

III

(Other acts)

EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY DECISION

No 102/20/COL

of 31 August 2020

authorising Norway to apply an extension of certain periods specified in Article 2 of Regulation (EU) 2020/698 of the European Parliament and of the Council 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 (2020/1635)

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to 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 ⁽¹⁾ and in particular Article 2 of that Regulation as adapted to the EEA Agreement by Protocol 1 thereto,

Whereas:

According to Directive 2003/59/EC of the European Parliament and of the Council ⁽²⁾, certain professional drivers are required to carry out periodic training and after successfully concluding that training receive a Driver Certificate of Professional Competence ("CPC") which may either be in form of a driver qualification card or with a corresponding marking of a harmonized Union code, '95' on the driving licence in accordance with Article 10 of that Directive.

Article 2(1) of Regulation (EU) 2020/698 extends the time limits for the completion, by the holder of a certificate of professional competence (CPC), of periodic training, which would otherwise have expired or would otherwise expire between 1 February 2020 and 31 August 2020 by seven months. Article 2(2) of that Regulation in the same manner extends the validity of the corresponding marking of harmonised Union code, '95' and Article 2(3) extends the corresponding driver qualification cards.

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

⁽¹⁾ OJ L 165, 27.5.2020, p. 10. Incorporated into the EEA Agreement at point 4b of Annex XIII by Decision of the EEA Joint Committee No 91/2020 of 18 June 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). Incorporated into the EEA Agreement at point 37 of Annex XIII by Decision of the EEA Joint Committee No 64/2006 (OJ L 245, 7.9.2006, p. 13).

reasoned request for an authorisation to apply an extension of the periods specified in Article 2(1), (2) and (3) of Regulation (EU) 2020/698, as relevant. That request may concern the period between 1 February 2020 and 31 August 2020 or the periods of seven months specified in Article 2(1), (2) and (3) of that Regulation, as relevant, or both.

Where, upon a request submitted in accordance with Article 2(5) of Regulation (EU) 2020/698, the EFTA Surveillance Authority finds that the requirements laid down in that paragraph are fulfilled, it shall adopt a decision, in accordance with Article 2(6) of that Regulation, authorising the Member State concerned to apply an extension of the periods in question. 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.

By letter dated 15 June 2020 ⁽³⁾, referring to Article 2(1) and (2) of Regulation (EU) 2020/698, Norway submitted a reasoned request pursuant to Article 2(5) for an authorisation to apply an extension by one month of the period specified in Article 2(1) and (2) of that Regulation. Norway provided additional information in support of its request on 26 August 2020 ⁽⁴⁾.

According to the information provided by Norway, the completion of periodic training and its certification and the marking of the harmonised Union code, '95' is likely to remain impracticable in Norway until 30 September 2020 due to measures that it has taken to prevent or contain the spread of COVID-19.

In particular, Norway imposed general lockdown measures which included closing down training facilities, including those related to the periodic training of drivers provided for in Directive 2003/59/EC and public services related to the renewal of documents and licences.

The periodic training courses have gradually resumed operation. However, the measures necessary to contain COVID-19 still impose constraints on these facilities. Norway states that the training facilities must meet the relevant national rules on social distancing. As a result, only a reduced number of candidates are able to participate in the training courses at the same time. These measures imposed by Norwegian authorities have resulted in a significant backlog of licence holders, which have not been able to conclude the required periodic training.

After assessing in accordance with Article 2(6) of Regulation (EU) 2020/698, the reasoned submission received from Norway pursuant to Article 2(5) of that Regulation and the additional information provided, the Authority finds 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 Norway has taken to prevent or contain the spread of COVID-19. The requirements laid down in Article 2(5) of Regulation (EU) 2020/698 are therefore fulfilled.

Norway should consequently be authorised to apply an extension of one month of the respective periods, between 1 February 2020 and 31 August 2020, specified in Article 2(1) and (2) of Regulation (EU) 2020/698,

HAS ADOPTED THIS DECISION:

Norway is authorised to apply an extension of one month of the period between 1 February 2020 and 31 August 2020 specified in Article 2(1) of Regulation (EU) 2020/698 for the purposes of Article 2(1) and (2) of that Regulation.

⁽³⁾ Doc No 1138286.

⁽⁴⁾ Doc No 1149283.

This Decision is addressed to the Kingdom of Norway.

Done at Brussels, 31 August 2020.

For the EFTA Surveillance Authority

Bente ANGELL-HANSEN
President

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