

II

(Non-legislative acts)

DECISIONS

COMMISSION DECISION (EU) 2021/1356

of 30 June 2021

authorising Sweden to apply an extension of certain periods specified in Article 2 of Regulation (EU) 2021/267 of the European Parliament and of the Council

(notified under document C(2021) 4608)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2021/267 of the European Parliament and of the Council of 16 February 2021 laying down specific and temporary measures in view of the persistence of the COVID-19 crisis concerning the renewal or extension of certain certificates, licences and authorisations, the postponement of certain periodic checks and periodic training in certain areas of transport legislation and the extension of certain periods referred to in Regulation (EU) 2020/698 ⁽¹⁾, and in particular Article 2(8) thereof,

Whereas:

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

⁽¹⁾ OJ L 60, 22.2.2021, p. 1.

⁽²⁾ Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

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

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

HAS ADOPTED THIS DECISION:

Article 1

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

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

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

Article 2

This Decision is addressed to the Kingdom of Sweden.

Done at Brussels, 30 June 2021.

For the Commission
Adina-Ioana VĂLEAN
Member of the Commission
