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PROPOSAL

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To:	Secretariat-General of the Council of the European Union
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL 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

Delegations will find attached document COM(2022) 313 final.

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EUROPEAN
COMMISSION

Brussels, 20.6.2022
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2022/0204 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**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)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

In the first ten weeks of the Russian invasion of Ukraine that started on 24 February 2022, more than five million people have left Ukraine, fleeing the armed conflict and seeking shelter in neighbouring countries, mostly in the European Union¹. As early as 4 March 2022, the EU established the existence of a mass influx of displaced persons from Ukraine and offered temporary protection to the displaced people². Council Implementing Decision (EU) 2022/382 of 4 March 2022 sets out the categories of persons entitled to temporary protection or adequate protection under national law. Temporary protection entails the right to be issued a residence permit for the entire duration of the protection and to have access, among others, to accommodation, schools, health care, and jobs. A residence permit issued by one Member State brings with it the right to travel within the Union for 90 days within a 180-day period.

A driving licence enhances the mobility of its holder and facilitates everyday life as it allows for driving power-driven vehicles on public roads. In the given context, it promotes the participation of persons enjoying temporary protection or adequate protection under national law in economic and social activities in their new environment.

In accordance with Article 41 of the Convention on Road Traffic done at Vienna in 1968 (henceforth ‘Vienna Convention’), each Contracting Party recognises the domestic and/or international driving permits duly issued in another Contracting Party, under certain conditions. Ukraine and 23 Member States have ratified the Vienna Convention and apply its provisions in relations between them; however, Spain has not ratified the Vienna Convention, whilst Cyprus, Malta and Ireland are not Parties to it.

The rules and procedures related to the recognition and exchange of third-country driving licences differ from one Member State to another, depending among others on the specific provisions of their national legislation or in the existing bilateral agreements between the Member States and the third country in question. In the case of persons enjoying temporary protection or adequate protection under national law with a valid driving licence issued by Ukraine, it is appropriate to provide for a harmonised framework for the recognition of driving licences within the territory of the Union, for as long as the period of temporary protection lasts.

As a general rule, persons enjoying temporary protection or adequate protection under national law who hold a valid driving licence issued by Ukraine should be able to use their driving licence on EU territory for as long as the temporary protection lasts. In view of the temporary nature of the protection, there should be no need to exchange a Ukrainian driving licence for one issued by a Member State. This considerably eases the burden on the competent authorities of the Member States, as they would otherwise potentially have to exchange millions of Ukrainian driving licences. At the same time, persons enjoying temporary protection or adequate protection under national law will not have to immediately pass another theoretical and/or practical driving licence test – often in a foreign language to them – and/or undergo medical examinations in the Member State of their temporary residence.

¹ Source: UNHCR (<https://data2.unhcr.org/en/situations/ukraine>)

² 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.

In accordance with the Vienna Convention on Road Traffic, Contracting Parties may require the holder of a driving licence issued by another Contracting Party to have an international driving permit (based on a harmonised format) in addition to the domestic driving permit. Practices vary across Member States in this regard, and an international driving permit from holders of Ukrainian driving licences is in particular often required in some Member State when the domestic driving permits are written in Cyrillic letters only, while in others this is not the case. As long as the war rages in Ukraine, it is close to impossible for holders of Ukrainian driving licences to get hold of an international driving permit issued by the competent Ukrainian bodies. Persons enjoying temporary protection or adequate protection under national law should therefore be exempted from the requirement to hold an international driving permit in addition to the Ukrainian one, for at least as long as the period of temporary protection lasts. A certified translation from the existing Ukrainian driving licences should also be waived under these exceptional circumstances, as it can prove to be costly and would generate additional expenditures for people who have possibly lost all of their savings to flee from their country. Additionally, few certified translators are established outside large cities across the European Union, and the delivery of certified translations often requires the presentation of the original documents in person.

Similar considerations apply to the certificates of professional competence (CPC) of bus and truck drivers. Such CPCs usually have an administrative validity of no more than five years, in accordance with Directive 2003/59/EC³, which Ukraine has already implemented for drivers engaged in international transport operations⁴. In view of the context, qualified professional drivers having fled the war from Ukraine should be granted an adequate access to economic activities in the EU. With a view to developing an effective harmonised implementation of the relevant provisions of this proposal, the Commission will organise exchanges of views on national rules adopted by Member States with the experts designated under Article 11a(4) of Directive 2003/59/EC.

As outlined in the EU-Ukraine Solidarity Lanes action plan, and in this context, access of professional drivers from Ukraine to employment in the European Union should be facilitated, by defining specific rules concerning the issuance of certificates of professional competence to Ukrainian professional drivers. In the context of the overall growing shortage of truck drivers, EU-Ukraine alternative logistical links and Ukraine's continued access to its export markets ought to be strengthened in the aftermath of the current blockage of its Black Sea ports.

Driving licences and certificates of professional competence are usually subject to a limited period of validity. As long as the war rages in Ukraine, however, Ukraine may likely not be able to ensure the administrative support necessary to individually renew these documents. In this extraordinary situation, the Ukrainian government could decide to extend the validity of these documents. In that case, the Union and the Member States should be adequately informed by Ukraine of such extensions. Member States should recognise an extended validity of Ukrainian driving licences going beyond their administrative period of validity, at least until the end of the period of temporary protection.

³ 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).

⁴ In accordance with the provisions of Annex XXXII to the EU-Ukraine Association Agreement of 2014 (OJ L 161, 29.5.2014, p. 1961-1967). For drivers engaged only in national transport operations within Ukraine, the implementation of the Directive was foreseen for 1 November 2019, but it is delayed.

The circumstances of fleeing war often entail the loss or theft of important documents such as driving licences or certificates of professional competence, or their leaving behind in the war zone without an immediate possibility of recovering them. In such cases, subject to verification, for instance, in the national electronic driving licence register of Ukraine, Member States should be in a position to issue temporary licences that replace the original ones for the duration of the temporary protection. Access to the Ukrainian driving licence register by the competent authorities of the Member States would facilitate such a step. Without the possibility of verifying the authenticity of the information provided by the displaced persons, Member States should refuse to issue such temporary driver documents. In addition, according to the Ukrainian Ministry of Digital Transformation, nearly 5.7 million driving licences have been issued via the mobile citizen portal application, DIIA ('Action'). The DIIA allows for the issuance and verification of electronic documents and delivery of public services. Despite the fact that the DIIA application does not comply with the ISO standard 18013-5 on mobile driving licences published in September 2021, it offers the possibility to verify driving rights relevant to the exceptional situation addressed by this Regulation.

Finally, the provisions of this Regulation address exceptional circumstances and lay down exemptions which should not be replicated under normal circumstances. It is therefore especially important that the enforcement of this Regulation is not conducive to putting road users and pedestrians at risk, by allowing people unfit to drive to do so on the EU roads. In that context, adequate measures should be implemented by the competent authorities of the Member States for the purpose of combatting fraud and forgery.

- **Consistency with existing policy provisions in the policy area**

The provisions of the proposed regulation complement the existing Union rules on driving licences (Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences⁵) and on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods and passengers (Directive 2003/59/EC). Neither of the two directives contain common rules on the recognition of relevant documents issued by third countries. Such common framework is however necessary in the specific and extraordinary context arising from the unprovoked and unjustified military aggression of Russia against Ukraine, as it allows for an administrative approach that minimises the bureaucratic burden, and at the same time ensures road safety across the Union.

- **Consistency with other Union policies**

This proposal complements Union rules on the temporary protection of displaced persons, in particular 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/EC⁶, which 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 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 thereof⁷. The proposal allows those displaced persons to use the documents required for the driving of motor vehicles on the public road network of the Union and for carrying out the professional activity of driving, thus promoting

⁵ OJ L 403, 30.12.2006, p. 18.

⁶ OJ L 71, 4.3.2022, p. 1.

⁷ OJ L 212, 7.8.2001, p. 12.

the economic and social integration of those displaced persons. This proposal also provides for certain minor derogations from Directive 2003/59/EC and Directive 2006/126/EC that address the specific needs of the situation.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The legal basis is Article 91(1)(c) of the Treaty on the Functioning of the European Union (TFEU).

- **Subsidiarity**

The Union has already adopted legislative action in the area of driving licences (Directive 2006/126/EC) and of the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods and passengers (Directive 2003/59/EC). The amendments outlined above remain within the competencies conferred upon the Union by virtue of Article 91(1)(c) of the Treaty on the Functioning of the European Union (TFEU). Under this provision the European Parliament and the Council must, acting in accordance with the co-decision procedure, lay down measures to improve transport safety.

The proposed rules aim to improve road safety as an aspect of transport safety, while at the same time providing for the economic and social integration of persons displaced as a consequence of Russia's war of aggression against Ukraine. Such measures are destined to ensure that those persons benefitting from temporary protection enjoy the freedom to move within the Union by driving power-driven vehicles, and also the freedom to work by carrying out the professional activity of driving, while ensuring that they do so in line with safety-related aspects and standards applicable in the Union.

The objective of this Regulation cannot be sufficiently achieved by the Member States, as it requires a harmonised regulatory framework and coordination to a problem caused by the war in Ukraine that affects the European Union as a whole. It can therefore by reason of the scale and effects of the action be better achieved at Union level.

- **Proportionality**

This Union action is necessary to achieve the objective of the proper operation of the temporary protection mechanisms provided for by the relevant pieces of Union law, taking into account the magnitude and gravity of the impact of Russia's unprovoked and unjustified aggression against Ukraine. The proposed Regulation contains targeted temporary measures, which are strictly linked to the current situation and limited to what is necessary to ensure legal certainty, road safety and the smooth functioning of the internal market.

- **Choice of the instrument**

This proposal concerns specific provisions that affect the application of several Directives. The provisions of the act proposed should apply immediately and directly in order to guarantee legal certainty, for the transport operators and other persons concerned, as well as for the Member States' authorities. This legislative act should therefore take the form of a Regulation that is directly applicable and does not require transposition into national law.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

This is not applicable due to the exceptional, temporary and one-off nature of the event necessitating this proposal, which does not relate to the objectives of existing legislation.

- **Stakeholder consultations**

Given the urgency of the matter, a formal stakeholder consultation has not been carried out. However, four informal exchanges of views have been held with the members of the Committee on driving licences (on 17 March, 31 March, 13 April and 12 May 2022), addressing also marginally the case of certificates of professional competences.

The consultation confirmed the patchwork of rules applying to the recognition of official driving documents issued by third countries. The situation varies significantly between Member States as national provisions govern most of the relevant aspects. Given the amplitude of the situation and the need for immediate measures, EU action in the field has been considered necessary by the Member States' experts.

- **Collection and use of expertise**

As explained, the proper collection of expertise was not possible due to the urgency of the situation.

- **Impact assessment**

Given the urgency of the situation, no impact assessment has been carried out. This proposal does in any case not alter the principles and mechanisms of the Union legislation concerned.

- **Fundamental rights**

This proposal aims at facilitating the free movement within the Union of people enjoying temporary protection or adequate protection under national law.

4. BUDGETARY IMPLICATIONS

Not applicable.

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Not applicable.

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**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,

Having regard to the opinion of the European Economic and Social Committee⁸,

Having regard to the opinion of the Committee of the Regions⁹,

Acting in accordance with the ordinary legislative procedure,

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) In response to this unprovoked and unjustified military aggression against Ukraine 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/EC¹⁰ in its Implementing Decision (EU) 2022/382¹¹, which set outs the categories of displaced persons entitled, in the Union, to temporary protection or adequate protection under national law.
- (3) A driving licence enhances the mobility of its holder and facilitates everyday life as it allows for the driving of power-driven vehicles. A certificate of professional competence is required to work as a professional driver for the transport of goods and

⁸ OJ C , [...], p. .

⁹ OJ C , [...], p. .

¹⁰ 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).

¹¹ 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).

passengers for an undertaking established in the European Union. In the given context, both documents promote the participation of persons enjoying temporary protection or adequate protection under national law in economic and social activities in their new environment.

- (4) In accordance with Annex XXXII to the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part¹², Ukraine has approximated its laws to the provisions of Directive 2003/59/EC of the European Parliament and of the Council¹³, 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 in 1968 ('the Convention on Road Traffic 1968'), 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 of the Union, particularly as regards the recognition of driving licences and certificates of professional competence, may adversely affect the life and the freedoms of the displaced persons fleeing from the military aggression of Russia against Ukraine, at a time in which these 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 the authorities of the Member States and on people enjoying temporary protection or adequate protection under national law, 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 Convention on Road Traffic of 1968 requires the holders of driver permits to present international driving permits for their rights to drive to be recognised in certain cases. They may also be required to present a certified translation of the holder's driving licence. These requirements constitute a disproportionate burden on the people displaced from Ukraine which is unlikely to be complied with in many cases. Therefore, the presentation of such documents should not be required on the territory of the Union from persons enjoying temporary protection or adequate protection under national law.
- (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 looking to work for road transport undertakings established in the Union still need to obtain a certificate of professional competence issued in a Member State. It should therefore be possible for Member States that intend to issue a specific

¹² OJ L 161, 29.5.2014, p. 3.

¹³ 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).

certificate of professional competence to persons enjoying temporary protection or adequate protection under national law and holding certificates of professional competence issued by Ukraine in accordance with the Ukrainian national legislation to issue a driver qualification card as referred to in Directive 2003/59/EC, or to mark the special temporary Union code '95.01' on the relevant driving licence, to the persons concerned for the purpose of giving the same rights to a holder of a certificate of professional competence issued by Ukraine as defined in Article 2(b) as those of the persons qualified to carry out the activity of driving covered by Article 1 of Directive 2003/59/EC. To this end, Member States should adopt national rules laying down the scope and duration of a complementary compulsory training and of a subsequent test, in order to ensure that the persons concerned meet the standards relating to initial qualification and periodic training as defined in Directive 2003/59/EC. In case of a declaration of loss or theft of a certificate of professional competence, Member States should also verify, including with the competent authorities of Ukraine, that the person concerned holds a valid certificate of professional competence issued by Ukraine, prior to issuing of that specific certificate of professional competence.

- (9) As driving licences and certificates of professional competence usually have a limited period of validity, they need to be regularly renewed. The current context does not allow Ukraine to carry out their tasks in a normal fashion, which is why they may not be in a position to renew existing administrative documents. Member States should therefore recognise any possible decisions adopted or to be adopted by Ukraine to renew driving documents whose validity has expired or will expire, for as long as the period of temporary protection lasts. Ukraine should adequately inform the Union and its Member States of such decisions.
- (10) The circumstances of fleeing war often entail the loss or theft of driving licences, or their leaving behind in the war zone without an immediate possibility of recovering them. In such cases, 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, e.g. by accessing the national registers of Ukraine. Such documents should be mutually recognised in the Union, and their administrative validity should not exceed the duration of the temporary protection.
- (11) The fight against fraud and forgery is instrumental in maintaining road safety and law enforcement. In this respect, coordination mechanisms should be established for an efficient fight against fraud and forgery as part of the implementation of this Regulation.
- (12) Since the objective of this Regulation cannot be sufficiently achieved by the Member States and can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union shall 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,

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
Definitions

For the purposes of this Regulation, “driver documents” means:

- (a) driving licences issued by Ukraine, proving the conditions under which a driver is authorised to drive under the law of Ukraine;
- (b) certificates of professional competence issued by Ukraine in accordance with its national legislation adopted to implement Directive 2003/59/EC, pursuant to Article 368(1) and Annex XXXII to the Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part, to drivers of the 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, at least until the moment when the temporary protection ceases to apply.
- 2. Where a person enjoying temporary protection or adequate protection under national law is in possession of a driving licence as referred to in paragraph 1, Member States shall not require the presentation of its certified translation nor of the international driving permit referred to in Article 41(1) of the Convention on Road Traffic concluded at Vienna in 1968.

Article 4
Certificates of professional competence

- 1. Upon request from a holder of a certificate of professional competence issued by Ukraine as defined in Article 2(b) 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 holder has been granted a temporary residence permit or the Member State where that holder enjoys adequate protection under national law may:
 - (a) mark, by way of derogation to point 12 of Annex I of Directive 2006/126/EC, a special temporary Union code '95.01' followed by its date of expiry in field 12

of side 2 of the driving licence of the person concerned, provided that that person holds a Union model driving licence issued by that Member State; or

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

Such driver qualification cards shall only be issued and such driving licences shall be marked only 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.

- 2. The driver qualifications cards and the mark on the driving licences referred to in paragraph 1 points (a) and (b) shall be mutually recognised in the territory of the Union. The holders of such driver qualification cards or such marked driving licenses shall be considered as fulfilling 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. The administrative validity of such driver qualification cards or attached to the special temporary Union code marked on the driving licences shall not exceed the duration of the temporary protection in respect of displaced persons from Ukraine, as referred to in Article 4 of Directive 2001/55/EC, the duration of the temporary protection or of adequate protection under national law of the holder, nor the period of validity of the driving licence, whichever is earliest.

In the event that the temporary protection is extended in accordance with Article 4 of Directive 2001/55/EC, a document issued in accordance with paragraph 1 shall be renewed accordingly by the Member State where the holder of the document has been granted a temporary residence permit or enjoys adequate protection under national law.

- 4. Prior to issuing the driver qualification card referred to in paragraph 1 or marking the special temporary Union code '95.01' on the driving licence referred to in paragraph 1, Member States shall require the holder of the certificate of professional competence referred to in that paragraph to undergo a complementary compulsory training concluded 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 not exceed 60 hours, including at least 10 hours of individual driving as specified in point 2.1 of Section 2 of Annex I to Directive 2003/59/EC.

At the end of that training, Member States' competent authorities or the entity designated by them shall test the driver in writing or orally.

Member States shall inform the Commission of national rules adopted in accordance with this Article 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 certificate of professional competence as defined in Article 2(b) 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 enjoys adequate protection under national law may verify, upon request of that person, 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 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' on the driving licence, in accordance with the procedures set out in paragraphs 1 and 2.

6. Member States shall not renew a driver qualification card or the marking of the special temporary Union code '95.01' on a driving licence referred to in paragraph 1 when its holder no longer enjoys temporary protection or adequate protection under national law in accordance with Directive 2001/55/EC and Implementing Decision (EU) 2022/382.

Article 5

Extension of the validity of expired driver documents issued by Ukraine

Without prejudice to Article 1, where Ukraine adopts decisions to extend the validity of expired driver documents it issued, Member States shall recognise those decisions, provided that Ukraine informs the Union and its Member States thereof.

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 shall verify, upon request of that person, 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 to ascertain that the driving licence has not been restricted, suspended or withdrawn.
2. By way of derogation to Article 11(6) of Directive 2006/126/EC, after carrying out the verification referred to in paragraph 1, 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 this case, and by way of derogation to 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 in field 12, which shall mean "*Special issuance valid only for the duration of temporary protection (lost or stolen UA licence)*".
3. The driving licence referred to in paragraph 2 shall be mutually recognised in the Union. Its administrative validity shall not exceed the duration of the temporary protection in respect of displaced persons from Ukraine, as referred to in Article 4 of Directive 2001/55/EC, nor the duration of the temporary protection or of adequate protection under national law of the holder, whichever is earliest.

In the event that the temporary protection is extended in accordance with Article 4 of Directive 2001/55/EC, a driving licence issued in accordance with paragraph 2 shall be renewed accordingly by the Member State where the holder of the document has

been granted a temporary residence permit or enjoys adequate protection under national law.

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 legislation, which shall be different from the model laid down in Annex I to Directive 2006/126/EC.
5. Member States shall not renew a driving licence referred to in paragraph 2 in the event that its holder no longer enjoys temporary protection or adequate protection under national law in accordance with Implementing Decision (EU) 2022/382.

Article 7

Prevention of fraud and forgery

When applying this Regulation, Member States shall use all appropriate means to prevent and combat the fraud and forgery of driver documents, including by verifying the rights attached to those documents.

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

Entry into force and application

1. This Regulation shall enter into force on the twentieth 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, has come to an end, in accordance with Article 6 of that Directive.
3. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President