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COMMISSION NOTICE

Interpretative guidelines on the application of Articles 4 and 6 of Regulation (EU) 2022/1280 of the European Parliament and of the Council laying down specific and temporary measures, in view of Russia's invasion of Ukraine, concerning driver documents issued by Ukraine in accordance with its legislation, following the extension of the period of temporary protection of persons displaced from Ukraine beyond 6 March 2025

(C/2025/988)

1. INTRODUCTION

Regulation (EU) 2022/1280 of the European Parliament and of the Council ([1]) entered into force on 27 July 2022. It lays down certain measures regarding driver documents issued by Ukraine in accordance with its legislation and held by persons enjoying temporary protection or adequate protection under national law in accordance with Council Directive 2001/55/EC ([2]) and Council Implementing Decision (EU) 2022/382 ([3]). In accordance with Article 9(2) of Regulation (EU) 2022/1280, it ceases to apply on the day following that on which the period of application of temporary protection in respect of displaced persons from Ukraine, as referred to in Article 4 of Directive 2001/55/EC, comes to an end, in accordance with Article 6 of that Directive.

These interpretative guidelines provide the Commission's interpretation of Articles 4 and 6 of Regulation (EU) 2022/1280, in light of the extension of the period of temporary protection of persons displaced from Ukraine beyond 6 March 2025. They are intended to facilitate the consistent application and enforcement of Regulation (EU) 2022/1280, as well as to assist the Member States' authorities in that regard.

These guidelines do not create any new legislative rules. Further, the Commission would underline that only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

2. DURATION OF THE PERIOD OF TEMPORARY PROTECTION

Implementing Decision (EU) 2022/382 established the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and therefore introduced temporary protection for those displaced persons. In accordance with Article 4(1) of Directive 2001/55/EC, temporary protection was initially granted for one year, until 4 March 2023, and then automatically extended by another year, until 4 March 2024. In accordance with Article 4(2) of Directive 2001/55/EC, the Council decided in October 2023 to extend the duration of the temporary protection by one more year, until 4 March 2025 ([4]). As the reasons for temporary protection persisted, the Council decided in June 2024 to extend the period of temporary protection given to persons displaced from Ukraine by yet another year, until 4 March 2026 ([5]).

([1]) Regulation (EU) 2022/1280 of the European Parliament and of the Council of 18 July 2022 laying down specific and temporary measures, in view of Russia's invasion of Ukraine, concerning driver documents issued by Ukraine in accordance with its legislation (OJ L 195, 22.7.2022, p. 13, ELI: http://data.europa.eu/eli/reg/2022/1280/oj).

([2]) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12, ELI: http://data.europa.eu/eli/dir/2001/55/oj).

([3]) Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (OJ L 71, 4.3.2022, p. 1, ELI: http://data.europa.eu/eli/dec_impl/2022/382/oj).

([4]) Council Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L, 2023/2409, 24.10.2023, ELI: http://data.europa.eu/eli/dec_impl/2023/2409/oj).

([5]) Council Implementing Decision (EU) 2024/1836 of 25 June 2024 extending temporary protection as introduced by Implementing Decision (EU) 2022/382 (OJ L, 2024/1836, 3.7.2024, ELI: http://data.europa.eu/eli/dec_impl/2024/1836/oj).

It seems that, at the time of adoption of Regulation (EU) 2022/1280, the maximum possible duration of the temporary protection in respect of displaced persons from Ukraine, taking into account the possible extensions thereof pursuant to Article 4 of Directive 2001/55/EC, was thought to be three years ([6]).

Regulation (EU) 2022/1280 provides for the recognition, in the territory of the Union, of valid driving licences issued by Ukraine and held by persons enjoying temporary protection or adequate protection under national law, and, under certain conditions, for the issuing of specific temporary driver documents to those persons. To minimise the administrative burden on Member States and avoid multiple renewals, it was decided that the latest possible expiry date was to be recorded on the driver documents issued in accordance with Regulation (EU) 2022/1280. That date was intended to correspond to the maximum possible duration of the temporary protection in respect of displaced persons from Ukraine, which at the time of adoption was thought to be 6 March 2025. However, in accordance with Article 4(3) and Article 6(3) of Regulation (EU) 2022/1280, irrespective of the expiry date recorded on the documents, their maximum administrative validity is to correspond to the duration of the temporary protection or of the adequate protection under national law (unless the holder has a Union model driving licence marked with the special temporary Union code '95.01', as referred to in Article 4(1), point (a), of Regulation (EU) 2022/1280, and the period of validity of that document ends earlier).

3. TEMPORARY DRIVER DOCUMENTS ISSUED IN ACCORDANCE WITH REGULATION (EU) 2022/1280

3.1. Driver qualification cards issued in accordance with Article 4 of Regulation (EU) 2022/1280

Anyone who wants to start working as a driver of certain road vehicles for the carriage of goods or passengers in the Union needs to complete the initial qualification required under Directive (EU) 2022/2561 of the European Parliament and of the Council ([7]) before they can do so. In certain cases, the initial qualification may entail attending between 140 and 280 hours of courses and passing a test. Both drivers who are nationals of a Member State and those who are nationals of a third country and who are employed or used by an undertaking established in a Member State have to obtain this initial qualification in the Union (in the Member State where they have their normal residence in the former case, and in the Member State where the undertaking employing them is established or which issued the work permit to them in the latter case). After the successful completion of the initial qualification, a certificate of professional competence (CPC) certifying the initial qualification is issued to the driver concerned.

In some cases, the requirements of, and the conditions for, the issuance of CPCs in third countries are similar to those in the Union. Pursuant to Article 368(1) of, and Annex XXXII to, the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ([8]), Ukraine has approximated its national law to the provisions of Directive 2003/59/EC of the European Parliament and of the Council ([9]) (the predecessor of Directive (EU) 2022/2561) for drivers of road vehicles engaged in international transport operations. Therefore, Member States may apply a fast-track procedure to award a CPC issued in the Union under Article 4 of Regulation (EU) 2022/1280 to those drivers, if they hold a driver qualification card issued by Ukraine and benefit from temporary protection or adequate protection under national law. Instead of having to undertake the complete initial qualification under Directive (EU) 2022/2561, such drivers only have to undergo a 35 to 60-hour complementary compulsory training before they are issued a driver qualification card with the special temporary Union code '95.01 (max 06.03.2025)' meaning *'Driver holding a CPC meeting the obligation of professional aptitude – special issuance only for the duration of temporary protection'*, or before the same special temporary Union code is marked on their driving licence or driver attestation. The holders of such driver qualification cards, driving licences or driver attestations are deemed to have fulfilled the requirement of compulsory initial qualification necessary to carry out the activity of driving.

([6]) Cf. recital 14 of Regulation (EU) 2022/1280.

([7]) Directive (EU) 2022/2561 of the European Parliament and of the Council of 14 December 2022 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers (OJ L 330, 23.12.2022, p. 46, ELI: http://data.europa.eu/eli/dir/2022/2561/oj).

([8]) OJ L 161, 29.5.2014, p. 3, ELI: http://data.europa.eu/eli/agree_internation/2014/295/oj.

([9]) 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, ELI: http://data.europa.eu/eli/dir/2003/59/oj).

Of particular significance, Article 4(3) of Regulation (EU) 2022/1280 provides that:

'*Without prejudice to any future acts of the Union concerning the duration of the temporary protection,* [...] the expiry date on such driver qualification cards or attached to the special temporary Union code marked on the driving licences shall be 6 March 2025.

However, **notwithstanding that date marked on those documents, their administrative validity shall correspond to the duration of the temporary protection in respect of displaced persons from Ukraine**, as referred to in Article 4 of Directive 2001/55/EC, of the adequate protection under national law of the holder, or of the period of validity of the driving licence, whichever ends the earliest. [...]'.

3.2. **Driving licences issued in accordance with Article 6 of Regulation (EU) 2022/1280**

Where a person benefitting from temporary protection or adequate protection under national law has lost his or her driving licence, or had that licence stolen, and where the driving rights of that person acquired in conformity with the legislation applicable in Ukraine can be verified, Member States may issue a Union model driving licence to that person in accordance with Article 6 of Regulation (EU) 2022/1280. When doing so, Member States shall mark the driving licence with the special temporary Union code '99.01 (max 06.03.2025)' in field 12, which means '*Special issuance valid only for the duration of temporary protection (lost or stolen UA licence)*'.

Of particular significance, Article 6(3) of Regulation (EU) 2022/1280 provides that:

'[…] *Without prejudice to any future acts of the Union concerning the duration of the temporary protection,* [...] the expiry date on such driving licence shall be 6 March 2025. However, **notwithstanding that date marked on such driving licence, its administrative validity shall correspond to the duration of the temporary protection in respect of displaced persons from Ukraine**, as referred to in Article 4 of Directive 2001/55/EC, or the duration of the temporary protection or of the adequate protection under the national law of the holder, whichever ends the earliest. [...]'

4. **APPLICATION OF ARTICLES 4 AND 6 OF REGULATION (EU) 2022/1280 IN LIGHT OF THE EXTENSION OF THE PERIOD OF TEMPORARY PROTECTION OF PERSONS DISPLACED FROM UKRAINE BEYOND 6 MARCH 2025**

It is clear from the provisions referred to in point 3 that the temporary driver documents issued in accordance with Regulation (EU) 2022/1280 to persons displaced from Ukraine enjoying temporary protection or adequate protection under national law are valid for as long as the temporary protection or the adequate protection under national law lasts, irrespective of the date that is marked on those documents ('*notwithstanding*' that date) ([10]). As is expressly stated in those articles, the administrative validity of these documents '**shall correspond'** to the duration of the temporary protection.

It follows that the phrase attached to the special temporary Union codes '95.01' and '99.01' ('(max 06.03.2025)'), to be inserted into those temporary documents issued under Regulation (EU) 2022/1280 in accordance with its Article 4(1) and Article 6(2), must also be read in light of this key provision of that Regulation, which takes precedence.

Practical Application

Taking into account the scope and objectives of Regulation (EU) 2022/1280, and in order to ensure a coherent application of its provisions whilst the maximum duration of the period of temporary protection for persons displaced from Ukraine remains unknown, the Commission considers that, in order to reduce any legal uncertainty, the use of the special temporary Union codes '95.01' and '99.01' issued in accordance with Regulation (EU) 2022/1280 should no longer be complemented with the phrase '(max 06.03.2025)'.

([10]) Unless the administrative validity of those documents ends earlier due to other reasons, as laid down in Article 4(3) of Regulation (EU) 2022/1280. For example, driving licences marked with the special Union code '95.01' may have a shorter administrative validity date than the period of temporary protection.

While this maximum expiry date has until now been indicated on the temporary driver documents in order to facilitate enforcement, this is no longer necessary or effective for such purposes. Further, there is no risk of possible misunderstanding, as those special temporary Union codes are only issued in accordance with Regulation (EU) 2022/1280, and for the duration of its application. (This is without prejudice to the fact that the administrative validity of these documents may end earlier due to other reasons, as laid down in Article 4(3) of Regulation (EU) 2022/1280).

To avoid possible misunderstandings in the application of Articles 4 and 6 of Regulation (EU) 2022/1280, the Commission accordingly considers that Member States should be guided by the following points:

— The addition of the phrase '(max 06.03.2025)' to the special temporary Union codes '95.01' and '99.01', issued in accordance with Articles 4 and 6 respectively of Regulation (EU) 2022/1280, no longer serves any purpose.

— Similarly, in cases where this phrase has already been added to relevant driver documents, it has no on-going legal significance and has, in effect, become obsolete.

— The administrative validity of driver qualification cards with the special temporary Union code '95.01' or of the same code marked on driving licences or driver attestations is to be interpreted to the effect that it **corresponds to the duration of the temporary protection** in respect of displaced persons from Ukraine (even if this extends beyond 6 March 2025), of the adequate protection under national law of the holder, or of the period of validity of the driving licence, whichever ends the earliest.

— The administrative validity of driving licences with the special temporary Union code '99.01' is to be interpreted to the effect that it **corresponds to the duration of the temporary protection** in respect of displaced persons from Ukraine (even if this extends beyond 6 March 2025), or to the duration of the adequate protection under the national law of the holder, whichever ends the earliest.

— Member States which have applied or are about to apply Articles 4 and/or 6 of Regulation (EU) 2022/1280 should henceforth mark these special temporary Union codes on the temporary driver documents without the addition of an expiry date.