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⁽¹⁾ Text with EEA relevance.

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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2020/696 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 25 May 2020****amending Regulation (EC) No 1008/2008 on common rules for the operation of air services in the Community in view of the COVID-19 pandemic****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) The COVID-19 pandemic has led to a sharp drop in air traffic as a result of a significant reduction in the demand for transport and the adoption by Member States and third countries of direct measures such as border closing and air traffic bans to contain the pandemic.
- (2) Figures published by Eurocontrol, which is the network manager for the air traffic network functions of the single European sky, indicate a fall in air traffic of around 90 % for the European region at the end of March 2020, as compared to March 2019. Air carriers are reporting large reductions in forward bookings as a result of the COVID-19 pandemic, and are cancelling flights for the winter 2019–2020 and summer 2020 scheduling periods. The sudden drop in demand and the unprecedented rate of cancellations has led to severe liquidity problems for air carriers. Those liquidity problems are directly linked to the COVID-19 pandemic.
- (3) Union air carriers, which were financially healthy before the COVID-19 pandemic, face liquidity problems that could trigger the suspension or revocation of their operating licence, or its replacement by a temporary licence, without there being a structural economic need for this to occur. The granting of a temporary licence pursuant to Article 9 (1) of Regulation (EC) No 1008/2008 of the European Parliament and of the Council ⁽²⁾ could send a negative signal

⁽¹⁾ Position of the European Parliament of 15 May 2020 (not yet published in the Official Journal) and decision of the Council of 25 May 2020.

⁽²⁾ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3).

to the market about the ability of an air carrier to survive, which in turn would aggravate any, otherwise temporary, financial problems. On the basis of the assessment carried out over the period from 1 March 2020 to 31 December 2020, it is therefore appropriate, provided that safety is not at risk and that there is a realistic prospect of a satisfactory financial reconstruction within 12 months, that the operating licence of such air carriers is not suspended or revoked. At the end of this 12-month period, the Union air carrier should be subject to the procedure laid down in Article 9(1) of Regulation (EC) No 1008/2008. The obligation provided in Article 9(2) of Regulation (EC) No 1008/2008 to inform the Commission should also apply to decisions not to suspend or revoke the operating licence.

- (4) In addition to emergency measures that could be applied in case of sudden problems of short duration, resulting from unforeseeable and unavoidable circumstances, pursuant to Article 21 of Regulation (EC) No 1008/2008, Member States should be able to refuse, limit or impose conditions on the exercise of traffic rights in order to deal with problems resulting from the COVID-19 pandemic, which could be of extended duration. Such emergency measures taken in the context of the COVID-19 pandemic should respect the principles of proportionality and transparency, and should be based on objective and non-discriminatory criteria that apply in accordance with Article 21 of Regulation (EC) No 1008/2008.
- (5) In airports where the number of suppliers of groundhandling services is limited pursuant to Article 6(2) and Article 9 of Council Directive 96/67/EC ⁽³⁾, suppliers may be selected for a maximum period of seven years. Suppliers for which this period is coming to an end may, consequently, experience difficulties obtaining access to financing. That maximum period should therefore be extended.
- (6) As a result of the COVID-19 pandemic, in airports where the number of suppliers of groundhandling services is limited, one or several suppliers might cease to provide their services at a given airport before a new supplier can be selected on the basis of the procedure laid down in Article 11(1) of Directive 96/67/EC. In such circumstances, it is appropriate for the managing body of the airport to be able to choose a groundhandling service provider directly to provide the services for a maximum period of six months. It should be recalled that, where the managing body of the airport needs to procure groundhandling services as a result of the COVID-19 pandemic and is a contracting entity within the meaning of Article 4 of Directive 2014/25/EU of the European Parliament and of the Council ⁽⁴⁾, that Directive applies.
- (7) Satisfactory financial reconstruction should be carried out with a plan which aims to prevent lay-offs and with guarantees that financial reconstruction will not be detrimental to workers' rights. The extension of authorisations for suppliers of ground handling services should aim to preserve jobs and workers' rights.
- (8) The further development of the COVID-19 pandemic and its impact on the air transport sector are difficult to predict. The Commission should continuously analyse the impact of the COVID-19 pandemic on the air transport sector and, if the adverse conditions persist, the Union should be in a position without undue delay to prolong the period during which the measures envisaged by this Regulation apply.
- (9) In order to extend, where necessary and justified, the period during which the competent licensing authorities may decide not to suspend or revoke the operating licences, the period during which Member States may refuse, limit or impose conditions on the exercise of traffic rights, and the period during which contracts of suppliers of groundhandling services may be prolonged and during which the managing body of an airport may choose a supplier of groundhandling services directly, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union (TFEU) should be delegated to the Commission in respect of amending Regulation (EC) No 1008/2008. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽⁵⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁽³⁾ Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p. 36).

⁽⁴⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

⁽⁵⁾ OJ L 123, 12.5.2016, p. 1.

- (10) In view of the urgency entailed by the exceptional circumstances caused by the COVID-19 pandemic justifying the proposed measures, and more particularly in order to adopt the necessary measures quickly so as to address the severe and immediate problems faced by the sector, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the Union, annexed to the Treaty on European Union (TEU), to the TFEU and the Treaty establishing the European Atomic Energy Community.
- (11) Since the objective of this Regulation, namely to amend Regulation (EC) No 1008/2008 in view of the COVID-19 pandemic, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale or effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 TEU. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.
- (12) The unforeseeable and sudden outbreak of COVID-19 and the legislative procedures required for the adoption of relevant measures meant that it was impossible to adopt such measures in time. For that reason, the provisions of this Regulation should also cover a period before its entry into force. Given the nature of those provisions, such an approach does not result in a violation of the legitimate expectations of the persons concerned.
- (13) Regulation (EC) No 1008/2008 should therefore be amended accordingly.
- (14) In view of the urgency entailed by the exceptional circumstances justifying the measures established, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1008/2008 is amended as follows:

- (1) in Article 1, paragraph 1 is replaced by the following:

‘1. This Regulation regulates the licensing of Community air carriers, the right of Community air carriers to operate intra-Community air services and the pricing of intra-Community air services. It also lays down temporary rules on the supply of groundhandling services at Union airports.’;

- (2) in Article 9, the following paragraphs are inserted:

‘1a. Based on the assessments referred to in paragraph 1 carried out from 1 March 2020 until 31 December 2020, the competent licensing authority may decide before the end of that period not to suspend or revoke the operating licence of the Union air carrier provided that safety is not at risk, and that there is a realistic prospect of a satisfactory financial reconstruction within the following 12 months. It shall review the performance of this Union air carrier at the end of the 12-month period and decide whether the operating licence shall be suspended or revoked and a temporary licence shall be granted on the basis of paragraph 1.

1b. Where the Commission finds, on the basis of data published by Eurocontrol, which is the network manager for the air traffic network functions of the single European sky, that the reduction in the level of air traffic as compared to the level in the corresponding period in 2019 is persisting and is likely to persist, and also finds, on the basis of the best available scientific data, such as data from the European Centre for Disease Prevention and Control, that this situation is the result of the impact of the COVID-19 pandemic, the Commission shall adopt delegated acts in accordance with Article 25a to amend this Regulation by extending the period of 1 March 2020 to 31 December 2020 referred to in paragraph 1a of this Article accordingly.

1c. The Commission shall continuously monitor the situation using the criteria set out in paragraph 1b. Based on the information available to it, the Commission shall present a summary report on this matter to the European Parliament and to the Council by 15 November 2020. Where the criteria referred to in paragraph 1b are fulfilled, the Commission shall adopt the delegated act provided for in paragraph 1b as soon as possible.

1d. Where, in the case of a prolonged impact of the COVID-19 pandemic on the air transport sector in the Union, imperative grounds of urgency so require, the procedure provided for in Article 25b shall apply to delegated acts adopted pursuant to this Article.’;

(3) the following Article is inserted:

‘Article 21a

Emergency measures linked to the COVID-19 pandemic

1. Notwithstanding Article 21, for the period from 1 March 2020 until 31 December 2020, Member States may, without the agreement of the Commission referred to in Article 21(1), refuse, limit or impose conditions on the exercise of traffic rights if this action is necessary in order to address the COVID-19 pandemic. Such action shall respect the principles of proportionality and transparency and shall be based on objective and non-discriminatory criteria.

2. The Member State concerned shall inform the Commission and the other Member States without delay of such action as referred to in paragraph 1 and its duration, and shall provide them with adequate reasons justifying the need for that action. If the Member State modifies, suspends or withdraws such action after this Regulation has entered into force, it shall inform the Commission and the other Member States accordingly.

3. The Commission may, at the request of any other Member State or States involved, or on its own initiative, suspend the action referred to in paragraph 2 if it does not meet the requirements referred to in paragraph 1 or is otherwise contrary to the Union law.

4. Where the Commission finds, on the basis of the best scientific knowledge, evidence and data, such as data from the European Centre for Disease Prevention and Control, confirming the persistence of the COVID-19 pandemic, that refusals, limitations or impositions of conditions on the exercise of traffic rights by Member States are likely to be necessary beyond the period referred to in paragraph 1 of this Article, the Commission shall adopt delegated acts in accordance with Article 25a to amend this Regulation by extending that period accordingly.

5. The Commission shall continuously monitor the situation using the criteria referred to in paragraph 4. Based on the information available, the Commission shall present a summary report on this matter to the European Parliament and to the Council by 15 November 2020. Where necessary, the Commission shall adopt the delegated act referred to in paragraph 4 as soon as possible.

6. Where, in the case of a prolonged impact of the COVID-19 pandemic on the air transport sector in the Union, imperative grounds of urgency so require, the procedure provided for in Article 25b shall apply to delegated acts adopted pursuant to this Article.’;

(4) the following Chapter is inserted:

‘CHAPTER IVa

TEMPORARY RULES ON GROUNDHANDLING SERVICES

Article 24a

1. By way of derogation from point (d) of Article 11(1) of Council Directive 96/67/EC (*), contracts of or authorisations granted to suppliers of groundhandling services selected on the basis of the procedure laid down in Article 11(1) of that Directive that expire in the period from 28 May 2020 until 31 December 2021 may be prolonged until 31 December 2022.

2. By way of derogation from point (e) of Article 11(1) of Directive 96/67/EC, for the period from 1 March 2020 until 31 December 2020, where a supplier of groundhandling services ceases its activity before the end of the period for which it was selected, the managing body of the airport or the competent authority of the Member State, may choose a groundhandling service provider directly to provide the services for a maximum period of six months or for a period until 31 December 2020, whichever is the longer.

3. Where the Commission finds, on the basis of data published by Eurocontrol, that the reduction in the level of air traffic, as compared to the level in the corresponding period in 2019, is persisting and is likely to persist, that this situation is the result of the impact of the COVID-19 pandemic, and that it results in interruption of supply of groundhandling services or difficulties in access to financing for suppliers of groundhandling services at Union airports, the Commission shall adopt delegated acts in accordance with Article 25a to amend this Regulation by extending the periods referred to in paragraphs 1 and 2 of this Article accordingly.

4. The Commission shall continuously monitor the situation using the criteria set out in paragraph 3. Based on the information available to it, the Commission shall present a summary report on this matter to the European Parliament and to the Council by 15 November 2020. Where necessary, the Commission shall adopt the delegated act provided for in paragraph 3 as soon as possible.

5. Where, in the case of a prolonged impact of the COVID-19 pandemic on the air transport sector in the Union, imperative grounds of urgency so require, the procedure provided for in Article 25b shall apply to delegated acts adopted pursuant to this Article.

(*) Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports (OJ L 272, 25.10.1996, p. 36).;

(5) the following Articles are inserted:

Article 25a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 9(1b), 21a(4) and 24a(3) shall be conferred on the Commission for a period of one year from 28 May 2020.

3. The delegation of power referred to in Articles 9(1b), 21a(4) and 24a(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Articles 9(1b), 21a(4) and 24a(3) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 25b

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 25a. In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.’

Article 2

Entry into force

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

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

Done at Brussels, 25 May 2020,

For the European Parliament

The President

D.M. SASSOLI

For the Council

The President

A. METELKO-ZGOMBIĆ

REGULATION (EU) 2020/697 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 25 May 2020****amending Regulation (EU) 2017/352, so as to allow the managing body of a port or the competent authority to provide flexibility in respect of the levying of port infrastructure charges in the context of the COVID-19 outbreak**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) The COVID-19 outbreak is having a serious negative impact on the maritime transport sector. The serious consequences for maritime transport services and for the use of port infrastructure have been pervasive since the beginning of March 2020 and are likely to continue throughout 2020. A waiver, suspension, reduction or deferral of the payment of port infrastructure charges could contribute to the financial sustainability of ship operators in these exceptional circumstances.
- (2) Regulation (EU) 2017/352 of the European Parliament and of the Council ⁽²⁾ requires Member States to ensure that port infrastructure charges are levied. Regulation (EU) 2017/352 does not provide for any exception to the obligation to levy charges.

⁽¹⁾ Position of the European Parliament of 15 May 2020 (not yet published in the Official Journal) and decision of the Council of 20 May 2020.

⁽²⁾ Regulation (EU) 2017/352 of the European Parliament and the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports (OJ L 57, 3.3.2017, p. 1).

- (3) In view of the severity of the consequences of the COVID-19 outbreak, it is appropriate to allow the managing body of a port or the competent authority to decide to waive, to suspend, to reduce or to defer the payment of port infrastructure charges due for the period from 1 March 2020 to 31 October 2020. Nevertheless, this Regulation should not interfere with the port organisation of Member States. Therefore, Member States should be able to retain the power to regulate the adoption of such decisions by the managing body of a port or the competent authority. Such waiver, suspension, reduction or deferral of the payment of port infrastructure charges should be granted in a transparent, objective and non-discriminatory way.
- (4) In view of the urgency, it is also appropriate to allow the managing body of a port or the competent authority to derogate from the obligation, provided for in Regulation (EU) 2017/352, to inform the users of port infrastructure of any changes in the nature or level of the port infrastructure charges at least two months before those changes come into effect.
- (5) Since the objective of this Regulation, namely to amend Regulation (EU) 2017/352 to respond to the urgent situation created by the COVID-19 outbreak, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve that objective.
- (6) In view of the urgency entailed by the exceptional circumstances caused by the COVID-19 outbreak justifying the proposed measures, and more particularly in order to adopt the necessary measures quickly so as to contribute to the financial sustainability of ship operators, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (7) The unforeseeable and sudden outbreak of COVID-19 and the legislative procedures required for the adoption of relevant measures meant that it was impossible to adopt such measures in time. For that reason, the provisions of this Regulation should also apply to port infrastructure charges due for a period before its entry into force. Given the nature of those provisions, such an approach does not result in a violation of the legitimate expectations of the persons concerned.
- (8) Regulation (EU) 2017/352 should therefore be amended accordingly.
- (9) This Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1

In Article 21 of Regulation (EU) 2017/352, the following paragraph is added:

‘3. Notwithstanding Article 13(1), (3) and (4), the managing body of the port or the competent authority may decide to waive, to suspend, to reduce or to defer the payment of port infrastructure charges due for the period from 1 March 2020 to 31 October 2020. Member States may decide that such decisions shall respect the requirements set to that end in national law. The waiver, suspension, reduction or deferral of the payment of port infrastructure charges shall be granted in a transparent, objective and non-discriminatory way.

The managing body of the port or the competent authority shall ensure that port users and the representatives or associations of port users are informed accordingly. The time limit of two months referred to in Article 13(5) shall not apply.’.

Article 2

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

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

Done at Brussels, 25 May 2020.

For the European Parliament

The President

D. M. SASSOLI

For the Council

The President

A. METELKO-ZGOMBIĆ

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****(Text with EEA relevance)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 and Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) The COVID-19 outbreak and the associated public health crisis represent an unprecedented challenge for the Member States and impose a heavy burden on national authorities, Union citizens, and economic operators, in particular transport operators. The public health crisis has created extraordinary circumstances that affect the normal activity of the competent authorities in the Member States, as well as the work of transport undertakings as regards the administrative formalities to be completed in different transport sectors, and that could not reasonably have been anticipated at the time of adoption of the relevant measures. Those extraordinary circumstances have a significant impact on various areas covered by Union transport law.
- (2) In particular, transport operators and other persons concerned may not be able to complete the necessary formalities or procedures in order to comply with certain provisions of Union law relating to the renewal or extension of certificates, licences or authorisations or in order to complete other steps necessary to maintain their validity. For the same reasons, the competent authorities of the Member States may be unable to comply with obligations established by Union law and to ensure that relevant requests introduced by the transport operators are dealt with before the expiry of the applicable deadlines. It is therefore necessary to adopt measures to overcome those problems and to ensure both legal certainty and the proper functioning of the legal acts concerned. Adaptations to that effect should be provided for, in particular in respect of certain time limits, with the possibility for the Commission to authorise extensions on the basis of a request submitted by any Member State.
- (3) Directive 2003/59/EC of the European Parliament and of the Council ⁽²⁾ lays down rules applicable to the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers. Those drivers must hold a certificate of professional competence (CPC) and must prove they have completed the periodic training by holding a driving licence or a driver qualification card, on which the periodic training is registered. Due to the difficulties for the holder of a CPC in completing the periodic training and in renewing the CPC certifying the completion of that periodic training as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, which had started by 1 February 2020 in some Member States, it is necessary to extend the validity of

⁽¹⁾ Position of the European Parliament of 15 May 2020 (not yet published in the Official Journal) and decision of the Council of 20 May 2020.

⁽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).

that CPC for a period of seven months from its date of expiry, in order to ensure the continuity of road transport. Measures regarding those matters taken by Member States in accordance with Article 8(2) and (3) of Directive 2003/59/EC, Annex I to Directive 2006/126/EC of the European Parliament and of the Council ⁽³⁾, or Annex II to Directive 2003/59/EC before the entry into force of this Regulation should remain valid.

- (4) Directive 2006/126/EC lays down rules on driving licences. It provides for the mutual recognition of driving licences issued by Member States based on a Union model driving licence, and lays down a series of minimum requirements for those licences. In particular, motor vehicle drivers must hold a valid driving licence, which must be renewed or, in some cases, exchanged, upon the expiry of its administrative validity. Due to difficulties in renewing driving licences as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, which had started by 1 February 2020 in some Member States, it is necessary to extend the validity of certain driving licences for a period of seven months from their date of expiry, in order to ensure the continuity of mobility by road.
- (5) Regulation (EU) No 165/2014 of the European Parliament and of the Council ⁽⁴⁾ lays down rules on tachographs in road transport. Compliance with the rules on driving time, working time and rest periods, as set out in Regulation (EC) No 561/2006 of the European Parliament and of the Council ⁽⁵⁾ and Directive 2002/15/EC of the European Parliament and of the Council ⁽⁶⁾, is essential to ensuring fair competition and road safety. Due to the need to ensure continuity in the provision of road transport services, despite difficulties in performing the regular inspections of tachographs as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, inspections referred to in Article 23(1) of Regulation (EU) No 165/2014, which should have been carried out between 1 March 2020 and 31 August 2020, should now be carried out no later than six months following the date on which they were to have been carried out under that Article. For the same reason, difficulties in renewing and replacing driver cards as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak justify the granting to the competent authorities of the Member States of additional time for those purposes. In such cases, drivers should be put in a position, and should be obliged, to resort to viable alternatives for recording the necessary information related to driving time, working time and rest periods until they receive a new card.
- (6) Directive 2014/45/EU of the European Parliament and of the Council ⁽⁷⁾ lays down rules on periodic roadworthiness tests for motor vehicles and their trailers. Periodic roadworthiness testing is a complex task designed to ensure that vehicles are kept in a safe and environmentally acceptable condition during their use. Due to difficulties in carrying out periodic roadworthiness tests as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, which had started by 1 February 2020 in some Member States, the periodic roadworthiness tests which were to have been carried out between 1 February 2020 and 31 August 2020 should now be carried out at a later date, but not later than seven months after the original time limit, and the certificates concerned should remain valid until that later date.
- (7) Regulation (EC) No 1071/2009 of the European Parliament and of the Council ⁽⁸⁾ lays down common rules concerning the conditions to be complied with in order to pursue the occupation of road transport operator. The COVID-19 outbreak and the associated public health crisis have serious repercussions for the financial situation of the sector, and some transport undertakings no longer satisfy the requirement of financial standing. Given the reduced level of activity resulting from the public health crisis, it is anticipated that it will take longer than usual for undertakings to demonstrate that the requirement of financial standing is again satisfied on a permanent basis. It is therefore appropriate to extend the maximum time limit established for those purposes in Article 13(1), point (c),

⁽³⁾ 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).

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

⁽⁵⁾ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1).

⁽⁶⁾ Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

⁽⁷⁾ Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).

⁽⁸⁾ Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

of Regulation (EC) No 1071/2009 from six to twelve months, with regard to assessments of financial standing of transport undertakings covering all or part of the period between 1 March 2020 and 30 September 2020. Where such a failure has already been established and the time limit set by the competent authority has not yet expired, the competent authority should be able to extend that time limit to a total of 12 months.

- (8) Regulations (EC) No 1072/2009⁽⁹⁾ and (EC) No 1073/2009⁽¹⁰⁾ of the European Parliament and of the Council lay down common rules for access to the international road haulage market and for access to the international market for coach and bus services respectively. The international carriage of goods by road and the international carriage of passengers by coach and bus are subject, inter alia, to the possession of a Community licence and, in the case of drivers who are nationals of third countries and who conduct freight transport operations, to a driver attestation. The provision of regular services by bus and coach is also conditional upon authorisation. Those licences, attestations and authorisations may be renewed after verification that the relevant conditions are still being complied with. Due to difficulties in renewing the licences and attestations as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, it is necessary to extend their validity by six months from their date of expiry, in order to ensure the continuity of road transport.
- (9) Directive (EU) 2016/798 of the European Parliament and of the Council⁽¹¹⁾ lays down rules on railway safety. Given the confinement measures, combined with the additional workload involved in containing the COVID-19 outbreak, national authorities, railway undertakings and infrastructure managers are facing difficulties in connection with the renewal of single safety certificates and, in view of the forthcoming expiry of existing safety authorisations, with the issuance of such authorisations for a subsequent period covered respectively by Articles 10 and 12 of that Directive. The time limit for the renewal of single safety certificates should therefore be extended by six months, and the existing single safety certificates concerned should remain valid accordingly. Likewise, the validity of such safety authorisations should be extended by six months from their date of expiry.
- (10) In accordance with Article 33(2) of Directive (EU) 2016/798, certain Member States extended the transposition period of that Directive. The rules of Directive 2004/49/EC of the European Parliament and of the Council⁽¹²⁾ therefore remain applicable in those Member States. It is thus also necessary to provide for an extension of the time limits for the renewal of safety certificates and safety authorisations issued under Articles 10 and 11 of Directive 2004/49/EC and to clarify that the safety certificates and authorisations concerned remain valid accordingly.
- (11) Directive 2007/59/EC of the European Parliament and of the Council⁽¹³⁾ lays down rules on the certification of train drivers operating locomotives and trains on the railway system in the Union. Articles 14(5) and 16 of that Directive provide that the validity of train drivers' licences is limited to ten years and is subject to periodic checks. Due to the difficulties in renewing licences as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, the validity of licences expiring between 1 March 2020 and 31 August 2020 should be extended for a period of six months from their date of expiry. Similarly, train drivers should be granted an additional period of six months to complete the periodic checks.
- (12) Directive 2012/34/EU of the European Parliament and of the Council⁽¹⁴⁾ establishes a single European railway area. Under Article 23(2) of that Directive, licensing authorities may conduct a regular review in order to verify that a railway undertaking continues to fulfil the obligations set out in Chapter III of that Directive that pertain to its licence. Under Article 24(3) of that Directive, licensing authorities may suspend or revoke a licence on the grounds

⁽⁹⁾ Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

⁽¹⁰⁾ Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

⁽¹¹⁾ 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).

⁽¹²⁾ 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).

⁽¹³⁾ Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51).

⁽¹⁴⁾ Directive 2012/34/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32).

of non-compliance with the requirement of financial fitness and may grant a temporary licence pending the reorganisation of the railway undertaking, provided that safety is not jeopardised. Due to the extraordinary circumstances caused by the COVID-19 outbreak, licensing authorities have serious difficulties performing regular reviews in respect of existing licences and taking the relevant decisions concerning the issuance of new licences after the expiry of a temporary licence. Therefore, time limits for the performance of regular reviews which, in accordance with that Directive, expire between 1 March 2020 and 31 August 2020 should be extended by six months. Likewise, the validity of temporary licences expiring between 1 March 2020 and 31 August 2020 should be extended by six months.

- (13) Article 25(2) of Directive 2012/34/EU requires licensing authorities to take decisions on applications for licences within three months after all relevant information, notably the particulars referred to in Annex III to that Directive, has been submitted. Due to difficulties in taking the relevant decisions as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, it is necessary to extend that time limit by six months.
- (14) Railway undertakings which were financially stable before the COVID-19 outbreak face liquidity problems that could trigger the suspension or revocation of their licence or its replacement by a temporary licence without there being a structural economic need for this to occur. The granting of a temporary licence pursuant to Article 24(3) of Directive 2012/34/EU could send a negative signal to the market about the ability of railway undertakings to survive, which in turn would aggravate their, otherwise temporary, financial problems. It should therefore be provided that where the licensing authority, on the basis of the check carried out during the period between 1 March 2020 and 31 August 2020, finds that a railway undertaking can no longer meet the requirements relating to financial fitness, it should be able to, before 31 August 2020, decide not to suspend or revoke the licence of the railway undertaking concerned, provided that safety is not at risk and provided that there is a realistic prospect of a satisfactory financial reconstruction of the railway undertaking within the following six months. After 31 August 2020, the railway undertaking should be subject to the general rules laid down in Article 24(1) of that Directive.
- (15) Council Directive 96/50/EC ⁽¹⁵⁾ lays down conditions for obtaining boatmasters' certificates for the carriage of goods and passengers by inland waterways in the Union. On reaching the age of 65 years, holders of boatmasters' certificates are required to undergo periodic medical examinations. In view of the measures taken in relation to the COVID-19 outbreak, and in particular the limited access to medical services for medical examinations, holders of boatmasters' certificates may not be able to undergo the required medical examinations due within the period concerned by those measures. Therefore, for cases in which the time limit for undergoing medical examinations would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020, that time limit should be extended by six months in each of the cases concerned. The boatmasters' certificates concerned should remain valid accordingly.
- (16) Directive (EU) 2016/1629 of the European Parliament and of the Council ⁽¹⁶⁾ lays down technical requirements for inland waterway vessels. Article 10 of that Directive provides for a limitation of the period of validity of Union inland navigation certificates. Moreover, Article 28 of Directive (EU) 2016/1629 provides that documents falling within the scope of that Directive that are issued by the competent authorities of the Member States before 6 October 2018 under the Directive that was previously applicable, namely Directive 2006/87/EC of the European Parliament and of the Council ⁽¹⁷⁾, are to remain valid until they expire. The measures taken in view of the COVID-19 outbreak may make it impractical, and sometimes impossible, for the competent authorities to carry out technical inspections in order to extend the validity of relevant certificates or, in the case of documents referred to in Article 28 of Directive (EU) 2016/1629, to replace them. Therefore, in order to allow the continued operation of relevant inland waterways vessels it is appropriate to extend, by a period of six months, the validity of Union inland navigation certificates and documents falling within the scope of Article 28 of Directive (EU) 2016/1629, which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020.

⁽¹⁵⁾ Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community (OJ L 235, 17.9.1996, p. 31).

⁽¹⁶⁾ Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC (OJ L 252, 16.9.2016, p. 118).

⁽¹⁷⁾ Directive 2006/87/EC of the European Parliament and of the Council of 12 December 2006 laying down technical requirements for inland waterway vessels and repealing Council Directive 82/714/EEC (OJ L 389, 30.12.2006, p. 1).

- (17) Regulation (EC) No 725/2004 of the European Parliament and of the Council ⁽¹⁸⁾ lays down rules on enhancing ship and port facility security. Directive 2005/65/EC of the European Parliament and of the Council ⁽¹⁹⁾ lays down measures to enhance port security in the face of threats of security incidents. It also ensures that security measures taken pursuant to Regulation (EC) No 725/2004 benefit from enhanced port security. The ongoing public health crisis makes it difficult for Member State authorities to conduct the maritime security inspections and surveys with a view to the renewal of certain documents in the field of maritime security. Therefore, it is necessary to extend the time limits for reviewing security assessments and security plans required by those Union legal acts by a reasonable amount of time in order to enable Member States and the shipping industry to take a flexible and pragmatic approach, and to keep essential supply chains open, while not compromising security. Flexibility should also be granted for maritime security drills and exercises, which the Union legal acts in the field of maritime security require to be carried out within certain time frames.
- (18) Where a Member State considers that the application of the rules from which this Regulation derogates, related, inter alia, to the renewal or extension of certificates, licences or authorisations, is likely to remain impracticable beyond the dates specified in this Regulation due to measures that it has taken to prevent or contain the spread of COVID-19, the Commission should, if requested by that Member State, be authorised to allow the Member State concerned to further extend the periods specified in this Regulation, as relevant. In order to ensure legal certainty while ensuring that transport safety and security is not at risk, such an extension should be limited to what is necessary to reflect the period during which the completion of formalities, procedures, checks and training is likely to remain impracticable and, in any event, should not be longer than six months.
- (19) The COVID-19 outbreak has affected the whole Union but has not done so in a uniform manner. Member States have been affected to different degrees and at different times. Given that the derogations from the rules that would normally apply should be limited to what is necessary, it should, with regard to Directive 2006/126/EC, Regulation (EU) No 165/2014, Directive 2014/45/EU, Regulation (EC) No 1072/2009, Regulation (EC) No 1073/2009 and Directive 2007/59/EC, be possible for the Member States to continue to apply those legal acts without applying the derogations provided for in this Regulation where application of those legal acts has remained practicable. The same should apply where a Member State was confronted by such difficulties but adopted appropriate national measures to mitigate them. The Member States that choose to make use of that possibility should not, however, impede any economic operator or individual from relying on the derogations provided for in this Regulation that apply in another Member State, and should in particular recognise any licence, certificate and authorisation the validity of which has been extended by this Regulation.
- (20) Since the objectives of this Regulation, namely to extend the time limits laid down in Union law for the renewal and extension of the period of validity of certain certificates, licences and authorisations and to postpone certain periodic checks and periodic training in response to the extraordinary circumstances caused by the COVID-19 outbreak in the area of road, rail and inland waterway transport and maritime security, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the proposed action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.
- (21) In view of urgency entailed by the exceptional circumstances caused by the COVID-19 outbreak, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.

⁽¹⁸⁾ 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).

⁽¹⁹⁾ Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).

- (22) Due to the unforeseeable and sudden nature of the COVID-19 outbreak, it was impossible to adopt relevant measures in time. For that reason, the provisions of this Regulation should also cover the period before its entry into force. Given the nature of those provisions, such an approach does not result in a violation of the legitimate expectations of the persons concerned.
- (23) In the light of the overriding need to address without delay the circumstances caused by the COVID-19 outbreak in the area of road, rail and inland waterway transport and of maritime security, while, where relevant, providing Member States with a reasonable period of time to inform the Commission if they decide not to apply certain derogations laid down in this Regulation, this Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union* in order to ensure that situations of legal uncertainty affecting many authorities and transport operators in different transport sectors, in particular where the relevant time limits have already expired, remain as short as possible,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down specific and temporary measures applicable to the renewal and extension of the period of validity of certain certificates, licences and authorisations and to the postponement of certain periodic checks and periodic training in response to the extraordinary circumstances caused by the COVID-19 outbreak in the area of road, rail and inland waterway transport and of maritime security.

Article 2

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

1. Notwithstanding Article 8(2) and (3) of Directive 2003/59/EC, the time limits for the completion, by the holder of a certificate of professional competence (CPC), of periodic training which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 February 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of seven months in each case. The CPC shall remain valid accordingly.
2. The validity of the marking of harmonised Union code, '95' provided for in Annex I to Directive 2006/126/EC made by the competent authorities either on the driving licence or on the driver qualification card referred to in Article 10(1) of Directive 2003/59/EC on the basis of the CPC referred to in paragraph 1 of that Article shall be deemed to be extended for a period of seven months from the date indicated on each such driving licence or driver qualification card.
3. The validity of driver qualification cards referred to in Annex II to Directive 2003/59/EC which would otherwise have expired or would otherwise expire between 1 February 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of seven months from the expiry date indicated on each such card.
4. Without prejudice to the cross-border activities referred to in paragraphs 1, 2 and 3 of this Article, measures taken by Member States in accordance with the provisions of Directives 2003/59/EC and 2006/126/EC referred to in paragraphs 1, 2 and 3 of this Article during the period between 1 February 2020 and 28 May 2020 shall remain valid.
5. Where a Member State considers that the completion of periodic training or its certification, the marking of the harmonised Union code, '95', or the renewal of driver qualification cards is likely to remain impracticable beyond 31 August 2020, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1, 2 and 3, as relevant. That request may concern the period between 1 February 2020 and 31 August 2020 or the periods of seven months specified in paragraphs 1, 2 and 3, as relevant, or both. It shall be submitted to the Commission by 1 August 2020.

6. Where, upon a request submitted in accordance with paragraph 5, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraphs 1, 2 and 3 respectively, as justified in each case. The extension shall be limited to reflect the period during which completion of the periodic training in question or the certification thereof, the marking of the harmonised Union code, '95', or the renewal of driver qualification cards, is likely to remain impracticable and, in any event, shall not be longer than six months.

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

Article 3

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

1. Notwithstanding Article 7 of Directive 2006/126/EC and point 3(d) of Annex I to that Directive, the validity of driving licences which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 February 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of seven months from the date of expiry referred to in each such driving licence.

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

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

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

4. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of driving licences impracticable during the period between 1 February 2020 and 31 August 2020 as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraph 1, after first informing the Commission. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

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

Article 4

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

1. Notwithstanding Article 23 of Regulation (EU) No 165/2014, the regular inspections provided for in paragraph 1 of that Article that would otherwise have had to or would otherwise have to be carried out between 1 March 2020 and 31 August 2020 in accordance with that paragraph shall be carried out no later than six months following the date on which they had would otherwise have to be carried out according to that Article.

2. Notwithstanding Article 28 of Regulation (EU) No 165/2014, where a driver applies for the renewal of a driver card in accordance with paragraph 1 of that Article between 1 March 2020 and 31 August 2020, the competent authorities of the Member States shall issue a new driver card no later than two months after the receipt of the request. Until the driver receives a new driver card from the card-issuing authorities, Article 35(2) of that Regulation shall apply to the driver *mutatis mutandis*, provided that the driver can prove that the renewal of the driver card was requested in accordance with Article 28(1) of that Regulation.

3. Notwithstanding Article 29(4) of Regulation (EU) No 165/2014, where a driver applies for the replacement of a driver card in accordance with paragraph 4 of that Article between 1 March 2020 and 31 August 2020, the competent authorities of the Member States shall issue a replacement card no later than two months after the receipt of the request. Notwithstanding Article 29(5) of Regulation (EU) No 165/2014, the driver may continue to drive until a new driver card is received from the card-issuing authorities provided that the driver can prove that the driver card was returned to the competent authority when it was damaged or malfunctioning and that its replacement was requested.

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

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

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

6. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered regular inspections, the renewal of driver cards or the replacement of driver cards impracticable during the period between 1 March 2020 and 31 August 2020 as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1, 2 and 3, after first informing the Commission. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

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

Article 5

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

1. Notwithstanding Articles 5(1) and 10(1) of Directive 2014/45/EU and point 8 of Annex II to that Directive, the time limits for the roadworthiness tests, which in accordance with those provisions, would otherwise have had to or would otherwise have to be carried out between 1 February 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of seven months.

2. Notwithstanding Article 8 of Directive 2014/45/EU and point 8 of Annex II to that Directive, the validity of roadworthiness certificates with a date of expiry between 1 February 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of seven months.

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

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

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

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the performance of roadworthiness tests or the certification thereof impracticable during the period between 1 February 2020 and 31 August 2020 as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2, after first informing the Commission. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

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

Article 6

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

1. Notwithstanding Article 13(1), point (c), of Regulation (EC) No 1071/2009, where a competent authority establishes on the basis of the annual accounts and certificates referred to in Article 7(1) and (2) of that Regulation for accounting years covering all or part of the period between 1 March 2020 and 30 September 2020 that a transport undertaking does not satisfy the requirement of financial standing laid down in Article 3(1), point (c), of that Regulation, the time limit set by the competent authority for the purposes of Article 13(1), point (c), of that Regulation shall not exceed 12 months.

2. Notwithstanding Article 13(1), point (c), of Regulation (EC) No 1071/2009, where the competent authority has established before 28 May 2020 that a transport undertaking does not satisfy the requirement of financial standing laid down in Article 3(1), point (c), of that Regulation and has set a time limit for the transport undertaking to rectify the situation, the competent authority may extend that time limit, provided that the time limit has not expired by 28 May 2020. The time limit thus extended may not exceed 12 months.

Article 7

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

1. Notwithstanding Article 4(2) of Regulation (EC) No 1072/2009, the validity of the Community licences which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months. Certified true copies shall remain valid accordingly.

2. Notwithstanding Article 5(7) of Regulation (EC) No 1072/2009, the validity of the driver attestations which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months.

3. Where a Member State considers that the renewal of Community licences or of driver attestations is likely to remain impracticable beyond 31 August 2020, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraphs 1 and 2, as relevant. That request may concern the period between 1 March 2020 and 31 August 2020 or the period of six months, or both. It shall be submitted to the Commission by 1 August 2020.

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

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

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of Community licences or of driver attestations impracticable during the period between 1 March 2020 and 31 August 2020 as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2, after first informing the Commission. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

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

Article 8

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

1. Notwithstanding Article 4(4) of Regulation (EC) No 1073/2009, the validity of the Community licences which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months. Certified true copies shall remain valid accordingly.
2. Notwithstanding Article 8(3) of Regulation (EC) No 1073/2009, decision on application for authorisation of regular services submitted by the carrier between 12 December 2019 and 31 August 2020 shall be taken by the authorising authority within six months of the date of the submission of the application. Notwithstanding Article 8(2) of Regulation (EC) No 1073/2009, the competent authorities of the Member States whose agreement has been requested in respect of such applications in accordance with paragraph 1 of that Article shall notify the authorising authority of their decision on the application within three months. Where the authorising authority does not receive a reply within three months, the authorities consulted shall be deemed to have given their agreement, and the authorising authority may grant the authorisation. The extension of the time limit to three months for the Member States whose agreement has been requested under Article 8(2) of Regulation (EC) No 1073/2009 shall apply to applications that have been received after 27 March 2020.
3. Where a Member State considers that the renewal of Community licences is likely to remain impracticable beyond 31 August 2020, due to measures that it has taken to prevent or contain the spread of COVID-19, it may submit a reasoned request for an authorisation to apply an extension of the periods specified in paragraph 1. That request may concern the periods between 1 March 2020 and 31 August 2020 or between 12 December 2019 and 31 August 2020 or the period of six months, or any combination thereof. It shall be submitted to the Commission by 1 August 2020.
4. Where, upon a request submitted in accordance with paragraph 3, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods specified in paragraph 1, as justified in each case. The extension shall be limited to reflect the period during which the renewal of Community licences is likely to remain impracticable and, in any event, shall not be longer than six months.

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

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of Community licences impracticable during the period between 1 March 2020 and 31 August 2020 as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraph 1, after first informing the Commission. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

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

Article 9

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

1. Notwithstanding Article 10(13) of Directive (EU) 2016/798, the time limits for renewal of single safety certificates which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months. The single safety certificate concerned shall remain valid accordingly.
2. Notwithstanding Article 12(2) of Directive (EU) 2016/798, the validity of safety authorisations which, in accordance with that provision, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months.

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

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

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

Article 10

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

1. Notwithstanding Article 10(5) of Directive 2004/49/EC, the time limits for renewal of safety certificates which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months. The safety certificates concerned shall remain valid accordingly.

2. Notwithstanding Article 11(2) of Directive 2004/49/EC, the time limits for renewal of safety authorisations which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months. The safety authorisation concerned shall remain valid accordingly.

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

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

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

Article 11

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

1. Notwithstanding Article 14(5) of Directive 2007/59/EC, the licences which otherwise would have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months from the date of expiry of each such licence.

2. Notwithstanding Article 16 of and Annexes II and VII to Directive 2007/59/EC, the time limits for the completion of the periodic checks which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months in each case. The licences referred to in Article 14 and the certificates referred to in Article 15 of that Directive shall remain valid accordingly.

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

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

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

5. Where a Member State has not been, and is likely not to be, confronted by difficulties that rendered the renewal of licences or the completion of periodic checks impracticable during the period between 1 March 2020 and 31 August 2020 as a consequence of the extraordinary circumstances caused by the COVID-19 outbreak, or has taken appropriate national measures to mitigate such difficulties, that Member State may decide not to apply paragraphs 1 and 2, after first informing the Commission. The Commission shall inform the other Member States thereof and shall publish a notice in the *Official Journal of the European Union*.

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

Article 12

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

1. Notwithstanding Article 23(2) of Directive 2012/34/EU, where a licensing authority has made provision for a regular review, the time limits for the performance of a regular review which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months.

2. Notwithstanding Article 24(3) of Directive 2012/34/EU, the validity of temporary licences which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months from the date of end of validity indicated on each temporary licence.

3. Notwithstanding Article 25(2) of Directive 2012/34/EU, the licensing authority shall take a decision in respect of applications submitted between 12 January 2020 and 31 August 2020 not later than nine months after all relevant information, notably the particulars referred to in Annex III to that Directive, has been submitted.

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

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

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

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

Notwithstanding Article 24(1) of Directive 2012/34/EU, where a licensing authority, based on a check referred to in that provision, carried out during the period between 1 March 2020 and 31 August 2020, finds that a railway undertaking can no longer meet the requirements relating to financial fitness referred to in Article 20 of that Directive, it may, before 31 August 2020 decide not to suspend or revoke the licence of the railway undertaking concerned, provided that safety is not at risk and provided that there is a realistic prospect of a satisfactory financial reconstruction of the railway undertaking within the following six months.

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

1. Notwithstanding Article 6(2) of Directive 96/50/EC, the time limits for undergoing medical examinations which, in accordance with that provision, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended for a period of six months. The boatmasters' certificates of persons subject to obligation to undergo medical examinations referred to in Article 6(2) of that Directive shall remain valid accordingly.

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

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

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

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

1. Notwithstanding Article 10 of Directive (EU) 2016/1629, the validity of Union inland navigation certificates, which would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020, shall be deemed to be, or to have been, extended for a period of six months.

2. Notwithstanding Article 28 of Directive (EU) 2016/1629, the validity of documents falling within the scope of that Directive and issued by the competent authorities of the Member States under Directive 2006/87/EC before 6 October 2018, which, in accordance with that provision, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020, shall be deemed to be, or to have been, extended for a period of six months.

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

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

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

Article 16

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

1. Notwithstanding Article 3(6) of Regulation (EC) No 725/2004, the time limits for carrying out the periodic review of port facility security assessments which, in accordance with that provision, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended until 30 November 2020.

2. By way of derogation from Part B, Section 13.6, of Annex III to Regulation (EC) No 725/2004, if drills could not have been conducted or cannot be conducted within the intervals specified therein in 2020, they shall be conducted at least twice during 2020 with a maximum interval of six months between them.

3. Notwithstanding Part B, Sections 13.7 and 18.6, of Annex III, to Regulation (EC) No 725/2004 the 18-month time limits for the carrying out of the various types of exercises which, in accordance with those provisions, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended by six months in each case, but in any event not beyond 31 December 2020.

4. For the purposes of the requirements set out in Part B, Sections 13.7 and 18.6, of Annex III to Regulation (EC) No 725/2004, under which the various types of exercises are to be carried out at least once each calendar year, exercises carried out in 2021 during the period covered by an authorisation issued pursuant to paragraph 5 of this Article, shall be deemed also to have been carried out in 2020.

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

6. Where, upon a request submitted in accordance with paragraph 5, the Commission finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision authorising the Member State concerned to apply an extension of the periods and the deadlines specified in paragraphs 1 and 3 respectively, as justified in each case. The extension shall be limited to reflect the period during which the carrying out of port facility security assessments or of the various types of exercises is likely to remain impracticable and, in any event, shall not be longer than six months.

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

Article 17

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

1. Notwithstanding Article 10 of Directive 2005/65/EC, the time limits for the carrying out of the review of port security assessments and port security plans which, in accordance with that Article, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended by six months in each case but in any event not beyond 30 November 2020.

2. Notwithstanding Article 7(7) and Annex III of Directive 2005/65/EC, the 18-month time limits for the completion of training exercises which, in accordance with that Annex, would otherwise have expired or would otherwise expire between 1 March 2020 and 31 August 2020 shall be deemed to be, or to have been, extended by six months in each case, but in any event not beyond 30 November 2020.

3. For the purposes of the requirement set out in Annex III to Directive 2005/65/EC, according to which training exercises are to be carried out at least once each calendar year, training exercises carried out in 2021 during the period covered by an authorisation issued pursuant to paragraph 4 of this Article, shall be deemed also to have been carried out in 2020.

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

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

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

Article 18

Entry into force

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

It shall apply from 4 June 2020.

However, Article 3(4), Article 4(6), Article 5(5), Article 7(5), Article 8(5) and Article 11(5) shall apply from 28 May 2020.

The first, second and third paragraph of this Article do not affect the retroactive effects provided for in Articles 2 to 17.

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

Done at Brussels, 25 May 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
A. METELKO-ZGOMBIĆ

COUNCIL REGULATION (EU) 2020/699**of 25 May 2020****on temporary measures concerning the general meetings of European companies (SEs) and of European Cooperative Societies (SCEs)****(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 352 thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) In order to contain the outbreak of COVID-19, which was declared a pandemic by the World Health Organization on 11 March 2020, Member States have put in place a series of unprecedented measures, in particular measures concerning confinement and social distancing of persons.
- (2) Such measures can prevent companies and cooperative societies from complying with their legal obligations under national and Union company law, in particular, by making it considerably difficult for them to hold general meetings.
- (3) At national level, Member States have put in place emergency measures supporting companies and cooperative societies and providing them with necessary tools and flexibility in the current exceptional circumstances caused by the COVID-19 pandemic. In particular, many Member States have enabled the use of digital tools and processes to hold general meetings and have extended the time-limits for the holding of general meetings in 2020.
- (4) At Union level, Council Regulation (EC) No 2157/2001 ⁽¹⁾ regulates European companies ('SEs') and Council Regulation (EC) No 1435/2003 ⁽²⁾ regulates European Cooperative Societies ('SCEs'). Both Regulations require that a general meeting be held within six months of the end of the financial year. Having regard to the current exceptional circumstances caused by the COVID-19 pandemic, a temporary derogation from that requirement should be granted. Given that the holding of general meetings is essential to ensure that decisions that are legally required or economically necessary are taken in due time, SEs and SCEs should be allowed to hold their general meetings within 12 months of the end of the financial year provided that they are held no later than 31 December 2020. Being a temporary measure due to the exceptional circumstances caused by the COVID-19 pandemic, that derogation should only apply to general meetings that are required to be held in 2020.
- (5) There are no powers conferred by the Treaty on the Functioning of the European Union (TFEU) for the adoption of this Regulation other than those under Article 352.
- (6) Since the objective of this Regulation, namely to provide a temporary emergency solution for SEs and SCEs enabling them to derogate from the provisions of Regulation (EC) No 2157/2001 and Regulation (EC) No 1435/2003 concerning the timing of the holding of general meetings, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

⁽¹⁾ Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE) (OJ L 294, 10.11.2001, p. 1).

⁽²⁾ Council Regulation (EC) No 1435/2003 of 22 July 2003 on the Statute for a European Cooperative Society (SCE) (OJ L 207, 18.8.2003, p. 1).

- (7) In view of the fact that the six month period referred to Regulations (EC) No 2157/2001 and (EC) No 1435/2003 will expire in May or June 2020 and given that convening periods will have to be taken into account, this Regulation should enter into force as a matter of urgency.
- (8) In view of that urgency, it was considered to be appropriate to provide for an exception from the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the TFEU and to the Treaty establishing the European Atomic Energy Community,

HAS ADOPTED THIS REGULATION:

Article 1

Temporary measure concerning the general meetings of European companies (SEs)

Where, in accordance with Article 54(1) of Regulation (EC) No 2157/2001, a general meeting of an SE is to be held in 2020, the SE may, by way of derogation from that provision, hold the meeting within 12 months of the end of the financial year, provided that the meeting is held by 31 December 2020.

Article 2

Temporary measure concerning the general meetings of European Cooperative Societies (SCEs)

Where, in accordance with Article 54(1) of Regulation (EC) No 1435/2003, a general meeting of an SCE is to be held in 2020, the SCE may, by way of derogation from that provision, hold the meeting within 12 months of the end of the financial year, provided that the meeting is held by 31 December 2020.

Article 3

Entry into force

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

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

Done at Brussels, 25 May 2020.

For the Council
The President
G. GRLIĆ RADMAN

DIRECTIVES

DIRECTIVE (EU) 2020/700 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 May 2020

amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition periods

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

After consulting the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) In accordance with Article 57(1) of Directive (EU) 2016/797 of the European Parliament and of the Council ⁽²⁾ and Article 33(1) of Directive (EU) 2016/798 of the European Parliament and of the Council ⁽³⁾, Member States were to have brought into force the laws, regulations and administrative provisions necessary for them to comply with the relevant provisions of those Directives by 16 June 2019. However, pursuant to Article 57(2) of Directive (EU) 2016/797 and Article 33(2) of Directive (EU) 2016/798, Member States had the possibility to extend the transposition period by one year.
- (2) Seventeen Member States have notified the Commission and the European Union Agency for Railways (the 'Agency') of an extension to the transposition deadlines of Directives (EU) 2016/797 and (EU) 2016/798 to 16 June 2020.
- (3) Due to the extraordinary and unforeseeable situation caused by the COVID-19 outbreak, some of those Member States are having difficulties completing the legislative work within the given transposition deadlines and therefore risk failing to comply with them. Such a failure could create legal uncertainty for the rail industry, the national authorities and the Agency as to the legislation that applies to rail safety and interoperability. The inability of certain Member States to transpose Directives (EU) 2016/797 and (EU) 2016/798 as a result of the COVID-19 outbreak has detrimental consequences for the rail sector.
- (4) It is essential to provide legal clarity and certainty to the rail industry by allowing, where relevant, Member States to continue to apply, from 16 June 2020 and for a limited period, Directives 2004/49/EC ⁽⁴⁾ and 2008/57/EC ⁽⁵⁾ of the European Parliament and of the Council.

⁽¹⁾ Position of the European Parliament of 15 May 2020 (not yet published in the Official Journal) and decision of the Council of 25 May 2020.

⁽²⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

⁽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).

⁽⁵⁾ Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (OJ L 191, 18.7.2008, p. 1).

- (5) Since the COVID-19 outbreak occurred during the final stage of adoption of the national transposition measures of Directives (EU) 2016/797 and (EU) 2016/798, Member States should be allowed an additional period to complete the transposition process.
- (6) The transposition deadlines of Directives (EU) 2016/797 and (EU) 2016/798 should be extended until 31 October 2020. The repeal dates of Directives 2004/49/EC and 2008/57/EC, as set out in Article 58 of Directive (EU) 2016/797 and Article 34 of Directive (EU) 2016/798 respectively, should be adjusted accordingly.
- (7) A number of delegated acts have been adopted on the basis of Directive (EU) 2016/798 reflecting previous transposition deadlines. In view of the current situation, those delegated acts need to be aligned with the new transposition deadline.
- (8) In view of the urgency entailed by the exceptional circumstances caused by the outbreak of COVID-19, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union (TEU), to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (9) Since the objective of this Directive, namely to amend Directives (EU) 2016/797 and (EU) 2016/798 in view of the COVID-19 outbreak, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale or effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the TEU. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (10) Directives (EU) 2016/797 and (EU) 2016/798 should therefore be amended accordingly.
- (11) In order to allow for the prompt application of the measures provided for in this Directive, this Directive should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Amendment to Directive (EU) 2016/797

Directive (EU) 2016/797 is amended as follows:

- (1) in Article 54, paragraph 4 is replaced by the following:

‘4. At the latest from 16 June 2019 the Agency shall carry out the authorisation tasks pursuant to Articles 21 and 24 and the tasks referred to in Article 19 in respect of areas of use in the Member States that have not notified the Agency and the Commission in accordance with Article 57(2). By way of derogation from Articles 21 and 24, national safety authorities of Member States which have notified the Agency and Commission pursuant to Article 57(2) may continue to issue authorisations in accordance with Directive 2008/57/EC until 16 June 2020. By way of derogation from Articles 21 and 24, national safety authorities of Member States which have notified the Agency and Commission pursuant to Article 57(2a) may continue to issue authorisations in accordance with Directive 2008/57/EC until 31 October 2020.’;

- (2) in Article 57, the following paragraph is inserted:

‘2a. Member States that have extended the transposition period in accordance with paragraph 2 may further extend it until 31 October 2020. Their transposition measures shall apply from that date. Those Member States shall notify the Agency and the Commission thereof by 29 May 2020.’;

- (3) in the first paragraph of Article 58, the date ‘16 June 2020’ is replaced by ‘31 October 2020’.

*Article 2***Amendment to Directive (EU) 2016/798**

Directive (EU) 2016/798 is amended as follows:

- (1) the following Article is inserted:

'Article 6a

Alignment of CSMs with revised deadlines

The Commission shall be empowered to adopt delegated acts in accordance with Article 27 to align the application dates of delegated acts adopted under Article 6(6) with the transposition deadline set out in Article 33(2a). The procedure provided for in Article 27a shall apply to delegated acts adopted pursuant to this Article.';

- (2) in Article 27, the following paragraph is added:

'7. The power to adopt delegated acts referred to in Article 6a shall be conferred on the Commission from 28 May 2020 to 31 October 2020.';

- (3) the following Article is inserted:

'Article 27a

Urgency procedure

1. Delegated acts adopted under this Article shall enter into force without delay and shall apply as long as no objection is expressed in accordance with paragraph 2. The notification of a delegated act to the European Parliament and to the Council shall state the reasons for the use of the urgency procedure.

2. Either the European Parliament or the Council may object to a delegated act in accordance with the procedure referred to in Article 27(6). In such a case, the Commission shall repeal the act immediately following the notification of the decision to object by the European Parliament or by the Council.';

- (4) in Article 31, paragraph 3 is replaced by the following:

'3. At the latest from 16 June 2019 the Agency shall carry out the certification tasks pursuant to Article 10 in respect of areas of operation in the Member States that have not notified the Agency or the Commission in accordance with Article 33(2). By way of derogation from Article 10, national safety authorities of the Member States which have notified the Agency and the Commission pursuant to Article 33(2) may continue to issue certificates in accordance with Directive 2004/49/EC until 16 June 2020. By way of derogation from Article 10, national safety authorities of the Member States which have notified the Agency and the Commission pursuant to Article 33(2a) may continue to issue certificates in accordance with Directive 2004/49/EC until 31 October 2020.';

- (5) in Article 33, the following paragraph is inserted:

'2a. Member States that have extended the transposition period in accordance with paragraph 2 may further extend it until 31 October 2020. Their transposition measures shall apply from that date. Those Member States shall notify the Agency and the Commission thereof by 29 May 2020.';

- (6) in the first paragraph of Article 34, the date '16 June 2020' is replaced by '31 October 2020'.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 25 May 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
A. METELKO-ZGOMBIĆ

DECISIONS

DECISION (EU) 2020/701 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 25 May 2020

on providing macro-financial assistance to enlargement and neighbourhood partners in the context of the COVID-19 pandemic

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 212(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) The COVID-19 pandemic has very damaging effects on economic and financial stability in the enlargement and neighbourhood regions. Partners are currently facing a weak and rapidly worsening balance-of-payments and fiscal situation, with the economy moving into recession. There is a strong case for the Union to move quickly and decisively in support of those economies. This Decision therefore covers ten partners: the Republic of Albania, Bosnia and Herzegovina, Kosovo *, Montenegro, the Republic of North Macedonia in the enlargement region; Georgia, the Republic of Moldova and Ukraine in the Eastern neighbourhood and the Hashemite Kingdom of Jordan and the Republic of Tunisia in the Southern neighbourhood (the 'partners').
- (2) The urgency of the assistance is related to the partners' immediate need for funds in addition to those which will be provided through other Union instruments and by international financial institutions, Member States and other bilateral donors. This is necessary in order to allow short-term policy space for the partners' authorities to implement measures to counter the economic fallout from the COVID-19 pandemic.
- (3) The authorities of each partner and the International Monetary Fund (IMF) have already agreed on a programme that will be supported by a credit arrangement with the IMF or are expected to agree shortly on such a programme.
- (4) The Union's macro-financial assistance should be an exceptional financial instrument of untied and undesignated balance-of-payments support, which aims to address the beneficiary's immediate external financing needs in tandem with a non-precautionary IMF credit arrangement that is subject to an agreed programme of economic reforms. In the context of the COVID-19 pandemic, the Union's macro-financial assistance should also be available to partners that benefit from emergency funding from the IMF, which can come without prior actions and/or conditionality, such as through the Rapid Financing Instrument. That assistance should therefore be shorter in duration, limited to two disbursements and underpin the implementation of a policy programme containing a limited set of reform measures.

⁽¹⁾ Position of the European Parliament of 15 May 2020 (not yet published in the Official Journal) and decision of the Council of 20 May 2020.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

- (5) Financial support from the Union to the partners is consistent with the Union's enlargement and neighbourhood policies.
- (6) Given that the partners are either accession or pre-accession partners, or covered by the European Neighbourhood policy, they are eligible to receive the Union's macro-financial assistance.
- (7) Given that the drastically worsening external financing needs of the partners are expected to be well above the resources that will be provided by the IMF and other multilateral institutions, the Union's macro-financial assistance to be provided to the partners is, under the current exceptional circumstances, considered to be an appropriate response to the partners' requests to support economic stabilisation. The Union's macro-financial assistance would support economic stabilisation, supplementing resources made available under the IMF's credit arrangement.
- (8) The Union's macro-financial assistance should aim to support the restoration of a sustainable external financing situation for the partners, thereby supporting renewed economic and social development.
- (9) The amount of the Union's macro-financial assistance is based on a preliminary estimate of each partner's residual external financing needs and takes into account its capacity to finance itself with its own resources, in particular the international reserves at its disposal. The Union's macro-financial assistance should complement the programmes and resources provided by the IMF and the World Bank. The determination of the amount of the assistance also takes into account the need to ensure fair burden sharing between the Union and other donors, as well as the pre-existing deployment of the Union's other external financing instruments and the added value of the overall Union involvement.
- (10) The Commission should ensure that the Union's macro-financial assistance is legally and substantially in accordance with the key principles and objectives of, and the measures taken within, the different areas of external action and other relevant Union policies.
- (11) The Union's macro-financial assistance should support the Union's external policy regarding the partners. The Commission and the European External Action Service (EEAS) should work closely together throughout the macro-financial assistance operation in order to coordinate, and to ensure the consistency of, the Union's external policy.
- (12) The Union's macro-financial assistance should support the partners' commitment to values shared with the Union, including democracy, the rule of law, good governance, respect for human rights, sustainable development and poverty reduction, as well as their commitment to the principles of open, rule-based and fair trade.
- (13) A precondition for granting the Union's macro-financial assistance should be that the partners respect effective democratic mechanisms, including a multi-party parliamentary system, and the rule of law, and guarantees respect for human rights. In addition, the specific objectives of the Union's macro-financial assistance should strengthen the efficiency, transparency and accountability of the public finance management systems in the partners and promote structural reforms aimed at supporting sustainable growth and fiscal consolidation. The Commission and the EEAS should regularly monitor both the fulfilment of the preconditions and the achievement of those objectives.
- (14) In order to ensure that the Union's financial interests linked to the Union's macro-financial assistance are protected efficiently, the partners should take appropriate measures relating to the prevention of, and fight against, fraud, corruption and any other irregularities linked to that assistance. In addition, provision should be made for the Commission to carry out checks, for the Court of Auditors to carry out audits and for the European Public Prosecutor's Office to exercise its competences.
- (15) Release of the Union's macro-financial assistance is without prejudice to the powers of the European Parliament and of the Council as budgetary authority.
- (16) The amounts of the provision required for macro-financial assistance should be consistent with the budgetary appropriations provided for in the multi-annual financial framework.
- (17) The Union's macro-financial assistance should be managed by the Commission. In order to ensure that the European Parliament and the Council are able to follow the implementation of this Decision, the Commission should regularly inform them of developments relating to that assistance and provide them with the relevant documents.

- (18) In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽²⁾.
- (19) The Union's macro-financial assistance should be subject to economic policy conditions, to be laid down in a Memorandum of Understanding (the 'MOU'). In order to ensure uniform conditions of implementation and for reasons of efficiency, the Commission should be empowered to negotiate such conditions with the authorities of the partners under the supervision of the committee of representatives of Member States in accordance with Regulation (EU) No 182/2011. Under that Regulation, the advisory procedure should, as a general rule, apply in all cases other than as provided for in that Regulation. Considering the potentially significant impact of assistance of more than EUR 90 million, it is appropriate that the examination procedure as specified in Regulation (EU) No 182/2011 be used for operations above that threshold. Considering the amount of the Union's macro-financial assistance to each partner, the advisory procedure should apply to the adoption of the MOU with Montenegro, while the examination procedure should apply to the adoption of the MOU with the other partners covered by this Decision, and correspondingly to any reduction, suspension or cancellation of that assistance.
- (20) Since the objective of this Decision, namely to support the economies of partners who are currently facing a weak and rapidly worsening balance-of-payments and fiscal situation, with the economy moving into recession, as a consequence of the COVID-19 pandemic, cannot be sufficiently achieved by the Member States but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Decision does not go beyond what is necessary to achieve that objective.
- (21) In view of the urgency entailed by the exceptional circumstances caused by the COVID-19 pandemic and the associated economic consequences, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the TEU, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (22) This Decision should enter into force as a matter of urgency on the date following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS DECISION:

Article 1

1. The Union shall make macro-financial assistance (the 'Union's macro-financial assistance') available to the Republic of Albania, Bosnia and Herzegovina, Georgia, the Hashemite Kingdom of Jordan, Kosovo, the Republic of Moldova, Montenegro, the Republic of North Macedonia, the Republic of Tunisia and Ukraine (the 'partners') for a maximum total amount of EUR 3 billion, with a view to supporting the partners' economic stabilisation and a substantive reform agenda. The assistance shall contribute to covering the partners' urgent balance-of-payments needs as identified in the programme supported by the IMF and shall be made available as follows:

- (a) EUR 180 million for the Republic of Albania;
- (b) EUR 250 million for Bosnia and Herzegovina;
- (c) EUR 150 million for Georgia;
- (d) EUR 200 million for the Hashemite Kingdom of Jordan;
- (e) EUR 100 million for Kosovo;
- (f) EUR 100 million for the Republic of Moldova;
- (g) EUR 60 million for Montenegro;
- (h) EUR 160 million for the Republic of North Macedonia;
- (i) EUR 600 million for the Republic of Tunisia;
- (j) EUR 1,2 billion for Ukraine.

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

2. The full amount of the Union's macro-financial assistance shall be provided to each partner in the form of loans. The Commission shall be empowered, on behalf of the Union, to borrow the necessary funds on the capital markets or from financial institutions and to on-lend them to the partner. The loans shall have a maximum average maturity of 15 years.
3. The release of the Union's macro-financial assistance shall be managed by the Commission in a manner consistent with the agreements or understandings reached between the IMF and the partner. The Commission shall regularly inform the European Parliament and the Council of developments regarding the Union's macro-financial assistance, including disbursements thereof, and shall provide those institutions with the relevant documents in due time.
4. The Union's macro-financial assistance shall be made available for a period of 12 months, starting from the first day after the entry into force of the MOU referred to in Article 3(1).
5. If the financing needs of a partner decrease fundamentally during the period of the disbursement of the Union's macro-financial assistance compared to the initial projections, the Commission, acting in accordance with Article 7(2), shall reduce the amount of the assistance, suspend or cancel it.

Article 2

1. A pre-condition for granting the Union's macro financial assistance shall be that the partner respects effective democratic mechanisms, including a multi-party parliamentary system, and the rule of law, and guarantees respect for human rights.
2. The Commission and the EEAS shall monitor the fulfilment of the pre-condition laid down in paragraph 1 throughout the life-cycle of the Union's macro-financial assistance.
3. Paragraphs 1 and 2 shall be applied in accordance with Council Decision 2010/427/EU ^(*).

Article 3

1. The Commission, in accordance with Article 7(2), shall agree with the authorities of each partner on clearly defined economic policy and financial conditions, focusing on structural reforms and sound public finances, to which the Union's macro-financial assistance is to be subject. Those economic policy and financial conditions shall be laid down in a MOU which shall include a timeframe for the fulfilment of those conditions. The economic policy and financial conditions laid down in the MOU shall be consistent with the agreements or understandings referred to in Article 1(3), including the macroeconomic adjustment and structural reform programmes implemented by the partner, with the support of the IMF.
2. The conditions referred to in paragraph 1 shall aim, in particular, at enhancing the efficiency, transparency and accountability of the public finance management systems in the partners, including for the use of the Union's macro-financial assistance. Progress in mutual market opening, the development of rules-based and fair trade, and other priorities in the context of the Union's external policy shall also be duly taken into account when designing the policy measures. Progress in attaining those objectives shall be regularly monitored by the Commission.
3. The detailed financial terms of the Union's macro-financial assistance shall be laid down in a loan agreement to be concluded between the Commission and the authorities of each partner separately (the 'Loan Agreement').
4. The Commission shall verify, at regular intervals, that the conditions referred to in Article 4(3) continue to be met, including whether the economic policies of the partner are in accordance with the objectives of the Union's macro-financial assistance. In so doing, the Commission shall coordinate closely with the IMF and the World Bank, and, where necessary, with the European Parliament and with the Council.

Article 4

1. Subject to the conditions referred to in paragraph 3, the Union's macro-financial assistance shall be made available by the Commission two loan instalments. The size of each instalment shall be laid down in the MOU.

^(*) Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service (OJ L 201, 3.8.2010, p. 30).

2. The amounts of the Union's macro-financial assistance shall be provisioned, where required, in accordance with Council Regulation (EC, Euratom) No 480/2009 ⁽⁴⁾.

3. The Commission shall decide on the release of the instalments, subject to the fulfilment of all of the following conditions:

- (a) the pre-condition set out in Article 2;
- (b) a continuous satisfactory track record of implementing a non-precautionary IMF credit arrangement;
- (c) the satisfactory implementation of the economic policy and financial conditions agreed in the MOU.

The release of the second instalment shall not, in principle, take place earlier than three months after the release of the first instalment.

4. Where the conditions referred to in the first subparagraph of paragraph 3 are not met, the Commission shall temporarily suspend or cancel the disbursement of the Union's macro-financial assistance. In such cases, it shall inform the European Parliament and the Council of the reasons for the suspension or cancellation.

5. The Union's macro-financial assistance shall be disbursed to the central bank of the partner. Subject to the provisions to be agreed in the MOU including a confirmation of residual budgetary financing needs, the Union funds may be transferred to the Ministry of Finance as the final beneficiary.

Article 5

1. The borrowing and lending operations related to the Union's macro-financial assistance shall be carried out in euro using the same value date, and shall not involve the Union in the transformation of maturities, or expose it to any exchange or interest rate risk, or to any other commercial risk.

2. Where the circumstances permit, and if the partner so requests, the Commission may take the steps necessary to ensure that an early repayment clause is included in the loan terms and conditions and that it is matched by a corresponding clause in the terms and conditions of the borrowing operations.

3. Where circumstances permit an improvement of the interest rate of the loan and if the partner so requests, the Commission may decide to refinance all, or part, of its initial borrowings or may restructure the corresponding financial conditions. Refinancing or restructuring operations shall be carried out in accordance with paragraphs 1 and 4, and shall not have the effect of extending the maturity of the borrowings concerned or of increasing the amount of capital outstanding at the date of the refinancing or restructuring.

4. All costs incurred by the Union which relate to the borrowing and lending operations under this Decision shall be borne by the partner.

5. The Commission shall inform the European Parliament and the Council of developments in the operations referred to in paragraphs 2 and 3.

Article 6

1. The Union's macro-financial assistance shall be implemented in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁵⁾.

2. The Union's macro-financial assistance shall be implemented under direct management.

3. The Loan Agreement shall contain provisions:

- (a) ensuring that the partner regularly checks that financing provided from the general budget of the Union has been properly used, takes appropriate measures to prevent irregularities and fraud, and, if necessary, takes legal action to recover any funds provided under this Decision that have been misappropriated;

⁽⁴⁾ Council Regulation (EC, Euratom) No 480/2009 of 25 May 2009 establishing a Guarantee Fund for external actions (OJ L 145, 10.6.2009, p. 10).

⁽⁵⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (b) ensuring the protection of the Union's financial interests, in particular providing for specific measures in relation to the prevention of, and fight against, fraud, corruption and any other irregularities affecting the Union's macro-financial assistance, in accordance with Council Regulations (EC, Euratom) No 2988/95 ⁽⁶⁾ and (Euratom, EC) No 2185/96 ⁽⁷⁾, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽⁸⁾ and, for those Member States participating in enhanced cooperation regarding the European Public Prosecutor's Office, Council Regulation (EU) 2017/1939 ⁽⁹⁾. To that end, the European Anti-Fraud Office (OLAF) shall be expressly authorised to carry out investigations, including on-the-spot checks and inspections including digital forensic operations and interviews;
- (c) expressly authorising the Commission, or its representatives, to carry out checks, including on-the-spot checks and inspections;
- (d) expressly authorising the Commission and the Court of Auditors to perform audits during and after the availability period of the Union's macro-financial assistance, including document audits and on-the-spot audits, such as operational assessments;
- (e) ensuring that the Union is entitled to early repayment of the loan where it has been established that, in relation to the management of the Union's macro-financial assistance, the partner has engaged in any act of fraud or corruption or any other illegal activity detrimental to the financial interests of the Union; and
- (f) ensuring that all costs incurred by the Union that relate to the borrowing and lending operations under this Decision shall be borne by the partner.

4. Before the implementation of the Union's macro-financial assistance, the Commission shall assess, by means of an operational assessment, the soundness of the partner's financial arrangements, the administrative procedures, and the internal and external control mechanisms which are relevant to the assistance.

Article 7

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply to the Union's macro-financial assistance for Montenegro, while Article 5 of Regulation (EU) No 182/2011 shall apply to the Union's macro-financial assistance for the other partners covered by this Decision.

Article 8

1. By 30 June of each year, the Commission shall submit to the European Parliament and to the Council a report on the implementation of this Decision in the preceding year, including an evaluation of that implementation. The report shall:
 - (a) examine the progress made in implementing the Union's macro-financial assistance;
 - (b) assess the economic situation and prospects of the partners, as well as progress made in implementing the policy measures referred to in Article 3(1);
 - (c) indicate the connection between the economic policy conditions laid down in the MOU, the partners' on-going economic and fiscal performance and the Commission's decisions to release the instalments of the Union's macro-financial assistance.
2. Not later than two years after the expiry of the availability period referred to in Article 1(4), the Commission shall submit to the European Parliament and to the Council an ex-post evaluation report, assessing the results and efficiency of the completed Union's macro-financial assistance and the extent to which it has contributed to the aims of the assistance.

⁽⁶⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

⁽⁷⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission to protect the Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

⁽⁸⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽⁹⁾ Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') (OJ L 283, 31.10.2017, p. 1).

Article 9

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

Done at Brussels, 25 May 2020.

For the European Parliament
The President
D. M. SASSOLI

For the Council
The President
A. METELKO-ZGOMBIĆ

II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2020/702

of 20 May 2020

further extending the temporary derogation from the Council's Rules of Procedure introduced by Decision (EU) 2020/430 and extended by Decision (EU) 2020/556 in view of the travel difficulties caused by the COVID-19 pandemic in the Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(3) thereof,

Whereas:

- (1) Council Decision (EU) 2020/430 ⁽¹⁾ introduced a one-month derogation from the first subparagraph of Article 12(1) of the Council's Rules of Procedure ⁽²⁾ as regards decisions to use the ordinary written procedure, where those decisions are taken by the Committee of the Permanent Representatives of the Governments of the Member States (Coreper). That derogation was foreseen until 23 April 2020.
- (2) Decision (EU) 2020/430 provides that, if justified by continued exceptional circumstances, the Council may renew that Decision. On 21 April 2020, the Council by Decision (EU) 2020/556 ⁽³⁾ extended the derogation provided for in Article 1 of Decision (EU) 2020/430 for a further period of one month from 23 April 2020. That extension of the derogation expires on 23 May 2020.
- (3) Given that the exceptional circumstances caused by the COVID-19 pandemic continue, with a number of extraordinary preventive and containment measures taken by Member States still in place, it is necessary to extend the derogation provided for in Article 1 of Decision (EU) 2020/430, as extended by Decision (EU) 2020/556, for a further limited period until 10 July 2020,

HAS ADOPTED THIS DECISION:

Article 1

The derogation provided for in Article 1 of Decision (EU) 2020/430, as extended by Decision (EU) 2020/556, is hereby further extended until 10 July 2020.

⁽¹⁾ Council Decision (EU) 2020/430 of 23 March 2020 on a temporary derogation from the Council's Rules of Procedure in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 88 I, 24.3.2020, p. 1).

⁽²⁾ Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

⁽³⁾ Council Decision (EU) 2020/556 of 21 April 2020 extending the temporary derogation from the Council's Rules of Procedure introduced by Decision (EU) 2020/430 in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 128 I, 23.4.2020, p. 1).

Article 2

This Decision shall take effect on the date of its adoption.

It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 20 May 2020.

For the Council
The President
G. GRLIĆ RADMAN

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