

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
