COMMISSION DECISION (EU) 2021/1360

of 30 June 2021

authorising the Netherlands to apply an extension of certain periods specified in Articles 2 and 3 of Regulation (EU) 2021/267 of the European Parliament and of the Council

(notified under document C(2021) 4640)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/267 of the European Parliament and of the Council of 16 February 2021 laying down specific and temporary measures in view of the persistence of the COVID-19 crisis concerning the renewal or extension of certain certificates, licences and authorisations, the postponement of certain periodic checks and periodic training in certain areas of transport legislation and the extension of certain periods referred to in Regulation (EU) 2020/698 ([1]), and in particular Article 2(8) and Article 3(4) thereof,

Whereas:

(1) Article 2(1) of Regulation (EU) 2021/267 extends the time limits for the completion, by the holder of a certificate of professional competence ('CPC'), of periodic training which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021. Article 2(3) of that Regulation extends the validity of the corresponding marking of the harmonised Union code, '95'.

(2) Article 3(1) of Regulation (EU) 2021/267 extends the validity of driving licences which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.

(3) By letter dated 25 May 2021, the Netherlands submitted a reasoned request for an authorisation to apply an extension of certain periods specified in Articles 2 and 3 of Regulation (EU) 2021/267. The Netherlands provided additional information in support of their request on 7 June 2021.

(4) Through its reasoned request, the Netherlands seek an authorisation to apply an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of that provision and of Article 2(3), and an authorisation to apply an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 3(1) of that Regulation.

(5) According to the information provided by the Netherlands, the completion of periodic training and its certification and the marking of the harmonised Union code '95' are likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19.

(6) According to the Netherlands, because of such measures, periodic trainings had to be suspended between 15 December 2020 and 16 March 2021. While periodic trainings have in the meantime been resumed, an obligation remains in force for every person to keep a 1,5-meter distance from each other in any given situation. Private companies have implemented these measures through a common protocol.

(7) The main effect of these measures for periodic trainings is that classes now need to be much smaller when compared to normal situations. Indeed, a considerable part of the periodic trainings includes a mandatory practical course, which can now only be given to small groups. According to the information provided by the Netherlands, this circumstance significantly reduces the training capacity in that Member State, therefore not allowing for the completion of the periodic trainings of a vast number of lorry drivers in time.

([1]) OJ L 60, 22.2.2021, p. 1.

(8) According to the Netherlands, this common protocol will have to be applied by private companies for the months to come, meaning that the significant limitations in the available training capacity of the market will remain in the near future.

(9) In accordance with the information provided by the Netherlands, most of the lorry drivers in that Member State have to renew their certificates of professional competence ('CPCs') before the end of 2021. Based on the information provided by the Dutch authority in charge of the registration of the trainings (the CBR ([2])), 150 000 drivers must still follow, on average, two courses of seven hours in 2021, which translates in a total of 300 000 courses still to be carried out in that Member State by the end of the year by lorry drivers.

(10) In addition, based on the data provided by the Netherlands, a significant number of bus drivers experienced significant difficulties in the completion of their trainings before 10 September 2020, due to the situation of lockdown in which that Member State was in during the spring of 2020. As these bus drivers were granted with an extension of their CPCs on the basis of Regulation (EU) 2020/698 of the European Parliament and of the Council ([3]), there are now about 350 000 courses still to be followed by bus drivers, in a very limited timeframe.

(11) Moreover, in accordance with the information provided by Netherlands, it should be very difficult to resume all periodic trainings in an orderly manner. The numbers of COVID-19 infections remain high in the Netherlands, and most of the professional drivers have not been vaccinated yet. Based on the information provided by that Member State, this means that there are still infections among this group of people or in their close contacts, which forces them to spend time on sick leave or in quarantine. This does not only mean that they have to be replaced by colleagues, but also that there is less time available for them to take the periodic trainings. Past experience also shows that the available trainers have to cancel many training days, which not only happens because of the high number of unexpected cancellations on the part of drivers, but also because infections and quarantines still occur among the trainers themselves.

(12) According to the Netherlands, this Member State is working on the implementation of a scheme allowing for in-company CPC periodic training, which would enable drivers to take their trainings within their regular 'work bubbles'. However, the necessary certification of these trainers is expected to start from 1 July only. In the period thereafter, many trainers and drivers are expected to be on summer holidays, as they are usually bound to the school holidays of that Member State.

(13) According to the information provided by the Netherlands, the renewals of driving licences are also likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19.

(14) Based on the information provided by the Netherlands, in that Member State the CPCs are issued on the driving licence. Most of the lorry drivers who would have their CPCs expired on 10 September 2021 would therefore also have their driving licences expiring on the same date.

(15) According to the Netherlands, an extension of the period on which driving licences would otherwise expire is in particular necessary for those people who need a report of a medical specialist in order to renew their licences. Based on the data provided by that Member State, there are currently 61 687 files where the Dutch National Examination Authority is still waiting for medical reports from doctors or specialists. This is due to the fact that a significant number of drivers still cannot make medical appointments in time, due the pressure on the health system caused by COVID-19.

(16) According to the information provided by the Netherlands, the numbers for positive test results and new hospitalizations have dropped in that Member State, and the speed of vaccination remains in line with the European average. However, the general COVID-19 situation in the Netherlands is still considered preoccupying, since at this moment, 23 of the 25 Dutch regions are rated at risk level 'severe', which is the highest level. The other two regions are rated at one level lower, which is 'serious'. The pressure on the healthcare system is therefore still very high. Therefore, the measures taken to prevent or contain the spread of COVID-19 are likely to remain in place for several months.

([2]) Centraal Bureau Rijvaardigheidsbewijzen.

([3]) Regulation (EU) 2020/698 of the European Parliament and of the Council of 25 May 2020 laying down specific and temporary measures in view of the COVID-19 outbreak concerning the renewal or extension of certain certificates, licences and authorisations and the postponement of certain periodic checks and periodic training in certain areas of transport legislation (OJ L 165, 27.5.2020, p. 10).

(17) According to estimations from the Netherlands, a period of four months for the requested extensions is necessary for the professional drivers to carry out their refresher courses within the applicable deadlines, and to allow the handling of the backlog in order not to cause large disruptions in the transport sector.

(18) According to the information provided by the Netherlands, most of the drivers concerned need only to complete training courses that they had already begun. The requested extensions should therefore not lead to disproportionate risks in terms of transport safety and security.

(19) The Netherlands should therefore be authorised to apply an extension of four months of the periods between 1 September 2020 and 30 June 2021 specified in Article 2(1), for the purposes of this provision and of Article 2(3), and in Article 3(1) of Regulation (EU) 2021/267.

(20) The Netherlands have agreed for this Decision to be adopted and notified in English,

HAS ADOPTED THIS DECISION:

Article 1

The Netherlands are authorised to apply the following extensions of the periods specified in Article 2(1) and (3) and in Article 3(1) of Regulation (EU) 2021/267:

(a) an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of Article 2(1) and (3) of that Regulation; and

(b) an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 3(1) of that Regulation.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 30 June 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission