

## I

(Legislative acts)

## REGULATIONS

## REGULATION (EU) 2021/267 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 February 2021

**laying down specific and temporary measures in view of the persistence of the COVID-19 crisis concerning the renewal or extension of certain certificates, licences and authorisations, the postponement of certain periodic checks and periodic training in certain areas of transport legislation and the extension of certain periods referred to in Regulation (EU) 2020/698**

(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,

Having regard to the opinion of the European Economic and Social Committee <sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure <sup>(2)</sup>,

Whereas:

- (1) The persistence of the COVID-19 pandemic 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 and 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.

<sup>(1)</sup> Opinion of 27 January 2021 (not yet published in the Official Journal).

<sup>(2)</sup> Position of the European Parliament of 11 February 2021 (not yet published in the Official Journal) and decision of the Council of 15 February 2021.

- (3) Regulation (EU) 2020/698 of the European Parliament and of the Council <sup>(3)</sup> lays down specific and temporary measures concerning the renewal and extension of the period of validity of certain certificates, licences and authorisations and the postponement of certain periodic checks and periodic training that, pursuant to the Union legal acts referred to in that Regulation, should have taken place within the period from 1 March 2020, or in certain cases 1 February 2020, to 31 August 2020. In accordance with that Regulation, those certificates, licences and authorisations, as well as certain periodic checks and periodic training, were renewed, extended or postponed, as appropriate, for a period of six months or, in certain cases, of seven months.
- (4) Certain Member States that by 1 August 2020 considered that the renewal of certain certificates, licences and authorisations and the completion of certain periodic checks or periodic training were likely to remain impracticable beyond 31 August 2020, due to measures that they had taken to prevent or contain the spread of COVID-19, submitted reasoned requests to the Commission for an authorisation to apply further individual extensions. The Commission adopted six decisions authorising such extensions <sup>(4)</sup>.
- (5) Despite certain improvements in the crisis related to the COVID-19 pandemic during the summer of 2020, the persistence and, in certain cases, the aggravation of the effects of that crisis during the third quarter of 2020 have obliged the Member States to maintain and, in certain cases, reinforce the measures taken to prevent the spread of COVID-19. Those measures have as a consequence that 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 and authorisations or to the completion of periodic checks or periodic training, or in order to complete other steps necessary to maintain their validity, as was the case during the spring of 2020. 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.
- (6) 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.
- (7) Directive 2003/59/EC of the European Parliament and of the Council <sup>(5)</sup> 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

<sup>(3)</sup> 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 (OJ L 165, 27.5.2020, p. 10).

<sup>(4)</sup> Commission Decision (EU) 2020/1236 of 25 August 2020 authorising the Netherlands to apply an extension of certain periods specified in Articles 2 and 3 of Regulation (EU) 2020/698 of the European Parliament and of the Council (OJ L 282, 31.8.2020, p. 19); Commission Decision (EU) 2020/1235 of 26 August 2020 authorising Greece to apply an extension of certain periods specified in Article 4 of Regulation (EU) 2020/698 of the European Parliament and of the Council (OJ L 282, 31.8.2020, p. 17); 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 (OJ L 277, 26.8.2020, p. 16); Commission Decision (EU) 2020/1240 of 21 August 2020 authorising Bulgaria to apply an extension of a period specified in Article 3 of Regulation (EU) 2020/698 of the European Parliament and of the Council (OJ L 284, 1.9.2020, p. 7); 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 (OJ L 301, 15.9.2020, p. 9); 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 (OJ L 282, 31.8.2020, p. 22).

<sup>(5)</sup> Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

completion of that periodic training as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis after 31 August 2020, it is necessary to extend the validity of that CPC for a period of 10 months from its date of expiry, in order to ensure the continuity of road transport. CPCs the validity of which has already been extended in accordance with Regulation (EU) 2020/698 should also benefit from a single additional extension for a reasonable amount of time in light of current constraints as well as for road safety reasons.

- (8) Directive 2006/126/EC of the European Parliament and of the Council <sup>(6)</sup> 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 persistence of the COVID-19 crisis after 31 August 2020, it is necessary to extend the validity of certain driving licences for a period of 10 months from their date of expiry, in order to ensure the continuity of mobility by road. Driving licences the validity of which has already been extended in accordance with Regulation (EU) 2020/698 should also benefit from a single additional extension for a reasonable amount of time in light of current constraints as well as for road safety reasons.
- (9) Regulation (EU) No 165/2014 of the European Parliament and of the Council <sup>(7)</sup> 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 <sup>(8)</sup> and Directive 2002/15/EC of the European Parliament and of the Council <sup>(9)</sup>, 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 persistence of the COVID-19 crisis, inspections referred to in Article 23(1) of Regulation (EU) No 165/2014 which should have been carried out between 1 September 2020 and 30 June 2021 should now be carried out no later than 10 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 persistence of the COVID-19 crisis 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.
- (10) Directive 2014/45/EU of the European Parliament and of the Council <sup>(10)</sup> 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 persistence of the COVID-19 crisis after 31 August 2020, the periodic roadworthiness tests which were to have been carried out between 1 September 2020 and 30 June 2021 should now be carried out at a later date, but not later than 10 months after the original time limit, and the certificates concerned should remain valid until that later date.

<sup>(6)</sup> Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (OJ L 403, 30.12.2006, p. 18).

<sup>(7)</sup> Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

<sup>(8)</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

<sup>(9)</sup> Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

<sup>(10)</sup> Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).

- (11) Regulation (EC) No 1071/2009 of the European Parliament and of the Council <sup>(11)</sup> lays down common rules concerning the conditions to be complied with in order to pursue the occupation of road transport operator. The persistence of the COVID-19 pandemic and the associated public health crisis after 31 August 2020 entail that some transport undertakings no longer satisfy the requirements regarding the vehicle or vehicles to be kept at their disposal and used by them. Those circumstances also 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 requirements regarding the vehicle or vehicles to be kept at their disposal and used by them or the requirement of financial standing are again satisfied on a permanent basis. It is therefore appropriate to extend the maximum time limits established for those purposes in Article 13(1), points (b) and (c), of Regulation (EC) No 1071/2009 from 6 to 12 months, with regard to the assessment of the requirements regarding the vehicle or vehicles to be kept at their disposal and used by the road transport undertakings concerned, as referred to in Article 5, points (b) and (c), of that Regulation, and of the requirement of financial standing of those undertakings, insofar as those assessments cover all or part of the period between 1 September 2020 and 30 June 2021. Where failure to comply with any of those requirements 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.
- (12) Regulations (EC) No 1072/2009 <sup>(12)</sup> and (EC) No 1073/2009 <sup>(13)</sup> 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 persistence of the COVID-19 crisis after 31 August 2020, it is necessary to extend their validity by 10 months from their date of expiry, in order to ensure the continuity of road transport.
- (13) Directive (EU) 2016/798 of the European Parliament and of the Council <sup>(14)</sup> lays down rules on railway safety. Given the confinement measures, combined with the additional workload involved in containing the COVID-19 pandemic, which persisted after 31 August 2020, 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 10 months, and the existing single safety certificates concerned should remain valid accordingly. Likewise, the validity of such safety authorisations should be extended by 10 months from their date of expiry.
- (14) In accordance with Article 33(2) of Directive (EU) 2016/798, certain Member States extended the transposition period of that Directive until 16 June 2020. Directive (EU) 2020/700 of the European Parliament and of the Council <sup>(15)</sup> amending Directive (EU) 2016/798 provided the possibility for those Member States to further extend the transposition period until 31 October 2020. The rules of Directive 2004/49/EC of the European Parliament and of the Council <sup>(16)</sup> therefore remained applicable in those Member States until 31 October 2020, and Member States

<sup>(11)</sup> Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

<sup>(12)</sup> Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

<sup>(13)</sup> Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

<sup>(14)</sup> Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

<sup>(15)</sup> Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition period (OJ L 165, 27.5.2020, p. 27).

<sup>(16)</sup> Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44).

concerned remained entitled to issue safety certificates and safety authorisations under Directive 2004/49/EC. Safety certificates issued under Directive 2004/49/EC remain valid until their date of expiry, in accordance with Directive (EU) 2016/798. 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 safety authorisations concerned remain valid accordingly.

- (15) Directive 2007/59/EC of the European Parliament and of the Council <sup>(17)</sup> lays down rules on the certification of train drivers operating locomotives and trains on the railway system in the Union. Article 14(5) and Article 16 of that Directive provide that the validity of train drivers' licences is limited to 10 years and is subject to periodic checks. Due to the difficulties in renewing licences as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis after 31 August 2020, the validity of licences which expire between 1 September 2020 and 30 June 2021 should be extended for a period of 10 months from their date of expiry. Similarly, train drivers should be granted an additional period of 10 months to complete the periodic checks.
- (16) Directive 2012/34/EU of the European Parliament and of the Council <sup>(18)</sup> 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 persistence of the COVID-19 crisis after 31 August 2020, licensing authorities have serious difficulties performing regular reviews 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 September 2020 and 30 June 2021 should be extended by 10 months. Likewise, the validity of temporary licences which expire between 1 September 2020 and 30 June 2021 should be extended by 10 months.
- (17) 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 persistence of the COVID-19 crisis after 31 August 2020, it is necessary to extend that time limit by seven months.
- (18) 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. Further to Regulation (EU) 2020/698 and given the persistence of the COVID-19 crisis after 31 August 2020, it should therefore be provided that where the licensing authority, on the basis of the check carried out during the period between 1 September 2020 and 30 June 2021, finds that a railway undertaking can no longer meet the requirements relating to financial fitness, it should be able to decide, before 30 June 2021, 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 seven months. After 30 June 2021, the railway undertaking should be subject to the general rules laid down in Article 24(1) of Directive 2012/34/EU.

<sup>(17)</sup> Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51).

<sup>(18)</sup> Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).

- (19) Council Directive 96/50/EC <sup>(19)</sup> 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 persistence of the COVID-19 crisis after 31 August 2020, 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 September 2020 and 30 June 2021, that time limit should be extended by 10 months in each of the cases concerned. The boatmasters' certificates concerned should remain valid accordingly.
- (20) Directive (EU) 2016/1629 of the European Parliament and of the Council <sup>(20)</sup> 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 <sup>(21)</sup>, are to remain valid until they expire. The measures taken in view of the persistence of the COVID-19 crisis after 31 August 2020 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 (EU) 2016/1629, to replace them. Therefore, in order to allow the continued operation of relevant inland waterways vessels it is appropriate to extend, by a period of 10 months, the validity of Union inland navigation certificates and documents falling within the scope of Article 28 of Directive (EU) 2016/1629 which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (21) Regulation (EC) No 725/2004 of the European Parliament and of the Council <sup>(22)</sup> lays down rules on enhancing ship and port facility security. Directive 2005/65/EC of the European Parliament and of the Council <sup>(23)</sup> lays down measures to enhance port security in the face of threats of security incidents. It also ensures that security measures taken pursuant to Regulation (EC) No 725/2004 benefit from enhanced port security. The persistence of the COVID-19 crisis after 31 August 2020 makes it difficult for Member State authorities to conduct the maritime security inspections and surveys with a view to the renewal of certain documents in the field of maritime security. Therefore, it is necessary to extend the time limits for reviewing security assessments and security plans required by those Union legal acts by a reasonable amount of time in order to enable Member States and the shipping industry to take a flexible and pragmatic approach, and to keep essential supply chains open, while not compromising security. Flexibility should also be granted as regards the timeframe within which those Union legal acts require maritime security exercises to be carried out.
- (22) Where a Member State considers that the application of the rules from which this Regulation derogates, related, *inter alia*, to the renewal or extension of certificates, licences and authorisations, is likely to remain impracticable beyond the dates specified in this Regulation due to measures that it has taken to prevent or contain the spread of COVID-19, the Commission should, if requested by that Member State by 31 May 2021, be authorised to allow the Member State concerned to further extend the periods specified in this Regulation, as relevant, provided that such an extension does not lead to disproportionate risk, in particular in terms of transport safety or security. In order to ensure both legal certainty and transport safety or security, such an extension should be limited to what is 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.

<sup>(19)</sup> Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community (OJ L 235, 17.9.1996, p. 31).

<sup>(20)</sup> Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (OJ L 252, 16.9.2016, p. 118).

<sup>(21)</sup> Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389, 30.12.2006, p. 1).

<sup>(22)</sup> Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129, 29.4.2004, p. 6).

<sup>(23)</sup> Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).

- (23) The COVID-19 crisis has affected the whole Union but has not done so in a uniform manner. Member States have been affected to different degrees and at different times. Given that the derogations from the rules that would normally apply should be limited to what is necessary, it should, with regard to Directive 2003/59/EC, Directive 2006/126/EC, Regulation (EU) No 165/2014, Directive 2014/45/EU, Regulation (EC) No 1072/2009, Regulation (EC) No 1073/2009, Directive (EU) 2016/798, Directive 2004/49/EC, Directive 2007/59/EC, Directive 2012/34/EU, Directive 96/50/EC, Directive (EU) 2016/1629, Regulation (EC) No 725/2004 and Directive 2005/65/EC, be possible for the Member States to continue to apply those legal acts without applying the derogations provided for in this Regulation where application of those legal acts has remained practicable. The same should apply where a Member State was confronted by such difficulties but adopted appropriate national measures to mitigate them. The Member States that choose to make use of that possibility should not, however, impede any economic operator or individual from relying on the derogations provided for in this Regulation that apply in another Member State, and should in particular recognise any certificate, licence and authorisation the validity of which has been extended by this Regulation. In order to ensure legal certainty, the Member State concerned should notify the Commission of its decision not to apply the derogations provided for in this Regulation on its territory before it becomes fully applicable on 6 March 2021.
- (24) This Regulation should not affect the rights granted by Commission decisions, adopted pursuant to Regulation (EU) 2020/698, authorising the Member States to extend certain periods referred to in that Regulation, which gave rise to extensions going beyond those provided for in this Regulation.
- (25) Member States should endeavour to deal promptly with the renewal or extension of certificates, licences and authorisations the validity of which has not been extended in accordance with this Regulation.
- (26) The transition period set out in 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<sup>(24)</sup> ended on 31 December 2020, therefore none of the provisions of this Regulation apply to the United Kingdom, even to the extent they concern periods prior to that date.
- (27) Since the objectives of this Regulation, namely to extend the time limits laid down in Union law for the renewal and extension of the period of validity of certain certificates, licences and authorisations and to postpone certain periodic checks and periodic training in response to the extraordinary circumstances caused by the persistence of the COVID-19 crisis after 31 August 2020 in the areas of road, rail and inland waterway transport and maritime security, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.
- (28) In view of urgency entailed by the exceptional circumstances caused by the persistence of the COVID-19 crisis after 31 August 2020, it is considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (29) Due to the unforeseeable and sudden nature of the COVID-19 outbreak, as well as to its unexpected duration, it was impossible to adopt all the relevant measures in time. For that reason, the provisions of this Regulation should also cover the period before its entry into force. Given the nature of those provisions, such an approach does not result in a violation of the legitimate expectations of the persons concerned.
- (30) In light of the overriding need to address without delay the circumstances caused by the COVID-19 crisis in the areas of road, rail and inland waterway transport and of maritime security, while, where relevant, providing Member States with a reasonable period of time to inform the Commission if they decide not to apply certain derogations laid down in this Regulation, this Regulation should enter into force as a matter of urgency on the day following that of its

<sup>(24)</sup> OJ L 29, 31.1.2020, p. 7.

publication in the *Official Journal of the European Union* in order to ensure that situations of legal uncertainty affecting many authorities and transport operators in different transport sectors, in particular where the relevant time limits have already expired, remain as short as possible,

HAVE ADOPTED THIS REGULATION:

#### *Article 1*

### **Subject matter**

This Regulation lays down specific and temporary measures applicable to the renewal and extension of the period of validity of certain certificates, licences and authorisations and to the postponement of certain periodic checks and periodic training in response to the extraordinary circumstances caused by the persistence of the COVID-19 crisis in the areas of road, rail and inland waterway transport and of maritime security and extends certain periods referred to in Regulation (EU) 2020/698.

#### *Article 2*

### **Extension of time limits provided for in Directive 2003/59/EC**

1. Notwithstanding Article 8(2) and (3) of Directive 2003/59/EC, the time limits for the completion, by the holder of a certificate of professional competence ('CPC'), of periodic training which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months in each case. The CPC shall remain valid accordingly.
2. The time limits for the completion, by the holder of a CPC, of periodic training which, by application of Article 2 of Regulation (EU) 2020/698, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for six months or until 1 July 2021, whichever is the later. The CPC shall remain valid accordingly.
3. The validity of the marking of harmonised Union code, '95' provided for in Annex I to Directive 2006/126/EC made by the competent authorities either on the driving licence or on the driver qualification card referred to in Article 10(1) of Directive 2003/59/EC on the basis of the CPC referred to in paragraph 1 of that Article shall be deemed to be, or to have been, extended for a period of 10 months from the date indicated on each such driving licence or driver qualification card.
4. The validity of the marking of harmonised Union code, '95' provided for in Annex I to Directive 2006/126/EC made by the competent authorities either on the driving licence or on the driver qualification card referred to in Article 10(1) of Directive 2003/59/EC on the basis of the CPC referred to in paragraph 1 of that Article, which, by application of Article 2 of Regulation (EU) 2020/698, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021, shall be deemed to be, or to have been, extended for six months or until 1 July 2021, whichever is the later.
5. The validity of driver qualification cards referred to in Annex II to Directive 2003/59/EC which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months from the expiry date indicated on each such card.
6. The validity of driver qualification cards referred to in Annex II to Directive 2003/59/EC which, by application of Article 2 of Regulation (EU) 2020/698, would otherwise have expired or would expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for six months or until 1 July 2021, whichever is the later.



7. Where a Member State considers that the completion of periodic training or its certification, the marking of the harmonised Union code, '95', or the renewal of driver qualification cards is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1, 3 and 5, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021, or the periods of 10 months specified in paragraphs 1, 3 and 5, as relevant, or both. It shall be submitted to the Commission by 31 May 2021.

8. Where, upon a request submitted in accordance with paragraph 7, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1, 3 and 5 respectively, as justified in each case. The extension shall be limited to reflect the period during which completion of the periodic training in question or the certification thereof, the marking of the harmonised Union code, '95', or the renewal of driver qualification cards is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

9. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the completion of periodic training or its certification, the marking of the harmonised Union code, '95', or the renewal of driver qualification cards impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1, 2, 3, 4, 5 or 6. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1, 2, 3, 4, 5 or 6 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1, 2, 3, 4, 5 or 6 that apply in another Member State.

### Article 3

#### **Extension of time limits provided for in Directive 2006/126/EC**

1. Notwithstanding Article 7 of Directive 2006/126/EC and point 3(d) of Annex I to that Directive, the validity of driving licences which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months from the date of expiry referred to in each such driving licence.

2. The validity of the driving licences referred to in Article 7 of Directive 2006/126/EC and point 3(d) of Annex I to that Directive, which, by application of Article 3 of Regulation (EU) 2020/698, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021, shall be deemed to be, or to have been, extended for six months or until 1 July 2021, whichever is the later.

3. Where a Member State considers that the renewal of driving licences is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraph 1. That request may concern the period between 1 September 2020 and 30 June 2021 or the period of 10 months, or both. It shall be submitted to the Commission by 31 May 2021.

4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraph 1, as justified in each case. The extension shall be limited to reflect the period during which the renewal of driving licences is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the renewal of driving licences impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraph 1 or 2. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraph 1 or 2 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraph 1 or 2 that apply in another Member State.

#### Article 4

#### **Extension of time limits provided for in Regulation (EU) No 165/2014**

1. Notwithstanding Article 23 of Regulation (EU) No 165/2014, the regular inspections provided for in paragraph 1 of that Article which would otherwise have had to or would otherwise have to be carried out between 1 September 2020 and 30 June 2021 in accordance with that paragraph shall be carried out no later than 10 months following the date on which they would otherwise have to be carried out according to that Article.

2. Notwithstanding Article 28 of Regulation (EU) No 165/2014, where a driver applies for the renewal of a driver card in accordance with paragraph 1 of that Article between 1 September 2020 and 30 June 2021, the competent authorities of the Member States shall issue a new driver card no later than two months after the receipt of the request. Until the driver receives a new driver card from the card-issuing authorities, Article 35(2) of that Regulation shall apply to the driver *mutatis mutandis*, provided that the driver can prove that the renewal of the driver card was requested in accordance with Article 28(1) of that Regulation.

3. Notwithstanding Article 29(4) of Regulation (EU) No 165/2014, where a driver applies for the replacement of a driver card in accordance with paragraph 4 of that Article between 1 September 2020 and 30 June 2021, the competent authorities of the Member States shall issue a replacement card no later than two months after the receipt of the request. Notwithstanding Article 29(5) of Regulation (EU) No 165/2014, the driver may continue to drive until a new driver card is received from the card-issuing authorities provided that the driver can prove that the driver card was returned to the competent authority when it was damaged or malfunctioning and that its replacement was requested.

4. Where a Member State considers that the regular inspections, the renewal of driver cards or the replacement of driver cards as required by Regulation (EU) No 165/2014 are likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1, 2 and 3, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021, the period of 10 months or the applicable deadlines for the issuance of a new driver card, or any combination thereof. It shall be submitted to the Commission by 31 May 2021.

5. Where, upon a request submitted in accordance with paragraph 4, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1, 2 and 3, respectively, as justified in each case. The extension shall be limited to reflect the period during which the regular inspections or renewals or replacements of driver cards are likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

6. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered regular inspections, the renewal of driver cards or the replacement of driver cards impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1, 2 and 3. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1, 2 and 3 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1, 2 and 3 that apply in another Member State.

#### Article 5

#### **Extension of time limits provided for in Directive 2014/45/EU**

1. Notwithstanding Article 5(1) and Article 10(1) of Directive 2014/45/EU and point 8 of Annex II to that Directive, the time limits for the roadworthiness tests which, in accordance with those provisions, would otherwise have had to or would otherwise have to be carried out between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months.

2. Notwithstanding Article 8 of Directive 2014/45/EU and point 8 of Annex II to that Directive, the validity of roadworthiness certificates with a date of expiry between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months.

3. Where a Member State considers that the carrying out of roadworthiness tests or the certification thereof is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021 or the period of 10 months, or both. It shall be submitted to the Commission by 31 May 2021.

4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2, respectively, as justified in each case. The extension shall be limited to reflect the period during which the performance of roadworthiness tests or the certification thereof is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the performance of roadworthiness tests or the certification thereof impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.

*Article 6***Extension of time limits provided for in Regulation (EC) No 1071/2009**

1. Notwithstanding Article 13(1), points (b) and (c), of Regulation (EC) No 1071/2009, where a competent authority establishes in respect of the period between 1 September 2020 and 30 June 2021 that the requirements regarding the vehicle or vehicles to be kept at the disposal of and used by the road transport undertaking, as set out in Article 5, points (b) and (c), of that Regulation, are not satisfied, or establishes, on the basis of the annual accounts and certificates referred to in Article 7(1) and (2) of that Regulation for accounting years covering all or part of the period between 1 September 2020 and 30 June 2021, that a transport undertaking does not satisfy the requirement of financial standing laid down in Article 3(1), point (c), of that Regulation, the time limits set by the competent authority for the purposes of Article 13(1), points (b) and (c), of that Regulation shall not exceed 12 months.
2. Notwithstanding Article 13(1), points (b) and (c), of Regulation (EC) No 1071/2009, where the competent authority has established between 28 May 2020 and 23 February 2021 that a transport undertaking does not satisfy the requirements regarding the vehicle or vehicles to be kept at the disposal of and used by the road transport undertaking, as set out in Article 5, points (b) and (c), of that Regulation, or the requirement of financial standing laid down in Article 3(1), point (c), of that Regulation and has set a time limit for the transport undertaking to rectify the situation, the competent authority may extend that time limit, provided that the time limit has not expired by 23 February 2021. The time limit thus extended may not exceed 12 months.

*Article 7***Extension of time limits provided for in Regulation (EC) No 1072/2009**

1. Notwithstanding Article 4(2) of Regulation (EC) No 1072/2009, the validity of the Community licences which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months. Certified true copies shall remain valid accordingly.
2. Notwithstanding Article 5(7) of Regulation (EC) No 1072/2009, the validity of the driver attestations which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months.
3. Where a Member State considers that the renewal of Community licences or of driver attestations is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021 or the period of 10 months, or both. It shall be submitted to the Commission by 31 May 2021.
4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2, respectively, as justified in each case. The extension shall be limited to reflect the period during which the renewal of Community licences or of driver attestations is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the renewal of Community licences or of driver attestations impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.

#### Article 8

##### **Extension of time limits provided for in Regulation (EC) No 1073/2009**

1. Notwithstanding Article 4(4) of Regulation (EC) No 1073/2009, the validity of the Community licences which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months. Certified true copies shall remain valid accordingly.
2. Notwithstanding Article 8(3) of Regulation (EC) No 1073/2009, decisions on applications for authorisation of regular services submitted by the carrier between 1 September 2020 and 30 June 2021 shall be taken by the authorising authority within six months of the date of the submission of the application. Notwithstanding Article 8(2) of Regulation (EC) No 1073/2009, the competent authorities of the Member States whose agreement has been requested in respect of such applications in accordance with paragraph 1 of that Article shall notify the authorising authority of their decision on the application within three months. Where the authorising authority does not receive a reply within three months, the authorities consulted shall be deemed to have given their agreement, and the authorising authority may grant the authorisation.
3. Where a Member State considers that the renewal of Community licences is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraph 1. That request may concern the period between 1 September 2020 and 30 June 2021 or the period of 10 months, or both. It shall be submitted to the Commission by 31 May 2021.
4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraph 1, as justified in each case. The extension shall be limited to reflect the period during which the renewal of Community licences is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the renewal of Community licences impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraph 1. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraph 1 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraph 1 that apply in another Member State.

#### Article 9

##### **Extension of time limits provided for in Directive (EU) 2016/798**

1. Notwithstanding Article 10(13) of Directive (EU) 2016/798, the time limits for renewal of single safety certificates which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months. The single safety certificate concerned shall remain valid accordingly.

2. Notwithstanding Article 12(2) of Directive (EU) 2016/798, the validity of safety authorisations which, in accordance with that provision, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months.

3. Where a Member State considers that the renewal of single safety certificates issued in accordance with Article 10(8) of Directive (EU) 2016/798 or the extension of the period of validity of safety authorisations is likely to remain impracticable beyond 30 June 2021 due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021 or the period of 10 months specified in paragraphs 1 and 2 respectively, or both. It shall be submitted to the Commission by 31 May 2021.

4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited to reflect the period during which the renewal of single safety certificates or the extension of the period of validity of safety authorisations is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the renewal of single safety certificates issued in accordance with Article 10(8) of Directive (EU) 2016/798 or the extension of the period of validity of safety authorisations impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2 of this Article. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.

#### Article 10

##### **Extension of time limits provided for in Directive 2004/49/EC**

1. Notwithstanding Article 10(5) of Directive 2004/49/EC, the time limits for renewal of safety certificates which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months. The safety certificates concerned shall remain valid accordingly.

2. Notwithstanding Article 11(2) of Directive 2004/49/EC, the time limits for renewal of safety authorisations which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months. The safety authorisation concerned shall remain valid accordingly.

3. Where a Member State considers that the renewal of safety certificates or of safety authorisations is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021 or the periods of 10 months specified in paragraphs 1 and 2 respectively, or both. It shall be submitted to the Commission by 31 May 2021.

4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited to reflect the period during which the renewal of safety certificates or of safety authorisations is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the renewal of safety certificates or of safety authorisations impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.

#### Article 11

### **Extension of time limits provided for in Directive 2007/59/EC**

1. Notwithstanding Article 14(5) of Directive 2007/59/EC, the licences which otherwise would have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months from the date of expiry of each such licence.

2. Notwithstanding Article 16 of and Annexes II and VII to Directive 2007/59/EC, the time limits for the completion of the periodic checks which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months in each case. The licences referred to in Article 14 and the certificates referred to in Article 15 of that Directive shall remain valid accordingly.

3. Where a Member State considers that the renewal of licences or the completion of periodic checks is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021 or the period of 10 months specified in paragraphs 1 and 2 respectively, or both. It shall be submitted to the Commission by 31 May 2021.

4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited to reflect the period during which the renewal of licences or the completion of periodic checks is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the renewal of licences or the completion of periodic checks impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraph 1 and 2 that apply in another Member State.

#### Article 12

##### **Extension of time limits provided for in Directive 2012/34/EU**

1. Notwithstanding Article 23(2) of Directive 2012/34/EU, where a licensing authority has made provision for a regular review, the time limits for the performance of a regular review which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months.

2. Notwithstanding Article 24(3) of Directive 2012/34/EU, the validity of temporary licences which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months from the date of end of validity indicated on each temporary licence.

3. Notwithstanding Article 25(2) of Directive 2012/34/EU, the licensing authority shall take a decision in respect of applications submitted between 1 September 2020 and 30 June 2021 not later than 10 months after all relevant information, notably the particulars referred to in Annex III to that Directive, has been submitted.

4. Where a Member State considers that the carrying out of a regular review or the termination of the suspension of licences or the issuance of new licences in cases where licences have previously been revoked is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021 or the period of 10 months, or both. It shall be submitted to the Commission by 31 May 2021.

5. Where, upon a request submitted in accordance with paragraph 4, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2, as justified in each case. The extension shall be limited to reflect the period during which the termination of the suspension of licences or the issuance of new licences in cases where licences have previously been revoked is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

6. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the carrying out of a regular review or the termination of the suspension of licences or the issuance of new licences in cases where licences have previously been revoked impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.



*Article 13***Treatment of licences of railway undertakings under Directive 2012/34/EU in the event of non-compliance with financial fitness requirements**

Notwithstanding Article 24(1) of Directive 2012/34/EU, where a licensing authority, based on a check referred to in that provision, carried out during the period between 1 September 2020 and 30 June 2021, finds that a railway undertaking can no longer meet the requirements relating to financial fitness referred to in Article 20 of that Directive, it may, before 30 June 2021, 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 seven months.

*Article 14***Extension of time limits provided for in Directive 96/50/EC**

1. Notwithstanding Article 6(2) of Directive 96/50/EC, the time limits for undergoing medical examinations which, in accordance with that provision, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months. The boatmasters' certificates of persons subject to the obligation to undergo medical examinations referred to in Article 6(2) of that Directive shall remain valid accordingly.

2. Where a Member State considers that the completion of medical examinations is likely to remain impracticable beyond 30 June 2021 due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraph 1. That request may concern the period between 1 September 2020 and 30 June 2021 or the period of 10 months specified in paragraph 1, or both. It shall be submitted to the Commission by 31 May 2021.

3. Where, upon a request submitted in accordance with paragraph 2, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraph 1, as justified in each case. The extension shall be limited to reflect the period during which the completion of medical examinations is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

4. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered compliance with the time limits for undergoing medical examinations impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraph 1. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraph 1 as provided for in the first subparagraph of this paragraph shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraph 1 that apply in another Member State.

*Article 15***Extension of time limits provided for in Directive (EU) 2016/1629**

1. Notwithstanding Article 10 of Directive (EU) 2016/1629, the validity of Union inland navigation certificates, which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended for a period of 10 months.

2. Notwithstanding Article 28 of Directive (EU) 2016/1629, the validity of documents falling within the scope of that Directive and issued by the competent authorities of the Member States under Directive 2006/87/EC before 6 October 2018, which, in accordance with that provision, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021, shall be deemed to be, or to have been, extended for a period of 10 months.

3. Where a Member State considers that the renewal of Union inland navigation certificates or of documents referred to in paragraph 2 is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021 or the periods of 10 months specified in paragraphs 1 and 2 respectively, or both. It shall be submitted to the Commission by 31 May 2021.

4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of transport safety and security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited to reflect the period during which the renewal of Union inland navigation certificates or of documents referred to in paragraph 2 is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the renewal of Union inland navigation certificates or of documents referred to in paragraphs 1 and 2 impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

The Member State that has decided not to apply paragraphs 1 and 2, as provided for in the first subparagraph of this paragraph, shall not impede the cross-border activities of any economic operator or individual that has relied on derogations set out in paragraphs 1 and 2 that apply in another Member State.

#### Article 16

#### **Extension of time limits provided for in Regulation (EC) No 725/2004**

1. Notwithstanding Article 3(6) of Regulation (EC) No 725/2004, the time limits for carrying out the periodic review of port facility security assessments which, in accordance with that provision, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended until 30 September 2021.

2. Notwithstanding Part B, Sections 13.7 and 18.6, of Annex III to Regulation (EC) No 725/2004, the 18-month time limits for the carrying out of the various types of exercises which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended by 10 months in each case, but in any event not beyond 30 September 2021.

3. Where a Member State considers that the carrying out of port facility security assessments referred to in Article 3(6) of Regulation (EC) No 725/2004 or of the various types of exercises referred to in Part B, Sections 13.7 and 18.6, of Annex III to Regulation (EC) No 725/2004 is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods and the deadlines specified in paragraphs 1 and 2 of this Article, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021, the deadlines or the period of 10 months specified in paragraphs 1 and 2 of this Article respectively, or any combination thereof. It shall be submitted to the Commission by 31 May 2021.

4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods and the deadlines specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited to reflect the period during which the carrying out of port facility security assessments or of the various types of exercises is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the carrying out of port facility security assessments referred to in Article 3(6) of Regulation (EC) No 725/2004 or the various types of exercises referred to in Part B Sections 13.7 and 18.6 of Annex III to Regulation (EC) No 725/2004 impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2 of this Article. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

#### Article 17

### Extension of time limits provided for in Directive 2005/65/EC

1. Notwithstanding Article 10 of Directive 2005/65/EC, the time limits for the carrying out of the review of port security assessments and port security plans which, in accordance with that Article, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended by 10 months in each case, but in any event not beyond 30 September 2021.

2. Notwithstanding Article 7(7) of and Annex III to Directive 2005/65/EC, the 18-month time limits for the completion of training exercises which, in accordance with that Annex, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021 shall be deemed to be, or to have been, extended by 10 months in each case, but in any event not beyond 30 September 2021.

3. Where a Member State considers that the carrying out of the review of port security assessments or port security plans or the carrying out of training exercises is likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods and the deadlines specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 September 2020 and 30 June 2021, the deadlines or the periods of 10 months specified in paragraphs 1 and 2 respectively, or any combination thereof. It shall be submitted to the Commission by 31 May 2021.

4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled and that the requested extension does not lead to disproportionate risks in terms of security, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods and the deadlines specified in paragraphs 1 and 2 respectively, as justified in each case. The extension shall be limited to reflect the period during which the completion of the review of port security assessments or port security plans or the completion of training exercises is likely to remain impracticable and, in any event, shall not be longer than six months.

The Commission shall publish that decision in the *Official Journal of the European Union*.

5. Where a Member State has not been, and is not likely to be, confronted by difficulties that rendered the carrying out of the review of port security assessments or port security plans or the carrying out of training exercises impracticable during the period between 1 September 2020 and 30 June 2021 as a consequence of the extraordinary circumstances caused by the persistence of the COVID-19 crisis, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2. The Member State shall inform the Commission about its decision by 3 March 2021. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

*Article 18***Decisions adopted pursuant to Regulation (EU) 2020/698**

This Regulation shall not affect the rights of Member States under Commission decisions, adopted pursuant to Article 2(6), Article 3(3), Article 4(5), Article 11(4), Article 16(6) and Article 17(5) of Regulation (EU) 2020/698, to the extent those decisions govern, as regards subject matter and relevant time periods, the same cases as this Regulation and provide for extensions beyond those provided for in this Regulation.

Where those decisions govern, as regards subject matter and relevant time periods, the same cases as this Regulation and do not provide for extensions beyond those provided for in this Regulation, this Regulation shall apply.

*Article 19***Entry into force and application**

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

It shall apply from 6 March 2021.

However, Article 2(9), Article 3(5), Article 4(6), Article 5(5), Article 7(5), Article 8(5), Article 9(5), Article 10(5), Article 11(5), Article 12(6), Article 14(4), Article 15(5), Article 16(5) and Article 17(5) shall apply from 23 February 2021.

The first, second and third paragraphs of this Article do not affect the retroactive effects provided for in Articles 2 to 18.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16 February 2021.

*For the European Parliament*  
*The President*  
D. M. SASSOLI

*For the Council*  
*The President*  
A. P. ZACARIAS

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