months the validity of Union inland navigation certificates as well as

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<sup>33</sup> Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community (OJ L 235, 17.9.1996, p. 31).

<sup>34</sup> Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (OJ L 252, 16.9.2016, p. 118).

<sup>35</sup> Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389, 30.12.2006, p. 1).

documents falling within the scope of Article 28 of Directive (EU) 2016/1629, which would otherwise expire between 1 March 2020 and 31 August 2020.

- (17) Regulation (EC) No 725/2004 of the European Parliament and of the Council<sup>36</sup> lays down rules on ship and port facility security. Directive 2005/65/EC of the European Parliament and of the Council<sup>37</sup> lays down measures to enhance port security in the face of threats of security incidents. It also ensures that security measures taken pursuant to Regulation (EC) No 725/2004 benefit from enhanced port security. Maritime security inspections and surveys by Member State authorities, which are necessary to renew certain documents and thus respect deadlines set by Union maritime security legislation are made difficult by the ongoing health crisis. Therefore, it is necessary to extend the validity of certificates and the time limits for assessments and plans required by that legislation by a reasonable amount of time to provide Member States and the shipping industry with a flexible and pragmatic approach, and to keep essential supply chains open, while not compromising security. Flexibility should also be granted for maritime security drills and exercises, which the legislation requires be carried out according to certain time frames.
- (18) Since the objective of this Regulation, namely to extend the time limits laid down in Union law for the renewal or extension of certificates, licences or authorisations, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.
- (19) This Regulation should be adopted as a matter of urgency, so that situations of legal uncertainty affecting many authorities and operators in different sectors, in particular where the relevant time limits have already expired, remain as short as possible. It is therefore appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (20) The unforeseeable and sudden outbreak of the COVID-19 pandemic and the relevant legislative procedures required for adoption of relevant measures, made it impossible to adopt such measures in time. For that reason, the provisions of this Regulation should also cover the period before its entry into force. Given the nature of these provisions, such an approach should not result in violation of the legitimate expectations of the persons concerned.
- (21) This Regulation should enter into force as a matter of urgency on the date following that of its publication in the Official Journal of the European Union,

HAVE ADOPTED THIS REGULATION:

#### Article 1

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<sup>36</sup> Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6).

<sup>37</sup> Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).



## Subject matter

This Regulation lays down specific and temporary measures applicable to the renewal and extension of the period of validity of certain certificates, licences and authorisations and the postponement of certain periodic checks and training in response to the extraordinary circumstances caused by the COVID-19 outbreak in the area of road, rail and inland waterways transport and maritime security.

### Article 2

#### **Extension of time limits provided for in Directive 2003/59/EC**

- (1) Notwithstanding Article 8(2) and (3) of Directive 2003/59/EC, the time limits for the completion of periodic training which, in accordance with those provisions, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months in each case. Certificates of Professional Competence shall remain valid accordingly.
- (2) The validity of the marking of harmonised Union code '95' provided for in Annex I to Directive 2006/126/EC, made by the competent authorities either on the driving licence or on the driver qualification card referred to in Article 10(1) of Directive 2003/59/EC on the basis of the Certificates of Professional Competence referred to in paragraph 1, shall be deemed to be extended for a period of six months from the date indicated on each such driving licence or card.
- (3) The validity of driver qualification cards referred to in Annex II to Directive 2003/59/EC, which would expire between 1 March 2020 and 31 August 2020 (the reference period), shall be deemed to be extended for a period of six months from the administrative expiry date indicated on each such card.
- (4) Where a Member State considers that the completion of periodic training or certification thereof, the marking of the harmonised Union code '95', or the renewal of driver qualification cards is likely to remain impracticable beyond 31 August 2020, due to measures it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1, 2 and 3, as appropriate. That request may concern the reference periods or the six month periods, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (5) Where, upon a request submitted in accordance with paragraph 4, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1, 2 and 3 respectively, as justified in each case. The extension shall be limited so as to reflect the period during which completion of the periodic training in question or the certification thereof, the marking of the harmonised Union code '95' or the renewal of driver qualification cards is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

### Article 3

#### **Extension of time limits provided for in Directive 2006/126/EC**

- (1) Notwithstanding Article 7 and point 3 (d) of Annex I to Directive 2006/126/EC, the validity of driving licences which, in accordance with those provisions, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to

be extended for a period of six months from the date referred to in each such driving licence.

- (2) Where a Member State considers that the renewal of driving licences is likely to remain impracticable beyond 31 August 2020, due to measures it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraph 1, as appropriate. That request may concern the reference period or the six month period, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (3) Where, upon a request submitted in accordance with paragraph 2, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraph 1, as justified in each case. The extension shall be limited so as to reflect the period during which the renewal of driving licences is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

#### Article 4

##### **Extension of time limits provided for in Regulation (EU) No 165/2014**

- (1) Notwithstanding Article 23 of Regulation (EU) No 165/2014, the regular inspections provided for in paragraph 1 of that Article that had to be carried out between 1 March 2020 and 31 August 2020 (the reference period) shall be carried out no later than six months following the date on which they had to be carried out according to that Article.
- (2) Notwithstanding Article 28 of Regulation (EU) No 165/2014, where a driver applies for the renewal of a drivers card in accordance with paragraph 1 of that Article between 1 March 2020 and 31 August 2020 (the reference period), the competent authorities shall supply a new card no later than 2 months following the request. Until the driver receives a new card from the card issuing authorities, Article 35(2) of that Regulation shall apply to the driver *mutatis mutandis*.
- (3) Notwithstanding Article 29(4) of Regulation (EU) No 165/2014, where a driver applies for the replacement of a drivers card in accordance with paragraph 4 of that Article between 1 March 2020 and 31 August 2020 (the reference period), the competent authorities shall supply a replacement card no later than 2 months following the request. Notwithstanding Article 29(5) of Regulation (EU) No 165/2014, the driver may continue to drive until a new card is received from the card issuing authorities provided that the driver can prove that the card was returned to the competent authority when the card was damaged or malfunctioning and that its replacement was requested.
- (4) Where a Member State considers that, the regular inspections, the renewal of drivers cards or the replacement of drivers cards are likely to remain impracticable beyond 31 August 2020, due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1, 2 and 3 as appropriate. That request may concern the reference periods, or the deadlines, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (5) Where, upon a request submitted in accordance with paragraph 4, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a

decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1, 2 and 3 respectively, as justified in each case. The extension shall be limited so as to reflect the period during which the regular inspections, the renewal of drivers card or the replacement of drivers cards are likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

#### Article 5

##### **Extension of time limits provided for in Directive 2014/45/EU**

- (1) Notwithstanding Article 5(1), in combination with Article 10(1) and point 8 of Annex II of Directive 2014/45/EU, the time limits for the roadworthiness tests, which in accordance with those provisions would have to be carried out between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months.
- (2) Notwithstanding Article 8 in combination with point 8 of Annex II of Directive 2014/45/EU, the validity of roadworthiness certificates with a date of expiry between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months.
- (3) Where a Member State considers that the performance of roadworthiness tests or the certification thereof is likely to remain impracticable beyond 31 August 2020, due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2. That request may concern the reference periods, or the deadlines, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (4) Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited so as to reflect the period during which the performance of roadworthiness tests or the certification thereof is likely remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

#### Article 6

##### **Extension of time limits provided for in Regulation (EC) No 1071/2009**

Notwithstanding Article 13(1)(c) of Regulation (EC) No 1071/2009, where assessments carried out out from 1 March 2020 until 31 December 2020 show that an undertaking does not satisfy the requirement relating to financial standing laid down in Article 3(1)(c) of that Regulation, the time limit set by a competent authority during that period for the purposes of Article 13(1)(c) of that Regulation shall not exceed twelve months.

#### Article 7

##### **Extension of time limits provided for in Regulation (EC) No 1072/2009**

- (1) Notwithstanding Article 4(2) of Regulation (EC) No 1072/2009, the validity of the Community licences which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months.

- (2) Notwithstanding Article 5(7) of Regulation (EC) No 1072/2009, the validity of the driver attestations which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months.
- (3) Where a Member State considers that the renewal of Community licences or of driver attestations is likely to remain impracticable beyond the deadline established in paragraphs 1 and 2, due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in those paragraphs, as appropriate. That request may concern the reference periods, or the six month periods, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (4) Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited so as to reflect the period during which the renewal of Community licences or of driver attestations is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

#### Article 8

##### **Extension of time limits provided for in Regulation (EC) No 1073/2009**

- (1) Notwithstanding Article 4(4) of Regulation (EC) No 1073/2009, the validity of the Community licences which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months.
- (2) Notwithstanding Article 8(3) of Regulation (EC) No 1073/2009, decisions on applications submitted by carriers between 12 December 2019 and 31 August 2020 (the reference period) shall be taken by the authorising authority within six months of the date of the submission of the application. Notwithstanding Article 8(2) of Regulation (EC) No 1073/2009, the competent authorities of the Member States whose agreement has been requested in respect of such application in accordance with paragraph 1 of that Article shall notify the authorising authority of their decision on the application within three months.
- (3) Where a Member State finds that the renewal of Community licences is likely to remain impracticable beyond 31 August 2020, due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in that paragraph. That request may concern the reference period or the six month period, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (4) Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraph 1, as justified in each case. The extension shall be limited so as to reflect the period during which the renewal of Community licences is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

## Article 9

### **Extension of time limits provided for in Directive (EU) 2016/798**

- (1) Notwithstanding Article 10(13) of Directive (EU) 2016/798, the time limits for renewal of single safety certificates which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months. The single safety certificates concerned shall remain valid accordingly.
- (2) Notwithstanding Article 12(2) of Directive (EU) 2016/798, the validity of safety authorisations which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended by a period of six months.
- (3) Where a Member State considers that the renewal of single safety certificates issued in accordance with Article 10(8) of Directive (EU) 2016/798 or the extension of the period of validity of safety authorisations is likely to remain impracticable beyond 31 August 2020 due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as appropriate. That request may concern the reference periods or the six month periods, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (4) Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited so as to reflect the period during which the renewal of single safety certificates or the extension of the period of validity of safety authorisations is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

## Article 10

### **Extension of time limits provided for in Directive (EU) 2004/49/EC**

- (1) Notwithstanding Article 10(5) of Directive 2004/49/EC, the time limits for renewal of safety certificates which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months. The safety certificates concerned shall remain valid accordingly.
- (2) Notwithstanding Article 11(2) of Directive 2004/49/EC, the time limits for renewal of safety authorisations which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months. The safety authorisations concerned shall remain valid accordingly.
- (3) Where a Member State considers that the renewal of safety certificates or of safety authorisations is likely to remain impracticable beyond 31 August 2020, due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as appropriate. That request may concern the reference periods, or the six month periods, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.

- (4) Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2, respectively, as justified in each case. The extension shall be limited so as to reflect the period during which the renewal of safety certificates or of safety authorisations is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

#### Article 11

##### **Extension of time limits provided for in Directive 2007/59/EC**

- (1) Notwithstanding Article 14(5) of Directive 2007/59/EC, the validity of licences expiring between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended by a period of six months from the date of expiry of each such licence.
- (2) Notwithstanding Article 16 and Annexes II and VII to Directive 2007/59/EC, the time limits for the completion of the periodic checks which, in accordance with those provisions, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months in each case. The licences referred to in Article 14 and the certificates referred to in Article 15 of Directive 2007/59/EC shall remain valid accordingly.
- (3) Where a Member State considers that the renewal of licences or the completion of periodic checks is likely to remain impracticable beyond 31 August 2020, due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation, to apply an extension of the periods specified in paragraphs 1 and 2, as appropriate. That request may concern the reference periods or the six month periods, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (4) Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited so as to reflect the period during which the renewal of licences or the completion of periodic checks is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

#### Article 12

##### **Extension of time limits provided for in Directive 2012/34/EU**

- (1) Notwithstanding Article 24(3) of Directive 2012/34/EU, validity of temporary licences which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended by a period of six months from the date of end of validity indicated on each temporary licence.
- (2) Notwithstanding Article 25(2) of Directive 2012/34/EU, the licensing authority shall take a decision in respect of applications submitted from 12 January 2020 to 31 August 2020 not later than nine months after all relevant information, notably the particulars referred to in Annex III, has been submitted.

- (3) Where a Member State considers that the termination of the suspension of licences or the issuance of new licences, following a previous revocation, is likely to remain impracticable beyond 31 August 2020, due to measures that a Member State has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraph 1. That request may concern the reference period, or the six month period, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (4) Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraph 1, as justified in each case. The extension shall be limited so as to reflect the period during which the termination of the suspension of licences or the issuance of new licences, following a previous revocation, is likely to remain impracticable.

The Commission shall publish its decision in the Official Journal.

#### Article 13

##### **Treatment of licences of railway undertakings under Directive 2012/34/EU in the event of lack of financial fitness**

Notwithstanding Article 24(1) of Directive 2012/34/EU, where a licensing authority is satisfied, in the period from 1 March 2020 until 31 August 2020, that a railway undertaking can no longer meet the requirements relating to financial fitness referred to in Article 20 of that Directive, it may, during that period, decide not to suspend or revoke the licence of the railway undertaking provided that safety is not at risk, and that there is a realistic prospect of a satisfactory financial reconstruction within the following six months. It shall review the performance of the railway undertaking concerned at the end of the six month period and decide whether the licence shall be suspended or revoked under Article 24(1) and whether a temporary licence should be granted on the basis of Article 24(3) of that Directive.

#### Article 14

##### **Extension of time limits provided for in Directive 96/50/EC**

- (1) Notwithstanding Article 6(2) of Directive 96/50/EC, the time limits for undergoing medical examinations which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended for a period of six months. The boatmasters' certificates shall remain valid accordingly.
- (2) Where a Member State considers that the completion of medical examinations is likely to remain impracticable beyond 31 August 2020 due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraph 1, as appropriate. That request may concern the reference period or the six month period, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (3) Where, upon a request submitted in accordance with paragraph 2, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraph 1, as justified in each case. The extension shall be

limited so as to reflect the period during which the completion of medical examinations is likely to remain impracticable.

The Commission shall publish its decision in the Official Journal.

#### Article 15

##### **Extension of time limits provided for in Directive (EU) 2016/1629**

- (1) Notwithstanding Article 10 of Directive (EU) 2016/1629, the validity of Union inland navigation certificates, which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period), shall be deemed to be extended by a period of six months.
- (2) Notwithstanding Article 28 of Directive (EU) 2016/1629, the validity of documents falling within the scope of that Directive and issued by the competent authorities of the Member States under Directive 2006/87/EC before 6 October 2018, which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period), shall be deemed to be extended by a period of six months.
- (3) Where a Member State considers that the renewal of Union inland certificates is likely to remain impracticable beyond 31 August 2020, due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as appropriate. That request may concern the reference periods, or the six month periods, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (4) Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited so as to reflect the period during which the renewal of Union inland navigation certificates is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

#### Article 16

##### **Extension of time limits provided for in Regulation (EC) No 725/2004**

- (1) Notwithstanding Article 3(6) of Regulation (EC) No 725/2004, the time limits for carrying out port facility security assessments which, in accordance with that provision would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended until 30 November 2020.
- (2) By way of derogation from Section 13.6 of Annex III, Part B to Regulation (EC) No 725/2004, if drills cannot be conducted within the intervals specified therein in 2020, they should be conducted at least twice during that year with a maximum interval of six months between them.
- (3) Notwithstanding Sections 13.7 and 18.6 of Annex III, Part B to Regulation (EC) No 725/2004 the 18 month time limits for the carrying out of the various types of exercises which, in accordance with those provisions, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended by six months in each case but in no case beyond 31 December 2020.



- (4) For the purposes of the requirement set out in Sections 13.7 and 18.6 of Annex III, Part B to Regulation (EC) No 725/2004, according to which the various types of exercises are to be carried out each calendar year, exercises carried out in 2021 during the period covered by an authorisation pursuant to paragraph 5, shall be deemed to have been carried out in 2020. Where a Member State considers that the carrying out of port facility security assessments or of the various types of exercises referred to in Annex III, Part B, Sections 13.7 and 18.6 of Regulation (EC) No 725/2004, is likely to remain impracticable, due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 3, as appropriate. That request may concern the reference periods, the deadline or the six month periods, or any combination of those. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (5) Where, upon a request submitted in accordance with paragraph 4, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 3 respectively, as justified in each case. The extension shall be limited so as to reflect the period during which the carrying out of port facility security assessments or of the various types of exercises is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

#### Article 17

#### **Extension of time limits provided for in Directive 2005/65/EC**

- (1) Notwithstanding Article 10 of Directive 2005/65/EC, time limits for the review of port security assessments and port security plans which, in accordance with that provision, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended by six months in each case but in no case beyond 30 November 2020.
- (2) Notwithstanding Article 7(7) and Annex III of Directive 2005/65, the 18 months time limits for the completion of training which, in accordance with that Annex, would expire between 1 March 2020 and 31 August 2020 (the reference period) shall be deemed to be extended by six months in each case but in no case beyond 30 November 2020.
- (3) For the purposes of the requirement set out in Annex III to Directive 2005/65/EC, according to which training exercises are to be carried out each calendar year, exercises carried out in 2021 during the period covered by an authorisation pursuant to paragraph 4, shall be deemed have been carried out in 2020.
- (4) Where a Member State considers that the completion of the review of port security assessments or port security plans or the completion of training is likely to remain impracticable, due to measures it has taken, intended to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2 as appropriate. That request may concern the reference periods, or the six month periods, or both. It shall be submitted to the Commission by 15 July 2020 at the latest.
- (5) Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are met, it shall adopt a decision authorising the Member State concerned to apply an extension of the

periods specified in paragraphs 1 or 2 respectively, as justified in each case. The extension shall be limited so as to reflect the period during which the completion of the review of port security assessments or port security plans or the completion of training is likely to remain impracticable.

The Commission shall publish its decision in the *Official Journal*.

#### Article 18

##### **Entry into force**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*