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 (Only the Italian text is authentic)

COMMISSION DECISION (EU) 2020/1219

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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

(Only the Italian 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 2(5) thereof,

Whereas:

(1) Article 2(1) of Regulation (EU) 2020/698 extends the time limits for the completion, by the holder of a certificate of professional competence (CPC), of periodic training which would otherwise have expired or would otherwise expire between 1 February 2020 and 31 August 2020. Article 2(2) of that Regulation extends the validity of the corresponding marking of harmonised Union code, '95'.

(2) Article 2(3) of Regulation (EU) 2020/698 extends the validity of driver qualification cards referred to in Annex II to Directive 2003/59/EC of the European Parliament and of the Council[(2)] which would otherwise have expired or would otherwise expire between 1 February 2020 and 31 August 2020.

(3) By letter dated 13 July 2020, referring to Article 2(1), (2) and (3) of Regulation (EU) 2020/698, Italy 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 2(1) and (3) of that Regulation. Italy provided additional information in support of its request on 15, 16, 17 and 21 July 2020.

(4) According to the information provided by Italy, the completion of periodic training and its certification, the marking of the harmonised Union code, '95', and the renewal of driver qualification cards is likely to remain impracticable in Italy until 31 December 2020 due to measures that it has taken to prevent or contain the spread of COVID#19.

(5) In particular, Italy suspended all training courses between 9 March and 28 May 2020, including those related to the periodic training of drivers provided for in Directive 2003/59/EC. Those training courses only resumed in the first week of June 2020.

Changes to legislation: *There are currently no known outstanding effects for the Commission Decision (EU) 2020/1219. (See end of Document for details)*

Moreover, only a small number of candidates can participate in the training courses at the same time, in order to respect social distancing rules, to avoid the spread of the virus. There is therefore a considerable backlog of drivers needing to complete the training courses.

(6) The situation is particularly problematic in the case of the periodic training for bus drivers. According to the information provided by Italy, many drivers who were carrying out the activity of driver of vehicles used for transport of passengers on 10 September 2008, obtained a CPC as an acquired right pursuant to Article 4 of Directive 2003/59/EC. In practice, and pursuant to Article 4, Article 8(2) and Article 14(2) of Directive 2003/59/EC, many of the CPCs thus granted expired in the first half of September 2015, since Italy made use of the possibility to extend the period referred to in Article 8(2) of Directive 2003/59/EC to up to seven years. In turn, drivers who renewed their CPC shortly before their expiry in 2015 must again renew their CPC by 9 September 2020. Italy estimates that there are over 62 000 CPCs due to expire on 9 September 2020 and have not yet been renewed.

(7) In addition, CPCs issued between 11 September 2007 and 31 December 2007 on the basis of examinations will also expire between 11 September and 31 December 2020.

(8) Furthermore, according to the information provided by Italy, completion of the 35-hour periodic training course takes at least 5 days, and the majority of participants will require two weeks to complete it. After successful completion of the course, participants have to request the Ministry of Infrastructure and Transport to issue a new driving licence bearing the harmonised Union code '95', which certifies that periodic training has taken place pursuant to Directive 2003/59/EC. Therefore, Italy anticipates that many drivers will be unable to complete the periodic training course and to conclude the administrative procedure to be able to continue carrying out their activity.

(9) As regards Article 2(1), (2) and (3) of Regulation (EU) 2020/698, Italy should therefore be authorised to apply an extension of four months of the respective periods, between 1 February 2020 and 31 August 2020, specified in Article 2(1) and (3) of that Regulation,

HAS ADOPTED THIS DECISION:

Article 1

Italy is authorised to apply an extension of four months of the period between 1 February 2020 and 31 August 2020 specified in Article 2(1) of Regulation (EU) 2020/698 for the purposes of Article 2(1) and (2) of that Regulation.

Italy is authorised to apply an extension of four months of the period between 1 February 2020 and 31 August 2020 specified in Article 2(3) of Regulation (EU) 2020/698.

Article 2

This Decision is addressed to the Italian Republic.