

REGULATION (EU) 2022/1280 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**of 18 July 2022****laying down specific and temporary measures, in view of Russia's invasion of Ukraine, concerning driver documents issued by Ukraine in accordance with its 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 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) On 24 February 2022, Russian armed forces initiated a large-scale invasion of Ukraine at multiple locations from the Russian Federation, from Belarus and from non-government-controlled areas of Ukraine. Consequently, substantial areas of Ukrainian territory now constitute areas of armed conflict from which millions of persons have fled or are fleeing.
- (2) As a result of this unprovoked and unjustified military aggression against Ukraine, millions of persons have been displaced. In response, the Council has for the first time established the existence of a mass influx into the Union of displaced persons who have had to leave Ukraine as a consequence of an armed conflict in accordance with Council Directive 2001/55/EC ⁽²⁾ by adopting Council Implementing Decision (EU) 2022/382 ⁽³⁾, which sets out the categories of displaced persons entitled, in the Union, to temporary protection or adequate protection under national law.
- (3) Driving licences enhance the mobility of their holders and facilitate their everyday lives by permitting them to drive power-driven vehicles. A certificate of professional competence is required for the holder to work as a professional driver transporting goods and passengers for an undertaking established in the Union. In the current context, both types of document promote the participation of persons enjoying temporary protection or adequate protection under national law in economic and social activities in their new environment.

⁽¹⁾ Position of the European Parliament of 7 July 2022 (not yet published in the Official Journal) and decision of the Council of 18 July 2022.

⁽²⁾ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

⁽³⁾ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection (OJ L 71, 4.3.2022, p. 1).

- (4) In accordance with Annex XXXII to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽⁴⁾, Ukraine has approximated its laws to the provisions of Directive 2003/59/EC of the European Parliament and of the Council ⁽⁵⁾, in particular in order to allow the issuing of the corresponding certificates of professional competence to bus and truck drivers engaged in international operations.
- (5) The Convention on Road Traffic concluded at Vienna on 8 November 1968 (the ‘Vienna Convention on Road Traffic’), to which Ukraine is a party, provides for certain rules which allow for the recognition of driving permits under certain conditions. However, not all Member States are parties to that convention. In addition, there is currently no harmonised Union framework for the exchange of driving licences or certificates of professional competence issued by third countries, such as Ukraine. The requirements related to a possible exchange of driving licences are mostly laid down in the national legislation of Member States, or under existing bilateral agreements between those Member States and Ukraine. Diverging requirements between the different Member States, particularly as regards the recognition of driving licences and certificates of professional competence, may adversely affect the life and the freedoms of displaced persons fleeing Russia’s military aggression against Ukraine, at a time when those persons are especially vulnerable.
- (6) In this context, it is therefore appropriate to have a common Union framework applicable to the recognition of driving licences issued by Ukraine and held by persons enjoying temporary protection or adequate protection under national law. To reduce the burden on such persons and on the authorities of the Member States, driving licences duly issued by Ukraine to those persons should be recognised for as long as the period of their temporary protection lasts, without the need for their holders to exchange them.
- (7) The Vienna Convention on Road Traffic requires the holders of driving permits to present international driving permits for their rights to drive to be recognised in certain cases. Such holders may also be required to present a certified translation of their driving permits. However, those requirements constitute a disproportionate burden on the people displaced from Ukraine and are unlikely to be complied with in many cases. Therefore, such persons enjoying temporary protection or adequate protection under national law should not be required to present such documents on the territory of the Union. That recognition should be without prejudice to the application of criminal and police rules, subject to the principle of territoriality.
- (8) Despite the fact that Ukraine has already approximated its national law to Directive 2003/59/EC for drivers engaged in international transport operations, Ukrainian professional drivers seeking to work for road transport undertakings established in the Union still need to complete the appropriate qualification and training in a Member State. It should therefore be possible for Member States to issue a driver qualification card, as referred to in Directive 2003/59/EC, to the persons concerned, or to mark the special temporary Union code ‘95.01 (max 06.03.2025)’ on the relevant driving licence, to persons enjoying temporary protection or adequate protection under national law and holding the driver qualification card issued by Ukraine in accordance with the Ukrainian national legislation for the purpose of giving to the persons concerned rights on a temporary basis similar to those of the persons qualified to carry out the activity of driving covered by Article 1 of Directive 2003/59/EC. To that end, Member States may adopt national rules laying down the scope and duration of complementary compulsory training and of a subsequent test, in order to ensure that the persons concerned meet the standards of Directive 2003/59/EC. In the case of a declaration of the loss or theft of a driver qualification card issued by Ukraine, Member States should be in a position to verify, including with the competent authorities of Ukraine, that the person concerned holds a valid certificate of professional competence issued by Ukraine. As a complementary measure, it should be possible for the special temporary Union code to be marked on the driver attestation issued for the driver.

⁽⁴⁾ OJ L 161, 29.5.2014, p. 3.

⁽⁵⁾ 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).

- (9) As driving licences and driver qualification cards usually have a limited period of validity, they need to be regularly renewed. The current context does not allow Ukraine to carry out its tasks in a normal fashion, which is why it may not be in a position to renew existing administrative documents. Member States should therefore take into account information that Ukraine may provide to them and to the Commission through official channels.
- (10) The circumstances of fleeing war often entail the loss or theft of driving licences, or their being left behind in the war zone without an immediate possibility of recovering them. In such case, Member States should be allowed to issue temporary driving licences that replace the original ones for the duration of the temporary protection, provided that the competent authorities of the Member States are in a position to verify the information provided by the displaced persons, for example by accessing the national registers of Ukraine. Such temporary driving licences should be mutually recognised in the Union, and their administrative validity should not exceed the duration of the temporary protection.
- (11) The issuance of temporary driving licences in the case of lost or stolen Ukrainian driving licences and the establishment of complementary compulsory training sessions for holders of the driver qualification card are optional measures that might require proportionate national implementing measures. Such national measures should be adopted in accordance with the relevant procedures set in each Member State.
- (12) The fight against fraud and forgery is instrumental in maintaining road safety and law enforcement. In this respect, the implementation of this Regulation should be accompanied by administrative cooperation between Ukraine and the Union for the purpose of supporting the verification of the validity and authenticity of driver documents issued by Ukraine.
- (13) Since the objective of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and 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 in order to achieve that objective.
- (14) To minimise the administrative burden on Member States and avoid multiple renewals, the expiry date recorded on driver documents issued in accordance with this Regulation should correspond to the current maximum possible duration of the temporary protection in respect of displaced persons from Ukraine, taking into account the possible extensions thereof pursuant to Article 4 of Directive 2001/55/EC. However, notwithstanding the expiry recorded on the documents, their validity should correspond to the duration of the temporary protection.
- (15) In view of Russia's invasion of Ukraine and the urgency to lay down specific and temporary measures concerning driver documents issued by Ukraine in accordance with its legislation, it is considered to be appropriate to invoke the exception to the eight-week period provided for 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.
- (16) In view of the need to lay down specific and temporary measures concerning driver documents issued by Ukraine in accordance with its legislation without delay, this Regulation should enter into force as a matter of urgency on the fifth day following that of its publication in the *Official Journal of the European Union*.
- (17) In view of the exceptional circumstances that justify this Regulation and the specific objectives pursued, it is appropriate that its application be limited in time,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject-matter

This Regulation lays down specific and temporary measures applicable to driver documents issued by Ukraine in accordance with its legislation and held by persons enjoying temporary protection or adequate protection under national law in accordance with Directive 2001/55/EC and Implementing Decision (EU) 2022/382.

Article 2

Definition

For the purposes of this Regulation, 'driver documents issued by Ukraine' means:

- (a) driving licences issued by Ukraine, proving that, and under what conditions, a driver is authorised to drive under the law of Ukraine; or
- (b) driver qualification cards issued by Ukraine in accordance with its national legislation adopted to implement Directive 2003/59/EC, pursuant to Article 368(1) of, and Annex XXXII to, the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, to drivers of road vehicles engaged in the international carriage of goods or passengers by road falling under the scope of that Directive.

Article 3

Recognition of driving licences issued by Ukraine

1. Valid driving licences issued by Ukraine shall be recognised in the territory of the Union when their holders enjoy temporary protection or adequate protection under national law in accordance with Directive 2001/55/EC and Implementing Decision (EU) 2022/382 until the moment when that temporary protection ceases to apply. That recognition is without prejudice to the application of national provisions on the restriction, suspension, withdrawal or cancellation of the right to drive on the territory of that Member State, in accordance with the principle of territoriality of criminal and police laws.
2. Where a person enjoying temporary protection or adequate protection under national law in accordance with Directive 2001/55/EC and Implementing Decision (EU) 2022/382 is in possession of a valid driving licence issued by Ukraine, Member States shall not require the presentation of its certified translation or an international driving permit, as referred to in Article 41(2) of the Vienna Convention on Road Traffic. Member States may require the presentation of a passport, document of temporary residency or other adequate document in order to verify the identity of the holder of the driving licence.

Article 4

Driver qualification cards and driver attestations

1. At the request of a person who holds a driver qualification card issued by Ukraine as referred to in Article 2, point (b), of this Regulation, who enjoys temporary protection or adequate protection under national law in accordance with Directive 2001/55/EC and Implementing Decision (EU) 2022/382, the Member State where that person has been granted a temporary residence permit or the Member State where that person enjoys adequate protection under national law may:
 - (a) by way of derogation from point 12 of Annex I to Directive 2006/126/EC of the European Parliament and of the Council ⁽⁹⁾, mark a special temporary Union code '95.01 (max 06.03.2025)', which means 'Driver holding a CPC meeting the obligation of professional aptitude – special issuance only for the duration of temporary protection' in field 12 of side 2 of the driving licence of the person concerned, provided that that person also holds a Union model driving licence issued by that Member State; or

⁽⁹⁾ 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).

- (b) issue to that person a driver qualification card with a special temporary Union code '95.01 (max 06.03.2025)' in field 10 of side 2 thereof as referred to in Article 10(1) of Directive 2003/59/EC.

By way of derogation from Article 10(2) of Directive 2003/59/EC, a driver enjoying temporary protection or adequate protection under national law who holds a driver qualification card issued by Ukraine for the carriage of goods by road shall also be allowed to prove that he or she has the qualification and training referred to in paragraph 4 of this Article by means of the driver attestation provided for in Regulation (EC) No 1072/2009 of the European Parliament and of the Council ⁽⁷⁾, provided that it bears the Union code '95.01 (max 06.03.2025)'.

For the purposes of this Regulation, the issuing Member State shall indicate the Union code '95.01 (max 06.03.2025)' in the remarks section on the driver attestation, in accordance with Article 5 of Regulation (EC) No 1072/2009, if the holder concerned has fulfilled the training and test requirements and the minimum standards of physical and mental fitness provided for in this Article.

2. The driver qualifications cards and the mark on the driving licences referred to in paragraph 1 points (a) and (b) of this Article and driver attestations referred to in the second subparagraph of paragraph 1 of this Article shall be mutually recognised in the territory of the Union. The holders of such driver qualification cards, such driving licences marked with the special temporary Union code '95.01 (max 06.03.2025)' or such driver attestations marked with the special temporary Union code '95.01 (max 06.03.2025)' shall be deemed to have fulfilled the requirement of compulsory initial qualification necessary to carry out the activity of driving laid down by Article 3 of Directive 2003/59/EC.

3. Without prejudice to any future acts of the Union concerning the duration of the temporary protection, by way of derogation from points 4(b) and 11 of Annex I to Directive 2006/126/EC and point 4(b) of Annex II to Directive 2003/59/EC, the expiry date on such driver qualification cards or attached to the special temporary Union code marked on the driving licences shall be 6 March 2025.

However, notwithstanding that date marked on those documents, their administrative validity shall correspond to the duration of the temporary protection in respect of displaced persons from Ukraine, as referred to in Article 4 of Directive 2001/55/EC, of the adequate protection under national law of the holder, or of the period of validity of the driving licence, whichever ends the earliest. The holder shall be adequately informed of such a limitation.

4. Prior to issuing the driver qualification card or marking the special temporary Union code '95.01 (max 06.03.2025)' on the driving licence or on the driver attestation referred to in paragraph 1 of this Article, Member States shall require the holder of the driver qualification card issued by Ukraine referred to in Article 2, point (b), to undergo complementary compulsory training concluding with a test for the purpose of verifying that the driver has the level of knowledge required by Section 1 of Annex I to Directive 2003/59/EC.

The duration of the complementary compulsory training shall be at least 35 hours and shall not exceed 60 hours, including at least 2,5 hours of individual driving as specified in point 2.1 of Section 2 of Annex I to Directive 2003/59/EC. Such training may take place in the form of compulsory periodic training as specified in section 4 of Annex I to Directive 2003/59/EC. With regard to the specific training needs to be taken into account in this context, an emphasis should be placed on the driver acquiring knowledge of the rules in Regulation (EC) No 561/2006 of the European Parliament and of the Council ⁽⁸⁾.

At the end of that training, Member States' competent authorities or the entity designated by them shall test the driver in writing or orally or by means of a computer-based test in designated testing facilities.

⁽⁷⁾ 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).

⁽⁸⁾ 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).

Member States shall inform the Commission of national rules adopted in accordance with this paragraph prior to issuing the driver qualification card or to marking the driving licence referred to in paragraph 1.

5. In the event of loss or theft of a driver qualification card referred to in Article 2, point (b), of this Regulation, held by a person enjoying temporary protection or adequate protection under national law in accordance with Directive 2001/55/EC and Implementing Decision (EU) 2022/382, the Member State where that person has been granted a temporary residence permit or where that person enjoys adequate protection under national law may, at the request of that person, verify, including with the competent authorities of Ukraine, that that person is the holder of a valid certificate of professional competence issued by Ukraine in accordance with its national legislation and that that person is not in possession of a document marked or issued in accordance with paragraph 1 of this Article by another Member State.

After carrying out that verification, the Member State concerned may issue the driver qualification card or mark the special temporary Union code '95.01 (max 06.03.2025)' on the driving licence or on the driver attestation, in accordance with the procedures set out in paragraphs 1 to 4.

6. Where a person referred to in paragraph 1 of this Article does not hold a Union model driving licence issued by a Member State, Member States shall require an examination applying minimum standards of physical and mental fitness for driving in accordance with national law adopted to transpose Annex III to Directive 2006/126/EC prior to the issuance of a driver qualification card or to the marking of the special temporary Union code on the driver attestation in accordance with this Article.

7. When the period of application in respect of displaced persons from Ukraine, as referred to in Article 4 of Directive 2001/55/EC comes to an end, the driver qualification cards, driver attestations issued by the Member States and the special temporary Union code marked on the driving licence in accordance with this Article shall be null and void.

Article 5

Extension of the validity of expired driver documents issued by Ukraine

Without prejudice to Articles 3, 4 and 6, where Ukraine adopts decisions to extend the validity of driver documents issued by Ukraine having expired after 31 December 2021, Member States shall, for the purposes of Articles 3, 4 and 6, consider the holders of the relevant driver documents issued by Ukraine to be in possession of a valid document provided that Ukraine informs the Commission and the Member States of its decision to extend the validity of those driver documents. This information shall be communicated through appropriate official channels.

Article 6

Lost or stolen driving licences issued by Ukraine

1. Where a person enjoying temporary protection or adequate protection under national law in accordance with Directive 2001/55/EC and Implementing Decision (EU) 2022/382 declares the loss or theft of his or her driving licence, the Member State where that person has been granted a temporary residence permit or enjoys adequate protection under national law may, at the request of that person, verify, including with the competent authorities of Ukraine, the driving rights acquired by that person in conformity with the legislation applicable in Ukraine and that no other Member State has already issued a driving licence to that person in accordance with this Article, in particular in order to ascertain that the driving licence has not been restricted, suspended or withdrawn.

2. By way of derogation from Article 11(6) of Directive 2006/126/EC, after carrying out the verification referred to in paragraph 1 of this Article, a Member State may issue a driving licence of the same category or categories to the person concerned based on the Union model set out in Annex I to Directive 2006/126/EC. In such case, and by way of derogation from point 12 of Annex I of Directive 2006/126/EC, Member States shall introduce in the driving licence a special temporary Union code '99.01(max 06.03.2025)' in field 12, which means 'Special issuance valid only for the duration of temporary protection (lost or stolen UA licence)'.

Upon carrying out the verification referred to in paragraph 1 of this Article and prior to issuing a driving licence referred to in this paragraph for categories AM, A1, A2, A, B, B1 and BE, Member States may require an examination applying the minimum standards of physical and mental fitness for driving in accordance with national law adopted to transpose Annex III to Directive 2006/126/EC.

Upon carrying out the verification referred to in paragraph 1 of this Article prior to issuing a driving licence referred to in this paragraph for categories C, CE, C1, C1E, D, DE, D1 and D1E, Member States shall require an examination applying the minimum standards of physical and mental fitness for driving in accordance with national law adopted to transpose Annex III to Directive 2006/126/EC.

3. The driving licence referred to in paragraph 2 of this Article shall be mutually recognised in the Union. Without prejudice to any future acts of the Union concerning the duration of the temporary protection, by way of derogation from points 4(b) and 11 of Annex I to Directive 2006/126/EC, the expiry date on such driving licence shall be 6 March 2025. However, notwithstanding that date marked on such driving licence, its administrative validity shall correspond to the duration of the temporary protection in respect of displaced persons from Ukraine, as referred to in Article 4 of Directive 2001/55/EC, or the duration of the temporary protection or of the adequate protection under the national law of the holder, whichever ends the earliest. The holder shall be adequately informed of such a limitation.

4. Where the verification referred to in paragraph 1 is not possible, the Member State in question shall not issue the driving licence referred to in paragraph 2. In that case, the Member State may issue a driving licence valid exclusively on its territory to the person concerned, in accordance with its national law. Such a licence shall be different from the model laid down in Annex I to Directive 2006/126/EC.

5. When the period of application of temporary protection for displaced persons from Ukraine, as referred to in Article 4 of Directive 2001/55/EC, has come to an end, the driving licences issued by the Member States in accordance with this Article shall be null and void.

Article 7

Prevention of fraud and forgery

When applying this Regulation, Member States shall use all appropriate means to prevent and combat fraud in connection with driver documents issued by Ukraine, and their forgery.

Member States may, at any moment, verify the validity of the driver documents issued by Ukraine. Member States may refuse to recognise such a driver document in the event of a negative answer or absence of answer from the Ukrainian authorities consulted by them on the rights claimed by the holder of a driver document issued by Ukraine and when there are serious doubts as to the authenticity of the driver document which suggest that road safety could be endangered.

Member States shall not apply the provisions of this Regulation to driver documents issued by Ukraine in electronic format if they are not able to verify their authenticity, integrity and validity.

Article 8

Monitoring

The Commission shall inform the European Parliament and the Council of the implementation of this Regulation, once every six months after the entry into force of this Regulation, mainly on the basis of information provided by the Member States to the Commission.

Article 9

Entry into force and application

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

2. This Regulation shall cease to apply on the day following that on which the period of application of temporary protection in respect of displaced persons from Ukraine, as referred to in Article 4 of Directive 2001/55/EC, comes to an end, in accordance with Article 6 of that Directive.

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

Done at Brussels, 18 July 2022.

For the European Parliament

The President

R. METSOLA

For the Council

The President

Z. NEKULA
