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 (notified under document C(2020) 6027) (Only the French text is authentic)

COMMISSION DECISION (EU) 2020/1282

of 31 August 2020

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(notified under document C(2020) 6027)

(Only the French text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to 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[(1)] and in particular Article 11(4), Article 16(6) and Article 17(5) thereof,

Whereas:

(1) Article 11(2) of Regulation (EU) 2020/698 extends the time limits for the completion, by the holder of a train driver's licence, of periodic checks which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020.

(2) Article 16(1) of Regulation (EU) 2020/698 extends the time limits for carrying out the periodic review of port facility security assessments which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020.

(3) Article 17(1) of Regulation (EU) 2020/698 extends the time limits for the carrying out of the review of port security assessments and port security plans which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020.

(4) Each of these Articles permits a Member State to seek a further extension of the extension provided in them, where it considers that the activity in question is likely to remain impracticable beyond 31 August 2020 due to the measures it has taken to prevent or contain the spread of COVID-19. Such extensions should be duly justified and limited to the period strictly 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.

(5) By letter dated 31 July 2020, France submitted a reasoned request to apply an extension by six months of the period of six months specified in Article 11(2) of that Regulation.

Changes to legislation: *There are currently no known outstanding effects for the Commission Decision (EU) 2020/1282. (See end of Document for details)*

Moreover, France submitted a reasoned request for an authorisation to apply an extension of four months of the period between 1 March 2020 and 31 August 2020, and an extension to 28 February 2021 of the deadline of 30 November 2020, referring to Article 16(1) and 17(1) of Regulation (EU) 2020/698. France provided additional information in support of its requests on 5 and 14 August 2020 as well as 28 August 2020. On that latter date, it amended its request regarding the period of six months specified in Article 11(2), by reducing the extension sought to four months only. On the same date, it withdrew the request it had made on 31 July 2020, for an extension of time periods specified in Articles 9 and 10 of Regulation (EU) 2020/698.

(6) As regards the request concerning Article 11 of Regulation (EU) 2020/698, according to the information provided by France, the COVID-19 pandemic has particularly affected the French territory, which has led the government to put in place particularly restrictive and protective measures. Those measures reduced the number of periodic medical checks for train drivers to only 6 % of those planned in April 2020.

(7) According to the information provided by France, despite an improvement in the health situation, and in line with medical expertise, protective measures aimed at preventing the spread of the virus continue to be applied. Those measures reduced the number of periodic checks that could be carried out, to 60 % of normal in May 2020.

(8) In spite of the major efforts undertaken from June 2020, to prioritise delayed checks and increase the number of medical checks carried out, it will not be possible to eliminate the delay in carrying out the medical checks within the extension period provided by Regulation (EU) 2020/698. Indeed, the relevant resources of the health services are also needed to support patients who have been infected with COVID-19. In addition, the number of accredited health professionals to validate the capability of train drivers cannot be significantly increased in the context of the pandemic and in view of the specific nature of those medical examinations.

(9) Current COVID-19 protocols implemented by French authorities comprise:

— systematic screening at the reception of medical centres (temperature intake, individual driver's questionnaire, guidance and care in case of suspicion or identification of a symptom of infection, hand washing),

— compliance with distancing in the waiting rooms and neutralisation of certain chairs in order to respect the distance of at least one metre between 2 masked people,

— ventilation of test rooms and waiting rooms after each medical examination, nurse (audiogram, sampling) or psychological tests,

— disinfection after each medical examination, nurse (audiogram, sampling) or psychological tests.

These measures reduce capacity by 20 % compared to the ordinary capacity.

(10) Notwithstanding the continuation of these measures, France expects to significantly increase the number of medical examinations carried out during the autumn period, in order to absorb the backlog accumulated. This will however only permit that backlog to be fully absorbed by the end of December.

(11) As regards Article 16(1) and Article 17(1) of Regulation (EU) 2020/698, according to the information provided by France, the completion of all the reviews of the port security assessments and port facility security assessments that would otherwise have been due or would otherwise be due in 2020 is likely to be impracticable in France until 28 February 2021 due to measures that it has taken to prevent or contain the spread of COVID#19.

(12) In particular, there is an exceptionally high number of port security assessments and port facility security assessments to be reviewed in France in 2020: 7 port security assessments and 62 port facility security assessments, and as many port and port facility security plans. As of 3 August 2020, 6 port security assessments and 53 port facility security assessments remained to be reviewed. This is more than the 6 to 8 port security assessments and 27 to 30 port facility security assessments in the years 2021, 2022, 2023 put together.

(13) According to the information provided by France, the competent authorities responsible for those reviews have been and remain on the front line in managing the repercussions of the COVID-19 crisis. Those authorities also have responsibilities in the areas of civil safety, risk prevention and crisis management. Currently, coastal areas in France in particular are seeing an increase in COVID-19 cases, and authorities in those areas are required to respond. In addition, the organisation of audio or video conferences between relevant parties are complicated by the lack of equipment to ensure the security and confidentiality of information exchanged. Under these circumstances, the competent authorities responsible are facing significant practical difficulties in performing their duties, as physical meetings and travel of relevant personnel also continue to be complex due to measures that remain in place to prevent or contain the spread of COVID-19.

(14) This, along with the backlog due to the fact that the reviews had to be interrupted between 17 March 2020 and 11 May 2020 (the confinement period in France), makes it impracticable to complete all the necessary reviews in time without an extension. Reviews remained difficult in the post-confinement period, and continue to remain so since the state of health emergency in France came to an end on 10 July 2020.

(15) In addition, a significant number of the port security assessments and port facility security assessments to be reviewed concern French overseas departments where the COVID-19 pandemic has been and continues to be particularly acute. In addition to staff mobilised by the outbreak in mainland France, limited hospital capacities and the high prevalence of COVID-19 has required strict travel restrictions, including quarantine measures. This has directly affected the work concerning port security, notably in making it difficult for authorised security organisation personnel to travel from mainland France.

(16) In light of the complexities described above, the completion of port and port facility security assessments in France is likely to remain difficult. Under these circumstances, France estimates that completing the remaining reviews of 2020 and resolving the backlog accrued over the confinement period, would not be practicable without an extension of the reference period to 31 December 2020, and an extension of the deadline to 28 February 2021.