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II

(Non-legislative acts)

DECISIONS

COMMISSION DECISION (EU) 2021/1356**of 30 June 2021****authorising Sweden to apply an extension of certain periods specified in Article 2 of Regulation (EU) 2021/267 of the European Parliament and of the Council***(notified under document C(2021) 4608)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 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 ⁽¹⁾, and in particular Article 2(8) thereof,

Whereas:

- (1) Article 2(1) of Regulation (EU) 2021/267 extends the time limits for the completion, by the holder of a certificate of professional competence ('CPC'), of periodic training which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021. Article 2(3) of that Regulation extends the validity of the corresponding marking of the harmonised Union code, '95'.
- (2) Article 2(5) of Regulation (EU) 2021/267 extends the validity of the driver qualification cards referred to in Annex II to Directive 2003/59/EC of the European Parliament and of the Council ⁽²⁾ which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (3) By letter dated 6 May 2021, Sweden submitted a reasoned request for an authorisation to apply an extension of certain periods specified in Article 2(1), (3) and (5) of Regulation (EU) 2021/267. Sweden provided additional information in support of its request by letter dated 20 May 2021.
- (4) By letter dated 27 May 2021, Sweden reduced the scope of its reasoned request.

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

⁽²⁾ 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).

- (5) Through its reasoned request, Sweden seeks, first, an authorisation to apply an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of that provision and of Article 2(3); second, an authorisation to apply an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(5) of that Regulation; and finally, an authorisation to apply an extension of six months of the periods of 10 months specified in Article 2(1), (3) and (5) of Regulation (EU) 2021/267, although applicable only to the completion of periodic training and its certification, to the marking of the harmonised Union code, '95', and to the renewal of driver qualification cards which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (6) According to the information provided by Sweden, the completion of periodic training and its certification, the marking of the harmonised Union code '95' and the renewal of driver qualification cards in Sweden 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.
- (7) Among these measures, which according to Sweden, should severely limit the capacity for the training of drivers until the end of the year, Sweden has restricted the number of persons that can be present at a periodic training session at the same time, to a maximum of eight. According to this Member State, this measure should result in the lack of capacity to train the drivers, with the consequent impossibility to renew all certificates of professional competence ('CPCs') that would expire between 1 September 2020 and 30 June 2021.
- (8) According to the information provided by Sweden, almost half of the valid CPCs in that Member State will have to be renewed in the period between 1 March and 31 December 2021, which corresponds to 85 000 CPCs out of a total 190 000. However, the preliminary estimation of the Swedish authorities is for their training capacity to be limited to around 4 000 to 6 000 persons per month, due to the measures taken to contain the spread of COVID-19.
- (9) According to Sweden, even if the periodic trainings are carried out at full speed and with full possible capacity, thousands of drivers each month would still not be able to get their required periodic training done. Moreover, the high number of sick leaves of educators and drivers are likely to affect these estimations, as Sweden does not allow them to be present at periodic trainings if they have any type of COVID-19 symptom.
- (10) According to the information provided by Sweden, at least 1 000 CPCs could not be issued during the month of March 2021 due to capacity restraints, while at least 5 000 CPCs could not be issued during the month of April 2021. These numbers are expected to increase even further in the subsequent months, as the amount of CPCs that need to be renewed sharply increases. According to estimations from the Swedish authorities, 9 500 CPCs are expected to expire in the month of July 2021 – an estimate that does not take into account the CPCs which validity was already extended by the application of Regulation (EU) 2020/698 or Regulation (EU) 2021/267. As a result, Sweden does not expect to have training capacity left to renew all the expiring CPCs.
- (11) The situation is particularly problematic as regards the periodic training of drivers with valid CPCs for the carriage of goods, who hold a category C1, C1+E, C or C+E licence. According to the information provided by Sweden, many of these drivers obtained a CPC as an acquired right pursuant to Article 4 of Directive 2003/59/EC. Pursuant to Article 8(2) of Directive 2003/59/EC, Sweden decided that the concerned drivers would have to undergo a first course or period training according to the Directive after a period of seven years. As a result, many of the CPCs obtained as an acquired right had their expiration date and were renewed in September 2016, for a period of five years. Therefore, the validity of those CPCs will expire on September 2021.
- (12) According to the information provided by Sweden, this Member State is still in the middle of the third wave of the COVID-19 pandemic. In addition, the vaccine roll-out has been slower than expected in many parts of Sweden. On 19 May 2021, 40,7% of the population had gotten a first dose, while only 12,6 % had gotten a second dose. This makes it unclear when the situation will ease, when the measures taken to prevent or contain the spread of COVID-19 will be removed or lightened and when the training capacity can as a consequence be restored back to normal.

- (13) Based on the current plan made by the Public Health Agency of Sweden, the restriction of eight persons that can be gathered indoors should be eased when the spread of COVID-19 is stabilised, in order to increase that number to 50 persons. However, there is still no date for when that easing of restrictions might occur, as that will depend on the evolution of the pandemic in Sweden. Moreover, that easing of restrictions would still not allow for the training capacity to be restored, as several training facilities usually take around 300 persons.
- (14) Sweden considers to have a shortage of drivers with a CPC. According to Sweden, 49 % of the Swedish transport undertakings revealed in a recent survey to have difficulties recruiting drivers. While the applicable restrictions in Sweden make it difficult to train new drivers, Sweden risks facing a significant shortage of drivers in case their CPCs cannot be further extended.
- (15) Based on the information provided by Sweden, it is necessary to prolong the periods of 10 months specified in Articles 2(1), (3) and (5) of Regulation (EU) 2021/267 to ensure that Sweden has the capacity to carry out all the necessary periodic trainings. Sweden considers, however, that there is no need to prolong the periods of 10 months specified in those articles insofar as they apply to periodic trainings and their certification, to the marking of the harmonised Union code, '95', and to the renewal of driver qualification cards which would otherwise expire in the new extended period between 1 July 2021 and 31 December 2021.
- (16) According to Sweden, the reason to request extensions for the maximum allowable periods of six months are due to the build-up of a very significant backlog of periodic trainings, as described above. The number of CPCs that still need to be renewed is much higher than usual, and Sweden does not foresee a return to normally expected numbers before the end of the year. Moreover, according to this Member State, a high demand of periodic trainings is expected for the autumn period.
- (17) According to Sweden, the periodic trainings at hand consist of 35 hours, with the vast majority of drivers holding CPCs in Sweden choosing to divide these trainings into five different parts. This means that a clear majority of drivers whose CPC need to be renewed until the end of the year have already carried out 28 hours of the training, with only 7 hours remaining. Moreover, according to Sweden, these are mostly experienced drivers, who already have done most of their regulated periodic training. The requested extensions should therefore not lead to disproportionate risks in terms of transport safety and security.
- (18) Sweden should therefore be authorised to apply an extension of six months of the periods between 1 September 2020 and 30 June 2021 specified in Article 2(1), for the purposes of this provision and of Article 2(3), and in Article 2(5) of Regulation (EU) 2021/267.
- (19) Sweden should also be authorised to apply an extension of six months of the periods of 10 months specified in Article 2(1), Article 2(3) and Article 2(5) of Regulation (EU) 2021/267, insofar as these are applicable only to the completion of periodic training and its certification, to the marking of the harmonised Union code, '95', and to the renewal of driver qualification cards which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (20) Sweden has agreed that this Decision be adopted and notified in English,

HAS ADOPTED THIS DECISION:

Article 1

Sweden is authorised to apply the following extensions of the periods specified in Article 2(1), (3) and (5) of Regulation (EU) 2021/267:

- (a) an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of Article 2(1) and (3) of that Regulation;
- (b) an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(5) of that Regulation; and

- (c) an extension of six months of the period of 10 months specified in Article 2(1), (3) and (5) of that Regulation, applicable only to the completion of periodic training and its certification, to the marking of the harmonised Union code, '95', and to the renewal of driver qualification cards which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.

Article 2

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 30 June 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION DECISION (EU) 2021/1357**of 30 June 2021****authorising Slovenia to apply an extension of certain periods specified in Article 2 of Regulation (EU) 2021/267 of the European Parliament and of the Council***(notified under document C(2021) 4628)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 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 ⁽¹⁾, and in particular Article 2(8) thereof,

Whereas:

- (1) Article 2(1) of Regulation (EU) 2021/267 extends the time limits for the completion, by the holder of a certificate of professional competence ('CPC'), of periodic training which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021. Article 2(3) of that Regulation extends the validity of the corresponding marking of the harmonised Union code, '95'.
- (2) Article 2(5) of Regulation (EU) 2021/267 extends the validity of the driver qualification cards referred to in Annex II to Directive 2003/59/EC of the European Parliament and of the Council ⁽²⁾ which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (3) By letter dated 20 May 2021, Slovenia submitted a reasoned request for an authorisation to apply an extension of certain periods specified in Article 2 of Regulation (EU) 2021/267. Slovenia provided additional information in support of its request on 21 May and 7 June 2021.
- (4) Through its reasoned request, Slovenia seeks an authorisation to apply an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of that provision and of Article 2(3), and an authorisation to apply an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(5) of that Regulation.
- (5) According to the information provided by Slovenia, the completion of periodic training and its certification, the marking of the harmonised Union code '95' and the renewal of driver qualification cards in that Member State 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.
- (6) According to Slovenia, all periodic trainings in that Member State need to be carried out with the physical presence of the drivers concerned. However, because of the situation caused by the COVID-19 pandemic, periodic training activities had to be either suspended or significantly limited, particularly given the measures in place on social distancing rules.

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

⁽²⁾ 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).

- (7) Based on the information provided by Slovenia, this Member State entered into a first state of lockdown on 18 March 2020, which lasted until 17 May 2020, and into a second state of lockdown on 16 November 2020, which lasted until 14 February 2021. It subsequently entered into a third state of lockdown on 1 April 2021, this one lasting until 11 April 2021. In total, this Member State was thus in a state of closure for more than five and a half months, due to the effects of the COVID-19 pandemic.
- (8) According to Slovenia, all of these lockdowns were accompanied by the adoption of measures prohibiting normal periodic training activities, due to the social distancing measures in place. Specifically in the third lockdown, which lasted between 1 and 11 April 2021, periodic trainings were not allowed to be conducted at all.
- (9) Periodic trainings have been allowed since May 2021, although limited to a maximum of 10 persons per course. According to Slovenia, their assumption is that only by the end of 2021 will it be possible for the hauliers to organise their activities in a way that enables all drivers to complete their periodic trainings in due time.
- (10) Based on the information provided by this Member State, in light of the abovementioned lockdowns, only a reduced number of drivers were able to attend training courses in the recent past, in relation to the number of drivers that would be expected to attend in the same period in a normal year. Those lockdowns, as well as the other measures put in place in that context, resulted in approximately 50 % of dropouts by drivers to take the periodic trainings, with Slovenia also estimating that each month of lockdown represented an 8 % decrease of drivers attending periodic trainings in comparison to a normal situation.
- (11) Also according to Slovenia, 920 periodic trainings were attended by 43 884 drivers in 2019, while in 2020, only 494 periodic trainings were attended by 19 089 drivers. Due to this decrease, Slovenia expects the demand to be higher than the capacity of training facilities to handle the periodic trainings. The backlog in that Member State is currently significant, and the social distancing measures still in place do not allow such backlog to be handled quickly.
- (12) In accordance with the information provided by Slovenia, the measures put in place to contain the spread of COVID-19 also affect the renewal of driver qualification cards. In addition to the abovementioned difficulties to the completion of periodic trainings, which according to Slovenia are a precondition for the renewal of driver qualification cards, this Member State also refers to the limitation of the capacity of the local administrative authorities to carry out the renewal of these documents. According to this Member State, in Slovenia, only part of the staff is currently allowed in the buildings of the administrative authorities, and this restriction is likely to remain in force for the foreseeable future.
- (13) Based on the information provided by this Member State, it is likely that some of these measures will remain in place for the near future, and possibly until the end of 2021. Although the current pandemic situation is slowly improving in Slovenia, this Member State still has approximately 300 new infections a day, which is seen as a significant number given the size of the country. Vaccination is also being slower than expected, due to problems with the supply chains. Slovenia therefore expects measures such as the limitation of number of persons indoors to remain for the time being, with the consequence that fewer drivers will be able to complete their periodic trainings.
- (14) According to Slovenia, the reason to request extensions for the maximum allowable periods of six months is explained by the fact that there is still a significant backlog of driver qualification cards yet to be renewed, which is approximately 50 % higher than what would be normally expected. In addition, there is still no certainty on how long the pandemic will continue, and on how long social distancing measures will remain in place.
- (15) Slovenia only requires an extension of the periods between 1 September 2020 and 30 June 2021, and not of the periods of 10 months set out in Article 2(1), (3) and (5) of Regulation (EU) 2021/267. The completion of periodic training and its certification, the marking of the harmonised Union code '95' and the renewal of driver qualification cards in that Member State which would otherwise expire in the new reference period will, as a result, not be extended for more than 10 months. The requested extensions therefore do not lead to disproportionate risks in terms of transport safety and security.

- (16) Slovenia should therefore be authorised to apply an extension of six months of the periods between 1 September 2020 and 30 June 2021 specified in Article 2(1), for the purposes of this provision and of Article 2(3), and in Article 2(5) of Regulation (EU) 2021/267.
- (17) Slovenia has agreed that this Decision be adopted and notified in English,

HAS ADOPTED THIS DECISION:

Article 1

Slovenia is authorised to apply the following extensions of the periods specified in Article 2(1), (3) and (5) of Regulation (EU) 2021/267:

- (a) an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of Article 2(1) and (3) of that Regulation; and
- (b) an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(5) of that Regulation.

Article 2

This Decision is addressed to the Republic of Slovenia.

Done at Brussels, 30 June 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION DECISION (EU) 2021/1358**of 30 June 2021****authorising Slovakia to apply an extension of certain periods specified in Article 11 of Regulation (EU) 2021/267 of the European Parliament and of the Council***(notified under document C(2021) 4629)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 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 ⁽¹⁾, and in particular Article 11(4) thereof,

Whereas:

- (1) Article 11(1) of Regulation (EU) 2021/267 extends the validity of train drivers' licences which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (2) Article 11(2) of Regulation (EU) 2021/267 extends the time limits for the completion, by the holder of a train driver's licence, of periodic checks which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (3) By letter dated 7 May 2021, Slovakia submitted a reasoned request for an authorisation to apply extensions of certain periods specified in Article 11(1) and (2) of Regulation (EU) 2021/267. Slovakia provided additional information in support of its request in 31 May 2021.
- (4) Through its reasoned request, Slovakia seeks an authorisation to apply an extension of four months of the periods between 1 September 2020 and 30 June 2021 specified in Article 11(1) and (2) of Regulation (EU) 2021/267, and an authorisation to apply an extension of four months of the periods of 10 months specified in Article 11(1) and (2) of Regulation (EU) 2021/267.
- (5) According to the information provided by Slovakia, the renewal of train drivers' licences and the completion of periodic checks by their holders in that Member State 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.
- (6) Among the measures taken to contain the spread of COVID-19, the Government of Slovakia has imposed a ban on gatherings of more than six people, an order to work from home, and a curfew. According to that Member State, due to these measures, it was not feasible, between January and April 2021, to complete the necessary training to renew the validity of train drivers' licences.
- (7) Based on the information provided by Slovakia, from 19 April to 15 May 2021, when the pandemic situation began to improve slowly, periodic trainings were allowed to be organised, although subject to certain restrictions. The number of participants allowed in each training was significantly reduced, and training facilities required a negative COVID-19 test when performing checks.
- (8) According to Slovakia, since 15 May 2021, measures ordered by the Government were eased, and educational facilities were subsequently able to resume trainings. However, when carrying out the trainings, a two-meter distance between the participants is still required. This results in the fact that only a low number of participants may be present in each training.

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

- (9) Based on the information provided by Slovakia, although the periodic trainings have been resumed, the completion of overdue training activities are also applicable in that Member State to staff other than train drivers, who are deemed as equally necessary for the performance and security of rail transport activities. According to Slovakia, certificates of professional competence for staff other than train drivers have also been further extended on the basis of national legislation. New trainings need therefore to be organised, not only to train drivers, but also to other professionals.
- (10) According to the information provided by Slovakia, there is only one educational facility in Slovakia providing periodic training and checks of professionals in the field of rail transport, including train drivers; other two facilities are only authorised to provide training to train drivers, and on the technical part only. Slovakia estimates that the number of train drivers who need to be examined is high – at least 993 persons in the two largest railway undertakings need to carry out a periodic training, being that there are 43 railway companies providing passenger and freight transport services in Slovakia. This Member State therefore estimates that the existing training facilities will not have the capacity to deal with this surge of examinations until 30 June 2021.
- (11) According to estimations from Slovakia, the backlog in the completion of periodic checks of the holders of train drivers' licences should be eliminated within four months.
- (12) Based on the information provided by Slovakia, the validity of the train drivers' licences and related checks concern only train drivers who have many years of professional experience in driving railway vehicles. The requested extensions should therefore not lead to disproportionate risks in terms of transport safety and security.
- (13) Slovakia should therefore be authorised to apply an extension of four months of the periods between 1 September 2020 and 30 June 2021 specified in Article 11(1) and (2) of Regulation (EU) 2021/267, and to apply an extension of four months of the periods of ten months specified in Article 11(1) and (2) of that Regulation.
- (14) Slovakia has agreed that this Decision be adopted and notified in English,

HAS ADOPTED THIS DECISION:

Article 1

Slovakia is authorised to apply the following extensions of the periods specified in Article 11(1) and (2) of Regulation (EU) 2021/267:

- (a) an extension of four months of the periods between 1 September 2020 and 30 June 2021 specified in Article 11(1) and (2) of Regulation (EU) 2021/267; and
- (b) an extension of four months of the periods of 10 months specified in Article 11(1) and (2) of that Regulation.

Article 2

This Decision is addressed to the Slovak Republic.

Done at Brussels, 30 June 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION DECISION (EU) 2021/1359**of 30 June 2021****authorising Germany to apply an extension of certain periods specified in Articles 2 and 3 of Regulation (EU) 2021/267 of the European Parliament and of the Council***(notified under document C(2021) 4638)***(Only the German text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 2(8) and Article 3(4) thereof,

Whereas:

- (1) Article 2(1) of Regulation (EU) 2021/267 extends the time limits for the completion, by the holder of a certificate of professional competence ('CPC'), of periodic training which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021. Article 2(3) of that Regulation extends the validity of the corresponding marking of the harmonised Union code, '95'.
- (2) Article 2(5) of Regulation (EU) 2021/267 extends the validity of the driver qualification cards referred to in Annex II to Directive 2003/59/EC of the European Parliament and of the Council ⁽²⁾ which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (3) Article 3(1) of Regulation (EU) 2021/267 extends the validity of driving licences which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (4) By letter dated 18 May 2021, Germany submitted a reasoned request for an authorisation to apply an extension of certain periods specified in Articles 2 and 3 of Regulation (EU) 2021/267. Germany provided additional information in support of its request by letter dated 28 May 2021.
- (5) Through its reasoned request, Germany seeks, first, an authorisation to apply an extension of three months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of that provision and of Article 2(3); second, an authorisation to apply an extension of three months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(5) of that Regulation; and finally, an authorisation to apply an extension of three months of the period between 1 September 2020 and 30 June 2021 specified in Article 3(1) of that Regulation.

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

⁽²⁾ 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).

- (6) According to the information provided by Germany, the completion of periodic training and its certification, the marking of the harmonised Union code '95' and the renewal of driver qualification cards in that Member State 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.
- (7) Germany estimates that about 300 000 periodic training courses are carried out every year under the scope of the applicable legislation on training of professional drivers. Due to the pandemic, these courses were only allowed to be held with a very limited number of participants, whereas in certain cases, no courses were allowed at all.
- (8) According to the information provided by Germany, the restrictions applicable to the initial and periodic training of professional drivers derive from the Corona Protection Ordinances of each respective federal state, as well as from the German Protection against Infection Act ⁽³⁾. Owing to the continuous adaptation of the rules to the development of the pandemic, the situation was and remains quite different in many federal states.
- (9) In Baden-Württemberg, for example, one of the measures applied was the general prohibition of organisation of events, due to high infection rates. Although currently periodic training courses for professional purposes are generally permitted in that state, a minimum distance of 1,5 metres must be kept between persons, meaning that the number of participants in initial and periodic training courses for the qualification of professional drivers is restricted accordingly.
- (10) In Bavaria, for instance, although initial and periodic training courses for professional drivers were allowed in the period between 11 May and 30 November 2020, only a reduced number of participants were allowed due to the applicable distancing rules. In the period from 1 December 2020 to 15 December 2020, no initial or periodic training courses were held. As from 16 December 2020 to 6 June 2021, professional training courses are prohibited in urban and rural districts if the 7-day incidence of COVID-19 in those areas is of 100 or more. Germany notes that while only in the second half of May did the 7-day incidence in Bavaria decreased to less than 100, this threshold was still exceeded in some districts in 26 May 2021.
- (11) In other federal states, according to the information provided by Germany, the rules adopted also provide that courses can only be held subject to considerable restrictions, in particular regarding minimum distances between participants, which strongly reduces the capacity of the training centres. In some cases, even if the training courses are permitted, some training centres chose not to provide courses during the pandemic, for reasons of precaution. This has led to a considerable backlog in the trainings, that can only be eliminated slowly and successively.
- (12) According to the information provided to Germany by the German Federal Road Haulage, Logistics and Disposal Association ⁽⁴⁾, the fact that such measures are in place resulted in a significant number of postponed periodic training courses which has to be handled successively by the training centres. According to an information from the German Road Transport Association ⁽⁵⁾, a backlog of 5 000 professional drivers waiting for periodic training courses has accumulated in the first quarter of 2021 alone. Compared with the same quarter of the previous year, the number of participants only amounted to around 60 %. Also according to Germany, this backlog has probably increased in the meantime, due to the more stringent lockdown measures that were in place in the last few weeks. The authorities of the region of Bavaria, for example, estimate that twice the number of courses would have to be offered in the next three months in order to accommodate the demand, which seems unlikely in view of the existing distancing rules.

⁽³⁾ Vierten Gesetzes zum Schutz der Bevölkerung bei einer epidemischen Lage von nationaler Tragweite vom 22. April 2021, BGBl. I S. 802.

⁽⁴⁾ Bundesverband Güterkraftverkehr. Logistik und Entsorgung.

⁽⁵⁾ Straßenverkehrsgenossenschaft.

- (13) Also according to the information provided by Germany, 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.
- (14) Due to the involvement of family doctors and, probably from 7 June 2021, of company medical services in the vaccination strategy of the Federal Government of Germany, as well as to their resulting heavy and increasing workload, Germany expects significant bottlenecks to occur for appointments to undergo the medical examinations required for the extension of driving licences this summer.
- (15) According to Germany, these bottlenecks are expected to increase especially as from June 2021, due to the expected lifting of the current vaccination prioritisation, and to the consequent growth of appointments for vaccinations. In June 2021 alone, doctor's surgeries and company medical services are likely to receive, and administer, 14 396 850 doses of the BioNTech vaccine. In addition, Germany expects deliveries by AstraZeneca, Johnson & Johnson and Curevac, depending on the delivery schedule of their respective manufacturers.
- (16) Moreover, Germany expects that, due to the high number of COVID-19 cases, driver-licensing authorities may have to close again, or normal operations may not be able to be maintained, due to the high number of infected persons within the authorities.
- (17) In Lower Saxony and in the North Rhine-Westphalia, for example, numerous driver-licensing authorities are still closed to the public. Personal visits are only possible following an individual appointment, and are limited to matters for which personal appearance is imperative. In Saxony, the reduction of face-to-face services right from the beginning of the pandemic has made the issuance of driving licences considerably more difficult. According to Germany, there is a possibility that these and other driver-licensing authorities may close again in the future.
- (18) In accordance with the German Federal Motor Transport Authority ⁽⁶⁾, in 3 May 2021, in Germany, 102 426 persons were holding a driving licence of categories C, C1, CE or C1E expiring between 1 July 2021 and 30 September 2021, whereas 10 517 persons were holding a driving licence of categories D, D1, DE or D1E expiring between the same dates. In the case of 51 799 persons holding a driving licence of categories C, C1, CE, C1E, and of 8 331 persons holding a driving licence of categories D, D1, DE or D1E, each in combination with the Code 95 marking, their respective certificate of professional competence ('CPC') also expires between 1 July 2021 and 30 September 2021.
- (19) According to Germany, these numbers do not include the driving licences and CPCs that were extended by application of Regulation (EU) 2020/698 of the European Parliament and of the Council ⁽⁷⁾ and Regulation (EU) 2021/267. Driver-licensing authorities should therefore have to handle a significantly larger number of requests of renewal of driving licences than normal.
- (20) According to Germany, the period of three months for the requested extensions is considered restricted to what is necessary, taking into account the currently existing backlog of periodic training courses for professional drivers. Germany expects the vaccination roll-out to progress favourably until 30 September 2021, allowing for an improvement in the number of appointments for medical examinations to assess driver fitness, and for an improvement in the current shortage of staff in driver licensing authorities.
- (21) The request only concerns the reference period from 1 July to 30 September 2021, therefore only covering a limited number of driving licences and professional driver qualifications. Moreover, the group of people who benefit from such an extended period of validity have already obtained a driving licence or completed periodic training at least once, having thereby proven their proficiency and competences. The requested extensions should therefore not lead to disproportionate risks in terms of transport safety and security.

⁽⁶⁾ Kraftfahrt-Bundesamts.

⁽⁷⁾ 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).

- (22) Germany should therefore be authorised to apply an extension of three months of the periods between 1 September 2020 and 30 June 2021 specified in Article 2(1), for the purposes of this provision and of Article 2(3), in Article 2(5), and in Article 3(1) of Regulation (EU) 2021/267,

HAS ADOPTED THIS DECISION:

Article 1

Germany is authorised to apply the following extensions of the periods specified in Article 2(1), (3) and (5) and in Article 3(1) of Regulation (EU) 2021/267:

- (a) an extension of three months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of Article 2(1) and (3) of that Regulation;
- (b) an extension of three months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(5) of that Regulation; and
- (c) an extension of three months of the period between 1 September 2020 and 30 June 2021 specified in Article 3(1) of that Regulation.

Article 2

This Decision is addressed to the Federal Republic of Germany.

Done at Brussels, 30 June 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION DECISION (EU) 2021/1360**of 30 June 2021****authorising the Netherlands to apply an extension of certain periods specified in Articles 2 and 3 of Regulation (EU) 2021/267 of the European Parliament and of the Council***(notified under document C(2021) 4640)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 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 ⁽¹⁾, and in particular Article 2(8) and Article 3(4) thereof,

Whereas:

- (1) Article 2(1) of Regulation (EU) 2021/267 extends the time limits for the completion, by the holder of a certificate of professional competence ('CPC'), of periodic training which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021. Article 2(3) of that Regulation extends the validity of the corresponding marking of the harmonised Union code, '95'.
- (2) Article 3(1) of Regulation (EU) 2021/267 extends the validity of driving licences which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (3) By letter dated 25 May 2021, the Netherlands submitted a reasoned request for an authorisation to apply an extension of certain periods specified in Articles 2 and 3 of Regulation (EU) 2021/267. The Netherlands provided additional information in support of their request on 7 June 2021.
- (4) Through its reasoned request, the Netherlands seek an authorisation to apply an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of that provision and of Article 2(3), and an authorisation to apply an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 3(1) of that Regulation.
- (5) According to the information provided by the Netherlands, the completion of periodic training and its certification and the marking of the harmonised Union code '95' 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.
- (6) According to the Netherlands, because of such measures, periodic trainings had to be suspended between 15 December 2020 and 16 March 2021. While periodic trainings have in the meantime been resumed, an obligation remains in force for every person to keep a 1,5-meter distance from each other in any given situation. Private companies have implemented these measures through a common protocol.
- (7) The main effect of these measures for periodic trainings is that classes now need to be much smaller when compared to normal situations. Indeed, a considerable part of the periodic trainings includes a mandatory practical course, which can now only be given to small groups. According to the information provided by the Netherlands, this circumstance significantly reduces the training capacity in that Member State, therefore not allowing for the completion of the periodic trainings of a vast number of lorry drivers in time.

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

- (8) According to the Netherlands, this common protocol will have to be applied by private companies for the months to come, meaning that the significant limitations in the available training capacity of the market will remain in the near future.
- (9) In accordance with the information provided by the Netherlands, most of the lorry drivers in that Member State have to renew their certificates of professional competence ('CPCs') before the end of 2021. Based on the information provided by the Dutch authority in charge of the registration of the trainings (the CBR ⁽²⁾), 150 000 drivers must still follow, on average, two courses of seven hours in 2021, which translates in a total of 300 000 courses still to be carried out in that Member State by the end of the year by lorry drivers.
- (10) In addition, based on the data provided by the Netherlands, a significant number of bus drivers experienced significant difficulties in the completion of their trainings before 10 September 2020, due to the situation of lockdown in which that Member State was in during the spring of 2020. As these bus drivers were granted with an extension of their CPCs on the basis of Regulation (EU) 2020/698 of the European Parliament and of the Council ⁽³⁾, there are now about 350 000 courses still to be followed by bus drivers, in a very limited timeframe.
- (11) Moreover, in accordance with the information provided by Netherlands, it should be very difficult to resume all periodic trainings in an orderly manner. The numbers of COVID-19 infections remain high in the Netherlands, and most of the professional drivers have not been vaccinated yet. Based on the information provided by that Member State, this means that there are still infections among this group of people or in their close contacts, which forces them to spend time on sick leave or in quarantine. This does not only mean that they have to be replaced by colleagues, but also that there is less time available for them to take the periodic trainings. Past experience also shows that the available trainers have to cancel many training days, which not only happens because of the high number of unexpected cancellations on the part of drivers, but also because infections and quarantines still occur among the trainers themselves.
- (12) According to the Netherlands, this Member State is working on the implementation of a scheme allowing for in-company CPC periodic training, which would enable drivers to take their trainings within their regular 'work bubbles'. However, the necessary certification of these trainers is expected to start from 1 July only. In the period thereafter, many trainers and drivers are expected to be on summer holidays, as they are usually bound to the school holidays of that Member State.
- (13) According to the information provided by the Netherlands, the renewals of driving licences are also likely to remain impracticable beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19.
- (14) Based on the information provided by the Netherlands, in that Member State the CPCs are issued on the driving licence. Most of the lorry drivers who would have their CPCs expired on 10 September 2021 would therefore also have their driving licences expiring on the same date.
- (15) According to the Netherlands, an extension of the period on which driving licences would otherwise expire is in particular necessary for those people who need a report of a medical specialist in order to renew their licences. Based on the data provided by that Member State, there are currently 61 687 files where the Dutch National Examination Authority is still waiting for medical reports from doctors or specialists. This is due to the fact that a significant number of drivers still cannot make medical appointments in time, due the pressure on the health system caused by COVID-19.
- (16) According to the information provided by the Netherlands, the numbers for positive test results and new hospitalizations have dropped in that Member State, and the speed of vaccination remains in line with the European average. However, the general COVID-19 situation in the Netherlands is still considered preoccupying, since at this moment, 23 of the 25 Dutch regions are rated at risk level 'severe', which is the highest level. The other two regions are rated at one level lower, which is 'serious'. The pressure on the healthcare system is therefore still very high. Therefore, the measures taken to prevent or contain the spread of COVID-19 are likely to remain in place for several months.

⁽²⁾ Centraal Bureau Rijvaardigheidsbewijzen.

⁽³⁾ 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).

- (17) According to estimations from the Netherlands, a period of four months for the requested extensions is necessary for the professional drivers to carry out their refresher courses within the applicable deadlines, and to allow the handling of the backlog in order not to cause large disruptions in the transport sector.
- (18) According to the information provided by the Netherlands, most of the drivers concerned need only to complete training courses that they had already begun. The requested extensions should therefore not lead to disproportionate risks in terms of transport safety and security.
- (19) The Netherlands should therefore be authorised to apply an extension of four months of the periods between 1 September 2020 and 30 June 2021 specified in Article 2(1), for the purposes of this provision and of Article 2(3), and in Article 3(1) of Regulation (EU) 2021/267.
- (20) The Netherlands have agreed for this Decision to be adopted and notified in English,

HAS ADOPTED THIS DECISION:

Article 1

The Netherlands are authorised to apply the following extensions of the periods specified in Article 2(1) and (3) and in Article 3(1) of Regulation (EU) 2021/267:

- (a) an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of Article 2(1) and (3) of that Regulation; and
- (b) an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 3(1) of that Regulation.

Article 2

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 30 June 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION DECISION (EU) 2021/1361**of 30 June 2021****authorising Greece to apply an extension of a period specified in Article 10 of Regulation (EU) 2021/267 of the European Parliament and of the Council***(notified under document C(2021) 4650)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 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 ⁽¹⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Article 10(1) of Regulation (EU) 2021/267 extends the time limits for the renewal of the safety certificates referred to in Article 10(5) of Directive 2004/49/EC ⁽²⁾, which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (2) By letter dated 26 May 2021, Greece submitted a reasoned request for an authorisation to apply an extension of one month of the period between 1 September 2020 and 30 June 2021 specified in Article 10(1) of Regulation (EU) 2021/267. Greece provided additional information in support of its request on 8 and 17 June 2021.
- (3) According to the information provided by Greece, the renewal of the safety certificates referred to in Article 10(5) of Directive 2004/49/EC 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.
- (4) Among these measures, since 7 November 2020, Greece has imposed the mandatory teleworking of staff up to a minimum of 50 %, measures on protection of vulnerable groups, and the obligation to isolate for persons that were ill or had contacts with confirmed COVID-19 cases.
- (5) According to Greece, these measures have caused several difficulties and delays, in particular, to the Greek competent safety certification body, whose tasks are exercised by the Railway Regulatory Authority ('RAS'). This administrative authority, which according to Greece, was already understaffed by the effect of recruitment measures, became significantly burdened by the national measures on mandatory teleworking, which had the effect of restricting the access of its personnel to relevant administrative files, and of extending the time of administrative examinations of relevant cases.
- (6) In addition, in order to proceed with the renewal of a single safety certificate, procedures such as in-site inspections need to be carried out by the safety certification body, in order to ensure the effectiveness of the procedures proposed by the railway undertaking, and that the modifications suggested to those railway undertakings are assessed. The abovementioned measures destined to contain the spread of COVID-19 make the completion of those in-site inspections difficult.

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

⁽²⁾ 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).

- (7) Moreover, the request for the renewal of one specific safety certificate, which is currently under analysis by the safety certification body, was submitted shortly before its expiration date. According to Greece, while the competent certification body has made every effort to meet its obligations within the applicable deadlines, it is not possible for that authority to carry out the necessary procedures for the renewal of the safety certificate before its expiration date, taking into account the abovementioned difficulties caused by the measures adopted to contain the spread of COVID-19.
- (8) The period of one month for the requested extension is limited to what is necessary to allow the safety certification body to carry out the necessary administrative formalities for the renewal of the safety certificate in question.
- (9) According to the information provided by Greece, the most recent safety reports of the railway undertaking that applied for the renewal of the referred safety certificate show that there is no incident recorded for the part of the railway infrastructure section in which that undertaking operates, apart from a suicide attempt that took place in 2019. Moreover, no risk issues or cases of non-compliance have been observed by the safety certification body in the inspections and monitoring activities carried out since the safety certificate was issued. For these reasons, and given that the extension required by Greece is of only one month of the period between 1 September 2020 and 30 June 2021 set out in Article 10(1) of Regulation (EU) 2021/267, the requested extension should not lead to disproportionate risks in terms of transport safety and security.
- (10) Greece should therefore be authorised to apply an extension of one month of the period between 1 September 2020 and 30 June 2021 specified in Article 10(1) of Regulation (EU) 2021/267.
- (11) Greece has agreed that this Decision be adopted and notified in English,

HAS ADOPTED THIS DECISION:

Article 1

Greece is authorised to apply an extension of one month of the period between 1 September 2020 and 30 June 2021 specified in Article 10(1) of Regulation (EU) 2021/267.

Article 2

This Decision is addressed to the Hellenic Republic.

Done at Brussels, 30 June 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION DECISION (EU) 2021/1362**of 30 June 2021****authorising Ireland to apply an extension of certain periods specified in Article 3 of Regulation (EU) 2021/267 of the European Parliament and of the Council***(notified under document C(2021) 4736)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 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 ⁽¹⁾, and in particular Article 3(4) thereof,

Whereas:

- (1) Article 3(1) of Regulation (EU) 2021/267 extends the validity of driving licences, which, in accordance with Article 7 of Directive 2006/126/EC of the European Parliament and of the Council ⁽²⁾ and point 3(d) of Annex I to that Directive, would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (2) By letter dated 27 May 2021, Ireland submitted a reasoned request for an authorisation to apply an extension of a period specified in Article 3(1) of Regulation (EU) 2021/267. Ireland provided additional information in support of its request on 4 June 2021.
- (3) Through its reasoned request, Ireland seeks an authorisation to apply an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 3(1) of Regulation (EU) 2021/267.
- (4) According to the information provided by Ireland, the renewal of driving licences in Ireland 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.
- (5) Among these measures, which according to Ireland have led to a backlog of licences due for renewal, Ireland closed its National Driving Licence Service (NDLS) centres from 27 March 2020 to 8 June 2020. Subsequently there was a gradual re-opening, as follows: 20 centres reopened on 8 June 2020, a further 6 centres reopened on 22 June 2020 and the remaining eight centres reopened on 29 June 2020. However, after the reopening the requirement for two-meter social distance reduced by almost one third the capacity of the NDLS centres.
- (6) Moreover, the driver testing service was further restricted from 1 January 2021 to 17 May 2021, when only essential workers have been granted the possibility to submit applications for renewal or issue of a driving licence or learner permit in-person at the NDLS centres. This meant that during that period, a cohort of people who were not pertaining to that category could not apply for a driving licence or learner permit.
- (7) As from 18 May 2021, the NDLS centres are again open to all drivers. Still the request for two-meter social distance reduces the capacity for renewal or issue of a driving licence or learner permit by approximately one third.

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

⁽²⁾ 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).

- (8) The Road Safety Authority (RSA), which provides the NDLS, introduced an enhanced online service in November 2020, to allow customers to apply for a driving licence online. Although applications for driving licences can be made online, a major part of the holders of driving licences did not use the online system due to registration requirements. This includes the possession of a Public Services Card (PSC), which is a Government-issued card for authentication of identity when accessing public services. From March to July 2020 and from January to May 2021, the PSC issuing service operated at a very reduced capacity, and customers could not obtain a card. There is currently a high demand for PSCs to access other Government services, as well as for online driving licence applications. This will delay the possibility for some customers to apply for a driving licence online, who will have to attend a NDLS centre to apply in person.
- (9) Furthermore, according to the information provided by Ireland, theory testing and driver testing which had been curtailed are now becoming available again to all applicants. However, there is now a significant backlog of licences due for renewal, following the extension provided for in Regulation (EU) 2021/267.
- (10) Driver theory test centres were closed from 1 January 2021 to 7 June 2021, and therefore applications for a first learner permit were deferred. There are currently over 120 000 customers awaiting a driver theory test, and about 20 000 of those will be tested in June. Additional plans from the Irish authorities are in place to increase capacity (when COVID-19 restrictions permit) in order to allow for the undertaking of 50 000 theory tests per month for the three subsequent months. During the Pre-COVID period, there were approximately 12 000 appointments for theory tests a month. However, the expectations of the Irish authorities are that the extra capacity will also mean significant additional volumes of customers applying for a first time learner permit in the coming months, resulting in an increased demand in the NDLS centres.
- (11) The driver testing service was restricted to essential workers from 1 January 2021 to 7 June 2021 and up to 30 000 customers were not able to sit a driving test. Significant additional testing capacity is now available, which will in turn result in extra NDLS demand from customers passing their driving tests.
- (12) Due to the measures adopted by Ireland, it is expected that there will be larger volumes of first-time learners applying for permits in the coming months. The expected figures are of about 42 000 for each month between July 2021 and September 2021, and of 22 000 for October 2021, which are significantly higher in comparison to 22 600 in June 2021, and to 37 896 first-time learner permits that were issued, for example, for the whole period between 1 June 2018 and 31 October 2018.
- (13) According to the information provided by Ireland, it is expected that when these issuing driver licences' services resume, there will be, first, an increase in the number of learner-permits to be processed, where a person has passed a theory test, and second, an increase in the number of driving licences to be processed, where a person has passed a driving test. Application demand is expected to reach levels of 200 % of the normal processing figures, which will further load the capacity of the licensing service.
- (14) According to the information provided by Ireland, the most recent forecasts estimate 1,1 million applications for the 12 months from June 2021 to May 2022. This contrasts with a normal application volume of less than 60 000 a month, or of just over 700 000 in a twelve-month period. The increase in the total demand in 2021-2022 is particularly heightened in the June-October 2021 period, with an expected total monthly demand of over 110 000 in most months. Reduced capacity in NDLS centres, due to the 2-meter social distancing rule, results in the centres lack of possibility to accommodate normal throughput.
- (15) According to the information provided by Ireland, the reason to request an extension for a period of four months is justified by the build-up of a very significant backlog of the renewal and issuing capacity of the NDLS centres, as described above. Figures indicate that over 40 % of learner permits due for renewal in the later part of 2020 and into 2021 have not been renewed. The expectations of the Irish authorities are that the extension requested will ease the burden on the licensing system by reducing demand by up to 100 000 applications during the last quarter of 2021. In consequence, the renewal and issuing capacity of NDLS centres may return to a normal output, following the easing of COVID-19 restrictions.

- (16) The extension is being requested for those drivers whose licence expires between 1 July and 31 October 2021, a period in which there is a high demand in NDLS centres. The limited window of time should not add a disproportionate risk to transport safety and security.
- (17) Ireland should therefore be authorised to apply an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 3(1) of Regulation (EU) 2021/267,

HAS ADOPTED THIS DECISION:

Article 1

Ireland is authorised to apply an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 3(1) of Regulation (EU) 2021/267.

Article 2

This Decision is addressed to Ireland.

Done at Brussels, 30 June 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION DECISION (EU) 2021/1363**of 8 July 2021****authorising Finland to apply an extension of certain periods specified in Articles 2, 16 and 17 of Regulation (EU) 2021/267 of the European Parliament and of the Council***(notified under document C(2021) 4976)***(only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 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 ⁽¹⁾, and in particular Article 2(8), Article 9(4), Article 10(4), Article 11(4), Article 12(5), Article 16(4) and Article 17(4) thereof,

Whereas:

- (1) Article 2(1) of Regulation (EU) 2021/267 extends the time limits for the completion, by the holder of a certificate of professional competence ('CPC'), of periodic training which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021. Article 2(3) of that Regulation extends the validity of the corresponding marking of the harmonised Union code, '95'.
- (2) Article 2(5) of Regulation (EU) 2021/267 extends the validity of the driver qualification cards referred to in Annex II to Directive 2003/59/EC of the European Parliament and of the Council ⁽²⁾ which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (3) Article 9(1) of Regulation (EU) 2021/267 extends the time limits for the renewal of the single safety certificates referred to in Article 10(13) of Directive (EU) 2016/798 of the European Parliament and of the Council ⁽³⁾ which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (4) Article 9(2) of Regulation (EU) 2021/267 extends the validity of the safety authorisations referred to in Article 12(2) of Directive (EU) 2016/798 which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (5) Article 10(1) of Regulation (EU) 2021/267 extends the time limits for the renewal of the safety certificates referred to in Article 10(5) of Directive 2004/49/EC of the European Parliament and of the Council ⁽⁴⁾ which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ 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).

- (6) Article 10(2) of Regulation (EU) 2021/267 extends the time limits for the renewal of the safety authorisations referred to in Article 11(2) of Directive 2004/49/EC which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (7) Article 11(1) of Regulation (EU) 2021/267 extends the validity of train drivers' licences which otherwise would have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (8) Article 11(2) of Regulation (EU) 2021/267 extends the time limits for the completion, by the holder of a train driver's licence, of the periodic checks which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (9) Article 12(1) of Regulation (EU) 2021/267 extends the time limits for the performance of a regular review which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (10) Article 12(2) of Regulation (EU) 2021/267 extends the validity of temporary licences which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (11) Article 16(1) of Regulation (EU) 2021/267 extends the time limits for carrying out the periodic review of port facility security assessments which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (12) Article 16(2) of Regulation (EU) 2021/267 extends the 18-month time limits for the carrying out 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 of the European Parliament and of the Council ^(*) which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (13) Article 17(1) of Regulation (EU) 2021/267 extends the time limits for the carrying out of the review of port security assessments and port security plans which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (14) Article 17(2) of Regulation (EU) 2021/267 extends the 18-month time limits for the completion of training exercises which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (15) By letter dated 27 May 2021, Finland submitted a reasoned request for an authorisation to apply extensions of certain periods and deadlines specified in Article 2(1), (3) and (5), Article 9(1) and (2), Article 10(1) and (2), Article 11(1) and (2), Article 12(1) and (2), Article 16(1) and (2) and Article 17(1) and (2) of Regulation (EU) 2021/267. Finland provided additional information in support of its request on 1, 7, 10 and 14 June 2021.
- (16) Through its reasoned request, Finland seeks, first, an authorisation to apply an extension of four months of the periods between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of that provision and of Article 2(3), in Article 2(5), in Article 9(1) and (2), in Article 10(1) and (2), in Article 11(1) and (2), in Article 12(1) and (2), in Article 16(1) and (2) and in Article 17(1) and (2) of that Regulation, and second, an authorisation to apply an extension of four months of the deadlines of 30 September 2021 specified in Article 16(1) and (2) and Article 17(1) and (2) of that Regulation.
- (17) According to the information provided by Finland, the completion of periodic training and its certification, the marking of the harmonised Union code '95' and the renewal of driver qualification cards in Finland, the renewal of single safety certificates, the renewal of safety authorisations, the renewal of licences of train drivers operating locomotives and trains, the completion of the relevant periodic checks, the regular review of railway undertakings, the renewal of temporary licences of railway undertakings, the carrying out of port facility security assessments, the carrying out of the review of port security assessments or port security plans, and the carrying out of the relevant training exercises, is likely to remain impracticable in Finland beyond 30 June 2021, due to measures that it has taken to prevent or contain the spread of COVID-19.

^(*) 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).

- (18) In particular, the authorities of Finland consider that the epidemic situation cannot be predicted and that it is possible that the situation can worsen. According to this Member State, the situation is still unstable, there are regional differences in how contained the epidemic is, and the COVID-19 infection rates have been rising in the recent past. If the epidemic situation should suddenly worsen in Finland, this could result in challenges in the renewal or extension of certain certificates, licences and authorisations, and in the postponement of certain periodic checks and periodic trainings.
- (19) According to the information provided by Finland, as regards Article 2 of Regulation (EU) 2021/267, the measures that it has taken to prevent or contain the spread of COVID-19 have led to restrictions and cancellations of periodic training courses.
- (20) In particular, the restrictions on assemblies imposed by the Finnish authorities have had, and continue to have, an effect on the organisation of periodic trainings for bus and lorry drivers. Periodic trainings have been carried out as distance learning where the teacher and participants are at different locations. Due to these restrictions, the offering of periodic trainings have been limited.
- (21) Moreover, according to the information provided by Finland, the maximum number of participants allowed in the training courses has varied, depending on the COVID-19 situation, from six to 20 persons, being six the currently applicable rule. Such restrictions have also contributed for the limitation in the number of periodic trainings held in the recent past. According to Finland, several organisations and companies providing periodic training for bus and lorry drivers ceased to make plans for the provision of trainings in 2020-2021, as it was deemed likely that the trainings would have to be cancelled. Therefore, there is a backlog of periodic trainings to be organised.
- (22) In addition, Finland expects an increased demand for periodic trainings once the restrictions are lifted, and the four-month extension requested would allow time for the training providers to adjust their operations. As the COVID-19 situation slowly improves, the transportation volume is expected to increase considerably, while at the same time the periodic trainings that have been postponed will need to be completed. According to Finland, companies will have to coordinate this in a way that does not jeopardise the security of supply or passenger traffic, and this requires time.
- (23) Based on the information provided by Finland, the requested extension of the reference periods in Article 2(1), for the purposes of this provision and of Article 2(3) of Regulation (EU) 2021/267, and in Article 2(5) of that Regulation only concerns a reference period from 1 July 2021 to 31 October 2021, which only covers a limited number of professional drivers. Moreover, the majority of drivers who will benefit from such an extended period of validity have already completed a periodic training at least once, having thereby proven their proficiency and competences. Furthermore, the requested extension concerns a relatively short period of time and it refers only to the reference period set out in Regulation (EU) 2021/267, not to the validity of the concerned documents. The requested extensions should therefore not lead to disproportionate risks in terms of transport safety and security.
- (24) As regards Article 16(1) and (2) and Article 17(1) and (2) of Regulation (EU) 2021/267, concerning maritime and port security, and according to the information provided by Finland, the measures that it has taken to limit the spread of the COVID-19 pandemic have affected periodic inspections and trainings, although it has not prevented them.
- (25) Based on the information provided by that Member State, where on-site inspections have not been possible, the relevant inspections have been carried out remotely. However, the smaller ports have, since the beginning of the pandemic, adopted an operations model in which all visits to the port are either placed on hold, or the number of guests is strictly limited, allowing only 1 to 3 visitors at the same time. The largest cargo and passenger ports – located in Helsinki, Turku and Hamina/Kotka – have adopted a model in which their staff work in two shifts, in order to prevent the transmission of the virus. Such measures result in clear limitations to the access to ports, therefore affecting activities such as the review of port facility security assessments, of port security assessments and of port security plans.

- (26) Also in accordance with the information provided by Finland, in order to ensure the smooth functioning of the ports, it is crucial that the critical staff members at the port are not exposed to the virus and quarantined. Certain duties require presence at the workplace, which cannot be ensured if critical staff members are exposed. Measures limiting the presence of critical staff therefore present difficulties to the carrying out of the review of the aforementioned port facility security assessments, of port security assessments and of port security plans.
- (27) Moreover, following the information transmitted by the authorities of Finland, the more extensive exercises that are organised biannually and require participation from various officials, such as the Finnish Transport and Communications Agency, Customs, Police, and Fire and Rescue Services, have been on hold, also due to measures taken to prevent the spread of COVID-19. Although it is possible to plan such exercises online, preparing for them and carrying out the exercise in a port would pose a significant threat of exposure to the virus, since the number of people involved is significantly high. According to that Member State, the companies with port operations tend to have a very small number of staff, even though their duties are extensive. On average, companies that handle port traffic all year round have an administrative staff of 4-8 persons, and the smallest companies a staff of 1-4 persons. For this reason, each employee is of critical importance to the operations.
- (28) The adoption of new modes of operation, necessitated by the COVID-19 pandemic, have caused significant amounts of extra work, as the operators need to be given guidance on what actions need to be taken when cases of COVID-19 are suspected or reported on vessels. Situations where staff members at a port have been exposed to the virus and quarantined have also posed problems to the companies' operations, as certain duties require presence at the workplace.
- (29) The Finnish authorities estimate that the situation caused by the COVID-19 pandemic should normalise during the next four months, which is a relatively short period. The vaccination roll-out has progressed well, and based on the Finnish Institute of Health and Welfare's estimates, by the end of October 2021 a significant proportion of the population will be fully vaccinated. For these reasons, the authorities of Finland consider that a four-month extension is justified, and that a longer extension is not deemed necessary. In addition, this additional period would allow time for certain operations to recover, and in this way support a return to the pre-pandemic normal situation.
- (30) Finland only requires an extension of the periods between 1 September 2020 and 30 June 2021, and of the applicable deadlines, and not of the periods of 10 months set out in Article 16(2) and in Article 17(1) and (2) of Regulation (EU) 2021/267. Moreover, according to Finland, security exercises can still be carried out, although in a smaller scope or online. The requested extensions should therefore not lead to disproportionate risks in terms of security.
- (31) Finland should therefore be authorised to apply an extension of the periods between 1 September 2020 and 30 June 2021 specified in Article 2(1), for the purposes of this provision and of Article 2(3), in Article 2(5), in Article 16(1) and (2) and in Article 17(1) and (2) of Regulation (EU) 2021/267, and an extension of four months of the deadline of 30 September 2021 specified in Article 16(1) and (2) and Article 17(1) and (2) of that Regulation.
- (32) As regards Article 9(1) and (2), Article 10(1) and (2), Article 11(1) and (2) and Article 12(1) and (2) of Regulation (EU) 2021/267, the authorities of Finland have explained that even though Finland has only very little direct intra-EU international railway traffic (between Tornio/Finland and Haparanda/Sweden), railway freight traffic between Finland and Russia and to and from China is very important, and that railway traffic has shown its resilience during the Covid-19 pandemic. According to the Finnish authorities, the international rail freight volumes have even increased during the pandemic. Therefore, the extension of authorisations of railway traffic is considered by the Finnish authorities as needed.
- (33) According to the information provided by Finland, the Finnish authorities consider necessary to ensure the extension of safety authorisations, as the number of these authorisations is the highest, and as periodic checks are also required.

- (34) The Finnish authorities also informed the Commission that a specific railway company has adopted an operations model that allows demonstrations of competence to be organised in the planned schedule also in exceptional circumstances. This Member State also clarified that it expects very few certificates, licences and authorisations to be renewed or applied between the period of 1 July 2021 and 31 October 2021.
- (35) Despite several requests for specific information and for additional clarifications related to the need for extensions of four months of the periods between 1 September 2020 to 30 June 2021 specified in Article 9(1) and (2), Article 10(1) and (2), Article 11(1) and (2), and Article 12(1) and (2) of Regulation (EU) 2021/267, the Commission has not received the necessary information in order to assess the reasoned request submitted by the Finnish authorities, in accordance with Article 9(4), Article 10(4), Article 11(4) and Article 12(5) of that Regulation.
- (36) The Commission considers that Finland has not provided specific information on the reasons why the renewal of the single safety certificates referred to in Article 9(1) and (2), the renewal of the safety certificates or of the safety authorisations referred to in Article 10(1) and (2), the renewal of the licences or the completion of the periodic checks referred to in Article 11(1) and (2), the carrying out of the regular reviews or the termination of the suspension of licences or the issuance of new licences in cases where licences have previously been revoked as referred to in Article 12(1) and (2) of Regulation (EU) 2021/267 are likely to remain impracticable beyond 30 June 2021, due to measures that Finland has taken to prevent or contain the spread of COVID-19. This Member State also did not provide information on why the requested extensions do not lead to disproportionate risks in terms of rail transport safety and security.
- (37) While Finland has transmitted certain information as regards the measures adopted to limit the spread of the pandemic, which may possibly affect the overall transport sector, this Member State did not provide information on how these measures have specifically affected the renewal of the licences and authorisations or the completion of the activities referred to in Article 9(1) and (2), Article 10(1) and (2), Article 11(1) and (2), and Article 12(1) and (2) of Regulation (EU) 2021/267. In particular, no specific information has been provided regarding the measures affecting the renewal of train driver licences, or the provisions on rail safety. In addition, the Commission has not received any specific information concerning the need to extend the period referred to in Article 12 of Regulation (EU) 2021/267.
- (38) The Commission is not in a position to find that the requirements laid down in those provisions are fulfilled, or that the requested extensions do not lead to disproportionate risks in terms of rail transport safety and security. Therefore, Finland should not be authorised to apply an extension of the periods between 1 September 2020 and 30 June 2021 specified in Article 9(1) and (2), in Article 10(1) and (2), in Article 11(1) and (2), and in Article 12(1) and (2) of Regulation (EU) 2021/267.
- (39) Finland has agreed that this Decision be adopted and notified in English,

HAS ADOPTED THIS DECISION:

Article 1

Finland is authorised to apply the following extensions:

- (a) an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(1) of Regulation (EU) 2021/267, for the purposes of Article 2(1) and (3) of that Regulation;
- (b) an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 2(5), Article 16(1) and (2) and Article 17(1) and (2) of that Regulation;
- (c) an extension until 31 January 2022 of the deadline of 30 September 2021 specified in Article 16(1) and (2) and Article 17(1) and (2) of that Regulation.

Article 2

Finland is not authorised to apply an extension of four months of the period between 1 September 2020 and 30 June 2021 specified in Article 9(1) and (2), in Article 10(1) and (2), in Article 11(1) and (2), and in Article 12(1) and (2) of Regulation (EU) 2021/267.

Article 3

This Decision is addressed to the Republic of Finland.

Done at Brussels, 8 July 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION DECISION (EU) 2021/1364**of 9 July 2021****authorising Poland to apply an extension of certain periods specified in Articles 9, 10 and 11 of Regulation (EU) 2021/267 of the European Parliament and of the Council***(notified under document C(2021) 5030)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 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 ⁽¹⁾, and in particular Article 9(4), Article 10(4) and Article 11(4) thereof,

Whereas:

- (1) Article 9(1) of Regulation (EU) 2021/267 extends the time limits for the renewal of the single safety certificates referred to in Article 10(13) of Directive (EU) 2016/798 of the European Parliament and of the Council ⁽²⁾ which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (2) Article 9(2) of Regulation (EU) 2021/267 extends the validity of the safety authorisations referred to in Article 12(2) of Directive (EU) 2016/798 which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (3) Article 10(1) of Regulation (EU) 2021/267 extends the time limits for the renewal of the safety certificates referred to in Article 10(5) of Directive 2004/49/EC of the European Parliament and of the Council ⁽³⁾ which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (4) Article 10(2) of Regulation (EU) 2021/267 extends the time limits for the renewal of the safety authorisations referred to in Article 11(2) of Directive 2004/49/EC which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (5) Article 11(1) of Regulation (EU) 2021/267 extends the validity of train drivers' licences which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (6) Article 11(2) of Regulation (EU) 2021/267 extends the time limits for the completion, by the holder of a train driver's licence, of the periodic checks which would otherwise have expired or would otherwise expire between 1 September 2020 and 30 June 2021.
- (7) By letter of 31 May 2021, Poland submitted a reasoned request for an authorisation to apply an extension of certain periods specified in Articles 9, 10 and 11 of Regulation (EU) 2021/267. Poland provided additional information in support of its request on 4, 11, 16, 21 and 23 June 2021.

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

⁽²⁾ 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).

⁽³⁾ 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).

- (8) Through its reasoned request, Poland seeks an authorisation to apply an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 9(1) and (2), in Article 10(1) and (2), and in Article 11(1) and (2) of Regulation (EU) 2021/267.
- (9) According to the information provided by Poland, the renewal of single safety certificates, the renewal of safety authorisations, the renewal of licences of train drivers operating locomotives and trains and the completion of relevant 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.
- (10) In particular as regards the validity of the safety certificates and of safety authorisations referred to in Article 9(1) and (2) and Article 10(1) and (2) of Regulation (EU) 2021/267, Poland considers that further extensions of their validity are necessary in order to avoid the risk of several railway undertakings and infrastructure managers not having their certificates or authorisations renewed on time.
- (11) According to the information provided by Poland, the national Regulation of the Minister for Health of 20 March 2020, declaring the existence of the pandemic, is still in force in that Member State. Among the measures adopted to prevent or contain the spread of COVID-19, firstly, a general obligation was imposed since 4 October 2020 on the staff of the Polish Office of Rail Transport (the national safety authority), which is the authority responsible for issuing and renewing safety certificates and safety authorisations, to work remotely. This working system was in force until the beginning of June 2021, when that authority implemented a hybrid-working model, with half of the staff working remotely, and the other half working at the office.
- (12) Secondly, according to the information submitted by Poland, during this eight-month period, the Polish Office of Rail Transport experienced serious limitations in the completion of the audits and inspections necessary for the renewal of safety certificates and safety authorisations affecting the mobility of the inspectors when carrying out on the spot supervisory activities. Due to the national measures in place, constraints such as the closing of hotels resulted in the impossibility for inspectors to stay overnight to carry out supervisory activities related to night-time inspections of surveillance activities, which resulted in additional delays in the necessary procedures.
- (13) Therefore, those restrictions have also affected the supervised entities, which also had consequences on the timely procedures for the renewal of safety certificates and safety authorisations. According to Poland, such restrictions resulted in situations where the supervised entities rejected the physical presence from inspectors, or accepted it only with a long delay. In certain cases, remote checks were allowed but experience has shown that they usually take longer, as the visual inspection of railway vehicles, technical facilities or railway infrastructures has to be carried out solely on the basis of the documentation provided by the supervised entity. There is also a frequent need of repeated requests for the provision of additional evidence, which also is likely to delay the procedures.
- (14) The impact on the normal workflow of the national safety authority of the measures adopted by Poland to prevent and contain the spread of COVID-19 may affect the capacity of that entity to process the incoming processes of renewal of safety certificates and safety authorisations. The accumulation of such a large number of incoming applications presents a risk for that authority of not being able to process them in a timely manner, and of issuing the required certificates and authorisations after the applicable deadline.
- (15) As regards Article 11(1) and (2) of Regulation (EU) 2021/267, according to the information provided by Poland, the renewal of train driving licences and the completion of relevant periodic checks will also remain impracticable beyond 30 June 2021 due to measures taken by Poland to prevent or contain the spread of COVID-19.

- (16) Based on the information provided by that Member State, the Polish Office of Rail Transport is also the entity responsible for issuing and renewing train driving licences. As explained in recitals 11 to 13, the measures applicable to the staff of that national safety authority to work remotely have affected the workflow of their services.
- (17) According to the information provided by Poland, there are over 17 000 train drivers in that Member State. Train driver licences have been issued since 2011 to all those drivers, in accordance with the Polish Ordinance of the Minister of Infrastructure of 18 February 2011 regarding train driver licences. As those licences have a period of validity of 10 years, most of them would expire in 2021. Therefore, also in this case, the accumulation of such a large number of incoming applications may present a risk for that authority of not being able to process them in a timely manner, and of only being able to issue the required licences after the deadline.
- (18) Specifically as regards the periodic checks of train drivers, based on the information provided by Poland, all periodic checks of knowledge and skills were suspended as of 16 April 2020 by the national legislation introduced to fight the spread of the pandemic. On 5 December 2020, further national measures suspended the performance of medical and psychological examinations for train drivers – and thus the need to attend these tests in person – during the pandemic, although only until 31 January 2021.
- (19) According to Poland, the re-establishment of those tests as of 1 February 2021 results in a large number of train drivers who would need to carry out their periodic checks, and have their licences renewed, within a very short period of time. There is currently a significant backlog in that Member State of periodic checks still to be performed, which accumulated due to the suspension of periodic medical and psychological examinations of train drivers.
- (20) Moreover, although the possibility of carrying out periodic medical and psychological examinations of train drivers has been resumed, the fact that social distancing measures are still in place, together with the limited capacity of the medical services – as part of the medical personnel in that Member State was moved to help on the COVID-19 front – still cause significant difficulties for the completion of those checks.
- (21) In addition, the same measures were also applied to the training and examination of other railway staff, which should also result in the limitation of the capacity of the relevant entities to carry out the periodic checks of train drivers within the applicable deadlines.
- (22) According to the information provided by Poland, despite the fact that the pandemic has been evolving favourably, the emergency measures have not yet been lifted, and the virus is still considered dangerous. While the current situation allows for a slow recovery of the economy and for a progressive return to normality, there is still a real risk of a possible fourth wave of the disease, particularly given the existence of new variants.
- (23) According to Poland, the request for extensions for the maximum allowable periods of six months is necessary given the uncertainty surrounding the country's epidemiological situation. Based on the information provided by that Member State, an extension for a period shorter than six months would also not allow to stabilise the situation of the train driver's professional group, or avoid the accumulation of tests, due to the fact that not all drivers would be able to carry them out within a shorter period of time.
- (24) Based on the information provided by Poland, all railway undertakings and infrastructure managers in that Member State still have their Safety Management Systems ('SMS') in place, which guarantee the appropriate safety level in railway transport. Moreover, according to that Member State, all procedures ensuring a high level of safety of rail traffic under SMS remain unchanged, and therefore it is not possible that the extension of the validity of the documents in question would result in any increase in the risk to rail transport safety. The requested extension should therefore not lead to disproportionate risks in terms of transport safety and security.
- (25) Poland should therefore be authorised to apply an extension of the periods between 1 September 2020 and 30 June 2021 specified in Article 9(1) and (2), in Article 10(1) and (2), and in Article 11(1) and (2) of Regulation (EU) 2021/267.
- (26) Poland has agreed that this Decision be adopted and notified in English,

HAS ADOPTED THIS DECISION:

Article 1

Poland is authorised to apply an extension of six months of the period between 1 September 2020 and 30 June 2021 specified in Article 9(1) and (2), in Article 10(1) and (2), and in Article 11(1) and (2) of Regulation (EU) 2021/267.

Article 2

This Decision is addressed to the Republic of Poland.

Done at Brussels, 9 July 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2021/1365**of 11 August 2021****concerning the extension of the action taken by the Croatian Ministry of Health permitting the making available on the market and use of the biocidal product Biobor JF in accordance with Article 55(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council***(notified under document C(2021) 5929)***(Only the Croatian text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 55(1), third subparagraph, thereof,

Whereas:

- (1) On 31 August 2020 the Croatian Ministry of Health ('the competent authority') adopted a decision in accordance with Article 55(1), first subparagraph, of Regulation (EU) No 528/2012 to permit the making available on the market for, and use by, professional users of the biocidal product Biobor JF for the antimicrobial treatment of aircraft fuel tanks and fuel systems until 28 February 2021 ('the action'). The competent authority informed the Commission and the competent authorities of the other Member States about the action and the justification for it, in accordance with Article 55(1), second subparagraph, of that Regulation.
- (2) According to the information provided by the competent authority, the action was necessary in order to protect public health. The microbiological contamination of aircraft fuel tanks and fuel systems can lead to malfunctions of the aircraft engine and endanger its airworthiness, thus endangering the safety of passengers and crew. The COVID-19 pandemic and the ensuing flight restrictions led to numerous aircraft being temporarily parked. The immobility of aircraft is an aggravating factor of microbiological contamination.
- (3) Biobor JF contains 2,2'-(1-methyltrimethylenedioxy)bis-(4-methyl-1,3,2-dioxaborinane) (CAS number 2665-13-6) and 2,2'-oxybis (4,4,6-trimethyl-1,3,2-dioxaborinane) (CAS number 14697-50-8), active substances for use in biocidal products of product-type 6 as preservatives for products during storage as defined in Annex V to Regulation (EU) No 528/2012. As those active substances are not listed in Annex II to Commission Delegated Regulation (EU) No 1062/2014 ⁽²⁾, they are not included in the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012. Article 89 of that Regulation therefore does not apply to those substances and they have to be assessed and approved before biocidal products containing them can be authorised also at national level.
- (4) On 3 March 2021, the Commission received a reasoned request from the competent authority to extend the action in accordance with Article 55(1), third subparagraph, of Regulation (EU) No 528/2012. The reasoned request was made on the basis of concerns that air transport safety might continue to be endangered by microbiological contamination of aircraft fuel tanks and fuel systems after 28 February 2021 and the claim that Biobor JF is essential in order to control such microbiological contamination.
- (5) According to the information provided by the competent authority, the only alternative biocidal product recommended by aircraft and engine manufacturers for the treatment of microbiological contamination (Kathon™ FP 1.5) was withdrawn from the market in March 2020 due to safety incidents that occurred after the treatment with that product.

⁽¹⁾ OJ L 167, 27.6.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council (OJ L 294, 10.10.2014, p. 1).

- (6) According to the competent authority, the mechanical treatment of microbiological contamination of aircraft fuel tanks and fuel systems is not always possible and procedures recommended by engine manufacturers require the treatment with a biocidal product even when mechanical cleaning is possible. Moreover, mechanical treatment would expose workers to toxic gases and should therefore be avoided.
- (7) According to the information available to the Commission, the manufacturer of Biobor JF has taken steps towards the regular authorisation of the product and an application for approval of the active substances it contains is expected to be submitted in mid-2022. The approval of the active substances and subsequent authorisation of the biocidal product would constitute a permanent solution for the future, but a significant amount of time would be needed for the completion of those procedures.
- (8) The lack of control of microbiological contamination of aircraft fuel tanks and fuel systems might endanger the air transport safety and that danger cannot be adequately contained by using another biocidal product or by other means. It is therefore appropriate to allow the competent authority to extend the action.
- (9) Considering that the action expired on 28 February 2021, this Decision should have retroactive effect.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

The Croatian Ministry of Health may extend until 2 September 2022 the action to permit the making available on the market for, and use by, professional users of the biocidal product Biobor JF for the antimicrobial treatment of aircraft fuel tanks and fuel systems.

Article 2

This Decision is addressed to the Croatian Ministry of Health.

It shall apply from 1 March 2021.

Done at Brussels, 11 August 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

Only the original UN/ECE texts have legal effect under international public law. The status and date of entry into force of this Regulation should be checked in the latest version of the UN/ECE status document TRANS/WP.29/343, available at: <http://www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29docstts.html>

UN Regulation No 142 – Uniform provisions concerning the approval of motor vehicles with regard to the installation of their tyres [2021/1366]

Incorporating all valid text up to:

01 series of amendments — Date of entry into force: 30 September 2021

This document is meant purely as documentation tool. The authentic and legally binding text is ECE/TRANS/WP.29/2021/11.

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1. SCOPE

This Regulation applies to vehicles of category M, N and O ⁽¹⁾ with regard to the installation of their tyres.

It does not apply to vehicles whose conditions of use are incompatible with the characteristics of tyres of class C1, C2 or C3 and to vehicles with regard to the installation of their:

- (a) Temporary use spare unit; and/or
- (b) Run-flat tyres and/or a run-flat system when operating in their flat tyre running mode; and/or
- (c) Extended mobility tyres when operating in their flat tyre running mode; and/or
- (d) Tyre pressure monitoring system.

2. DEFINITIONS

For the purposes of this Regulation:

2.1. 'Vehicle type with regard to the installation of its tyres' means vehicles which do not differ in such essential respects as the types of tyres, minimum and maximum tyre size designations, wheel dimensions and off-sets as well as speed and load capabilities suitable for fitment, and the characteristics of the wheel guards;

2.2. Tyres shall be classified as follows:

- (a) Class C1 tyres — Tyres conforming to UN Regulation No 30;
- (b) Class C2 tyres — Tyres conforming to UN Regulation No 54 and identified by a load capacity index in single formation lower or equal to 121 and a speed category symbol higher or equal to 'N';
- (c) Class C3 tyres: Tyres conforming to UN Regulation No 54 and identified by:
 - (i) A load capacity index in single formation higher or equal to 122; or
 - (ii) A load capacity index in single formation lower or equal to 121 and a speed category symbol lower or equal to 'M'.

2.2.1. 'Type of tyre' means a range of tyres which do not differ in the following essential characteristics:

- (a) The tyre class: C1, C2 or C3 as described in UN Regulation No 30; and
- (b) In the case of class C1 tyres, the characteristics of a type of pneumatic tyre as defined in UN Regulation No 30;
- (c) In the case of class C2 or C3 tyres, the characteristics of a type of pneumatic tyre as defined in UN Regulation No 54.

2.3. 'Tyre size designation' means the designation as defined in Regulation No 30 for class C1 tyres and in UN Regulation No 54 for class C2 and C3 tyres.

2.4. 'Wheel off-set' means the distance from the hub abutment face to the centre line of the rim.

2.5. 'Pneumatic tyre structure' means the technical characteristics of the tyre's carcass.

2.6. 'Normal tyre' means a tyre or run flat tyre intended for normal on-road use.

2.7. 'Snow tyre' means a tyre whose tread pattern, tread compound or structure is primarily designed to achieve in snow conditions a performance better than that of a normal tyre with regard to its ability to initiate or maintain vehicle motion.

⁽¹⁾ As defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.6, para. 2 - www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html

- 2.7.1. 'Snow tyre for use in severe snow conditions' means a snow tyre whose tread pattern, tread compound or structure is specifically designed to be used in severe snow conditions and that fulfils the requirements of UN Regulation No 117.
- 2.8. 'Special use tyre' means a tyre intended for mixed use both on- and off-road or for other special duty. These tyres are primarily designed to initiate and maintain the vehicle in motion in off-road conditions.
- 2.9. 'Run flat tyre' means a tyre as defined in UN Regulation No 30.
- 2.10. 'Extended mobility tyre' means a tyre as defined in UN Regulation No 30.
- 2.11. 'Temporary-use spare tyre' means a tyre different from a tyre intended to be fitted to any vehicle for normal driving conditions but intended only for temporary-use under restricted driving conditions.
- 2.12. 'Wheel' means a complete wheel consisting of a rim and a wheel disc.
- 2.13. 'Temporary-use spare wheel' means a wheel different from one of the normal wheels on the vehicle type but intended only for temporary use under restricted driving conditions.
- 2.14. 'Unit' means an assembly of a wheel and tyre.
- 2.15. 'Standard unit' means a unit which is capable of being fitted to the vehicle for normal operation.
- 2.16. 'Spare unit' means a unit which is intended to be exchanged for a standard unit in case of malfunction of the latter and may be either of the following.
- 2.17. 'Standard spare unit' means an assembly of a wheel and tyre identical in terms of wheel and tyre size designation, wheel offset and tyre structure to that fitted in the same axle position and to the particular vehicle variant and version for normal operation, including wheels produced from a different material and which may use different wheel fixing nut or bolt designs, but which is otherwise identical to the wheel intended for normal operation.
- 2.18. 'Temporary-use spare unit' means an assembly of any wheel and tyre that does not fall within the definition of standard spare unit and which falls within one of the temporary-use spare unit type descriptions as defined in UN Regulation No 64.
- 2.19. 'Speed category symbol' means the symbol as defined in UN Regulation No 30 for class C1 tyres and in UN Regulation No 54 for class C2.
- 2.20. 'Load capacity index' means a number associated to the maximum load rating of the tyre in relation to the definition in UN Regulation No 30 for class C1 tyres and in UN Regulation No 54 for class C2 tyres.
- 2.21. 'Maximum load rating' means the maximum mass which a tyre can carry when operated in conformity with requirements governing utilization specified by the tyre manufacturer.
3. APPLICATION FOR APPROVAL
- 3.1. The application for approval of a vehicle type with regard to the installation of its tyres shall be submitted by the vehicle manufacturer or by his authorized representative.
- 3.2. It shall be accompanied by the documents mentioned below in triplicate and include the following particular:

- 3.2.1. A description of the vehicle type with regard to the items mentioned in paragraph 5.
- 3.3. A vehicle representative of the vehicle type to be approved, or a simulation tool representing the vehicle type to be approved shall be submitted to the Technical Service conducting the approval tests.
4. APPROVAL
- 4.1. If the vehicle type submitted for approval pursuant to this Regulation meets the requirements of paragraph 5, approval of that vehicle type shall be granted.
- 4.2. An approval number shall be assigned to each vehicle type approved; its first two digits (at present 01 for the Regulation as amended by the 01 series of amendments) shall indicate the series of amendments incorporating the most recent major technical amendments made to the regulation at the time of issue of the approval. The same Contracting Party shall not assign the same number to another vehicle type with regard to the installation of its tyres.
- 4.3. Notice of approval or of refusal or withdrawal of approval pursuant to this Regulation shall be communicated to the Contracting Parties to the Agreement applying this Regulation by means of a form conforming to the model in Annex 1 and photographs and/or plans supplied by the applicant being in a format not exceeding A4 (210 x 297 mm), or folded to that format, and on an appropriate scale.
- 4.4. There shall be affixed, conspicuously and in a readily accessible place specified on the approval form, to every vehicle conforming to a vehicle type approved under this Regulation, an international approval mark conforming to the model described in Annex 3, consisting of:
- 4.4.1. A circle surrounding the letter 'E' followed by the distinguishing number of the country which has granted approval; ⁽²⁾
- 4.4.2. The number of this Regulation, followed by the letter 'R', a dash and the approval number to the right of the circle prescribed in paragraph 4.4.1.
- 4.5. If the vehicle conforms to a vehicle type approved under one or more other Regulations annexed to the Agreement, in the country which has granted approval under this Regulation, the symbol prescribed in paragraph 4.4.1 need not be repeated; in such a case, the regulation and approval numbers and the additional symbols shall be placed in vertical columns to the right of the symbol prescribed in paragraph 4.4.1.
- 4.6. The approval mark shall be clearly legible and be indelible.
- 4.7. The approval mark shall be placed close to or on the vehicle data plate.
- 4.8. Annex 3 to this Regulation gives an example of approval marks.
5. SPECIFICATIONS
- 5.1. General requirements
- 5.1.1. Subject to the provisions of paragraph 5.2.4.4, every tyre fitted to a vehicle, including where applicable any spare tyre, shall meet the requirements of this Regulation.

⁽²⁾ The distinguishing numbers of the Contracting Parties to the 1958 Agreement are reproduced in Annex 3 to the Consolidated Resolution on the Construction of Vehicles (R.E.3), document ECE/TRANS/WP.29/78/Rev.6, Annex 3 - www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html

- 5.1.2. Every tyre installed to a vehicle, including where applicable any spare tyre, shall fulfil the technical requirements and respect the transitional provisions of UN Regulations Nos. 30, 54 and 117 as applicable.
- 5.2. Performance requirements
 - 5.2.1. Tyre fitment
 - 5.2.1.1. All tyres normally fitted to the vehicle, thus excluding any temporary-use spare unit, shall have the same structure.
 - 5.2.1.2. All of the tyres normally fitted to one axle shall be of the same type.
 - 5.2.1.3. The space in which the wheel revolves shall be such as to allow unrestricted movement when using the maximum permissible size of tyres and rim widths, taking into account the minimum and maximum wheel off-sets, within the minimum and maximum suspension and steering constraints as declared by the vehicle manufacturer. This shall be verified by performing the checks with the largest and the widest tyres, taking into account the applicable dimensional tolerances (i.e. maximum envelope) related to the tyre size designation as specified in the relevant UN Regulation.
 - 5.2.1.4. The Technical Service and/or Type Approval Authorities may agree to an alternative test procedure (e.g. virtual testing) to verify that the requirements of paragraph 5.2.1.3 are met.
 - 5.2.2. Load capacity
 - 5.2.2.1. Subject to the provisions of paragraph 5.2.4 of this Regulation, the maximum load rating of every tyre as determined in paragraph 5.2.2.2 of this Regulation, including a standard spare unit (if provided), with which the vehicle is fitted shall be:
 - 5.2.2.1.1. In the case of a vehicle fitted with tyres of the same type in single formation: at least equal to half of the technically permissible maximum axle mass for the most heavily loaded axle, as declared by the manufacturer of the vehicle.
 - 5.2.2.1.2. In the case of a vehicle fitted with tyres of more than one type, in single formation: at least equal to half of the technically permissible maximum axle mass as declared by the manufacturer of the vehicle, in respect of the relevant axle.
 - 5.2.2.1.3. In the case of a vehicle fitted with tyres of class C1 in dual (twin) formation: at least equal to 0,27 times the technically permissible maximum axle mass, as declared by the manufacturer of the vehicle, in respect of the relevant axle.
 - 5.2.2.1.4. In the case of axles fitted with tyres of class C2 or C3 in dual (twin) formation: at least equal to 0,25 times, with reference to the load capacity index for dual application, the technically permissible maximum axle mass as declared by the manufacturer of the vehicle, in respect of the relevant axle.
 - 5.2.2.2. The maximum load rating of a tyre is determined as follows:
 - 5.2.2.2.1. In the case of tyres of class C1, the 'maximum load rating' as referred to in UN Regulation No 30 is taken into account.
 - 5.2.2.2.2. In the case of tyres of class C2 or C3, the 'table load-capacity variation with speed' as referred to in UN Regulation No 54 is taken into account, which shows, as a function of the load-capacity indices and nominal-speed-category symbols, the load variations which a pneumatic tyre can withstand taking into account the maximum design speed of the vehicle.

- 5.2.2.3. The manufacturer shall provide in the vehicle owner's handbook, or by any other communication means in the vehicle the necessary information about suitable replacement tyres with an appropriate load capacity.
- 5.2.3. Speed capacity
- 5.2.3.1. Every tyre with which the vehicle is normally fitted shall bear a speed category symbol.
- 5.2.3.1.1. In the case of a tyre of class C1, the speed category symbol shall be compatible with the maximum vehicle design speed and shall take into account, in the case of tyres of speed categories V, W and Y, the maximum load rating as described in UN Regulation No 30.
- 5.2.3.1.2. In the case of tyre of class C2 or C3, the speed category symbol shall be compatible with the maximum vehicle design speed and the applicable load/speed combination derived from the 'table load-capacity variation with speed' as described in UN Regulation No 54.
- 5.2.3.2. The requirements of paragraphs 5.2.3.1.1 and 5.2.3.1.2 shall not apply in the following situations:
- 5.2.3.2.1. In the case of temporary-use spare units for which paragraph 5.2.5 of this Regulation applies.
- 5.2.3.2.2. In the case of vehicles normally equipped with normal tyres and occasionally fitted with snow tyres for use in severe snow conditions (i.e. with the alpine (3-peak-mountain with snowflake) symbol marking) where in such a case the speed category symbol of the snow tyre for use in severe snow conditions shall correspond to a speed either greater than the maximum vehicle design speed or not less than 160 km/h (or both). However, if the maximum vehicle design speed is greater than the speed corresponding to the lowest speed category symbol of the fitted snow tyres for use in severe snow conditions, a maximum speed warning label, specifying the lowest value of the maximum speed capability of the fitted snow tyres for use in severe snow conditions, shall be displayed inside the vehicle in a prominent position readily and permanently visible to the driver. Other tyres with improved snow traction (i.e. with the M+S marking, but without the alpine (3-peak-mountain with snowflake) symbol marking) shall comply with the requirements of paragraphs 5.2.3.1.1 and 5.2.3.1.2 of this Regulation.
- 5.2.3.2.3. In the case of vehicles equipped with special use tyres. However, if the maximum vehicle design speed is greater than the speed corresponding to the lowest speed category symbol of the fitted special use tyres, a maximum speed warning label, specifying the lowest value of the maximum speed capability of the fitted special use tyres, shall be displayed inside the vehicle in a prominent position readily and permanently visible to the driver.
- 5.2.3.2.4. In the case of vehicles of categories M₂, M₃, N₂ or N₃ equipped with a speed limitation device (SLD) approved according to UN Regulation No 89 where in such a case the speed symbol of the tyres shall be compatible with the speed at which the limitation is set. However, if the vehicle manufacturer has foreseen that the maximum vehicle design speed is greater than the speed corresponding to the lowest speed category symbol of the fitted tyres, a maximum speed warning label, specifying the maximum speed capability of the tyres, shall be displayed inside the vehicle in a prominent position readily and permanently visible to the driver.
- 5.2.3.2.5. In the case of vehicles of categories M1 or N1 equipped with an on-board system fulfilling a speed limitation device / function where in such a case the speed symbol of the tyres shall be compatible with the speed at which the limitation is set.

However, if the vehicle manufacturer has foreseen that the maximum vehicle design speed is greater than the speed corresponding to the lowest speed category symbol of the fitted tyres, a maximum speed warning label, specifying the maximum speed capability of the tyres, shall be displayed inside the vehicle in a prominent position readily and permanently visible to the driver.

5.2.3.3. The manufacturer shall provide the necessary information about suitable replacement tyres with an appropriate speed capacity in the vehicle owner's handbook or by any other communication means in the vehicle.

5.2.4. Special cases

5.2.4.1. In the case of vehicles of categories M₁ and N₁, which are designed to be capable of towing a trailer, the additional load imposed at the trailer coupling device may cause the rear tyre maximum load ratings to be exceeded in case of class C1 tyres, but not by more than 15 per cent. In such a case, the vehicle owner's handbook, or the other communication means referred to in paragraph 5.2.3.3, shall contain clear information and advice on the maximum permissible vehicle speed when towing a trailer, in any case not exceeding 100 km/h, and on the rear tyre pressure, at least 20 kPa (0,2 bar) above the tyre pressure(s) as recommended for normal use (i.e. without a trailer attached).

5.2.4.2. In the case of trailers of categories O₁ and O₂, with a maximum vehicle design speed of 100 km/h or less and fitted with tyres of class C1 in single formation, the maximum load rating of every tyre shall be at least equal to 0,45 times the technically permissible maximum axle mass for the most heavily loaded axle, as declared by the manufacturer of the trailer. For tyres in dual (twin) formation this factor shall be at least equal to 0,24. In such cases a maximum operating speed warning label, specifying the maximum vehicle design speed, shall be permanently and durably affixed near the front coupling device of the trailer.

5.2.4.3. In the case of some special vehicles, as listed below, fitted with tyres of class C2 or C3, the 'table load-capacity variation with speed' as described in paragraph 5.2.2.2.2 shall not be applied. In such a case, the tyre maximum load rating to check against the technically permissible maximum axle mass (see paragraphs 5.2.2.1.2 to 5.2.2.1.4) shall be determined by multiplying the load corresponding to the load capacity index by an appropriate coefficient which is related to the type of vehicle and its use, rather than to the maximum vehicle design speed, and the requirements of paragraphs 5.2.3.1.1 and 5.2.3.1.2 of this Regulation shall not apply.

The appropriate coefficients shall be the following:

5.2.4.3.1. 1,15 in the case of a Class I or Class A vehicle (M₂ or M₃), as in UN Regulation No 107.

5.2.4.3.2. 1,10 in the case of vehicles of category N which are specifically designed for use over short distances in urban and suburban applications, such as street and road sweepers or refuse collection vehicles, provided that the maximum vehicle design speed does not exceed 60 km/h.

5.2.4.4. In exceptional cases, where vehicles are designed for conditions of use which are incompatible with the characteristics of tyres of class C1, C2 or C3 and it is therefore necessary to fit tyres with different characteristics, the requirements of paragraph 5.1.1 of this Regulation shall not apply, provided that all of the following conditions are met:

5.2.4.4.1. the tyres shall be approved according to either UN Regulation No 75 or UN Regulation No 106; and

5.2.4.4.2. the type-approval authority and technical service are satisfied that the tyres fitted are suitable for the operating conditions of the vehicle. The nature of the exemption and motivation of acceptance shall be stated in the test report as well on the communication form of Annex 2.

5.2.5. Spare wheels and tyres

5.2.5.1. In cases where a vehicle is provided with a spare unit, it shall be one of the following:

5.2.5.1.1. A standard spare unit in the same size as the tyres actually fitted to the vehicle.

If the vehicle is equipped with multiple tyre sizes, the spare unit tyre size shall match one of the tyre sizes. This shall be stated clearly in the vehicle owner's handbook or any other communication means in the vehicle.

5.2.5.1.2. A temporary-use spare unit of a type suitable for use on the vehicle, however, vehicles of categories other than M₁, N₁, M₂, M₃ (maximum laden mass ≤ 7 500 kg) or N₂ (maximum laden mass ≤ 7 500 kg) shall not be equipped or fitted with a temporary-use spare unit.

5.2.5.2. Every vehicle provided with a temporary-use spare unit or run flat tyres shall comply with the technical and transitional provisions of UN Regulation No 64 with respect to the requirements concerning the equipment of vehicles with temporary-use spare units and run flat tyres.

If specific precautions have to be taken in order to fit a temporary-use spare unit to the vehicle (e.g. temporary use spare unit is only to be fitted on the front axle and therefore a front standard unit must first be fitted on the rear axle in order to address a malfunction of a rear standard unit) this shall be stated clearly in the vehicle owner's handbook or any other communication means in the vehicle, and compliance with the appropriate aspects of paragraph 5.2.1.3 of this Regulation shall be verified.

6. MODIFICATION OF VEHICLE TYPE AND EXTENSION OF APPROVAL

6.1. Every modification to an existing vehicle type shall be notified to the Type Approval Authority which approved the vehicle type. The Type Approval Authority shall then either:

- (a) Decide, in consultation with the manufacturer, that a new type approval is to be granted; or
- (b) Apply the procedure contained in paragraph 6.1.1 (Revision) and, if applicable, the procedure contained in paragraph 6.1.2 (Extension).

6.1.1. Revision

When particulars recorded in the information documents of Annex 1 have changed and the Type Approval Authority considers that the modifications made are unlikely to have an appreciable adverse effect and that, in any case, the vehicle still complies with the requirements, the modifications shall be designated a 'revision';

In such a case, the Type Approval Authority shall issue the revised pages of the information documents of Annex 1 as necessary, marking each revised page to show clearly the nature of the modification and the date of re-issue. A consolidated, updated version of the information documents of Annex 1, accompanied by a detailed description of the modification, shall be deemed to meet this requirement.

6.1.2. Extension

The modification shall be designated an 'extension' if, in addition to the change of the particulars recorded in the information documents of Annex 1,

- (a) Further inspections or tests are required; or
- (b) Any information on the communication document (with the exception of its attachments) has changed; or
- (c) Approval to a later series of amendments is requested after its entry into force.

- 6.2. Confirmation or refusal of approval, specifying the alterations, shall be communicated by the procedure specified in paragraph 4.3 above to the Contracting Parties to the Agreement applying this Regulation. In addition, the index to the information documents and to the test reports, attached to the communication document of Annex 1, shall be amended accordingly to show the date of the most recent revision or extension.
- 6.3. The Type Approval Authority issuing the extension of approval shall assign a series number to each communication form drawn up for such an extension.
7. CONFORMITY OF PRODUCTION
- 7.1. Procedures concerning conformity of production shall conform to the general provisions defined in Article 2 and Schedule 1 to the Agreement (E/ECE/TRANS/505/Rev.3) and meet the following requirements:
- 7.2. A vehicle approved pursuant to this Regulation shall be so manufactured as to conform to the type approved by meeting the requirements of paragraph 5;
- 7.3. The Type Approval Authority which has granted the approval may at any time verify the conformity of control methods applicable to each production unit. The normal frequency of such inspections shall be once every two years.
8. PENALTIES FOR NON-CONFORMITY OF PRODUCTION
- 8.1. The approval granted in respect of a vehicle type pursuant to this Regulation may be withdrawn if the requirements laid down in paragraph 7 are not complied with.
- 8.2. If a Contracting Party withdraws an approval it had previously granted, it shall forthwith so notify the other Contracting Parties applying this Regulation by sending them a communication form conforming to the model in Annex 1 to this Regulation.
9. PRODUCTION DEFINITELY DISCONTINUED
- If the holder of the approval completely ceases to manufacture a type of vehicle approved in accordance with this Regulation, he shall so inform the authority which granted the approval, which in turn shall forthwith inform the other Contracting Parties to the Agreement applying this Regulation by means of a communication form conforming to the model in Annex 1 to this Regulation.
10. TRANSITIONAL PROVISIONS
- 10.1. As from the official date of entry into force of the 01 series of amendments, no Contracting Party applying this Regulation shall refuse to grant or refuse to accept type approvals under this Regulation as amended by the 01 series of amendments.
- 10.2. As from 6 July 2022, Contracting Parties applying this Regulation shall not be obliged to accept type approvals to the preceding series of amendments, first issued after 6 July 2022.
- 10.3. Until 6 July 2022, Contracting Parties applying this Regulation shall accept type approvals to the preceding series of amendments, first issued before 6 July 2022.
- 10.4. As from 6 July 2022, Contracting Parties applying this Regulation shall not be obliged to accept type approvals issued to the preceding series of amendments to this Regulation.
- 10.5. Notwithstanding the transitional provisions above, Contracting Parties who start to apply this Regulation after the date of entry into force of the most recent series of amendments are not obliged to accept type approvals which were granted in accordance with any of the preceding series of amendments to this Regulation / are only obliged to accept type approval granted in accordance with the 01 series of amendments.

- 10.6. Notwithstanding paragraph 10.4, Contracting Parties applying this Regulation shall continue to accept type approvals issued according to the preceding series of amendments to this Regulation, for the vehicles/vehicle systems which are not affected by the changes introduced by the 01 series of amendments.
- 10.7. Contracting Parties applying this Regulation may grant type approvals according to any preceding series of amendments to this Regulation. ⁽³⁾
- 10.8. Contracting Parties applying this Regulation shall continue to grant extensions of existing approvals according to any preceding series of amendments to this Regulation.³
11. NAMES AND ADDRESSES OF THE TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS AND OF TYPE APPROVAL AUTHORITIES
- The Contracting Parties to the Agreement applying this Regulation shall communicate to the United Nations Secretariat the names and addresses of the Technical Services responsible for conducting approval tests and of the Type Approval Authority which grant approval and to which forms certifying approval or extension or refusal or withdrawal of approval are to be sent.
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⁽³⁾ Note by the secretariat: the wording was adjusted in line with the decision of WP.29 at its November 2020 session (ECE/TRANS/WP.29/1155, paras 92 and 93, and informal document WP.29-182-11).

ANNEX 1

(Maximum format: A4 (210 mm × 297 mm))

Information document

in accordance with UN Regulation on the installation of tyres

1. General

1.1. Make (trade name of manufacturer):

1.2. Type:

1.2.1. Commercial name(s) (if available):

1.3. Means of identification of type, if marked on the vehicle: ⁽¹⁾

1.3.1. Location of that marking:

1.4. Category of vehicle: ⁽²⁾

1.5. Name and address of manufacturer:

1.6. Name(s) and address(es) of assembly plant(s):

1.7. Name and address of the manufacturer's representative (if any):

2. General construction characteristics of the vehicle

2.1. Photographs and/or drawings of a representative vehicle:

2.2. Number of axles and wheels:

2.2.1. Number and position of axles with tyres in dual (twin) formation:

2.2.2. Number and position of steered axles:

2.2.3. Powered axles (number, position, interconnection):

3. Masses and dimensions ⁽³⁾ ⁽⁴⁾

3.1. Axle track(s) and width(s)

3.1.1. Track of each steered axle: ⁽⁵⁾3.1.2. Track of all other axles: ⁽⁵⁾

⁽¹⁾ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC??123??).

⁽²⁾ As defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.6, para. 2 - www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html

⁽³⁾ Where there is one version with a normal cab and another with a sleeper cab, both sets of masses and dimensions are to be stated.

⁽⁴⁾ Standard ISO 612:1978 - Road Vehicles - Dimensions of motor vehicles and towed vehicles - terms and definitions.

⁽⁵⁾ ISO Standard 612-1978 - Term No 6.5.

- 3.1.3. Width of the widest rear axle:
- 3.1.4. Width of the foremost axle (measured at the outermost part of the tyres excluding the bulging of the tyres close to the ground):
- 3.2. Technically permissible maximum laden mass stated by the manufacturer: ⁽⁶⁾ ⁽⁷⁾.....
- 3.3. Technically permissible maximum mass on each axle:
- 3.4. Vehicle is/is not ⁽⁸⁾ suitable for towing loads
- 3.5. Maximum vehicle design speed (in km/h): ⁽⁹⁾
4. Suspension
- 4.1. Tyres and wheels
- 4.1.1. Tyre/wheel combination(s) ⁽¹⁰⁾
- (a) for tyres indicate:
- ☐ tyre class (C1/ C2/ C3) ⁽⁸⁾
- ☐ size designation(s)
- ☐ load-capacity index ⁽⁷⁾
- ☐ speed category symbol ⁽⁷⁾.....
- (b) for wheels indicate rim size(s) and off-set(s).
- 4.1.2. Axles
- 4.1.2.1. Axle 1:
- 4.1.2.2. Axle 2:
- etc.
- 4.1.3. Tyre pressure(s) as recommended by the vehicle manufacturer (kPa), depending on vehicle load:
- 4.1.4. Description of the snow traction device(s) and the tyre/wheel combination(s) on the front and/or rear axle(s) suitable for the type of vehicle, as recommended by the manufacturer:
- 4.1.5. Brief description of temporary-use spare unit (if any):
- 4.1.6. Brief description of tyre pressure monitoring system (TPMS) (if fitted):

⁽⁶⁾ For trailers or semi-trailers, and for vehicles coupled with a trailer or a semi-trailer, which exert a significant vertical load on the coupling device or the fifth wheel, this load, divided by standard acceleration of gravity, is included in the maximum technically permissible mass.

⁽⁷⁾ Please fill in here the upper and lower values for each variant.

⁽⁸⁾ Delete where not applicable.

⁽⁹⁾ With respect to motor vehicles, if the vehicle manufacturer permits that certain controller functions are modified (e.g. by means of software, hardware, upgrading, selection, enabling, disabling) before or after the vehicle has been put into service, resulting in the vehicle having an increased maximum speed, the maximum possible speed achievable by means of adjustment of these controller functions is declared. With respect to trailers, the maximum speed as permitted by the vehicle manufacturer is declared.

⁽¹⁰⁾ For tyres marked with the inscription ZR before the rim diameter code, intended to be fitted on vehicles whose maximum vehicle design speed exceeds 300 km/h, equivalent information shall be provided.

5. Bodywork

5.1. Wheel guards

5.1.1. Brief description of the vehicle with regard to its wheel guards:

6. Miscellaneous

6.1. Speed limitation devices

6.1.1. Manufacturer(s):

6.1.2. Type(s):

6.1.3. Type approval number(s), if available:

6.1.4. Speed or range of speeds at which the speed limitation may be set: km/h

ANNEX 2

Communication

(maximum format: A4 (210 × 297 mm))



Issued by: (Name of administration)

.....

.....

concerning ⁽²⁾:

Approval granted

Approval extended

Approval refused

Approval withdrawn

Production definitively discontinued

of a type of vehicle with regard to the installation of its tyres

Approval No: Extension No:

Section I

1. Make (trade name of manufacturer):
2. Type:
- 2.1. Commercial name(s) (if available):
3. Means of identification of type, if marked on the vehicle: ⁽³⁾
- 3.1. Location of that marking:
4. Category of vehicle: ⁽⁴⁾
5. Name and address of manufacturer:
6. Name(s) and address(es) of assembly plant(s):
7. Name and address of the manufacturer's representative (if any):

Section II

1. Additional information: see Addendum

⁽¹⁾ Distinguishing number of the country which has granted, extended, refused or withdrawn approval (see approval provisions in the Regulation).

⁽²⁾ Strike out which does not apply.

⁽³⁾ If the means of identification of type contains characters not relevant to describe the vehicle, component or separate technical unit types covered by this information document, such characters shall be represented in the documentation by the symbol '?' (e.g. ABC?? 123??).

⁽⁴⁾ As defined in the Consolidated Resolution on the Construction of Vehicles (R.E.3.), document ECE/TRANS/WP.29/78/Rev.6, para. 2 - www.unece.org/trans/main/wp29/wp29wgs/wp29gen/wp29resolutions.html

2. Technical Service responsible for carrying out the tests:
3. Date of test report:
4. Number of test report:
5. Remarks (if any): see Addendum
6. Place:
7. Date:
8. Signature:
9. Information package (when relevant)

Addendum to communication form No ...

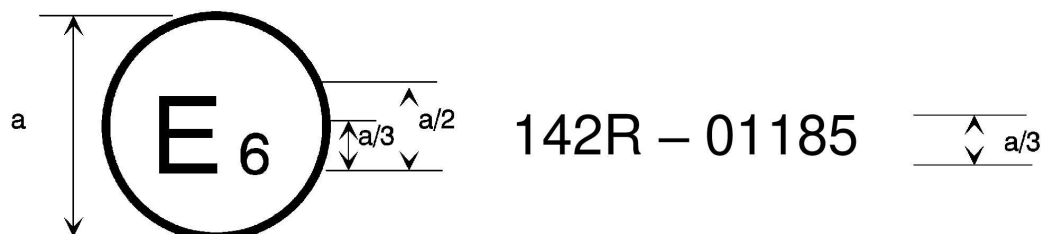
concerning the type approval of a vehicle with regard to the installation of its tyres

1. Additional information
 - 1.1. Brief description of the vehicle type as regards its structure, dimensions, lines and constituent materials:
 - 1.2. Tyre (C1/ C2/ C3)²/wheel combination(s) (including tyre size, rim size and wheel off-set):
 - 1.3. The minimum speed category symbol compatible with the maximum vehicle design speed (of each variant) (for tyres marked with the inscription ZR before the rim diameter code, intended to be fitted on vehicle whose maximum vehicle design speed exceeds 300 km/h, equivalent information shall be provided):
 - 1.4. The minimum load-capacity index compatible with the technically permissible maximum mass on each axle (of each variant) (if applicable adjusted according to paragraph 5.2.2.2 of this Regulation):
 - 1.5. Tyre (C1/ C2/ C3)²/wheel combination(s) (including tyre size, rim size and wheel off-set) to be used with the snow traction device(s):
 2. Vehicle of category M₁ is/is not² suitable for towing loads and the load rating of the rear tyres is exceeded by per cent
 3. The vehicle is/is not² approved according to UN Regulation(s) No 64 and/ or No 141² with regard to its temporary-use spare unit of type 1/2/3/4/5.²
 4. Vehicle is/is not² approved according to UN Regulation(s) No 64 and/ or No 141² with regard to its tyre pressure monitoring system (TPMS)
 - 4.1. Brief description of the tyre pressure monitoring system (TPMS) (if fitted):
-

ANNEX 3

Arrangements of approval mark

(see paragraphs 4.4 to 4.4.2 of this Regulation)



a = 8 mm min

The above approval mark affixed to a vehicle shows that the vehicle type concerned has been approved in Belgium (E 6) with regard to the installation of tyres pursuant to UN Regulation No 142. The first two digits of the approval number indicate that the approval was granted in accordance with the requirements of UN Regulation No 142 as amended by the 01 series of amendments.

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