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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 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, for reference periods subsequent to those referred to in Regulation (EU) 2020/698

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

The objective of the Regulation hereby proposed is to lay down additional 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 ongoing COVID-19 pandemic, in the area of road, rail and inland waterways transport and maritime security, to those established in Regulation (EU) 2020/698[1].

The COVID-19 outbreak and the associated public health crisis presents an unprecedented challenge to the Member States and a heavy burden for national authorities, EU citizens, and economic operators, in particular in the 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 relevant 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 deal with relevant requests introduced by the transport operators before the expiry of the applicable deadlines.

For this reason, the provisions of Regulation (EU) 2020/698 extended the period of validity of certain certificates, licences and authorisations and postponed the carrying out of certain periodic checks and periodic training that, pursuant to the Union legislation concerned, should have taken place within the period between 1 March 2020 (or 1 February 2020 in certain cases) and 31 August 2020, for a period of 6 months (or of 7 months in certain cases).

In addition, certain Member States considered that the renewal of certain certificates, licences and authorisations and the completion of certain periodic training or periodic checks were likely to remain impracticable beyond 31 August 2020, due to measures that they had taken to prevent or contain the spread of COVID- 19. Therefore, pursuant to the provisions of Regulation (EU) 2020/698, they submitted reasoned requests to the Commission for an authorisation to apply further individual extensions of any of those periods or of both. The Commission adopted six decisions authorising such extensions[2].

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[1] 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.

[2] Commission Decision (EU) 2020/1236 of 25 August 2020 authorising the Netherlands to apply an extension of certain periods specified in Articles 2 and 3 of Regulation (EU) 2020/698 of the European Parliament and of the Council, OJ L 282, 31.8.2020, p. 19; Commission Decision (EU) 2020/1235 of 26 August 2020 authorising Greece to apply an extension of certain periods specified in Article 4 of Regulation (EU) 2020/698 of the European Parliament and of the Council, OJ L 282, 31.8.2020, p. 17;

The COVID- 19 outbreak had affected the whole Union but has not done so in a uniform manner. Member States have been affected to different degrees and at different times. Given that the derogations from the legal acts that would normally apply should be limited to what is necessary, Regulation (EU) 2020/698 authorised the Member States to continue to apply those legal acts without applying the derogations provided for in that Regulation where application of those legal acts had remained practicable (opt out). In such a case, the Member States concerned were entitled not to apply the derogations concerning certain legal acts[3], after first informing the Commission[4].

In its Communication Green Lanes II[5], the Commission considered that all flexibility provisions included in Regulation (EU) 2020/698 have proven to be necessary and useful. In addition, in the light of the resurgence of COVID-19, the Commission announced its favourable position to propose an update of the regime, in a manner that enables all Member States to benefit from any necessary derogations, including those that have made use of the possibilities to opt out from that Regulation. However, the Commission considered that any legislative measures of the kind are of an *ad hoc* nature, i.e. must be conceived for a specific period with effects limited in time.

Despite of certain improvements of the situation provoked by the COVID-19 outbreak during the summer of 2020, the persistence and, in certain cases, the aggravation of the effects of the COVID-19 during the autumn of 2020 has obliged the Member States to maintain and, in certain cases, reinforce the measures taken to prevent the spread of the pandemic.

Due to those measures, it remains difficult for transport operators and other persons concerned to complete the necessary formalities or procedures or other steps required under Union law for the renewal or extension of certificates, licences or authorisations or with the completion of periodic checks or periodic training, in order to maintain their validity.

For the same reasons, the competent authorities of the Member States may continue to be unable to comply with obligations established by Union law and to deal with relevant requests introduced by the transport operators within the applicable deadlines.

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, as well as ensure

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Commission Decision (EU) 2020/1219 of 20 August 2020 authorising Italy to apply an extension of certain periods specified in Article 2 of Regulation (EU) 2020/698 of the European Parliament and of the Council, OJ L 277, 26.8.2020, p. 16; Commission Decision (EU) 2020/1240 of 21 August 2020 authorising Bulgaria to apply an extension of a period specified in Article 3 of Regulation (EU) 2020/698 of the European Parliament and of the Council, OJ L 284, 1.9.2020, p. 7; Commission Decision (EU) 2020/1282 of 31 August 2020 authorising France to apply an extension of certain periods specified in Articles 11, 16 and 17 of Regulation (EU) 2020/698 of the European Parliament and of the Council, OJ L 301, 15.9.2020, p. 9; Commission Decision (EU) 2020/1237 of 25 August 2020 authorising the United Kingdom to apply an extension of certain periods specified in Articles 3 and 11 of Regulation (EU) 2020/698 of the European Parliament and of the Council, OJ L 282, 31.8.2020, p. 22.

[3] Directive 2006/126/EC, Regulation (EU) No 165/2014, Directive 2014/45/EU, Regulation (EC) No 1072/2009, Regulation (EC) No 1073/2009 and Directive 2007/59/EC,

[4] The relevant notices were published in OJ C 182I of 2.6.2020, OJ C 183I of 3.6.2020, OJ C 189 of 5.6.2020, OJ C 190I of 8.6.2020, OJ C 193I of 9.6.2020 and OJ C 200I of 15.6.2020.

[5] Communication from the Commission to the European Parliament and to the Council upgrading the transport Green Lanes to keep the economy going during the COVID-19 pandemic resurgence, Doc COM (2020) 685, 28.10.2020.

continuity of the legal regime, it is necessary to now lay down temporary provisions extending the validity of those certificates, licences or authorisations that would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 (hereinafter referred to as the 'reference period'). Those documents should remain valid during a reasonable period of time during and after the COVID-19 outbreak (hereinafter referred to as the 'extension period').

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, as in the context of Regulation (EU) 2020/698, 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 in the proposed Regulation. Where, upon a request submitted by the Member State concerned in such case by 1 April 2021, the Commission finds that the circumstances so warrant, the Commission should be able to authorise the Member State concerned to apply an extension of the relevant period or periods. Such extension should be limited to what is necessary to reflect the period during which the completion of formalities, procedures, checks and training is likely to remain impracticable and, in any event, should not be longer than six months.

As stated in the Green Lanes II Communication, the act establishing the derogations for an additional period beyond the reference period covered by Regulation (EU) 2020/698 should also envisage the possibility for the Member States not to apply the derogations as set out in that act, where application of the provisions applicable outside those derogations, had remained practicable.

Therefore, similarly to Regulation (EU) 2020/698, the regulation proposed herewith also includes the possibility to opt out where the Member States have not been, and are likely not to be, confronted by difficulties that render the renewal of licences, certificates and authorisation or the postponement of the periodic checks and trainings impracticable during the reference period as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or where they have taken appropriate national measures to mitigate such difficulties. The Member State that has decided not to apply such derogations should not impede the cross- border activities of any economic operator or individual that has relied on such derogations that apply in another Member State. It is proposed to extend this possibility to derogations (corresponding to specific legal acts) for which it had not been provided in Regulation (EU) 2020/698. In order to ensure legal certainty the Member States should inform the Commission of their decisions not to apply the derogations provided for in this Regulation before its substantive provisions become applicable.

- **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 continue to pursue the objectives of Regulation (EU) 2020/698 to 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. As in the case of Regulation (EU) 2020/698 which has the same objectives as the current proposal, this legislative act should 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 extending the derogations included in Regulation (EU) 2020/698. In particular, the Commission has been in permanent contact with the competent authorities of

the Member States and have regularly analysed the application of the provisions of that Regulation and has learned from them their specific situation and requests to extend the derogations.

- **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. It remains uncertain how COVID-19 will develop. Subsequent waves of infections might occur and lead to new lockdowns. The specific situation in different Member States must also be taken into account. Therefore, the Commission should be empowered, following a request submitted by any Member State, to authorise the application of additional time periods, similarly to what was provided for in Regulation (EU) 2020/698.

- **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[6].

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 persistence of the 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

[6] OJ L 226, 10.9.2003, p. 4.

with. It is therefore necessary to extend the validity of the certificates of professional competence (CPCs), and 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 during the reference period between 1 September 2020 and 30 April 2021. The validity of these documents should be deemed to be extended for a period of seven 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)[7].

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 persistence of the 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 during the reference period between 1 September 2020 and 30 April 2021 should be deemed to be extended for a period of seven 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[8].

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 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 persistence of 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.

[7] OJ L 403, 30.12.2006, p. 18.
[8] OJ L 60, 28.2.2014, p. 1.

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[9].

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 persistence of the COVID-19 outbreak, these activities may be rendered impracticable. It is therefore necessary that roadworthiness tests due to be carried out during the reference period between 1 September 2020 and 30 April 2021 could be carried out at a later date, but not later than seven 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[10].

Regulation (EC) No 1071/2009 lays down common rules concerning the conditions to be complied with in order 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 requirements regarding the vehicle or vehicles to be kept at the disposal and used by those undertakings, or the requirement of financial standing, 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 particular, it is anticipated that it will take longer than usual for undertakings to demonstrate that the requirements regarding the vehicle or vehicles to be kept at their disposal and used by them or the requirement of financial standing are again satisfied on a permanent basis. It is therefore appropriate to extend the maximum time limits established for those purposes in Article 13(1), points (b) and (c), of Regulation (EC) No 1071/2009 from six to twelve months, with regard to the assessment of the requirements regarding the vehicle or vehicles to be kept at the disposal and used by the road transport undertakings concerned, as referred to in Article 5(b) and (c) of that Regulation, and of the requirement regarding the financial standing of those undertakings, insofar as those assessments cover all or part of the reference period between 1 September 2020 and 30 April 2021. Where failure to comply with any of the those requirements has already been established and the time limit set by the competent authority has not yet expired, the competent authority should be able to extend that time limit to a total of 12 months.

[9] OJ L 127, 29.4.2014, p. 51.
[10] OJ L 300, 14.11.2009, p. 51.

– 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[11].

– 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[12].

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 persistence of 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[13].

– 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

[11] OJ L 300, 14.11.2009, p. 72.
[12] OJ L 300, 14.11.2009, p. 88.
[13] OJ L 138, 26.5.2016, p. 102.

allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive)[14].

Directive 2004/49/EC and Directive (EU) 2016/798 regulate safety certification and authorisation in the Union. Directive 2004/49/EC has been repealed by Directive (EU) 2016/798 with effect from 31 October 2020. Until this date, it still applied 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 persistence of 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 seven 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[15].

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 persistence of 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 seven months' period. Similarly, train drivers should be granted an additional seven 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[16].

In accordance with Article 23(2) of Directive 2012/34/EU, a licence remains valid as long as the railway undertaking fulfils the obligations laid down in Chapter III of that Directive. A licensing authority may decide, however, to carry out a regular review. If so, the review

[14] OJ L 164, 30.4.2004, p. 44.
[15] OJ L 315, 3.12.2007, p. 51.
[16] OJ L 343, 14.12.2012, p. 32.

should be carried out at least every five years. COVID-19 outbreak has created difficulties for licencing authorities to carry out these reviews. Therefore, for cases in which the time limit for the review period would expire during the reference period between 1 September 2020 and 30 April 2021, that time limit should be extended by seven months in each of the cases concerned.

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 undertaking, provided that safety is not jeopardised. However, the maximum period of validity of a temporary licence is seven months. Due to the extraordinary circumstances caused by the persistence of 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 during the reference period from 1 September 2020 until 30 April 2021, should be prolonged by seven 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 seven months in this respect, for applications submitted between 1 September 2020 and 30 April 2021.

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[17].

[17] OJ L 235, 17.9.1996, p. 31.

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 persistence of 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 during the reference period between 1 September 2020 and 30 April 2021, that time limit should be extended by seven months in each of the cases concerned.

– 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[18].

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[19].

The measures taken in view of the persistence 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 seven 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 September 2020 and 30 April 2021.

– Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security[20].

– Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security[21].

The persistence of 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 ports, port facilities and ships. This often means that it is impracticable to renew the 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 exercises,

[18] OJ L 252, 16.9.2016, p.118.
[19] OJ L 389, 30.12.2006, p. 1.
[20] OJ L 129, 29.4.2004, p. 6.
[21] OJ L 310, 25.11.2005, p. 28.

which may also be difficult to carry out due to national measures taken to prevent or contain the spread of COVID- 19.

2021/0012 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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, for reference periods subsequent to those referred to in Regulation (EU) 2020/698

(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,

Having regard to the opinion of the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The persistence of the COVID-19 outbreak and the associated public health crisis represent an unprecedented challenge for the Member States and impose a heavy burden on national authorities, Union citizens, and economic operators, in particular transport operators. The public health crisis has created extraordinary circumstances that affect the normal activity of the competent authorities in the Member States, as well as the work of transport undertakings as regards the administrative formalities to be completed in different transport sectors, and 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 in order to comply with certain provisions of Union law relating to the renewal or extension of certificates, licences or authorisations or in order 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 obligations established by Union law and to ensure that relevant requests introduced by the transport operators are dealt with before the expiry of the applicable deadlines.

(3) Regulation (EU) 2020/698 of the European Parliament and of the Council[1] laid down specific and temporary measures applicable to the renewal and extension of the period of validity of certain certificates, licences and authorisations and to the postponement of certain periodic checks and periodic training that, pursuant to the Union legislation referred in that Regulation, should have taken place within the reference period between either 1 March 2020 or, in certain cases, 1 February 2020, and 31 August 2020. In accordance with that Regulation, those certificates, licences and authorisations, as well as certain periodic checks and periodic training, were postponed for a period of 6 months or, in certain cases, of 7 months.

(4) Certain Member States that by 1 August 2020 considered that the renewal of certain certificates, licences and authorisations and the completion of certain periodic training or periodic checks were likely to remain impracticable beyond 31 August 2020, due to measures that they had taken to prevent or contain the spread of COVID-19, submitted reasoned requests to the Commission for an authorisation to apply further individual extensions. The Commission adopted six decisions authorising such extensions[2].

(5) Despite certain improvements of the situation related to the COVID-19 outbreak during the summer of 2020, the persistence and, in certain cases, the aggravation of the effects of the pandemic during the third quarter of 2020 has obliged the Member States to maintain and, in certain cases, reinforce the measures taken to prevent the spread of the disease. Those measures have as a consequence that transport operators and other persons concerned may not be able to complete the necessary formalities or procedures in order to comply with certain provisions of Union law relating to the renewal or extension of certificates, licences or authorisations or with the completion of periodic checks or periodic training, or in order to complete other steps necessary to maintain their validity, as was the case during the spring of 2020. For the same reasons, the competent authorities of the Member States may be unable to comply with obligations established by Union law and to ensure that relevant requests introduced by the transport operators are dealt with before the expiry of the applicable deadlines.

(6) It is therefore necessary to adopt measures to overcome those problems and to ensure both legal certainty and the proper functioning of the legal acts concerned. Adaptations to that effect should be provided for, in particular in respect of certain time limits, with

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[1] 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).

[2] Commission Decision (EU) 2020/1236 of 25 August 2020 authorising the Netherlands to apply an extension of certain periods specified in Articles 2 and 3 of Regulation (EU) 2020/698 of the European Parliament and of the Council (OJ L 282, 31.8.2020, p. 19); Commission Decision (EU) 2020/1235 of 26 August 2020 authorising Greece to apply an extension of certain periods specified in Article 4 of Regulation (EU) 2020/698 of the European Parliament and of the Council (OJ L 282, 31.8.2020, p. 17); Commission Decision (EU) 2020/1219 of 20 August 2020 authorising Italy to apply an extension of certain periods specified in Article 2 of Regulation (EU) 2020/698 of the European Parliament and of the Council (OJ L 277, 26.8.2020, p. 16); Commission Decision (EU) 2020/1240 of 21 August 2020 authorising Bulgaria to apply an extension of a period specified in Article 3 of Regulation (EU) 2020/698 of the European Parliament and of the Council (OJ L 284, 1.9.2020, p. 7); Commission Decision (EU) 2020/1282 of 31 August 2020 authorising France to apply an extension of certain periods specified in Articles 11, 16 and 17 of Regulation (EU) 2020/698 of the European Parliament and of the Council (OJ L 301, 15.9.2020, p. 9); Commission Decision (EU) 2020/1237 of 25 August 2020 authorising the United Kingdom to apply an extension of certain periods specified in Articles 3 and 11 of Regulation (EU) 2020/698 of the European Parliament and of the Council (OJ L 282, 31.8.2020, p. 22).

the possibility for the Commission to authorise extensions on the basis of a request submitted by any Member State.

(7) Directive 2003/59/EC of the European Parliament and of the Council[3] 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 (CPC) and must prove they have completed the periodic training by holding a driving licence or a driver qualification card, on which the periodic training is registered. Due to the difficulties for the holder of a CPC in completing the periodic training and in renewing the CPC certifying the completion of that periodic training as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, that persisted after 31 August 2020 in some Member States, it is necessary to extend the validity of that CPC for a period of seven months from its date of expiry, in order to ensure the continuity of road transport.

(8) Directive 2006/126/EC of the European Parliament and of the Council[4] 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, that persisted after 31 August 2020 in some Member States, it is necessary to extend the validity of certain driving licences for a period of seven months from their date of expiry, in order to ensure the continuity of mobility by road.

(9) Regulation (EU) No 165/2014 of the European Parliament and of the Council[5] 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[6] and Directive 2002/15/EC of the European Parliament and of the Council[7], is essential to ensuring fair competition and road safety. Due to the need to ensure continuity in the provision of road transport services, despite difficulties in performing the regular inspections of tachographs as a consequence of the extraordinary circumstances caused by the persistence of the

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3 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).

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

5 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).

6 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).

7 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).

COVID-19 outbreak, inspections referred to in Article 23(1) of Regulation (EU) No 165/2014, which should have been carried out between 1 September 2020 and 30 April 2021, should now be carried out no later than seven months following the date on which they were to have been carried out under 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 the granting to the competent authorities of the Member States of additional time for those purposes. In such cases, drivers should be put in a position, and should be obliged, to resort to viable alternatives for recording the necessary information related to driving time, working time and rest periods until they receive a new card.

(10) Directive 2014/45/EU of the European Parliament and of the Council[8] 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 tests as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, that persisted after 31 August 2020 in some Member States, the periodic roadworthiness tests which were to have been carried out between 1 September 2020 and 30 April 2021 should now be carried out at a later date, but not later than seven months after the original time limit, and the certificates concerned should remain valid until that later date.

(11) Regulation (EC) No 1071/2009 of the European Parliament and of the Council[9] lays down common rules concerning the conditions to be complied with in order to pursue the occupation of road transport operator. The COVID-19 outbreak and the associated public health crisis that persisted after 31 August 2020 entail that some transport undertakings no longer satisfy the requirements regarding the vehicle or vehicles to be kept at the disposal and used by those undertakings. It also has serious financial repercussions for the financial sector and some transport undertakings do no longer satisfy the requirement of financial standing. Given the reduced level of activity resulting from the public health crisis, it is anticipated that it will take longer than usual for undertakings to demonstrate that the requirements regarding the vehicle or vehicles to be kept at their disposal and used by them or the requirement of financial standing are again satisfied on a permanent basis. It is therefore appropriate to extend the maximum time limits established for those purposes in Article 13(1), points (b) and (c), of Regulation (EC) No 1071/2009 from six to twelve months, with regard to the assessment of the requirements regarding the vehicle or vehicles to be kept at the disposal and used by the road transport undertakings concerned, as referred to in Article 5(b) and (c) of that Regulation, and of the requirement regarding the financial standing of those undertakings, insofar as those assessments cover all or part of the period between 1 September 2020 and 30 April 2021. Where failure to comply with any of those requirements has already been established and the time limit set by the competent authority has not yet expired, the competent authority should be able to extend that time limit to a total of twelve months.

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8 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).

9 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).

(12) Regulations (EC) No 1072/2009[10] and (EC) No 1073/2009[11] of the European Parliament and of the Council lay down common rules for access to the international road haulage market and for access to 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 who are nationals of third countries and who conduct freight transport operations, to a driver attestation. The provision of regular services by bus and coach is also conditional upon authorisation. Those licences, attestations and authorisations may be renewed after verification that the relevant conditions are still being complied with. Due to difficulties in renewing the licences and attestations as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 outbreak after 31 August 2020, it is necessary to extend their validity by seven months from their date of expiry, in order to ensure the continuity of road transport.

(13) Directive (EU) 2016/798 of the European Parliament and of the Council[12] lays down rules on railway safety. Given the confinement measures, combined with the additional workload involved in containing the COVID-19 outbreak that persisted after 31 August 2020, national authorities, railway undertakings and infrastructure managers are facing difficulties in connection with the renewal of single safety certificates and, in view of the forthcoming expiry of existing safety authorisations, with the issuance of such authorisations for a subsequent period covered respectively by Articles 10 and 12 of that Directive. The time limit for the renewal of single safety certificates should therefore be extended by seven months, and the existing single safety certificates concerned should remain valid accordingly. Likewise, the validity of such safety authorisations should be extended by seven months from their date of expiry.

(14) In accordance with Article 33(2) of Directive (EU) 2016/798, certain Member States extended the transposition period of that Directive until 16 June 2020. Directive (EU) 2020/700 of the European Parliament and of the Council[13] amending Directive (EU) 2016/798 provided the possibility for these Member States to further extend the transposition period until 31 October 2020. The rules of Directive 2004/49/EC of the European Parliament and of the Council[14] therefore remained applicable in those Member States until 31 October 2020, and Member States concerned remained entitled to issue certificates under that Directive. Safety certificates issued under that Directive remain valid until their date of expiry, in accordance with Directive (EU)

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10 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).

11 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).

12 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).

13 Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition period (OJ L 165, 27.5.2020, p. 27).

14 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 (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44).

2016/798. It is thus also necessary to provide for an extension of the time limits for the 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.

(15) Directive 2007/59/EC of the European Parliament and of the Council[15] lays down rules on the certification of train drivers operating locomotives and trains on the railway system in the Union. Articles 14(5) and 16 of that Directive provide that the validity of train drivers' licences is limited to ten years and is subject to periodic checks. Due to the difficulties in renewing licences as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak that persisted after 31 August 2020, the validity of licences expiring between 1 September 2020 and 30 April 2021 should be extended for a period of seven months from their date of expiry. Similarly, train drivers should be granted an additional period of seven months to complete the periodic checks.

(16) Directive 2012/34/EU of the European Parliament and of the Council[16] establishes a single European railway area. Under Article 23(2) of that Directive, licensing authorities may conduct a regular review in order to verify that a railway undertaking continues to fulfil the obligations set out in Chapter III of that Directive that pertain to its licence. Under Article 24(3) of that Directive, licensing authorities may suspend or revoke a licence on the grounds of non-compliance with the requirement of financial fitness and may 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 that persisted after 31 August 2020, licensing authorities have serious difficulties performing regular reviews in respect of existing licences and taking the relevant decisions concerning the issuance of new licences after the expiry of a temporary licence. Therefore, time limits for the performance of regular reviews which, in accordance with that Directive, expire between 1 September 2020 and 30 April 2021 should be extended by seven months. Likewise, the validity of temporary licences expiring between 1 September 2020 and 30 April 2021 should be extended by seven months.

(17) Article 25(2) of Directive 2012/34/EU requires licensing authorities to take decisions on applications for licences within three months after all relevant information, notably the particulars referred to in Annex III to that Directive, has been submitted. Due to difficulties in taking the relevant decisions as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak that persisted after 31 August 2020, it is necessary to extend that time limit by seven months.

(18) Railway undertakings which were financially stable before the COVID-19 outbreak face liquidity problems that could trigger the suspension or revocation of their licence or its replacement by a temporary licence without there being a structural economic need for this to occur. 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 theirs, otherwise temporary, financial problems. Further to Regulation (EU) 2020/698 and given the

[15] 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).

[16] 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).

persistence of the COVID-19 outbreak beyond 31 August 2020, it should therefore be provided that where the licensing authority, on the basis of the check carried out during the period between 1 September 2020 and 30 April 2021, finds that a railway undertaking can no longer meet the requirements relating to financial fitness, it should be able to decide, before 30 April 2021, not to suspend or revoke the licence of the railway undertaking concerned, provided that safety is not at risk and provided that there is a realistic prospect of a satisfactory financial reconstruction of the railway undertaking within the following seven months. After 30 April 2021, the railway undertaking should be subject to the general rules laid down in Article 24(1) of Directive 2012/34/EU.

(19) Council Directive 96/50/EC[17] 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 boatmasters' certificates are required to undergo periodic medical examinations. In view of the measures taken in relation to the COVID-19 outbreak that persisted after 31 August 2020, and in particular the limited access to medical services for medical examinations, holders of boatmasters' certificates may not be able to undergo the required medical examinations due within the period concerned by those measures. Therefore, for cases in which the time limit for undergoing medical examinations would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021, that time limit should be extended by seven months in each of the cases concerned. The boatmasters' certificates concerned should remain valid accordingly.

(20) Directive (EU) 2016/1629 of the European Parliament and of the Council[18] lays down technical requirements for inland waterway vessels. Article 10 of that Directive provides for a limitation of 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 that are issued by the competent authorities of the Member States before 6 October 2018 under the Directive that was previously applicable, namely Directive 2006/87/EC of the European Parliament and of the Council[19], are to remain valid until they expire. The measures taken in view of the persistence of the COVID-19 outbreak after 31 August 2020 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 the 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 seven months, the validity of Union inland navigation certificates and documents falling within the scope of Article 28 of Directive (EU) 2016/1629, which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021.

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17 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).

18 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).

19 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).

(21) Regulation (EC) No 725/2004 of the European Parliament and of the Council[20] lays down rules on enhancing ship and port facility security. Directive 2005/65/EC of the European Parliament and of the Council[21] 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. The COVID-19 outbreak that persisted after 31 August 2020 makes it difficult for Member State authorities to conduct the maritime security inspections and surveys with a view to the renewal of certain documents in the field of maritime security. Therefore, it is necessary to extend the time limits for reviewing security assessments and security plans required by those Union legal acts by a reasonable amount of time in order to enable Member States and the shipping industry to take a flexible and pragmatic approach, and to keep essential supply chains open, while not compromising security. Flexibility should also be granted for maritime security exercises, which the Union legal acts in the field of maritime security require to be carried out within certain time frames.

(22) Where a Member State considers that the application of the rules from which this Regulation derogates, related, inter alia, to the renewal or extension of certificates, licences or authorisations, is likely to remain impracticable beyond the dates specified in this Regulation due to measures that it has taken to prevent or contain the spread of COVID-19, the Commission should, if requested by that Member State by 1 April 2021, be authorised to allow the Member State concerned to further extend the periods specified in this Regulation, as relevant. In order to ensure legal certainty while ensuring that transport safety and security is not at risk, such an extension should be limited to what is necessary to reflect the period during which the completion of formalities, procedures, checks and training is likely to remain impracticable and, in any event, should not be longer than six months.

(23) The COVID-19 outbreak has affected the whole Union but has not done so in a uniform manner. Member States have been affected to different degrees and at different times. Given that the derogations from the rules that would normally apply should be limited to what is necessary, it should, with regard to Directive 2003/59/EC, Directive 2006/126/EC, Regulation (EU) No 165/2014, Directive 2014/45/EU, Regulation (EC) No 1072/2009, Regulation (EC) No 1073/2009, Directive (EU) 2016/798, Directive 2004/49/EC, Directive 2007/59/EC, Directive 2012/34/EU, Directive 96/50/EC, Directive (EU) 2016/1629, Regulation (EC) No 725/2004 and Directive 2005/65/EC, be possible for the Member States to continue to apply those legal acts without applying the derogations provided for in this Regulation where application of those legal acts has remained practicable. The same should apply where a Member State was confronted by such difficulties but adopted appropriate national measures to mitigate them. The Member States that choose to make use of that possibility should not, however, impede any economic operator or individual from relying on the derogations provided for in this Regulation that apply in another Member State, and should in particular recognise any licence, certificate and authorisation the validity of which has been extended by this Regulation. In order to ensure legal certainty the Member States should inform the Commission of their

[20] 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).

[21] 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).

decisions not to apply the derogations provided for in this Regulation before it becomes fully applicable on **[the date of application of this Regulation]**.

(24) This Regulation should not affect rights granted by Commission decisions adopted pursuant to provisions of Regulation (EU) 2020/698, authorising the Member States to extend certain periods referred to in that Regulation, in as much as they may give rise to extensions going beyond those provided for in this Regulation.

(25) Since the transition period set out in the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community has ended on 31 December 2020, none of the provisions of this Regulation should apply to the United Kingdom, even to the extent they concern periods prior to that date.

(26) Since the objectives of this Regulation, namely to extend the time limits laid down in Union law for the renewal and extension of the period of validity of certain certificates, licences and authorisations and to postpone certain periodic checks and periodic training in response to the extraordinary circumstances caused by the COVID-19 outbreak that persisted after 31 August 2020 in the area of road, rail and inland waterway transport and maritime security, 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 those objectives.

(27) In view of urgency entailed by the exceptional circumstances caused by the COVID-19 outbreak that persisted after 31 August 2020, it was considered 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.

(28) Due to the unforeseeable and sudden nature of the COVID-19 outbreak, as well as to its unexpected duration, it was impossible to adopt all the relevant 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 those provisions, such an approach does not result in a violation of the legitimate expectations of the persons concerned.

(29) In the light of the overriding need to address without delay the circumstances caused by the COVID-19 outbreak in the area of road, rail and inland waterway transport and of maritime security, while, where relevant, providing Member States with a reasonable period of time to inform the Commission if they decide not to apply certain derogations laid down in this Regulation, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union* in order to ensure that situations of legal uncertainty affecting many authorities and transport operators in different transport sectors, in particular where the relevant time limits have already expired, remain as short as possible,

HAVE ADOPTED THIS REGULATION:

Article 1

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 to the postponement of certain periodic checks and periodic training in response to the extraordinary circumstances caused by the COVID- 19 outbreak in the area of road, rail and inland waterway transport and of maritime security for reference periods subsequent to those referred to in Regulation (EU) 2020/698.

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, by the holder of a certificate of professional competence ('CPC'), of periodic training which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months in each case. The CPC 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 CPC referred to in paragraph 1 of that Article shall be deemed to be extended for a period of seven months from the date indicated on each such driving licence or driver qualification card.

3. The validity of driver qualification cards referred to in Annex II to Directive 2003/59/EC which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months from the expiry date indicated on each such card.

4. Where a Member State considers that the completion of periodic training or its certification, the marking of the harmonised Union code, '95', or the renewal of driver qualification cards is likely to remain impracticable beyond 30 April 2021, due to measures that 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 relevant. That request may concern the period between 1 September 2020 and 30 April 2021 or the periods of seven months specified in paragraphs 1, 2 and 3, as relevant, or both. It shall be submitted to the Commission by 1 April 2021 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 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 and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

6. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the completion of periodic training or its certification, the marking of the harmonised Union code, '95', or the renewal of driver qualification cards impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate

national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1, 2 and 3. The Member State shall inform the Commission about its decision before **[date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union.*

The Member State that has decided not to apply paragraphs 1, 2 and 3 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraph 1, 2 and 3 that apply in another Member State.

Article 3

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

1. Notwithstanding Article 7 of Directive 2006/126/EC and point 3(d) of Annex I to that Directive, the validity of driving licences which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months from the date of expiry 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 30 April 2021, due to measures that 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. That request may concern the period between 1 September 2020 and 30 April 2021 or the period of seven months, or both. It shall be submitted to the Commission by 1 April 2021 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 to reflect the period during which the renewal of driving licence is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union.*

4. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of driving licences impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraph 1. The Member State shall inform the Commission about its decision before **[date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraph 1 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraph 1 that apply in another Member State.

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 would otherwise have had to or would otherwise have to be carried out between 1 September 2020 and 30 April 2021 in accordance with that paragraph shall be carried out no later than seven months following the date on which they had would otherwise have 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 driver card in accordance with paragraph 1 of that Article between 1 September 2020 and 30 April 2021, the competent authorities of the Member States shall issue a new driver card no later than two months after the receipt of the request. Until the driver receives a new driver card from the card- issuing authorities, Article 35(2) of that Regulation shall apply to the driver *mutatis mutandis*, provided that the driver can prove that the renewal of the driver card was requested in accordance with Article 28(1) of that Regulation.

3. Notwithstanding Article 29(4) of Regulation (EU) No 165/2014, where a driver applies for the replacement of a driver card in accordance with paragraph 4 of that Article between 1 September 2020 and 30 April 2021, the competent authorities of the Member States shall issue a replacement card no later than two months after the receipt of the request. Notwithstanding Article 29(5) of Regulation (EU) No 165/2014, the driver may continue to drive until a new driver card is received from the card- issuing authorities provided that the driver can prove that the driver card was returned to the competent authority when it was damaged or malfunctioning and that its replacement was requested.

4. Where a Member State considers that the regular inspections, the renewal of driver cards or the replacement of driver cards as required by Regulation (EU) No 165/2014 are likely to remain impracticable beyond 30 April 2021, due to measures that 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 relevant. That request may concern the period between 1 September 2020 and 30 April 2021, the period of seven months or the applicable deadlines for the issuance of a new driver card, or any combination thereof. It shall be submitted to the Commission by 1 April 2021 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 to reflect the period during which the regular inspections or renewals or replacements of driver cards are likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

6. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered regular inspections, the renewal of driver cards or the replacement of driver cards impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1, 2 and 3. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days].** The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1, 2, and 3 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any

economic operator or individual that has relied on derogations set out in paragraphs 1, 2, and 3 that apply in another Member State.

Article 5

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

1. Notwithstanding Articles 5(1) and 10(1) of Directive 2014/45/EU and point 8 of Annex II to that Directive, the time limits for the roadworthiness tests, which in accordance with those provisions, would otherwise have had to or would otherwise have to be carried out between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months.

2. Notwithstanding Article 8 of Directive 2014/45/EU and point 8 of Annex II to that Directive, the validity of roadworthiness certificates with a date of expiry between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months.

3. Where a Member State considers that the carrying out of roadworthiness tests or the certification thereof is likely to remain impracticable beyond 30 April 2021, due to measures that 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 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 April 2021 or the period of seven months, or both. It shall be submitted to the Commission by 1 April 2021 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 to reflect the period during which the performance of roadworthiness tests or the certification thereof is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the performance of roadworthiness tests or the certification thereof impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days].** The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.

Article 6

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

1. Notwithstanding Article 13(1), points (b) and (c) of Regulation (EC) No 1071/2009, where a competent authority establishes in respect of the period between 1 September 2020 and 30 April 2021 that the requirements regarding the vehicle or vehicles to be kept at the disposal of and used by the road transport undertaking, as set out in Article 5(b) and (c) of that Regulation, are not satisfied, or establishes, on the basis of the annual accounts and certificates referred to in Article 7(1) and (2) of that Regulation for accounting years covering all or part of the period between 1 September 2020 and 30 April 2021, that a transport undertaking does not satisfy the requirement of financial standing laid down in Article 3(1), point (c) of that Regulation, the time limits set by the competent authority for the purposes of Article 13(1), points (b) and (c) of that Regulation shall not exceed 12 months.

2. Notwithstanding Article 13(1), points (b) and (c) of Regulation (EC) No 1071/2009, where the competent authority has established between 28 May 2020 and **[the date of entry into force of this Regulation]** that a transport undertaking does not satisfy the requirements regarding the vehicle or vehicles to be kept at the disposal of and used by the road transport undertaking, as set out in Article 5(b) and (c) of that Regulation, or the requirement of financial standing laid down in Article 3(1), point (c), of that Regulation and has set a time limit for the transport undertaking to rectify the situation, the competent authority may extend that time limit, provided that the time limit has not expired by the date of entry into force of this Regulation. The time limit thus extended may not exceed 12 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 would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months. Certified true copies shall remain valid accordingly.

2. Notwithstanding Article 5(7) of Regulation (EC) No 1072/2009, the validity of the driver attestations which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months.

3. Where a Member State considers that the renewal of Community licences or of driver attestations is likely to remain impracticable beyond 30 April 2021, due to measures that 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 and 2 as relevant. That request may concern the period between 1 September 2020 and 30 April 2021 or the period of seven months, or both. It shall be submitted to the Commission by 1 April 2021 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 to reflect the period during which the renewal of Community licences or of driver attestations is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union.*

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of Community licences or of driver attestations impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary

circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.

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 would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months. Certified true copies shall remain valid accordingly.

2. Notwithstanding Article 8(3) of Regulation (EC) No 1073/2009, decisions on application for authorisation of regular services submitted by the carrier between 1 September 2020 and 30 April 2021 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 applications in accordance with paragraph 1 of that Article shall notify the authorising authority of their decision on the application within three months. Where the authorising authority does not receive a reply within three months, the authorities consulted shall be deemed to have given their agreement, and the authorising authority may grant the authorisation.

3. Where a Member State considers that the renewal of Community licences is likely to remain impracticable beyond 30 April 2021, due to measures that 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. That request may concern the periods between 1 September 2020 and 30 April 2021 or the period of seven months, or any combination thereof. It shall be submitted to the Commission by 1 April 2021 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 to reflect the period during which the renewal of Community licences is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of Community licences impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraph 1. The Member State shall inform the Commission about its decision before **[Date of entry into force of this**

Regulation + 5 working days]. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraph 1 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraph 1 that apply in another Member State.

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 would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months. The single safety certificate 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 otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven 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 30 April 2021 due to measures that 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 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 April 2021 or the period of seven months specified in paragraphs 1 and 2 respectively, or both. It shall be submitted to the Commission by 1 April 2021 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 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 and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered 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 impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic

operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.

Article 10

Extension of time limits provided for in Directive 2004/49/EC

1. Notwithstanding Article 10(5) of Directive 2004/49/EC, the time limits for renewal of safety certificates which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven 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 would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months. The safety authorisation 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 30 April 2021, due to measures that 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 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 April 2021 or the periods of seven months specified in paragraphs 1 and 2 respectively, or both. It shall be submitted to the Commission by 1 April 2021 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 to reflect the period during which the renewal of safety certificates or of safety authorisations is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of safety certificates or of safety authorisations impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.

Article 11

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

1. Notwithstanding Article 14(5) of Directive 2007/59/EC, the licences which otherwise would have expired or would otherwise expire between 1 September 2020 and 30 April 2021

shall be deemed to be, or to have been, extended for a period of seven months from the date of expiry of each such licence.

2. Notwithstanding Article 16 of 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 otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months in each case. The licences referred to in Article 14 and the certificates referred to in Article 15 of that Directive 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 30 April 2021, due to measures that 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 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 April 2021 or the period of seven months specified in paragraphs 1 and 2 respectively, or both. It shall be submitted to the Commission by 1 April 2021 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 to reflect the period during which the renewal of licences or the completion of periodic checks is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union.*

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of licences or the completion of periodic checks impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union.*

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraph 1 and 2 that apply in another Member State.

Article 12

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

1. Notwithstanding Article 23(2) of Directive 2012/34/EU, where a licensing authority has made provision for a regular review, the time limits for the performance of a regular review which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months.

2. Notwithstanding Article 24(3) of Directive 2012/34/EU, the validity of temporary licences which would otherwise have expired or would otherwise expire between 1 September 2020

and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months from the date of end of validity indicated on each temporary licence.

3. Notwithstanding Article 25(2) of Directive 2012/34/EU, the licensing authority shall take a decision in respect of applications submitted between 1 September 2020 and 30 April 2021 not later than ten months after all relevant information, notably the particulars referred to in Annex III to that Directive, has been submitted.

4. Where a Member State considers that the carrying out of a regular review or the termination of the suspension of licences or the issuance of new licences in cases where licences have previously been revoked is likely to remain impracticable beyond 30 April 2021, due to measures that 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 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 April 2021 or the period of seven months, or both. It shall be submitted to the Commission by 1 April 2021 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 2, as justified in each case. The extension shall be limited to reflect the period during which the termination of the suspension of licences or the issuance of new licences in cases where licences have previously been revoked is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union.*

6. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the carrying out of a regular review or the termination of the suspension of licences or the issuance of new licences in cases where licences have previously been revoked impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision **before [Date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union.*

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraph 1 and 2 that apply in another Member State.

Article 13

Treatment of licences of railway undertakings under Directive 2012/34/EU in the event of non- compliance with financial fitness requirements

Notwithstanding Article 24(1) of Directive 2012/34/EU, where a licensing authority, based on a check referred to in that provision, carried out during the period between 1 September 2020 and 30 April 2021, finds that a railway undertaking is no longer able to meet the requirements relating to financial fitness referred to in Article 20 of that Directive, it may, before 30 April 2021 decide not to suspend or revoke the licence of the railway undertaking concerned, provided that safety is not at risk and provided that there is a realistic prospect of a

satisfactory financial reconstruction of the railway undertaking within the following seven months.

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 otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven months. The boatmasters' certificates of persons subject to obligation to undergo medical examinations referred to in Article 6(2) of that Directive shall remain valid accordingly.

2. Where a Member State considers that the completion of medical examinations is likely to remain impracticable beyond 30 April 2021 due to measures that 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. That request may concern the period between 1 September 2020 and 30 April 2021 or the period of seven months specified in paragraph 1, or both. It shall be submitted to the Commission by 1 April 2021 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 to reflect the period during which the completion of medical examinations is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union.*

4. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered compliance with the time limits for undergoing medical examinations impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraph 1. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union.*

The Member State that has decided not to apply paragraph 1 as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraph 1 that apply in another Member State.

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 would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended for a period of seven 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 otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021, shall be deemed to be, or to have been, extended for a period of seven months.

3. Where a Member State considers that the renewal of Union inland navigation certificates or of documents referred to in paragraph 2 is likely to remain impracticable beyond 30 April 2021, due to measures that 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 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 April 2021 or the periods of seven months specified in paragraphs 1 and 2 respectively, or both. It shall be submitted to the Commission by 1 April 2021 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 to reflect the period during which the renewal of Union inland navigation certificates or of documents referred to in paragraphs 2 is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of Union inland navigation certificates or of documents referred to in paragraphs 2 impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2, as provided for in the first subparagraph of this paragraph shall not impede the cross- border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2, that apply in another Member State.

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 the periodic review of port facility security assessments which, in accordance with that provision, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended until 30 June 2021.

2. Notwithstanding Part B, Sections 13.7 and 18.6, of Annex III 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 otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended by six months in each case, but in any event not beyond 30 June 2021.

3. Where a Member State considers that the carrying out of port facility security assessments or of the various types of exercises referred to in Part B Sections 13.7 and 18.6 of Annex III to

Regulation (EC) No 725/2004 is likely to remain impracticable beyond 30 April 2021, due to measures that 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 and the deadlines specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 April 2021, the deadlines or the period of six months specified in paragraphs 1 and 2 respectively, or any combination thereof. It shall be submitted to the Commission by 1 April 2021 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 and the deadlines specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited 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 and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the carrying out of port facility security assessments or the various types of exercises referred to in Part B Sections 13.7 and 18.6 of Annex III to Regulation (EC) No 725/2004 impracticable during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days]**. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

Article 17

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

1. Notwithstanding Article 10 of Directive 2005/65/EC, the time limits for the carrying out of the review of port security assessments and port security plans which, in accordance with that Article, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended by six months in each case, but in any event not beyond 30 June 2021.

2. Notwithstanding Article 7(7) of and Annex III to Directive 2005/65/EC, the 18-month time limits for the completion of training exercises which, in accordance with that Annex, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 April 2021 shall be deemed to be, or to have been, extended by six months in each case, but in any event not beyond 30 June 2021.

3. Where a Member State considers that the carrying out of the review of port security assessments or port security plans or the carrying out of training exercises is likely to remain impracticable beyond 30 April 2021, due to measures that 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 and the deadlines specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 April 2021, the deadlines or the periods of six months specified in paragraphs 1 and 2 respectively, or any combination thereof. It shall be submitted to the Commission by 1 April 2021 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 met, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods and the deadlines specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited 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 and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the carrying out of the review of port security assessments or port security plans or the carrying out of training exercises during the period between 1 September 2020 and 30 April 2021 as a consequence of the extraordinary circumstances caused by the COVID- 19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision before **[Date of entry into force of this Regulation + 5 working days].** The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

Article 18

Decisions taken under Regulation (EU) 2020/698

This Regulation shall not affect the rights of Member States under Commission decisions adopted pursuant to Articles 2(6), 3(3), 4(5), 11(4), 16(6) and 17(5) of Regulation (EU) 2020/698 to the extent those decisions govern, as regards subject matter and relevant time periods, the same cases as this Regulation and provide for extensions beyond those provided for in this Regulation.

Where those decisions govern, as regards subject matter and relevant time periods, the same cases as this Regulation and do not provide for extensions beyond those provided for in this Regulation, this Regulation shall apply.

Article 19

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*.

It shall apply from **[XX the date of entry into force of this Regulation + 8 working days].**

However, Articles 2(6), 3(4), 4(6), 5(5), 7(5), 8(5), 9(5), 10(5), 11(5), 12(6), 14(4), 15(5), 16(5) and 17(5) shall apply from **[XX the date of entry into force of this Regulation].**

The first, second and third paragraphs of this Article do not affect the retroactive effects provided for in Articles 2 to 18.

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

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*