

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
