Commission Implementing Decision (EU) 2020/783 of 12 June 2020 amending Decision 2012/757/EU as regards measures to adapt the frequency of periodic medical examination of railway staff undertaking safety-critical tasks other than train drivers due to the COVID-19 pandemic (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2020/783

of 12 June 2020

amending Decision 2012/757/EU as regards measures to adapt the frequency of periodic medical examination of railway staff undertaking safety-critical tasks other than train drivers due to the COVID-19 pandemic

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union[(1)], and in particular Article 5(11) thereof,

Whereas:

(1) Member States have informed the Commission about difficulties to renew certain certificates or licences of staff undertaking safety-critical tasks other than train drivers, due to the measures following the COVID-19 pandemic.

(2) As a result of those measures, the frequency of periodic medical examinations of staff undertaking safety-critical tasks other than train drivers set out in point 4.7.2.2.1 of Annex I to Commission Decision 2012/757/EU[(2)] could not be met. To ensure the continuity of service, an additional six months period to complete those examinations should be granted. This should be without prejudice to additional medical examinations or increased frequency when the state of health of the member of the staff requires so.

(3) Decision 2012/757/EU should therefore be amended accordingly.

(4) Since 1 March 2020, staff undertaking safety-critical tasks might have not been able to meet the frequency of periodic examinations because of the COVID-19 pandemic. In order to avoid any legal uncertainty, the extension of the period within which periodic medical examinations is to be completed should therefore apply from 1 March 2020.

(5) The measures provided for in this Decision are in accordance with the opinion of the Committee referred to in Article 51(1) of Directive (EU) 2016/797.

(6) In order to ensure that the measures provided for in this Decision are effective, this Decision should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DECISION:

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Decision (EU) 2020/783. (See end of Document for details)*

Article 1

In Annex I to Decision 2012/757/EU, the following subparagraph is added in point 4.7.2.2.1:

> Without prejudice to point 4.7.2.2.3 concerning additional medical examinations and/or psychological assessments, where here a periodic medical examination should have been completed between 1 March 2020 and 31 August 2020, the period within which it must be completed is extended by 6 months. The extension shall not apply when the medical doctor has set an increased frequency of examination, unless the Member State decides otherwise. The railway undertaking and the infrastructure manager shall have in place procedures to control the risk that staff attend for work unfit for work..

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 12 June 2020.

For the Commission

The President

Ursula VON DER LEYEN