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► **B****AGREEMENT****between the European Community and the Swiss Confederation on Air Transport**

(OJ L 114, 30.4.2002, p. 73)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Decision No 1/2004 of the Community/Switzerland Air Transport Committee of 6 April 2004	L 151	1	30.4.2004
► <u>M2</u>	Decision No 3/2004 of the Community/Switzerland Air Transport Committee of 22 April 2004	L 151	9	30.4.2004
► <u>M3</u>	Decision No 1/2005 of the Community/Switzerland Air Transport Committee of 12 July 2005	L 210	46	12.8.2005
► <u>M4</u>	Decision No 2/2005 of the Community/Switzerland Air Transport Committee of 25 November 2005	L 347	91	30.12.2005
► <u>M5</u>	Decision No 1/2006 of the Community/Switzerland Air Transport Committee of 18 October 2006	L 298	23	27.10.2006
► <u>M6</u>	Decision No 2/2006 of the Community/Switzerland Air Transport Committee of 18 October 2006	L 298	25	27.10.2006
► <u>M7</u>	Decision No 3/2006 of the Community/Switzerland Air Transport Committee of 27 October 2006	L 318	31	17.11.2006
► <u>M8</u>	Decision No 4/2006 of the Community/Switzerland Air Transport Committee of 27 October 2006	L 318	42	17.11.2006
► <u>M9</u>	Decision No 1/2007 of the joint Community/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 5 December 2007	L 34	19	8.2.2008
► <u>M10</u>	Decision No 2/2007 of the Joint Community/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 15 December 2007	L 127	58	15.5.2008
► <u>M11</u>	Decision No 1/2008 of the Joint Community/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 16 December 2008	L 40	38	11.2.2009
► <u>M12</u>	Decision No 1/2010 of the Joint Community/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 7 April 2010	L 106	20	28.4.2010
► <u>M13</u>	Decision No 2/2010 of the Joint Community/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 26 November 2010	L 347	54	31.12.2010

► <u>M14</u>	Decision No 1/2011 of the Joint Community/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 4 July 2011	L 187	32	16.7.2011
► <u>M15</u>	Decision No 2/2011 of the Joint Community/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 25 November 2011	L 338	70	21.12.2011
► <u>M16</u>	Decision No 1/2012 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 10 May 2012	L 128	14	16.5.2012
► <u>M17</u>	Decision No 2/2012 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 30 November 2012	L 356	109	22.12.2012
► <u>M18</u>	Decision No 1/2013 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 2 December 2013	L 12	4	17.1.2014
► <u>M19</u>	Decision No 1/2014 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 9 July 2014	L 212	21	18.7.2014
► <u>M20</u>	Decision No 2/2014 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 5 December 2014	L 373	24	31.12.2014
► <u>M21</u>	Decision No 1/2015 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 20 August 2015	L 226	12	29.8.2015
► <u>M22</u>	Decision No 1/2016 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 11 April 2016	L 118	24	4.5.2016
► <u>M23</u>	Decision No 2/2016 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 8 December 2016	L 42	19	18.2.2017
► <u>M24</u>	Decision No 1/2017 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 29 November 2017	L 348	46	29.12.2017
► <u>M25</u>	Decision No 1/2018 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 12 December 2018	L 329	30	27.12.2018
► <u>M26</u>	Decision No 1/2019 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 22 August 2019	L 226	1	30.8.2019
► <u>M27</u>	Decision No 2/2019 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 10 December 2019	L 3	1	7.1.2020

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| ► <u>M28</u> | Decision No 1/2020 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 15 June 2020 | L 194 | 17 | 18.6.2020 |
| ► <u>M29</u> | Decision No 2/2020 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on air Transport of 3 December 2020 | L 15 | 11 | 18.1.2021 |
| ► <u>M30</u> | Decision No 1/2021 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 15 July 2021 | L 265 | 26 | 26.7.2021 |

Corrected by:

- **C1** Corrigendum, OJ L 208, 10.6.2004, p. 1 (1/2004)
- **C2** Corrigendum, OJ L 208, 10.6.2004, p. 7 (3/2004)

▼B**AGREEMENT****between the European Community and the Swiss Confederation on
Air Transport**

THE SWISS CONFEDERATION

hereinafter referred to as ‘Switzerland’,

and

THE EUROPEAN COMMUNITY,

hereinafter referred to as ‘the Community’,

hereinafter referred to as ‘the Contracting Parties’,

RECOGNISING the integrated character of international civil aviation and desiring that regulations for intra-European air transport be harmonised;

DESIRING to set out rules for civil aviation within the area covered by the Community and Switzerland, rules which are without prejudice to those contained in the Treaty establishing the European Community (hereinafter referred to as the ‘EC Treaty’) and in particular to existing Community competences under Articles 81 and 82 of the EC Treaty and the competition rules derived therefrom;

AGREEING that it is appropriate to base these rules on the legislation which is in force within the Community at the time of signature of this Agreement;

DESIRING to prevent, in full deference to the independence of the courts, divergent interpretations and to arrive at as uniform an interpretation as possible of the provisions of this Agreement and the corresponding provisions of Community law which are substantially reproduced in this Agreement,

HAVE AGREED AS FOLLOWS:

CHAPTER 1

Objectives*Article 1*

1. This Agreement sets out rules for the Contracting Parties in the field of civil aviation. These provisions are without prejudice to those contained in the EC Treaty and in particular to existing Community competences under the competition rules and the regulations of application of such rules, as well as under all relevant Community legislation listed in the Annex to this Agreement.

2. For this purpose, the provisions laid down in this Agreement as well as in the regulations and directives specified in the Annex shall apply under the condition set out hereafter. Insofar as they are identical in substance to corresponding rules of the EC Treaty and to acts adopted in application of that Treaty, those provisions shall, in their implementation and application, be interpreted in conformity with the relevant rulings and decisions of the Court of Justice and the Commission of the European Communities given prior to the date of signature of this Agreement. The rulings and decisions given after the

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date of signature of this Agreement shall be communicated to Switzerland. At the request of one of the Contracting Parties, the implications of such latter rulings and decisions shall be determined by the Joint Committee in view of ensuring the proper functioning of this Agreement.

Article 2

The provisions of this Agreement and its Annex shall apply to the extent that they concern air transport or matters directly related to air transport as mentioned in the Annex to this Agreement.

CHAPTER 2

General Provisions*Article 3*

Within the scope of this Agreement, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.

Article 4

Within the scope of this Agreement and without prejudice to the provisions of Council Regulation (EEC) No 2407/92, as included in the Annex to this Agreement, there shall be no restrictions on the freedom of establishment of nationals of an EC Member State or Switzerland in the territory of any of these States. This shall also apply to the setting up of agencies, branches and subsidiaries by nationals of any EC Member State or Switzerland established in the territory of any of these States. Freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms within the meaning of Article 5, paragraph 2, under the conditions laid down for its own nationals by the law of the country where such establishment is effected.

Article 5

1. Within the scope of this Agreement, companies or firms formed in accordance with the law of an EC Member State or Switzerland and having their registered office, central administration or principal place of business within the Community or Switzerland shall be treated in the same way as natural persons who are nationals of EC Member States or Switzerland.

2. ‘Companies or firms’ means companies or firms constituted under civil or commercial law, including cooperative societies, and other legal persons governed by public or private law, save for those which are non-profit-making.

Article 6

Articles 4 and 5 shall not apply, as far as a Contracting Party is concerned, to activities which in that Contracting Party are connected, even occasionally, with the exercise of official authority.

▼B*Article 7*

Articles 4 and 5 and measures taken in pursuance thereof shall not prejudice the applicability of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals on grounds of public policy, public security or public health.

Article 8

1. The following shall be prohibited as incompatible with this Agreement: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between the Contracting Parties and which have as their object or effect the prevention, restriction or distortion of competition within the territory covered by this Agreement, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development, or investment;
- (c) share markets or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.

3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of:

- any agreement or category of agreements between undertakings,
- any decision or category of decisions by associations of undertakings,
- any concerted practice or category of concerted practices,

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

Article 9

Any abuse by one or more undertakings of a dominant position within the territory covered by this Agreement or in a substantial part of it shall be prohibited as incompatible with this Agreement insofar as it may affect trade between the Contracting Parties.

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Such abuse may, in particular, consist in:

- (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
- (b) limiting production, markets or technical development to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

Article 10

All agreements, decisions and concerted practices, which have as their object or effect the prevention, restriction or distortion of competition, as well as abuses of a dominant position, which may only affect trade within Switzerland, shall be subject to Swiss law and remain under the competence of the Swiss authorities.

Article 11

1. The provisions of Articles 8 and 9 shall be applied and concentrations between undertakings shall be controlled by the Community institutions in accordance with Community legislation as set out in the Annex to this Agreement, taking into account the need for close cooperation between the Community institutions and the Swiss authorities.

2. The Swiss authorities shall rule, in accordance with the provisions of Articles 8 and 9, on the admissibility of all agreements, decisions and concerted practices as well as abuses of a dominant position concerning routes between Switzerland and third countries.

Article 12

1. In the case of public undertakings and undertakings to which EC Member States or Switzerland grant special or exclusive rights, the Contracting Parties shall ensure that there is neither enacted nor maintained in force any measure contrary to the rules contained in this Agreement.

2. Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly, shall be subject to the rules contained in this Agreement, in particular to the rules on competition, insofar as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the Contracting Parties.

Article 13

1. Save as otherwise provided in this Agreement, any aid granted by Switzerland or by an EC Member State or through State resources in any form whatsoever which distorts or threatens to distort competition

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by favouring certain undertakings or the production of certain goods shall, insofar as it affects trade between Contracting Parties, be incompatible with this Agreement.

2. The following shall be compatible with this Agreement:

- (a) aid having a social character, granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products concerned;
- (b) aid to make good the damage caused by natural disasters or exceptional occurrences.

3. The following may be considered to be compatible with this Agreement:

- (a) aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious under-employment;
- (b) aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Contracting Party;
- (c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest.

Article 14

The Commission and the Swiss authorities shall keep under constant review matters to which reference is made in Article 12 and all systems of aid existing respectively in the EC Member States and in Switzerland. Each Contracting Party shall ensure that the other Contracting Party is informed of any procedure initiated to guarantee respect of the rules of Articles 12 and 13 and, if necessary, may submit observations before any final decision is taken. Upon request by one Contracting Party, the Joint Committee shall discuss any appropriate measures required by the purpose and functioning of this Agreement.

CHAPTER 3

Traffic Rights

Article 15

1. Subject to the provisions of Council Regulation (EEC) No 2408/92, as included in the Annex to this Agreement:

- Community and Swiss air carriers shall be granted traffic rights between any point in Switzerland and any point in the Community;
- two years after the entry into force of this Agreement, Swiss air carriers shall be granted traffic rights between points in different EC Member States.

2. For the purpose of paragraph 1:

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- Community air carrier shall mean an air carrier which has its principal place of business and, if any, its registered office in the Community and which is licensed according to the provisions of Council Regulation (EEC) No 2407/92, as included in the Annex to this Agreement;

- Swiss air carrier shall mean an air carrier which has its principal place of business and, if any, its registered office in Switzerland and which is licensed according to the provisions of Council Regulation (EEC) No 2407/92, as included in the Annex to this Agreement.

3. The Contracting Parties shall undertake negotiations on the possible extension of the scope of this Article to cover traffic rights between points within Switzerland and between points within the EC Member States five years after the entry into force of this Agreement.

Article 16

The provisions of this Chapter supersede the relevant provisions of existing bilateral arrangements between Switzerland and the EC Member States. However, existing traffic rights which originate from these bilateral arrangements and which are not covered under Article 15 can continue to be exercised, provided that there is no discrimination on the grounds of nationality and competition is not distorted.

CHAPTER 4

Enforcement of the Agreement*Article 17*

The Contracting Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Agreement and shall refrain from any measures which would jeopardise attainment of the objectives of this Agreement.

Article 18

1. Without prejudice to paragraph 2 and the provisions of Chapter 2, each Contracting Party shall be responsible in its own territory for the proper enforcement of this Agreement and, in particular, the regulations and directives listed in the Annex.

2. In cases which may affect air services to be authorised under Chapter 3, the Community institutions shall enjoy the powers granted to them under the provisions of the regulations and directives whose application is explicitly confirmed in the Annex. However, in cases where Switzerland has taken or envisages taking measures of an environmental nature under either Article 8(2) or 9 of Council Regulation (EEC) No 2408/92, the Joint Committee, upon request by one of the Contracting Parties, shall decide whether those measures are in conformity with this Agreement.

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3. Any enforcement action under paragraphs 1 and 2 shall be carried out in accordance with Article 19.

Article 19

1. Each Contracting Party shall give the other Contracting Party all necessary information and assistance in the case of investigations on possible infringements which that other Contracting Party carries out under its respective competences as provided in this Agreement.

2. Whenever the Community institutions act under the powers granted to them by this Agreement on matters which are of interest to Switzerland and which concern the Swiss authorities or Swiss undertakings, the Swiss authorities shall be fully informed and given the opportunity to comment before a final decision is taken.

Article 20

All questions concerning the validity of decisions of the institutions of the Community taken on the basis of their competences under this Agreement, shall be of the exclusive competence of the Court of Justice of the European Communities.

CHAPTER 5

Joint Committee*Article 21*

1. A committee composed of representatives of the Contracting Parties, to be known as the 'Community/Switzerland Air Transport Committee' (hereinafter referred to as the Joint Committee), is hereby established which shall be responsible for the administration of this Agreement and shall ensure its proper implementation. For this purpose it shall make recommendations and take decisions in the cases provided for in this Agreement. The decisions of the Joint Committee shall be put into effect by the Contracting Parties in accordance with their own rules. The Joint Committee shall act by mutual agreement.

2. For the purpose of the proper implementation of this Agreement, the Contracting Parties shall exchange information and, at the request of either Contracting Party, shall hold consultations within the Joint Committee.

3. The Joint Committee shall adopt, by a decision, its rules of procedure which shall include, among other provisions, the procedures for convening meetings, appointing the Chairman and laying down the latter's terms of reference.

4. The Joint Committee shall meet as and when necessary, and at least once a year. Either Contracting Party may request the convening of a meeting.

5. The Joint Committee may decide to set up any working party that can assist it in carrying out its duties.

Article 22

1. A decision of the Joint Committee shall be binding upon the Contracting Parties.

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2. If, in the view of one of the Contracting Parties, a decision of the Joint Committee is not properly implemented by the other Contracting Party, the former may request that the issue be discussed by the Joint Committee. If the Joint Committee cannot solve the issue within two months of its referral, that Contracting Party may take appropriate temporary safeguard measures under Article 31 for a period not exceeding 6 months.
3. The decisions of the Joint Committee shall be published in the *Official Journal of the European Communities* and the Official Compendium of Swiss Federal Law. Each decision shall state the date of its implementation in the Contracting Parties and any other information likely to concern economic operators. The decisions shall be submitted if necessary for ratification or approval by the Contracting Parties in accordance with their own procedures.
4. The Contracting Parties shall notify each other of the completion of this formality. If upon the expiry of a period of twelve months after adoption of a decision by the Joint Committee such notification has not taken place, paragraph 5 shall apply *mutatis mutandis*.
5. Without prejudice to paragraph 2, if the Joint Committee does not take a decision on an issue which has been referred to it within six months of the date of referral, the Contracting Parties may take appropriate temporary safeguard measures under Article 31 for a period not exceeding six months.
6. As regards legislation covered by Article 23 which has been adopted between the signature of this Agreement and its entry into force and of which the other Contracting Party has been informed, the date of referral in paragraph 5 shall be taken as the date on which the information was received. The date on which the Joint Committee shall reach a decision may not be earlier than two months after the date of entry into force of this Agreement.

CHAPTER 6

New Legislation*Article 23*

1. The Agreement shall be without prejudice to the right of each Contracting Party, subject to compliance with the principle of non-discrimination and the provisions of this Agreement, to amend unilaterally its legislation on a point regulated by this Agreement.
2. As soon as new legislation is being drawn up by one of the Contracting Parties, it shall informally seek advice from experts of the other Contracting Party. During the period preceding the formal adoption of new legislation, the Contracting Parties shall inform and consult each other as closely as possible. At the request of one of the Contracting Parties, a preliminary exchange of views may take place in the Joint Committee.
3. As soon as a Contracting Party has adopted an amendment of its legislation, it shall inform the other Contracting Party at the latest eight days after the publication in the *Official Journal of the European Communities* or the Official Compendium of Swiss Federal Law. Upon request of one Contracting Party, the Joint Committee shall hold an exchange of views on the implications of such an amendment for the proper functioning of this Agreement within six weeks after the request at the latest.

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4. The Joint Committee shall:
- either adopt a decision revising the Annex or, if necessary, propose a revision of the provisions of this Agreement, so as to integrate therein, if necessary on a basis of reciprocity, the amendments made to the legislation in question;
 - or adopt a decision to the effect that the amendments to the legislation in question shall be regarded as being in accordance with the proper functioning of this Agreement;
 - or decide any other measure to safeguard the proper functioning of this Agreement.

CHAPTER 7

Third countries and international organisations*Article 24*

The Contracting Parties shall consult with each other in due time at the request of either Contracting Party, in accordance with the procedures laid down in Articles 25, 26 and 27:

- (a) on air transport questions dealt with in international organisations; and
- (b) on the various aspects of possible developments in relations between Contracting Parties and third countries in air transport, and on the functioning of the significant elements of bilateral or multilateral agreements concluded in this field.

The consultations shall be held within one month of the request or as soon as possible in urgent cases.

Article 25

1. The main aims of the consultations provided for in Article 24(a) shall be:

- (a) to determine jointly whether the questions raise problems of common interest; and
- (b) depending upon the nature of such problems:
 - to consider jointly whether Contracting Parties' action within the international organisations concerned should be coordinated, or
 - to consider jointly any other approach which might be appropriate.

2. The Contracting Parties shall as soon as possible exchange any information of relevance to the aims described in paragraph 1.

Article 26

1. The main aims of the consultations provided for in Article 24(b) shall be to examine the relevant issues and to consider any approach which might be appropriate.

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2. For the purpose of the consultations referred to in paragraph 1, each Contracting Party shall inform the other Contracting Party of possible developments in the field of air transport and of the operation of bilateral or multilateral agreements concluded in that field.

Article 27

1. The consultations provided for in Articles 24, 25 and 26 shall take place within the framework of the Joint Committee.

2. If an agreement between one of the Contracting Parties and a third country or an international organisation were to affect negatively the interests of the other Contracting Party, the latter, notwithstanding the provisions of Council Regulation (EEC) No 2408/92, as included in the Annex to this Agreement, may take appropriate temporary safeguard measures in the field of market access in order to maintain the balance of this Agreement. Such measures may, however, be adopted only after consultations on this issue have taken place within the Joint Committee.

CHAPTER 8

Final Provisions*Article 28*

The representatives, experts and other servants of the Contracting Parties shall be required, even after their duties have ceased, not to disclose information, obtained in the framework of this Agreement, which is covered by the obligation of professional secrecy.

Article 29

Each Contracting Party may bring a matter under dispute which concerns the interpretation or application of this Agreement before the Joint Committee. The latter shall endeavour to settle the dispute. The Joint Committee shall be provided with all information which might be of use in making possible an in-depth examination of the situation, with a view to finding an acceptable solution. To this end, the Joint Committee shall examine all possibilities of maintaining the good functioning of this Agreement. The provisions of this Article shall not apply to questions which are within the exclusive competence of the Court of Justice of the European Communities under Article 20.

Article 30

1. If one of the Contracting Parties wishes to revise the provisions of this Agreement, it shall notify the Joint Committee accordingly. The amendment to this Agreement shall enter into force after completion of the respective internal procedures.

2. The Joint Committee may, upon the proposal of one Contracting Party and in accordance with Article 23, decide to modify the Annex.

▼B*Article 31*

If one Contracting Party refuses to comply with any obligation under this Agreement, the other Contracting Party may, without prejudice to Article 22 and after having completed any other applicable procedure provided for in this Agreement, take appropriate temporary safeguard measures in order to maintain the balance of this Agreement.

Article 32

The Annex to this Agreement shall form an integral part thereof.

Article 33

Without prejudice to Article 16, this Agreement shall supersede the relevant provisions of bilateral arrangements in force between Switzerland on the one hand and EC Member States on the other hand concerning any matter covered by this Agreement and the Annex thereof.

Article 34

This Agreement shall apply, on the one hand to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other, to the territory of Switzerland.

Article 35

1. In the event of termination of this Agreement, under the provisions of Article 36(4), air services operated at the date of its expiry under the provisions of Article 15 may continue until the end of the scheduling season into which that date of expiry falls.
2. The rights and obligations acquired by undertakings by virtue of Articles 4 and 5 of this Agreement and of the rules of Council Regulation (EEC) No 2407/92 as included in the Annex to this Agreement, shall not be affected by the termination of this Agreement under the provisions of Article 36(4).

Article 36

1. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their own procedures. It shall enter into force on the first day of the second month following the final notification of the deposit of the instruments of ratification or approval of all the following seven agreements:

- agreement on air transport,
- agreement on the free movement of persons,
- agreement on the carriage of goods and passengers by rail and road,
- agreement on trade in agricultural products,
- agreement on certain aspects of government procurement,
- agreement on mutual recognition in relation to conformity assessment,
- agreement on scientific and technological cooperation.

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2. This Agreement shall be concluded for an initial period of seven years. It shall be renewed indefinitely unless the Community or Switzerland notifies the other Contracting Party to the contrary before the initial period expires. Where such notification is given, paragraph 4 shall apply.

3. The Community or Switzerland may terminate this Agreement by notifying its decision to the other Contracting Party. Where such notification is given, paragraph 4 shall apply.

4. The seven agreements referred to in paragraph 1 shall cease to be applicable six months after receipt of the notification of non-renewal, as referred to in paragraph 2, or of termination, as referred to in paragraph 3.

Hecho en Luxemburgo, el veintiuno de junio de mil novecientos noventa y nueve, en doble ejemplar en lenguas alemana, danesa, española, finesa, francesa, griega, inglesa, italiana, neerlandesa, portuguesa y sueca, siendo cada uno de estos textos igualmente auténtico.

Udfærdiget i Luxembourg, den enogtyvende juni nitten hundrede og nioghalvfems, i to eksemplarer på dansk, engelsk, finsk, fransk, græsk, italiensk, nederlandsk, portugisisk, spansk, svensk og tysk, idet hver af disse tekster har samme gyldighed.

Geschehen zu Luxemburg am einundzwanzigsten Juni neunzehnhundertneunundneunzig in zwei Urschriften in dänischer, deutscher, englischer, finnischer, französischer, griechischer, italienischer, niederländischer, portugiesischer, spanischer und schwedischer Sprache, wobei jeder dieser Wortlaute gleichermaßen verbindlich ist.

Έγινε στο Λουξεμβούργο, στις είκοσι μία Ιουνίου χίλια εννιακόσια ενενήντα εννέα, σε δύο αντίγραφα στην αγγλική, γαλλική, γερμανική, δανική, ελληνική, ισπανική, ιταλική, ολλανδική, πορτογαλική, σουηδική και φινλανδική γλώσσα καθένα από τα κείμενα είναι εξίσου αυθεντικό.

Done at Luxembourg on the twenty-first day of June in the year one thousand and ninety-nine, in two copies in the Danish, Dutch, English, Finnish, French, German, Greek, Italian, Portuguese, Spanish and Swedish languages, each of those texts being equally authentic.

Fait à Luxembourg, le vingt-et-un juin mil neuf cent quatre-vingt dix-neuf, en deux exemplaires en langues allemande, anglaise, danoise, espagnole, finnoise, française, grecque, italienne, néerlandaise, portugaise et suédoise, chacun de ces textes faisant également foi.

Fatto a Lussemburgo, addì ventuno giugno millenovecentonovantanove, in due copie, nelle lingue danese, finlandese, francese, greca, inglese, italiana, olandese, portoghese, spagnola, svedese e tedesca, ciascun testo facente ugualmente fede.

Gedaan te Luxemburg, de eenentwintigste juni negentienhonderd negenenneentig, in tweevoud, in de Deense, de Duitse, de Engelse, de Finse, de Franse, de Griekse, de Italiaanse, de Nederlandse, de Portugese, de Spaanse en de Zweedse taal, zijnde alle teksten gelijkelijk authentiek.

Feito em Luxemburgo, em vinte e um de Junho de mil novecentos e noventa e nove, em duplo exemplar nas línguas alemã, dinamarquesa, espanhola, finlandesa, francesa, grega, inglesa, italiana, neerlandesa, portuguesa e sueca, fazendo igualmente fé qualquer dos textos.

Tehty Luxemburgissa kahdentenkymmenentenäensimmäisenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdeksän kahtena kappaaleena englannin, espanjan, hollannin, italian, kreikan, portugalın, ranskan, ruotsin, saksan, suomen ja tanskan kielellä, ja jokainen teksti on yhtä todistusvoimainen.

Utfärdat i Luxemburg den tjugoförsta juni nittonhundra nittonio i två exemplar på det danska, engelska, finska, franska, grekiska, italienska, nederländska, portugisiska, spanska, svenska och tyska språket, vilka samtliga texter är lika giltiga.

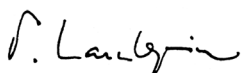
Por la Comunidad Europea
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne

▼B

Per la Comunità europea
Voor de Europese Gemeenschap
Pela Comunidade Europeia
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



Por la Confederación Suiza
For Det Schweiziske Edsforbund
Für der Schweizerischen Eidgenossenschaft
Για την Ελβετική Συνομοσπονδία
For the Swiss Confederation
Pour la Confédération suisse
Per la Confederazione svizzera
Voor de Zwitserse Bondsstaat
Pela Confederação Suíça
Sveitsin valaliiton puolesta
På Schweiziska Edsförbundets vägnar



▼ **M30***ANNEX*

For the purposes of this Agreement:

- By virtue of the Treaty of Lisbon, entered into force on 1 December 2009, the European Union shall replace and succeed the European Community;
- Wherever acts specified in this Annex contain references to Member States of the European Community, as replaced by the European Union, or a requirement for a link with the latter, the references shall, for the purpose of the Agreement, be understood to apply equally to Switzerland or to the requirement of a link with Switzerland;
- The references to Council Regulations (EEC) No 2407/92 and No 2408/92 made in the Articles 4, 15, 18, 27 and 35 of the Agreement, shall be understood as references to Regulation (EC) No 1008/2008 of the European Parliament and of the Council;
- Without prejudice to Article 15 of this Agreement, the term ‘Community air carrier’ referred to in the following Community directives and regulations shall include an air carrier which is licensed and has its principal place of business and, if any, its registered office in Switzerland in accordance with the provisions of Regulation (EC) No 1008/2008. Any reference to Council Regulation (EEC) No 2407/92 shall be understood as reference to Regulation (EC) No 1008/2008;
- Any reference in the following texts to Articles 81 and 82 of the Treaty or to Articles 101 and 102 of the Treaty on the Functioning of the European Union shall be understood to mean Articles 8 and 9 of this Agreement.

1. Aviation liberalisation and other civil aviation rules

Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast), OJ L 293, 31.10.2008, p.3, as amended by:

- Regulation (EU) 2018/1139, OJ L 212, 22.8.2018, p.1,
- Regulation (EU) 2020/696, OJ L 165, 27.5.2020, p.1,
- Commission Delegated Regulation (EU) 2020/2114, OJ L 426, 17.12.2020, p.1; Regulation (EU) 2020/2114 is applicable in Switzerland in its entirety since 18.12.2020,
- Commission Delegated Regulation (EU) 2020/2115, OJ L 426, 17.12.2020, p.4; Regulation (EU) 2020/2115 is applicable in Switzerland in its entirety since 18.12.2020.

Council Directive 2000/79 of 27 November 2000 concerning the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA) (text with EEA relevance), OJ L 302, 1.12.2000, p.57.

Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, OJ L 299, 18.11.2003, p.9.

Regulation (EC) No 437/2003 of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air, OJ L 66, 11.3.2003, p.1.

▼ **M30**

Commission Regulation (EC) No 1358/2003 of 31 July 2003 implementing Regulation (EC) No 437/2003 of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air and amending Annexes I and II thereto, OJ L 194, 1.8.2003, p.9, as amended by:

— Commission Regulation (EC) No 158/2007, OJ L 49, 17.2.2007, p.9.

Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators OJ L 138, 30.4.2004, p.1, as amended by:

— Commission Regulation (EU) No 285/2010, OJ L 87, 7.4.2010, p.19,

— Commission Delegated Regulation (EU) 2020/1118, OJ L 243, 29.7.2020, p.1.

Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports, OJ L 14, 22.1.1993, p.1 (Articles 1-12), as amended by:

— Regulation (EC) No 793/2004, OJ L 138, 30.4.2004, p.50,

— Regulation (EU) 2020/459, OJ L 99, 31.3.2020, p.1,

— Commission Delegated Regulation (EU) 2020/1477, OJ L 338, 15.10.2020, p.4,

— Regulation (EU) 2021/250, OJ L 58, 19.2.2021, p.1; paragraphs 1 and 4 of Article 10a of Regulation (EEC) No 95/93, as amended by paragraph (6) of Article 1 of Regulation (EU) 2021/250, are applicable in Switzerland since 20.2.2021.

Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (Text with EEA relevance), OJ L 70, 14.3.2009, p.11.

Council Directive 96/67/EC of 15 October 1996 on access to the ground-handling market at Community airports, OJ L 272, 25.10.1996, p.36.

(Articles 1-9, 11-23, and 25).

Regulation (EC) No 80/2009 of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89 (text with EEA relevance), OJ L 35, 4.2.2009, p.47.

2. Competition rules

Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Text with EEA relevance), OJ L 1, 4.1.2003, p.1 (Articles 1-13, 15-45)

(To the extent that this Regulation is relevant for the application of this Agreement. The insertion of this Regulation does not affect the division of tasks according to this Agreement.)

Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (Text with EEA relevance), OJ L 123, 27.4.2004, p.18, as amended by:

▼ **M30**

— Commission Regulation (EC) No 1792/2006, OJ L 362, 20.12.2006, p.1,

— Commission Regulation (EC) No 622/2008, OJ L 171, 1.7.2008, p.3.

Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (text with EEA relevance), OJ L 24, 29.1.2004, p.1.

(Article 1-18, 19(1)-(2), and 20-23)

With respect to Article 4 (5) of the Merger Regulation the following shall apply between the European Community and Switzerland:

- (1) With regard to a concentration as defined in Article 3 of Regulation (EC) No 139/2004 which does not have a Community dimension within the meaning of Article 1 of that Regulation and which is capable of being reviewed under the national competition laws of at least three EC Member States and the Swiss Confederation, the persons or undertakings referred to in Article 4(2) of that Regulation may, before any notification to the competent authorities, inform the EC Commission by means of a reasoned submission that the concentration should be examined by the Commission.
- (2) The European Commission shall transmit all submissions pursuant to Article 4(5) of Regulation (EC) No 139/2004 and the previous paragraph to the Swiss Confederation without delay.
- (3) Where the Swiss Confederation has expressed its disagreement as regards the request to refer the case, the competent Swiss competition authority shall retain its competence, and the case shall not be referred from the Swiss Confederation pursuant to this paragraph.

With respect to time limits referred to in Articles 4(4) and (5), Articles 9(2) and (6), and Articles 22(2) of the Merger Regulation:

- (1) The European Commission shall transmit all the relevant documents pursuant to Articles 4(4) and (5), Articles 9(2) and (6) and Article 22(2) to the competent Swiss competition authority without delay.
- (2) The calculation of the time limits referred to in Articles 4(4) and (5), Articles 9(2) and (6), and Article 22(2) of Regulation (EC) No 139/2004 shall start, for the Swiss Confederation, upon receipt of the relevant documents by the competent Swiss competition authority.

Commission Regulation (EC) No 802/2004 of 21 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (text with EEA relevance), OJ L 133, 30.4.2004, p.1 (Articles 1-24), as amended by:

— Commission Regulation (EC) No 1792/2006, OJ L 362, 20.12.2006, p.1,

— Commission Regulation (EC) No 1033/2008, OJ L 279, 22.10.2008, p.3,

— Commission Implementing Regulation (EU) No 1269/2013, OJ L 336, 14.12.2013, p.1.

Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings (Codified version) (text with EEA relevance), OJ L 318, 17.11.2006, p.17.

▼ **M30**

Council Regulation (EC) No 487/2009 of 25 May 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector (codified version) (text with EEA relevance), OJ L 148, 11.6.2009, p.1.

3. Aviation safety

Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91, OJ L 212, 22.8.2018, p.1.

The Agency shall enjoy also in Switzerland the powers granted to it under the provisions of the Regulation.

The Commission shall enjoy also in Switzerland the powers granted to it for decisions pursuant to Article 2(6),(7), Article 41(6), Article 62(5), Article 67(2),(3), Article 70(4), Article 71(2), Article 76(4), Article 84(1), Article 85(9), Article 104(3)(i), Article 105(1) and Article 106(1),(6).

Notwithstanding the horizontal adaptation provided for in the second indent of the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport, the references to the ‘Member States’ made in the provisions of Regulation (EU) No 182/2011 mentioned in Article 127 of Regulation (EU) 2018/1139 shall not be understood to apply to Switzerland.

Nothing in this Regulation shall be construed so as to transfer to the EASA authority to act on behalf of Switzerland under international agreements for other purposes than to assist in the performance of its obligations pursuant to such agreements.

The text of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) Article 68 is amended as follows:

(i) in paragraph 1(a), the words ‘or Switzerland’ shall be inserted after the words ‘the Union’;

(ii) the following paragraph is added:

‘4. Whenever the Union negotiates with a third country in order to conclude an agreement providing that a Member State or the Agency may issue certificates on the basis of certificates issued by the aeronautical authorities of that third country, it shall endeavour to obtain for Switzerland an offer of a similar agreement with the third country in question. Switzerland shall, in turn, endeavour to conclude with third countries agreements corresponding to those of the Union’.

(b) In Article 95, the following paragraph shall be added:

‘3. By way of derogation from Article 12(2)(a) of the Conditions of Employment of Other Servants of the European Union, Swiss nationals enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.’

(c) In Article 96, the following paragraph is added:

▼ **M30**

‘Switzerland shall apply to the Agency the Protocol on the Privileges and Immunities of the European Union, which is set out as Annex A to the present Annex, in accordance with the Appendix to Annex A.’

(d) In Article 102, the following paragraph is added:

‘5. Switzerland shall participate fully in the Management Board and shall within it have the same rights and obligations as European Union Member States, except for the right to vote’.

(e) In Article 120, the following paragraph shall be added:

‘13. Switzerland shall participate in the financial contribution referred to in paragraph 1(b), according to the following formula:

$$S (0.2/100) + S [1 - (a+b) 0.2/100] c/C$$

where:

S = the part of the budget of the Agency not covered by the fees and charges mentioned in paragraph 1 (c) and (d)

a = the number of Associated States

b = the number of EU Member States

c = the contribution of Switzerland to the ICAO budget,

C = the total contribution of the EU Member States and of the Associated States to the ICAO budget.’

(f) In Article 122, the following paragraph is added:

‘6. The provisions relating to financial control by the Union in Switzerland concerning the participants in the activities of the Agency are set out in Annex B to the present Annex.’

(g) Annex I to the Regulation shall be extended to include the following aircraft as products covered by Article 3(1)(a) of Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations⁽¹⁾:

A/c - [HB-JES] – type Gulfstream G-V

A/c - [HB-ZDF] – type MD900.

(h) In Article 132(1), the reference to Regulation (EU) 2016/679 shall be understood, regarding Switzerland, as a reference to relevant national legislation.

(i) Article 140(6) does not apply to Switzerland.

Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, OJ L 311, 25.11.2011, p.1, as amended by:

— Commission Regulation (EU) No 290/2012, OJ L 100, 5.4.2012, p.1,

— Commission Regulation (EU) No 70/2014, OJ L 23, 28.1.2014, p.25,

— Commission Regulation (EU) No 245/2014, OJ L 74, 14.3.2014, p.33,

⁽¹⁾ OJ L 224, 21.8.2012, p.1.

▼ M30

- Commission Regulation (EU) 2015/445, OJ L 74, 18.3.2015, p.1,
- Commission Regulation (EU) 2016/539, OJ L 91, 7.4.2016, p.1,
- Commission Regulation (EU) 2018/1065, OJ L 192, 30.7.2018. p.21,
- Commission Regulation (EU) 2018/1119, OJ L 204, 13.8.2018, p.13,
- Commission Regulation (EU) 2018/1974, OJ L 326, 20.12.2018, p.1,
- Commission Regulation (EU) 2019/27, OJ L 8, 10.1.2019, p.1,
- Commission Implementing Regulation (EU) 2019/430, OJ L 75, 19.3.2019, p.66,
- Commission Implementing Regulation (EU) 2019/1747, OJ L 268, 22.10.2019, p.23,
- Commission Implementing Regulation (EU) 2020/359, OJ L 67, 5.3.2020, p.82,
- Commission Delegated Regulation (EU) 2020/723, OJ L 170, 2.6.2020, p.1,
- Commission Implementing Regulation (EU) 2020/2193, OJ L 434, 23.12.2020, p.13.

Commission Delegated Regulation (EU) 2020/723 of 4 March 2020 laying down detailed rules with regard to the acceptance of third-country certification of pilots and amending Regulation (EU) No 1178/2011, OJ L 170, 2.6.2020, p.1.

Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, OJ L 373, 31.12.1991, p.4 (Articles 1-3, 4(2), (5-11, and 13), as amended by:

- Regulation (EC) No 1899/2006, OJ L 377, 27.12.2006, p.1,
- Regulation (EC) No 1900/2006, OJ L 377, 27.12.2006, p.176,
- Commission Regulation (EC) No 8/2008, OJ L 10, 12.1.2008, p.1,
- Commission Regulation (EC) No 859/2008, OJ L 254, 20.9.2008, p.1.

In Accordance with Article 139 of Regulation (EU) 2018/1139, Regulation (EEC) No 3922/91 is repealed from the date of application of the detailed rules adopted pursuant to point (a) of Article 32(1) of Regulation (EU) 2018/1139 on flight and duty time limitations and rest requirements with regard to air taxi, emergency medical service and single pilot commercial air transport operations by aeroplanes.

Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (text with EEA relevance), OJ L 295, 12.11.2010, p.35, as amended by:

- Regulation (EU) No 376/2014, OJ L 122, 24.4.2014, p.18,
- Regulation (EU) 2018/1139, OJ L 212, 22.8.2018, p.1.

Commission Regulation (EC) No 104/2004 of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency, OJ L 16, 23.1.2004, p.20.

▼ M30

Regulation (EC) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of directive 2004/36/EC (text with EEA relevance), OJ L 344, 27.12.2005, p.15, as amended by:

— Regulation (EU) 2018/1139, OJ L 212, 22.8.2018, p.1.

Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council (text with EEA relevance), OJ L 84, 23.3.2006, p.8.

Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council, OJ L 84, 23.3.2006, p.14, as last amended by:

— Commission Implementing Regulation (EU) 2020/1992, OJ L 410, 7.12.2020, p.49.

Commission Regulation (EU) No 1332/2011 of 16 December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance (text with EEA relevance), OJ L 336, 20.12.2011, p.20, as amended by:

— Commission Regulation (EU) 2016/583, OJ L 101, 16.4.2016, p.7.

Commission Implementing Regulation (EU) No 646/2012 of 16 July 2012 laying down detailed rules on fines and periodic penalty payments pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (text with EEA relevance), OJ L 187, 17.7.2012, p.29.

Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations, OJ L 224, 21.8.2012, p.1, as amended by:

— Commission Regulation (EU) No 7/2013, OJ L 4, 9.1.2013, p.36,

— Commission Regulation (EU) No 69/2014, OJ L 23, 28.1.2014, p.12,

— Commission Regulation (EU) 2015/1039, OJ L 167, 1.7.2015, p.1,

— Commission Regulation (EU) 2016/5, OJ L 3, 6.1.2016, p.3,

— Commission Delegated Regulation (EU) 2019/897, OJ L144, 3.6.2019, p.1,

— Commission Delegated Regulation (EU) 2020/570, OJ L 132, 27.4.2020, p.1.

Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, OJ L 296, 25.10.2012, p.1, as amended by:

— Commission Regulation (EU) No 800/2013, OJ L 227, 24.8.2013, p.1,

▼ M30

- Commission Regulation (EU) No 71/2014, OJ L 23, 28.1.2014, p.27,
- Commission Regulation (EU) No 83/2014, OJ L 28, 31.1.2014, p.17,
- Commission Regulation (EU) No 379/2014, OJ L 123, 24.4.2014, p.1,
- Commission Regulation (EU) 2015/140, OJ L 24, 30.1.2015, p.5,
- Commission Regulation (EU) 2015/1329, OJ L 206, 1.8.2015, p.21,
- Commission Regulation (EU) 2015/640, OJ L 106, 24.4.2015, p.18,
- Commission Regulation (EU) 2015/2338, OJ L 330, 16.12.2015, p.1,
- Commission Regulation (EU) 2016/1199, OJ L 198, 23.7.2016, p.13,
- Commission Regulation (EU) 2017/363, OJ L 55, 2.3.2017, p.1,
- Commission Regulation (EU) 2018/394, OJ L 71, 14.3.2018, p.1,
- Commission Regulation (EU) 2018/1042, OJ L 188, 25.7.2018, p.3 with the exception of the new Article 4.2 of Regulation (EU) 965/2012, as provided for in Article 1(1) of Regulation (EU) 2018/1042, as amended by:
 - Commission Implementing Regulation (EU) 2020/745, OJ L 176, 5.6.2020, p.11,
- Commission Implementing Regulation (EU) 2018/1975, OJ L 326, 20.12.2018, p.53,
- Commission Implementing Regulation (EU) 2019/1387, OJ L 229, 5.9.2019, p.1, as amended by:
 - Commission Implementing Regulation (EU) 2020/1176, OJ L 259, 10.8.2020, p.10,
- Commission Implementing Regulation (EU) 2019/1384, OJ L 228, 4.9.2019, p.106,
- Commission Implementing Regulation (EU) 2020/2036, OJ L 416, 11.12.2020, p.24; paragraphs 4 to 6 of the Annex to Regulation (EU) 2020/2036 are applicable in Switzerland since 31.12.2020.

Commission Implementing Regulation (EU) No 628/2013 of 28 June 2013 on working methods of the European Aviation Safety Agency for conducting standardisation inspections and for monitoring the application of the rules of Regulation (EC) No 216/2008 of the European Parliament and of the Council and repealing Commission Regulation (EC) No 736/2006 (text with EEA relevance), OJ L 179, 29.6.2013, p.46.

Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (text with EEA relevance), OJ L 44, 14.2.2014, p.1, as amended by:

- Commission Regulation (EU) 2017/161, OJ L 27, 1.2.2017, p.99,
- Commission Regulation (EU) 2018/401, OJ L 72, 15.3.2018, p.17,
- Commission Implementing Regulation (EU) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by:

▼ M30

- Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12,
- Commission Delegated Regulation (EU) 2020/1234, OJ L 282, 31.8.2020, p.1,
- Commission Delegated Regulation (EU) 2020/2148, OJ L 428, 18.12.2020, p.10.

Commission Implementing Regulation (EU) 2019/2153 of 16 December 2019 on the fees and charges levied by the European Union Aviation Safety Agency, and repealing Regulation (EU) No 319/2014, OJ L 327, 17.12.2019, p.36.

Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (text with EEA relevance), OJ L 122, 24.4.2014, p.18, as amended by:

- Regulation (EU) 2018/1139, OJ L 212, 22.8.2018, p.1.

Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (text with EEA relevance), OJ L 133, 6.5.2014, p.12, as amended by:

- Commission Regulation (EU) 2016/1158, OJ L 192, 16.7.2016, p.21.

Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (text with EEA relevance), OJ L 362, 17.12.2014, p.1, as amended by:

- Commission Regulation (EU) 2015/1088, OJ L 176, 7.7.2015, p.4,
- Commission Regulation (EU) 2015/1536, OJ L 241, 17.9.2015, p.16,
- Commission Regulation (EU) 2017/334, OJ L 50, 28.2.2017, p.13,
- Commission Regulation (EU) 2018/1142, OJ L 207, 16.8.2018, p.2,
- Commission Implementing Regulation (EU) 2019/1383, OJ L 228, 4.9.2019, p.1,
- Commission Implementing Regulation (EU) 2019/1384, OJ L 228, 4.9.2019, p.106,
- Commission Implementing Regulation (EU) 2020/270, OJ L 56, 27.2.2020, p.20,
- Commission Implementing Regulation (EU) 2020/1159, OJ L 257, 6.8.2020, p.14.

Commission Regulation (EU) 2015/340 of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011 (text with EEA relevance), OJ L 63, 6.3.2015, p.1.

▼ **M30**

Commission Regulation (EU) 2015/640 of 23 April 2015 on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012, OJ L 106, 24.4.2015, p.18, as amended by:

- Commission Implementing Regulation (EU) 2019/133, OJ L 25, 29.1.2019, p.14,
- Commission Implementing Regulation (EU) 2020/1159, OJ L 257, 6.8.2020, p.14,
- Commission Implementing Regulation (EU) 2021/97, OJ L 31, 29.1.2021, p. 208; article 1 of Regulation (EU) 2021/97 is applicable in Switzerland since 26.2.2021, except for point (1) of Annex I, which is applicable in Switzerland since 16.2.2021.

Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council (text with EEA relevance), OJ L 163, 30.6.2015, p.1.

Commission Decision (EU) 2016/2357 of 19 December 2016 regarding the lack of effective compliance with Regulation (EC) No 216/2008 of the European Parliament and of the Council and its implementing rules in respect of certificates issued by the Hellenic Aviation Training Academy (HATA), and Part-66 licenses issued on the basis thereof (notified under document C(2016) 8645), OJ L 348, 21.12.2016, p.72.

Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council, OJ L 71, 14.3.2018, p.10, as amended by:

- Commission Implementing Regulation (EU) 2020/357, OJ L 67, 5.3.2020, p.34.

Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes as well as for the flight crew licensing for sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council, OJ L 326, 20.12.2018, p.64, as amended by:

- Commission Implementing Regulation (EU) 2020/358, OJ L 67, 5.3.2020, p.57.

Regulation (EU) 2019/494 of the European Parliament and of the Council of 25 March 2019 on certain aspects of aviation safety with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (text with EEA relevance), OJ L 85 I, 27.3.2019, p.11.

Commission Implementing Decision (EU) 2019/1128 of 1 July 2019 on access rights to safety recommendations and responses stored in the European Central Repository and repealing Decision 2012/780/EU (Text with EEA relevance), OJ L 177, 2.7.2019, p.112.

4. Aviation Security

Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (text with EEA relevance), OJ L 97, 9.4.2008, p.72.

Commission Regulation (EC) No 272/2009 of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council, OJ L 91, 3.4.2009, p.7, as amended by:

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- Commission Regulation (EU) No 297/2010, OJ L 90, 10.4.2010, p.1,
- Commission Regulation (EU) No 720/2011, OJ L 193, 23.7.2011, p.19,
- Commission Regulation (EU) No 1141/2011, OJ L 293, 11.11.2011, p.22,
- Commission Regulation (EU) No 245/2013, OJ L 77, 20.3.2013, p.5.

Commission Regulation (EU) No 1254/2009 of 18 December 2009 setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures (text with EEA relevance), OJ L 338, 19.12.2009, p.17, as amended by:

- Commission Regulation (EU) 2016/2096, OJ L 326, 1.12.2016, p.7.

Commission Regulation (EU) No 18/2010 of 8 January 2010 amending Regulation (EC) No 300/2008 of the European Parliament and of the Council as far as specifications for national quality control programmes in the field of civil aviation security are concerned, OJ L 7, 12.1.2010, p.3.

Commission Regulation (EU) No 72/2010 of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security (text with EEA relevance), OJ L 23, 27.1.2010, p.1, as amended by:

- Commission Implementing Regulation (EU) 2016/472, OJ L 85, 1.4.2016, p.28.

Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security (text with EEA relevance), OJ L 299, 14.11.2015, p.1, as amended by:

- Commission Implementing Regulation (EU) 2015/2426, OJ L 334, 22.12.2015, p.5,
- Commission Implementing Regulation (EU) 2017/815, OJ L 122, 13.5.2017, p.1,
- Commission Implementing Regulation (EU) 2018/55, OJ L 10, 13.1.2018, p.5,
- Commission Implementing Regulation (EU) 2019/103, OJ L 21, 24.1.2019, p.13, as amended by:
 - Commission Implementing Regulation (EU) 2020/910, OJ L 208, 1.7.2020, p.43,
- Commission Implementing Regulation (EU) 2019/413, OJ L 73, 15.3.2019, p.98,
- Commission Implementing Regulation (EU) 2019/1583, OJ L 246, 26.9.2019, p.15, as amended by:
 - Commission Implementing Regulation (EU) 2020/910, OJ L 208, 1.7.2020, p.43,
- Commission Implementing Regulation (EU) 2020/111, OJ L 21, 27.1.2020, p.1,
- Commission Implementing Regulation (EU) 2020/910, OJ L 208, 1.7.2020, p.43,

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- Commission Implementing Regulation (EU) 2021/255, OJ L 58, 19.2.2021, p.23; points 15, 18 to 19 and 32 of the Annex to Regulation (EU) 2021/255 are applicable in Switzerland since 11.3.2021.

Commission Implementing Decision C(2015) 8005 of 16 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security containing information, as referred to in point (a) of Article 18 of Regulation (EC) No 300/2008 (not published in the OJ) as amended by:

- Commission Implementing Decision C(2017) 3030,
- Commission Implementing Decision C(2018) 4857,
- Commission Implementing Decision C(2019) 132, as amended by:
 - Commission Implementing Decision C(2020) 4241,
- Commission Implementing Decision C(2021) 0996.

5. Air traffic management

Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the Single European Sky (the Framework Regulation) (text with EEA relevance), OJ L 96, 31.3.2004, p.1, as amended by:

- Regulation (EC) No 1070/2009, OJ L 300, 14.11.2009, p.34.

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 6, 8, 10, 11 and 12.

Article 10 shall be amended as follows:

In paragraph 2, the words ‘at Community level’ should be replaced by words ‘at Community level, involving Switzerland’.

Notwithstanding the horizontal adjustment referred to in the second indent of the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport, the references to the ‘Member States’ made in Article 5 of Regulation (EC) No 549/2004 or in the provisions of Decision 1999/468/EC mentioned in that provision shall not be understood to apply to Switzerland.

Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (the Service Provision Regulation) (text with EEA relevance), OJ L 96, 31.3.2004, p.10, as amended by:

- Regulation (EC) No 1070/2009, OJ L 300, 14.11.2009, p.34.

The Commission shall enjoy towards Switzerland the powers granted to it pursuant to Articles 9a, 9b, 15, 15a, 16 and 17.

The provisions of the Regulation shall, for the purposes of this Agreement, be amended as follows:

- (a) Article 3 shall be amended as follows:

In paragraph 2, the words ‘and Switzerland’ shall be inserted after the words ‘the Community’.

- (b) Article 7 is amended as follows:

In paragraph 1 and paragraph 6, the words ‘and Switzerland’ shall be inserted after the words ‘the Community’.

- (c) Article 8 is amended as follows:

In paragraph 1, the words ‘and Switzerland’ shall be inserted after the words ‘the Community’.

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(d) Article 10 is amended as follows:

In paragraph 1, the words ‘and Switzerland’ shall be inserted after the words ‘the Community’.

(e) Article 16(3) is replaced by the following:

‘3. The Commission shall address its decision to the Member States and inform the service provider thereof, in so far as it is legally concerned.’

Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the Single European Sky (the Airspace Regulation) (text with EEA relevance), OJ L 96, 31.3.2004, p.20, as amended by:

— Regulation (EC) No 1070/2009, OJ L 300, 14.11.2009, p.34.

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 3a, 6 and 10.

Regulation (EC) No 552/2004 of the European Parliament and of the Council of 10 March 2004 on the interoperability of the European Air Traffic Management network (the Interoperability Regulation) (text with EEA relevance), OJ L 96, 31.3.2004, p.26, as amended by:

— Regulation (EC) No 1070/2009, OJ L 300, 14.11.2009, p.34.

The Commission shall enjoy in Switzerland the powers granted to it pursuant to Articles 4, 7 and 10(3).

The provisions of the Regulation shall, for the purposes of this Agreement, be amended as follows:

(a) Article 5 is amended as follows:

In paragraph 2, the words ‘or Switzerland’ shall be inserted after the words ‘the Community’.

(b) Article 7 is amended as follows:

In paragraph 4, the words ‘or Switzerland’ shall be inserted after the words ‘the Community’.

(c) Annex III shall be amended as follows:

In section 3, second and last indents, the words ‘or Switzerland’ shall be inserted after the words ‘the Community’.

In accordance with Article 139 of Regulation (EU) 2018/1139, Regulation (EC) No 552/2004 is repealed with effect from 11 September 2018. However, Articles 4, 5, 6, 6a and 7 of that Regulation and Annexes III and IV thereto shall continue to apply until the date of application of the delegated acts referred to in Article 47 of Regulation 2018/1139 and insofar as those acts cover the subject matter of the relevant provisions of Regulation (EC) No 552/2004, and in any case not later than 12 September 2023.

Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace (text with EEA relevance), OJ L 342, 24.12.2005, p.20.

Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the Single European Sky (text with EEA relevance), OJ L 186, 7.7.2006, p.46, as amended by:

— Commission Implementing Regulation (EU) No 923/2012, OJ L 281, 13.10.2012, p.1, as amended by :

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- Commission Implementing Regulation (EU) 2020/886, OJ L 205, 29.6.2020, p.14,
- Commission Implementing Regulation (EU) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by:
 - Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12,
- Commission Implementing Regulation (EU) No 428/2013, OJ L 127, 9.5.2013, p.23,
- Commission Implementing Regulation (EU) 2016/2120, OJ L 329, 3.12.2016, p.70,
- Commission Implementing Regulation (EU) 2018/139, OJ L 25, 30.1.2018, p.4.

Commission Regulation (EC) No 1032/2006 of 6 July 2006 laying down requirements for automatic systems for the exchange of flight data for the purpose of notification, coordination and transfer of flights between air traffic control units (text with EEA relevance), OJ L 186, 7.7.2006, p.27, as amended by:

- Commission Regulation (EC) No 30/2009, OJ L 13, 17.1.2009, p.20.

Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR), OJ L 64, 2.3.2007, p.1, as amended by:

- Council Regulation (EC) No 1361/2008, OJ L 352, 31.12.2008, p.12,
- Council Regulation (EU) No 721/2014, OJ L 192, 1.7.2014, p.1.

Commission Regulation (EC) No 633/2007 of 7 June 2007 laying down requirements for the application of a flight message transfer protocol used for the purpose of notification, coordination and transfer of flights between air traffic control units (text with EEA relevance), OJ L 146, 8.6.2007, p.7, as amended by:

- Commission Regulation (EU) No 283/2011, OJ L 77, 23.3.2011, p.23.

Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (text with EEA relevance), OJ L 62, 8.3.2017, p.1, as amended by:

- Commission Implementing Regulation (EU) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by :
 - Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12.

Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the Single European Sky (text with EEA relevance), OJ L 13, 17.1.2009, p.3, as amended by:

- Commission Implementing Regulation (EU) 2015/310, OJ L 56, 27.2.2015, p.30,

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- Commission Implementing Regulation (EU) 2019/1170, OJ L 183, 9.7.2019, p.6,
- Commission Implementing Regulation (EU) 2020/208, OJ L 43, 17.2.2020, p.72.

The text of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

‘Switzerland UIR’ is added in Annex I, part A.

Commission Regulation (EC) No 262/2009 of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the Single European Sky (text with EEA relevance), OJ L 84, 31.3.2009, p.20, as amended by:

- Commission Implementing Regulation (EU) 2016/2345, OJ L 348, 21.12.2016, p.11.

Commission Regulation (EU) No 73/2010 of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the Single European Sky (text with EEA relevance), OJ L 23, 27.1.2010, p.6, as amended by:

- Commission Implementing Regulation (EU) No 1029/2014, OJ L 284, 30.9.2014, p.9.

Regulation (EU) No 73/2010 is repealed with effect from 27.1.2022.

Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management (text with EEA relevance), OJ L 80, 26.3.2010, p.10, as amended by:

- Commission Implementing Regulation (EU) No 923/2012, OJ L 281, 13.10.2012, p.1, as amended by:
 - Commission Implementing Regulation (EU) 2020/886, OJ L 205, 29.6.2020, p.14,
 - Commission Implementing Regulation (EU) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by :
 - Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12,
- Commission Implementing Regulation (EU) 2016/1006, OJ L 165, 23.6.2016, p.8,
- Commission Implementing Regulation (EU) 2017/2159, OJ L 304, 21.11.2017, p.45.

Commission Decision No C(2010)5134 of 29 July 2010 on the designation of the Performance Review Body of the Single European Sky (not published in the OJ).

Commission Regulation (EU) No 176/2011 of 24 February 2011 on the information to be provided before the establishment and modification of a functional airspace block, OJ L 51, 25.2.2011, p.2.

Commission Decision No C(2011) 4130 of 7 July 2011 on the nomination of the Network Manager for the air traffic management (ATM) network functions of the single European sky (text with EEA relevance) (not published in the OJ).

Commission Implementing Regulation (EU) No 1206/2011 of 22 November 2011 laying down requirements on aircraft identification for surveillance for the single European sky (text with EEA relevance), OJ L 305, 23.11.2011, p.23, as amended by:

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- Commission Implementing Regulation (EU) 2020/587, OJ L 138, 30.4.2020, p.1.

The text of Implementing Regulation (EU) No 1206/2011 shall, for the purposes of this Agreement, be read with the following adaptation:

‘Switzerland UIR’ is added in Annex I.

Commission Implementing Regulation (EU) No 1207/2011 of 22 November 2011 laying down requirements for the performance and the interoperability of surveillance for the single European sky (text with EEA relevance), OJ L 305, 23.11.2011, p.35, as amended by:

- Commission Implementing Regulation (EU) No 1028/2014, OJ L 284, 30.9.2014, p.7,
- Commission Implementing Regulation (EU) 2017/386, OJ L 59, 7.3.2017, p.34,
- Commission Implementing Regulation (EU) 2020/587, OJ L 138, 30.4.2020, p.1.

Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 (text with EEA relevance), OJ L 281, 13.10.2012, p.1, as amended by:

- Commission Regulation (EU) 2015/340, OJ L 63, 6.3.2015, p. 1,
- Commission Implementing Regulation (EU) 2016/1185, OJ L 196, 21.7.2016, p.3,
- Commission Implementing Regulation (EU) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by :
 - Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12,
- Commission Implementing Regulation (EU) 2020/886, OJ L 205, 29.6.2020, p.14.

Commission Implementing Regulation (EU) No 1079/2012 of 16 November 2012 laying down requirements for voice channels spacing for the single European sky (text with EEA relevance), OJ L 320, 17.11.2012, p.14, as amended by:

- Commission Implementing Regulation (EU) No 657/2013, OJ L 190, 11.7.2013, p.37,
- Commission Implementing regulation (EU) 2016/2345, OJ L 348, 21.12.2016, p.11,
- Commission Implementing Regulation (EU) 2017/2160, OJ L 304, 21.11.2017, p.47.

Commission Implementing Regulation (EU) No 409/2013 of 3 May 2013 on the definition of common projects, the establishment of governance and the identification of incentives supporting the implementation of the European Air Traffic Management Master Plan (text with EEA relevance), OJ L 123, 4.5.2013, p.1, as amended by:

- Commission Implementing Regulation (EU) 2021/116, OJ L 36, 2.2.2021, p.10.

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Commission Implementing Regulation (EU) 2021/116 of 1 February 2021 on the establishment of the Common Project One supporting the implementation of the European Air Traffic Management Master Plan provided for in Regulation (EC) No 550/2004 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 409/2013 and repealing Commission Implementing Regulation (EU) No 716/2014 (Text with EEA relevance), OJ L 36, 2.2.2021, p.10.

For the purposes of this Agreement, the Annex to the Regulation shall be read with the following adaptations:

- (a) The following point is added after point 1.2.1.r): ‘s) Zürich Kloten’
- (b) The following point is added after point 2.2.1.r): ‘s) Zürich Kloten’
- (c) The following point is added after point 2.2.2.r): ‘s) Zürich Kloten’
- (d) The following points are added after point 2.2.3.bb): ‘cc) Geneva; dd) Zürich Kloten’.

Commission Implementing Regulation (EU) 2018/1048 of 18 July 2018 laying down airspace usage requirements and operating procedures concerning performance-based navigation, OJ L 189, 26.7.2018, p.3.

Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No 677/2011 (text with EEA relevance), OJ L 28, 31.1.2019, p.1.

Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (text with EEA relevance), OJ L 56, 25.2.2019, p.1.

Commission Implementing Decision (EU) 2019/709 of 6 May 2019 on the appointment of the network manager for air traffic management (ATM) network functions of the single European sky (notified under document C(2019) 3228), OJ L 120, 8.5.2019, p.27.

Commission Implementing Decision (EU) 2019/903 of 29 May 2019 setting the Union-wide performance targets for the air traffic management network for the third reference period starting on 1 January 2020 and ending on 31 December 2024 (text with EEA relevance), OJ L 144, 3.6.2019, p.49.

Commission Implementing Decision (EU) 2019/2167 of 17 December 2019 approving the Network Strategy Plan for the air traffic management network functions of the single European sky for the period 2020-2029, OJ L 328, 18.12.2019, p.89.

Commission Implementing Decision (EU) 2019/2168 of 17 December 2019 on the appointment of the chairperson and the members and their alternates of the Network Management Board and of the members and their alternates of the European Aviation Crisis Coordination Cell for the air traffic management network functions for the third reference period 2020-2024, OJ L 328, 18.12.2019, p.90.

Commission Implementing Decision (EU) 2019/2012 of 29 November 2019 on exemptions under Article 14 of Commission Regulation (EC) No 29/2009 laying down requirements on data link services for the single European sky (Text with EEA relevance), OJ L 312, 3.12.2019, p.95.

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Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to the COVID-19 pandemic, OJ L 366, 4.11.2020, p.7.

6. Environment and noise

Directive 2002/30/EC of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports (text with EEA relevance) (Articles 1-12, and 14-18), OJ L 85, 28.3.2002, p.40.

(The amendments to Annex I, arising from Annex II, Chapter 8 (Transport policy), Section G (Air transport), point 2 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, shall apply).

Council Directive 89/629/EEC of 4 December 1989 on the limitation of noise emissions from civil subsonic jet aeroplanes, OJ L 363, 13.12.1989, p.27.

(Articles 1-8).

Directive 2006/93/EC of the European Parliament and of the Council of 12 December 2006 on the regulation of the operation of aeroplanes covered by Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988) (codified version) (text with EEA relevance), OJ L 374, 27.12.2006, p.1.

7. Consumer protection

Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours, OJ L 158, 23.6.1990, p.59 (Articles 1-10).

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ L 95, 21.4.1993, p.29 (Articles 1-11), as amended by:

— Directive 2011/83/EU, OJ L 304, 22.11.2011. p.64.

Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in respect of the carriage of passengers and their baggage by air in the event of accidents, OJ L 285, 17.10.1997, p.1 (Articles 1-8), as amended by:

— Regulation (EC) No 889/2002, OJ L 140, 30.5.2002, p.2.

Regulation (EC) No 261/2004 of the Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 (text with EEA relevance), OJ L 46, 17.2.2004, p.1.

(Articles 1-18).

Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the right of disabled persons and persons with reduced mobility when travelling by air (text with EEA relevance), OJ L 204, 26.7.2006, p.1.

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8. **Miscellaneous**

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (text with EEA relevance), OJ L 283, 31.10.2003, p.51.

(Article 14(1)(b), and Article 14(2).

9. **Annexes**

A: Protocol on the Privileges and Immunities of the European Union

B: Provisions on financial control by the European Union as regards Swiss participants in activities of the EASA

▼ **M30***ANNEX A***PROTOCOL****ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION**

THE HIGH CONTRACTING PARTIES,

- (2) CONSIDERING that, in accordance with Article 343 of the Treaty on the Functioning of the European Union and Article 191 of the Treaty establishing the European Atomic Energy Community ('EAEC'), the European Union and the EAEC shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community:

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN UNION*Article 1*

The premises and buildings of the Union shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Union shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Union shall be inviolable.

Article 3

The Union, its assets, revenues and other property shall be exempt from all direct taxes.

The governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Union makes, for its official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Union.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Union shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use: articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Union shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of its publications.

▼ **M30****CHAPTER II
COMMUNICATIONS AND *LAISSEZ-PASSER****Article 5*

For their official communications and the transmission of all their documents, the institutions of the Union shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Union shall not be subject to censorship.

Article 6

Laissez-passer in a form to be prescribed by the Council, acting by a simple majority, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Union by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of officials and the Conditions of Employment of other servants of the Union.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of third countries.

**CHAPTER III
MEMBERS OF THE EUROPEAN PARLIAMENT***Article 7*

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 8

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 9

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

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Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN UNION*Article 10*

Representatives of Member States taking part in the work of the institutions of the Union, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Union.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN UNION*Article 11*

In the territory of each Member State and whatever their nationality, officials and other servants of the Union shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Union and, on the other hand, to the jurisdiction of the Court of Justice of the European Union in disputes between the Union and its officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 12

Officials and other servants of the Union shall be liable to a tax for the benefit of the Union on salaries, wages and emoluments paid to them by the Union, in accordance with the conditions and procedure laid down by the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and after consultation of the institutions concerned.

▼ M30

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Union.

Article 13

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Union, officials and other servants of the Union who, solely by reason of the performance of their duties in the service of the Union, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Union, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Union. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of third countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 14

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and after consultation of the institutions concerned, shall lay down the scheme of social security benefits for officials and other servants of the Union.

Article 15

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, and after consulting the other institutions concerned, shall determine the categories of officials and other servants of the Union to whom the provisions of Article 11, the second paragraph of Article 12, and Article 13 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF THIRD COUNTRIES ACCREDITED TO THE EUROPEAN UNION*Article 16*

The Member State in whose territory the Union has its seat shall accord the customary diplomatic immunities and privileges to missions of third countries accredited to the Union.

▼ **M30**CHAPTER VII
GENERAL PROVISIONS*Article 17*

Privileges, immunities and facilities shall be accorded to officials and other servants of the Union solely in the interests of the Union.

Each institution of the Union shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Union.

Article 18

The institutions of the Union shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 19

Articles 11 to 14 and Article 17 shall apply to Members of the Commission.

Article 20

Articles 11 to 14 and Article 17 shall apply to the Judges, the Advocates-General, the Registrars and the Assistant Rapporteurs of the Court of Justice of the European Union, without prejudice to the provisions of Article 3 of the Protocol on the Statute of the Court of Justice of the European Union relating to immunity from legal proceedings of Judges and Advocates-General.

Article 21

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 22

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

▼ **M30***Appendix to ANNEX A***PROCEDURES FOR THE APPLICATION IN SWITZERLAND OF THE PROTOCOL ON PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION**

1. Extension of application to Switzerland

Wherever the Protocol on the privileges and immunities of the European Union (hereinafter called 'the Protocol') contains references to Member States, the references are to be understood to apply equally to Switzerland, unless the following provisions determine otherwise.

2. Exemption of the Agency from indirect taxation (including VAT)

Goods and services exported from Switzerland are not to be subject to Swiss value added tax (VAT). In the case of goods and services provided to the Agency in Switzerland for its official use, in accordance with the second paragraph of Article 3 of the Protocol, exemption from VAT is by way of refund. Exemption from VAT shall be granted if the actual purchase price of the goods and services mentioned in the invoice or equivalent document totals at least 100 Swiss francs (inclusive of tax).

The VAT refund is to be granted on presentation to the Federal Tax Administration's VAT Main Division of the Swiss forms provided for the purpose. As a rule, refund applications must be processed within the three months following the date on which they were lodged together with the necessary supporting documents.

3. Procedures for the application of the rules relating to the Agency's staff

As regards the second paragraph of Article 12 of the Protocol, Switzerland shall exempt, according to the principles of its national law, officials and other servants of the Agency within the meaning of Article 2 of Regulation (Euratom, ECSC, EEC) No 549/69 ⁽¹⁾ from federal, cantonal and communal taxes on salaries, wages and emoluments paid to them by the European Union and subject to an internal tax for its own benefit.

Switzerland shall not be considered as a Member State within the meaning of point 1 above for the application of Article 13 of the Protocol.

Officials and other servants of the Agency and members of their families who are members of the social insurance system applicable to officials and other servants of the European Union are not obliged to be members of the Swiss social security system.

The Court of Justice of the European Union shall have exclusive jurisdiction in any matters concerning relations between the Agency or the Commission and its staff with regard to the application of Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽²⁾ and the other provisions of the European Union law laying down working conditions.

⁽¹⁾ Regulation (Euratom, ECSC, EEC) No 549/69 of the Council of 25 March 1969 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply (OJ L 74, 27.3.1969, p.1). Regulation last amended by Commission Regulation (EC) No 1749/2002 (OJ L 264, 2.10.2002, p.13.)

⁽²⁾ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (Conditions of Employment of Other Servants) (OJ L 56, 4.3.1968, p.1). Regulation last amended by Commission Regulation (EC) No 2104/2005 (OJ L 337, 22.12.2005, p.7.)

▼ **M30***ANNEX B***FINANCIAL CONTROL AS REGARDS SWISS PARTICIPANTS IN
ACTIVITIES OF THE EUROPEAN AVIATION AGREEMENT***Article 1***Direct communication**

The Agency and the Commission shall communicate directly with all persons or entities established in Switzerland and participating in activities of the Agency, as contractors, participants in Agency programmes, recipients of payments from the Agency or the Community budget, or subcontractors. Such persons may send directly to the Commission and to the Agency all relevant information and documentation which they are required to submit on the basis of the instruments referred to in this Decision and of contracts or agreements concluded and any decisions taken pursuant to them.

*Article 2***Checks**

1. In accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities⁽¹⁾ and the Financial Regulation adopted by the Management Board of the Agency on 26 March 2003, with Commission Regulation (EC, Euratom) No 2343/2002 of 23 December 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities⁽²⁾ and with the other instruments referred to in this Decision, contracts or agreements concluded and decisions taken with beneficiaries established in Switzerland may provide for scientific, financial, technological or other audits to be conducted at any time on the premises of the beneficiaries and of their subcontractors by Agency and Commission officials or by other persons mandated by the Agency and the Commission.

2. Agency and Commission officials and other persons mandated by the Agency and the Commission shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access shall be stated explicitly in the contracts or agreements concluded to implement the instruments referred to in this Decision.

3. The European Court of Auditors is to have the same rights as the Commission.

4. The audits may take place until five years after the expiry of this Decision or under the terms of the contracts or agreements concluded and the decisions taken.

5. The Swiss Federal Audit Office is to be informed in advance of audits conducted on Swiss territory. This information will not be a legal condition for carrying out such audits.

⁽¹⁾ OJ L 248, 16.9.2002, p.1.

⁽²⁾ OJ L 357, 31.12.2002, p.72.

▼ M30*Article 3***On-the-spot checks**

1. Under this Agreement, the Commission (OLAF) is authorised to carry out on-the-spot checks and inspections on Swiss territory, under the terms and conditions set out in Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities.⁽³⁾
2. On-the-spot checks and inspections shall be prepared and conducted by the Commission in close cooperation with the Swiss Federal Audit Office or with other competent Swiss authorities appointed by the Swiss Federal Audit Office, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Swiss authorities may participate in the on-the-spot checks and inspections.
3. If the Swiss competent authorities concerned so wish, the on-the-spot checks and inspections may be carried out jointly by the Commission and the Swiss competent authorities.
4. Where the participants in the programme resist an on-the-spot check or inspection, the Swiss authorities, acting in accordance with national rules, shall give the Commission inspectors such assistance as they need to allow them to discharge their duty in carrying out an on-the-spot check or inspection.
5. The Commission shall report as soon as possible to the Swiss Federal Audit Office any fact or suspicion relating to an irregularity which has come to its notice in the course of the on-the-spot check or inspection. In any event the Commission is required to inform the aforementioned authority of the result of such checks and inspections.

*Article 4***Information and consultation**

1. For the purposes of proper implementation of this Annex, the competent Swiss and Community authorities shall exchange information regularly and, at the request of one of the Parties, shall conduct consultations.
2. The competent Swiss authorities shall inform the Agency and the Commission without delay of any fact or suspicion which has come to their notice relating to an irregularity in connection with the conclusion and implementation of the contracts or agreements concluded in application of the instruments referred to in this Decision.

*Article 5***Confidentiality**

Information communicated or acquired in any form whatsoever pursuant to this Annex will be covered by professional confidentiality and protected in the same way as similar information is protected by the national legislation of Switzerland and by the corresponding provisions applicable to the Community institutions. Such information shall not be communicated to persons other than those within the Community institutions, in the Member States, or in Switzerland whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the financial interests of the Contracting Parties.

⁽³⁾ OJ L 292, 15.11.1996, p.2.

▼ M30*Article 6***Administrative measures and penalties**

Without prejudice to application of Swiss criminal law, administrative measures and penalties may be imposed by the Agency or the Commission in accordance with Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests.⁽⁴⁾

*Article 7***Recovery and enforcement**

Decisions taken by the Agency or the Commission within the scope of this Decision which impose a pecuniary obligation on persons other than States shall be enforceable in Switzerland.

The enforcement order must be issued, without any further control than verification of the authenticity of the act, by the authority designated by the Swiss government, which must inform the Agency or the Commission thereof. Enforcement must take place in accordance with the Swiss rules of procedure. The legality of the enforcement decision is subject to control by the Court of Justice of the European Union.

Judgments given by the Court of Justice of the European Union pursuant to an arbitration clause are enforceable on the same terms.

⁽⁴⁾ OJ L 312, 23.12.1995, p. 1.



FINAL ACT

The Plenipotentiaries

of the EUROPEAN COMMUNITY

and

of the SWISS CONFEDERATION,

meeting on 21 June 1999 in Luxembourg for the signature of the Agreement between the European Community and the Swiss Confederation on Air Transport have adopted the Joint Declarations mentioned below and attached to this Final Act:

— Joint Declaration on agreements with third countries,

— Joint Declaration on further negotiations.

They also took note of the following Declarations annexed to this Final Act:

— Declaration on Swiss attendance of committees,

— Declaration by Switzerland on a possible amendment to the Statute of the Court of Justice of the European Communities.

Hecho en Luxemburgo, el veintiuno de junio de mil novecientos noventa y nueve.

Udfærdiget i Luxembourg den enogtyvende juni nitten hundrede og nioghalvfems.

Geschehen zu Luxemburg am einundzwanzigsten Juni neunzehnhundertneunundneunzig.

Έγινε στο Λουξεμβούργο, στις είκοσι μία Ιουνίου χίλια εννιακόσια ενενήντα εννέα.

Done at Luxembourg on the twenty-first day of June in the year one thousand nine hundred and ninety-nine.

Fait à Luxembourg, le vingt-et-un juin mil neuf cent quatre-vingt dix-neuf.

Fatto a Lussemburgo, addì ventuno giugno millenovecentonovantanove.

Gedaan te Luxemburg, de eenentwintigste juni negentienhonderd negenennegentig.

Feito em Luxemburgo, em vinte e um de Junho de mil novecentos e noventa e nove.

Tehty Luxemburgissa kahdentenkymmenentenäensimmäisenä päivänä kesäkuuta vuonna tuhatyhdeksänsataayhdeksänkymmentäyhdeksän.

Som skedde i Luxemburg den tjugoförsta juni nittonhundraionio.

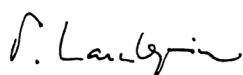
Por la Comunidad Europea
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Voor de Europese Gemeenschap
 Pela Comunidade Europeia

▼B

Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar



Por la Confederación Suiza
For Det Schweiziske Edsforbund
Für der Schweizerischen Eidgenossenschaft
Για την Ελβετική Συνομοσπονδία
For the Swiss Confederation
Pour la Confédération suisse
Per la Confederazione svizzera
Voor de Zwitserse Bondsstaat
Pela Confederação Suíça
Sveitsin valaliiton puolesta
På Schweiziska Edsförbundets vägnar



▼B

JOINT DECLARATION
on Agreements with Third Countries

The Contracting Parties acknowledge that it is desirable to take the steps necessary to ensure coherence between their mutual air transport relations and other wider air transport agreements based on the same principles.

▼B

**JOINT DECLARATION
on Further Negotiations**

The European Community and the Swiss Confederation declare their intention of undertaking negotiations to conclude agreements in areas of common interest such as the updating of Protocol 2 to the 1972 Free Trade Agreement and Swiss participation in certain Community training, youth, media, statistical and environmental programmes. Preparatory work for these negotiations should proceed rapidly once the current bilateral negotiations have been concluded.

▼B

DECLARATION

on Swiss Attendance of Committees

The Council agrees that Switzerland's representatives may, insofar as the items concern them, attend meetings of the following committees and expert working parties as observers:

- Committees of research programmes, including the Scientific and Technical Research Committee (CREST)
- Administrative Commission on Social Security for Migrant Workers
- Coordinating Group on the mutual recognition of higher-education diplomas
- Advisory committees on air routes and the application of competition rules in the field of air transport.

Switzerland's representatives shall not be present when these committees vote.

In the case of other committees dealing with areas covered by these agreements in which Switzerland has adopted either the *acquis communautaire* or equivalent measures, the Commission will consult Swiss experts by the method specified in Article 100 of the EEA Agreement.

▼B

DECLARATION BY SWITZERLAND

on a Possible Amendment to the Statute of the Court of Justice of the European Communities

The Swiss Government indicates its expectation that, if the Statute and Rules of Procedure of the Court of Justice of the European Communities were to be amended in order to permit lawyers entitled to plead before the courts of States parties to a similar agreement as the present to plead before the Court of Justice of the European Communities, such amendment would also include the possibility for Swiss lawyers practising before the Swiss courts to plead before the Court of Justice of the European Communities in relation to the questions referred to that Court pursuant to this Agreement.