

Coronavirus relief package for transport industries – Railway related summary

Update after publication of final acts in EU Official Journal (27/05/2020)

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

EU Official Journal (text soon available in all EU official languages):

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2020.165.01.0027.01.ENG&toc=OJ:L:2020:165:TOC

The amendment allows member states who have not yet transposed the Fourth Railway package Technical Pillar to **postpone the transposition of the Safety Directive and the Interoperability Directive** from 16 June 2020 to **31 October 2020**. Those member states shall **notify the Agency and the Commission by 29 May 2020**.

The Directive also regulates the alignment of CSMs with the revised deadlines, and the use of the urgency procedure.

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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

EU Official Journal (text soon available in all EU official languages):

https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2020.165.01.0010.01.ENG&toc=OJ:L:2020:165:TOC

Railway legislation concerned: Directive (EU) 2016/798; Directive 2004/49/EC; Directive 2007/59/EC; Directive 2012/34/EU.

Articles of the proposal : Articles 9, 10, 11, 12, 13

“Reference period” of expired time limits and validity that can benefit from these provisions: 1 March 2020 - 31 August 2020

Due to the extraordinary situation caused by the COVID-19 outbreak:

Directive (EU) 2016/798:

- Time limits for **renewal of single safety certificates** expiring in the reference period 1 March 2020 - 31 August 2020: extended by 6 months.
- **Validity of safety authorisations** expiring in the reference period: extended by 6 months.
- Member states still facing difficulties can apply for extension of this period by 1 August 2020.

Directive (EU) 2004/49/EC:

- Time limits for **renewal of safety certificates** expiring in the reference period 1 March 2020 - 31 August 2020: extended by 6 months.
- Time limits for **renewal of safety authorisations** expiring in the reference period: extended by 6 months.
- Member states still facing difficulties can apply for extension of this period by 1 August 2020.

Directive 2007/59/EC:

- **Validity of [train driver's] licences** expiring in the reference period 1 March 2020 - 31 August 2020: extended by 6 months from the date of expiry of any such licence.
- Time limits for the **completion of the periodic checks** mentioned in article 16 and Annexes II and VII of the Directive expiring in the reference period: extended by 6 months.
- Member states still facing difficulties can apply for extension of this period by 1 August 2020.
- **Opt-out clause for member states that have not faced difficulties due to COVID19 outbreak** and therefore do not need to make use of the extensions allowed by the article. The opt-out is coupled with the obligation for the concerned member states to still **allow cross-border activities** of economic operators and individuals that have benefited of the relief measures.

Directive 2012/34/EU:

- **Validity of temporary licences [of railway undertakings] and time limits for the performance of a regular review** expiring in the reference period 1 March 2020 - 31 August 2020: extended by 6 months from the date of end of validity of any such licence.
- The licensing authority shall take a decision in respect of **applications submitted from 12 January 2020 to 31 August 2020** not later than nine months after all relevant information, notably the particulars referred to in Annex III, has been submitted.
- Member states still facing difficulties can apply for extension of this period by 1 August 2020.
- **Article 13** concerns the **treatment of licences of railway undertakings under Directive 2012/34/EU in the event of lack of financial fitness**:
“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”.