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 (notified under document C(2020) 5757) (Only the English text is authentic)

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

(notified under document C(2020) 5757)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 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 3(3) and Article 11(4) thereof, in conjunction with Article 131 of 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,

Whereas:

(1) Article 3(1) of Regulation (EU) 2020/698 extends the validity of driving licences which would otherwise have expired or would otherwise expire between 1 February 2020 and 31 August 2020.

(2) 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.

(3) By letter dated 31 July 2020, the United Kingdom submitted a reasoned request for an authorisation to apply an extension by four months of the period between 1 February 2020 and 31 August 2020 specified in Article 3(1) of that Regulation and an extension by four months of the period of seven months specified in that same Article 3(1). By the same letter, the United Kingdom also submitted a reasoned request for an authorisation to apply an extension by four months of the period between 1 March 2020 and 31 August 2020 specified in Article 11(2) of that Regulation.

(4) As regards driving licences under Directive 2006/126/EC of the European Parliament and of the Council[(2)], according to the information provided by the United Kingdom, in Great Britain the Driver and Vehicle Licensing Agency ('DVLA') is responsible

Changes to legislation: *There are currently no known outstanding effects for the Commission Decision (EU) 2020/1237. (See end of Document for details)*

for issuing driving licences and holds data on 49 million driving licence holders and more than 40 million registered vehicle keepers. On average, the DVLA receives around 1,6 million items of mail each month. While the DVLA's online channels have been available throughout the pandemic there are some transactions that can only be completed by submitting a paper application with supporting documentation. This includes the renewal of driving licences in some circumstances. Each month DVLA receives over 200 000 paper renewal applications where drivers have to renew the administrative validity period of their licence or their driving entitlement as they are 70 or over. Persons making paper applications also include vocational drivers who need to renew their entitlement to drive lorries and/or buses and those who have to renew a medically restricted driving licence. The United Kingdom considers that this requires a considerable number of staff to be present at the DVLA licence issuing facility to process the applications and issue renewed licences. The renewal of driving licences in Northern Ireland is carried out by the Driver and Vehicle Agency ('DVA'), which is facing similar constraints on its ability to renew driving licences as the DVLA.

(5) In order to prevent and contain the spread of COVID-19, requirements to close certain businesses and premises and restrictions on movement and gatherings were introduced in England and Wales on 26 March (The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020; The Health Protection (Coronavirus Restrictions) (Wales) Regulations 2020), in Scotland on 28 March (the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020) and in Northern Ireland on 28 March (The Health Protection (Coronavirus, Restrictions) Regulations (Northern Ireland) 2020).

(6) According to the information provided by the United Kingdom, the DVLA has 6 000 staff who predominantly work in one building, where all licence issuing activities are undertaken. When the restrictions due to COVID-19 were imposed, the DVLA had to reduce the number of staff on-site from 6 000 to 800, with as few as 300 staff being on-site during the early stages of those restrictions. This meant that the DVLA was unable to deal with the usual volume of transactions. In normal circumstances, the DVLA processes around 140 000 paper renewal applications each month. In April 2020, the volumes processed fell to below 13 000, while in May 2020 it was just below 30 000.

(7) While every effort is being made to increase capacity, maintaining legally required social distancing measures continues to have a significant impact on the number of staff DVLA has available at any one time to be able to process applications. The law in Wales, where the DVLA has its premises, requires organisations to take all reasonable measures to ensure that a distance of 2 metres is maintained on particular premises. The number of staff that can be present at the licence issuing facility at any one time is currently restricted to around 1 600 – a decrease of 75 % from the pre-COVID-19 situation. Consequently, the number of renewal applications DVLA can currently process and issue is significantly lower than 200 000 a month and it will not return to normal capacity until 2021 at the earliest.

(8) According to the information provided by the United Kingdom, the current forecast is that between 1 September 2020 and 31 December 2020 DVLA will receive around 1,5

million driving licences for renewal. As part of these, DVLA expects to receive around 200 000 paper applications each month.

(9) According to the information provided by the United Kingdom, the DVLA continues to implement additional measures to alleviate the impact of the significant shortfall of staff. However, these measures are insufficient to enable DVLA to return to processing 200 000 paper-based renewal applications each month. This is so despite the fact that the measures taken are comprehensive and include introducing shift work to process applications outside of the normal working day, increasing the number of staff and providing them with accommodation, and leasing additional office space to enable a greater volume of licensing activity to take place in a way that is compliant with social distancing laws in place to mitigate the impact of COVID-19. While these measures will help a return to normal capacity for 2021, they will not be sufficient to enable the DVLA to return to renewing 200 000 paper-based licences each month between September and December 2020

(10) According to the information provided by the United Kingdom, the DVA (Northern Ireland) offices were shut down on 27 March 2020 and the processing of paper applications was stopped. Staff working remotely were able to process applications that were submitted through the online channels, but it was not possible to process paper applications. The DVA has gradually increased the number of staff who are coming into the office, initially to process applications for key workers, and has secured additional temporary accommodation to ensure that staff working in the office can maintain social distancing. Part of the staff continue to work remotely. While restrictions are easing, constraints that are still in place mean that it remains difficult for those who require access to medical practitioners to have medical forms completed in support of their driving licence application. Like for the DVLA, any reinstatement of restrictions would have a further impact on the ability of the DVA to process applications.

(11) According to the information provided by the United Kingdom, a further factor impacting the return to normality is that many drivers have been unable to apply to renew their licences. In March 2020 certain groups of persons, including those considered particularly at risk from severe illness from COVID-19 or extremely clinically vulnerable, were advised to adopt a number of more stringent measures to isolate themselves from others. This meant that these drivers were unable to obtain the necessary paperwork or undergo medical assessments in order to make a paper application to renew their driving licences. While restrictions are easing in the United Kingdom and drivers are able to resume more day-to-day activities, a number of constraints remain in place. This means that some of these drivers are still unable to provide all the necessary documentation required to make a valid renewal application. In addition, restrictions are easing at a different pace in the different nations of the United Kingdom, further complicating the situation.

(12) According to the information provided by the United Kingdom, people aged 70 and over and those with certain underlying medical conditions may wish to minimise contact with others and would prefer not to visit Post Offices or photo booths in order to get the documentation needed to complete a paper application. For the period September 2020