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 (Text with EEA relevance)

REGULATION (EU) 2020/698 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 May 2020

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(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,

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(1)],

Whereas:

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

(3) Directive 2003/59/EC of the European Parliament and of the Council[(2)] 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, which had started by 1 February 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. Measures regarding those matters taken by Member States in accordance with Article 8(2) and (3) of Directive 2003/59/EC, Annex I to Directive 2006/126/EC of the European Parliament and of the Council[(3)], or Annex II to Directive 2003/59/EC before the entry into force of this Regulation should remain valid.

(4) Directive 2006/126/EC 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, which had started by 1 February 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.

(5) Regulation (EU) No 165/2014 of the European Parliament and of the Council[(4)] 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[(5)] and Directive 2002/15/EC of the European Parliament and of the Council[(6)], 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 COVID#19 outbreak, inspections referred to in Article 23(1) of Regulation (EU) No 165/2014, which should have been carried out between 1 March 2020 and 31 August 2020, should now be carried out no later than six months following the date on which they 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.

(6) Directive 2014/45/EU of the European Parliament and of the Council[(7)] 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, which had started by 1 February 2020 in some Member States, the periodic roadworthiness tests which were to have been carried out between 1 February 2020 and 31 August 2020 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.

(7) Regulation (EC) No 1071/2009 of the European Parliament and of the Council[(8)] 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 have serious repercussions for the financial situation of the sector, and some transport undertakings 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 requirement of financial standing is again satisfied on a permanent basis. It is therefore appropriate to extend the maximum time limit established for those purposes in Article 13(1), point (c), of Regulation (EC) No 1071/2009 from six to twelve months, with regard to assessments of financial standing of transport undertakings covering all or part of the period between 1 March 2020 and 30 September 2020. Where such a failure 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.

(8) Regulations (EC) No 1072/2009[(9)] and (EC) No 1073/2009[(10)] 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 COVID#19 outbreak, it is necessary to extend their validity by six months from their date of expiry, in order to ensure the continuity of road transport.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2020/698 of the European Parliament and of the Council. (See end of Document for details)*

(9) Directive (EU) 2016/798 of the European Parliament and of the Council[11] lays down rules on railway safety. Given the confinement measures, combined with the additional workload involved in containing the COVID#19 outbreak, 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 six months, and the existing single safety certificates concerned should remain valid accordingly. Likewise, the validity of such safety authorisations should be extended by six months from their date of expiry.

(10) In accordance with Article 33(2) of Directive (EU) 2016/798, certain Member States extended the transposition period of that Directive. The rules of Directive 2004/49/EC of the European Parliament and of the Council[12] therefore remain applicable in those Member States. 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.

(11) Directive 2007/59/EC of the European Parliament and of the Council[13] 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, the validity of licences expiring between 1 March 2020 and 31 August 2020 should be extended for a period of six months from their date of expiry. Similarly, train drivers should be granted an additional period of six months to complete the periodic checks.

(12) Directive 2012/34/EU of the European Parliament and of the Council[14] 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, licensing authorities have serious difficulties performing regularreviews 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 March 2020 and 31 August 2020 should be extended by six months. Likewise, the validity of temporary licences expiring between 1 March 2020 and 31 August 2020 should be extended by six months.

(13) 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, it is necessary to extend that time limit by six months.

(14) Railway undertakings which were financially stable before the COVID#19 outbreak face liquidity problems that could trigger 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 their, otherwise temporary, financial problems. It should therefore be provided that where the licensing authority, on the basis of the check carried out during the period between 1 March 2020 and 31 August 2020, finds that a railway undertaking can no longer meet the requirements relating to financial fitness, it should be able to, before 31 August 2020, 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 six months. After 31 August 2020, the railway undertaking should be subject to the general rules laid down in Article 24(1) of that Directive.

(15) Council Directive 96/50/EC[(15)] 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, 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 March 2020 and 31 August 2020, that time limit should be extended by six months in each of the cases concerned. The boatmasters' certificates concerned should remain valid accordingly.

(16) Directive (EU) 2016/1629 of the European Parliament and of the Council[(16)] 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[(17)], are to remain valid until they expire. The measures taken in view of the COVID#19 outbreak may make it impractical, and sometimes impossible, for the competent authorities to carry out technical inspections in order to extend the validity of relevant certificates or, in the case of documents referred to in Article 28 of Directive