

**DECISION No 1/2016 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT  
COMMITTEE**

**of 16 December 2015**

**amending Annexes 1, 3, 4 and 7 to the Agreement between the European Community and the  
Swiss Confederation on the carriage of goods and passengers by rail and road [2016/122]**

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road (hereinafter 'the Agreement'), and in particular Article 52(4) thereof,

Whereas:

- (1) The first indent of Article 52(4) of the Agreement provides for the Joint Committee to adopt decisions revising Annexes 1, 3, 4 and 7.
- (2) Annex 1 was last amended by Decision 1/2013 of the Joint Committee of 6 December 2013 <sup>(1)</sup>.
- (3) New legal acts of the European Union have been adopted in the areas covered by the Agreement. The text of Annexes 1, 3, 4 and 7 should be amended to take account of the changes in the relevant legislation of the European Union. For the sake of legal clarity and simplification, it is preferable to replace Annexes 1, 3, 4 and 7 to the Agreement by the Annexes to this Decision,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. Annex 1 to the Agreement is hereby replaced by the text of Annex 1 to this Decision.
2. Annex 3 to the Agreement is hereby replaced by the text of Annex 2 to this Decision.
3. Annex 4 to the Agreement is hereby replaced by the text of Annex 3 to this Decision.
4. Annex 7 to the Agreement is hereby replaced by the text of Annex 4 to this Decision.

*Article 2*

For the carriage of goods by motor vehicles registered in Switzerland the permissible laden mass of which, including that of trailers, is between 3,5 and 6 tonnes, the licence requirement laid down in Article 3 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council <sup>(2)</sup> shall apply as of 1 January 2018.

*Article 3*

The references in Article 9 of the Agreement to Council Regulation (EEC) No 881/92 <sup>(3)</sup> shall be deemed to refer to Regulation (EC) No 1072/2009 and the references in Article 17 of the Agreement to Council Regulation (EEC) No 684/92 <sup>(4)</sup> shall be deemed to refer to Regulation (EC) No 1073/2009 of the European Parliament and of the Council <sup>(5)</sup>.

<sup>(1)</sup> OJ L 352, 24.12.2013, p. 79.

<sup>(2)</sup> Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72).

<sup>(3)</sup> Council Regulation (EEC) No 881/92 of 26 March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a Member State or passing across the territory of one or more Member States (OJ L 95, 9.4.1992, p. 1).

<sup>(4)</sup> Council Regulation (EEC) No 684/92 of 16 March 1992 on common rules for the international carriage of passengers by coach and bus (OJ L 74, 20.3.1992, p. 1).

<sup>(5)</sup> Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

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*Article 4*

This Decision shall enter into force on 1 January 2016.

Done at Brussels, 16 December 2015.

*For the European Union*  
*The President*  
Fotis KARAMITSOS

*For the Swiss Confederation*  
*The Head of the Swiss Delegation*  
Peter FÜGLISTALER

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## ANNEX 1

## ANNEX 1

**APPLICABLE PROVISIONS**

In accordance with Article 52(6) of this Agreement, Switzerland shall apply legal provisions equivalent to the following:

**Relevant provisions of Union law**

## SECTION 1 — ADMISSION TO THE OCCUPATION

- Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road (OJ L 33, 4.2.2006, p. 82).
- Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).
- Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

For the purposes of this Agreement,

- (a) the European Union and the Swiss Confederation shall exempt from the obligation to hold a driver attestation all citizens of the Swiss Confederation, of an EU Member State and of a Member State of the European Economic Area;
  - (b) the Swiss Confederation may not exempt citizens of States other than those mentioned in point (a) from the obligation to hold a driver attestation without prior consultation with and approval by the European Union;
  - (c) the provisions of Chapter III to Regulation (EC) No 1072/2009 (on cabotage) shall not apply.
- Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

For the purposes of this Agreement, the provisions of Chapter V to Regulation (EC) No 1073/2009 (on cabotage) shall not apply.

- Commission Decision 2009/992/EU of 17 December 2009 on minimum requirements for the data to be entered in the national electronic register of road transport undertakings (OJ L 339, 22.12.2009, p. 36).
- Commission Regulation (EU) No 1213/2010 of 16 December 2010 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings (OJ L 335, 18.12.2010, p. 21).
- Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (OJ L 107, 10.4.2014, p. 39).

## SECTION 2 — SOCIAL STANDARDS

- Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport (OJ L 370, 31.12.1985, p. 8), as last amended by Commission Regulation (EU) No 1161/2014 of 30 October 2014 (OJ L 311, 31.10.2014, p. 19).

- Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).
- Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).
- Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1), as amended by Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 (OJ L 300, 14.11.2009, p. 88).
- Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35), as last amended by Commission Directive 2009/5/EC of 30 January 2009 (OJ L 29, 31.1.2009, p. 45).
- Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards (OJ L 168, 2.7.2010, p. 16).

### SECTION 3 — TECHNICAL STANDARDS

#### *Motorised vehicles*

- Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16), as last amended by Commission Directive 2007/34/EC of 14 June 2007 (OJ L 155, 15.6.2007, p. 49).
- Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 36, 9.2.1988, p. 33), as last amended by Commission Directive 2001/27/EC of 10 April 2001 (OJ L 107, 18.4.2001, p. 10).
- Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes (OJ L 373, 31.12.1991, p. 26), as last amended by Commission Implementing Directive 2014/37/EU of 27 February 2014 (OJ L 59, 28.2.2014, p. 32).
- Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27), as amended by Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002 (OJ L 327, 4.12.2002, p. 8).
- Council Directive 92/24/EEC of 31 March 1992 relating to speed limitation devices or similar speed limitation on-board systems of certain categories of motor vehicles (OJ L 129, 14.5.1992, p. 154), as amended by Directive 2004/11/EC of the European Parliament and of the Council of 11 February 2004 (OJ L 44, 14.2.2004, p. 19).
- Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as amended by Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002 (OJ L 67, 9.3.2002, p. 47).
- Council Regulation (EC) No 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered (OJ L 299, 10.11.1998, p. 1).
- Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1), as last amended by Commission Directive 2010/47/EU of 5 July 2010 (OJ L 173, 8.7.2010, p. 33).

- Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p. 1), as last amended by Commission Directive 2008/74/EC of 18 July 2008 (OJ L 192, 19.7.2008, p. 51).
- Directive 2009/40/EC of the European Parliament and of the Council of 6 May 2009 on roadworthiness tests for motor vehicles and their trailers (recast), OJ L 141, 6.6.2009, p. 12.
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1), as last amended by Commission Regulation (EU) No 133/2014 of 31 January 2014 (OJ L 47, 18.2.2014, p. 1).
- Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1), as last amended by Commission Regulation (EU) No 627/2014 of 12 June 2014 (OJ L 174, 13.6.2014, p. 28).

#### *Transportation of dangerous goods*

- Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p. 35), as last amended by Council Directive 2008/54/EC of the European Parliament and of the Council of 17 June 2008 (OJ L 162, 21.6.2008, p. 11).
- Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13), as last amended by Commission Directive 2014/103/EU of 21 November 2014 (OJ L 335, 22.11.2014, p. 15).

For the purposes of this Agreement the following derogations to Directive 2008/68/EC shall apply in Switzerland:

#### 1. Road transport

Derogations for Switzerland under Article 6(2)(a) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

#### **RO — a — CH — 1**

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

Reference to Annex I, Section I.1, to this Directive: points 1.1.3.6 and 6.8.

Content of the Annex to the Directive: Exemptions related to the quantities transported per transport unit; regulations concerning the construction of tanks.

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 may benefit from the exemptions in point 1.1.3.6 ADR.

Initial reference to the national legislation: Appendix 1, points 1.1.3.6.3(b) and 6.14, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2017.

**RO — a — CH — 2**

Subject: Exemption from the requirement to carry a transport document for certain quantities of dangerous goods as defined in point 1.1.3.6.

Reference to Annex I, Section I.1, to this Directive: points 1.1.3.6 and 5.4.1.

Content of the Annex to the Directive: Requirement to have a transport document.

Content of the national legislation: The transport of uncleaned empty containers belonging to Transport Category 4 and filled or empty gas cylinders for breathing apparatuses for use by emergency services or as diving equipment, in quantities not exceeding the limits set in point 1.1.3.6, is not subject to the obligation to carry the transport document provided for in point 5.4.1.

Initial reference to the national legislation: Appendix 1, point 1.1.3.6.3(c) of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2017.

**RO — a — CH — 3**

Subject: Transport of uncleaned empty tanks by companies servicing storage facilities for liquids hazardous to water.

Reference to Annex I, Section I.1, to this Directive: points 6.5, 6.8, 8.2 and 9.

Content of the Annex to the Directive: Construction, equipping and inspection of tanks and vehicles; driver training.

Content of the national legislation: Vehicles and uncleaned empty tanks/containers used by companies servicing storage facilities for liquids hazardous to water to contain liquids while stationary tanks are being serviced are not subject to the construction, equipping and inspection regulations or to the labelling and orange-plate identification regulations stipulated by the ADR. They are subject to particular labelling and identification regulations, and the driver of the vehicle is not required to have undertaken the training described in point 8.2.

Initial reference to the national legislation: Appendix 1, point 1.1.3.6.3.10, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2017.

Derogations for Switzerland under Article 6(2)(b)(i) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods.

**RO — bi — CH — 1**

Subject: Transport of domestic waste containing dangerous goods to waste disposal installations.

Reference to Annex I, Section I.1, to this Directive: points 2, 4.1.10, 5.2 and 5.4.

Content of the Annex to the Directive: Classification, combined packaging, marking and labelling, documentation.

Content of the national legislation: The rules include provisions relating to the simplified classification of domestic waste containing (domestic) dangerous goods by an expert recognised by the competent authority, to the use of appropriate receptacles and to driver training. Domestic waste which cannot be classified by the expert may be transported to a treatment centre in small quantities identified by package and by transport unit.

Initial reference to the national legislation: Appendix 1, point 1.1.3.7, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Comments: These rules may only be applied to the transport of domestic waste containing dangerous goods between public treatment sites and waste disposal installations.

Date of expiration: 1 January 2017.

### **RO — bi — CH — 2**

Subject: Return transport of fireworks.

Reference to Annex I, Section I.1, to this Directive: points 2.1.2 and 5.4.

Content of the Annex to the Directive: Classification and documentation.

Content of the national legislation: With the aim of facilitating the return transport of fireworks with UN numbers 0335, 0336 and 0337 from retailers to suppliers, exemptions regarding the indication of the net mass and product classification in the transport document are provided for.

Initial reference to the national legislation: Appendix 1, point 1.1.3.8, of the Ordinance on the carriage of dangerous goods by road (SDR; RS 741.621).

Comments: Detailed checking of the exact contents of each item of unsold product in each package is practically impossible for products intended for retail trade.

Date of expiration: 1 January 2017.

### **RO — bi — CH — 3**

Subject: ADR training certificate for journeys undertaken with the purpose of transporting vehicles which have broken down, journeys related to repairs, journeys made to the examination of tank vehicles/tanks, and journeys with tank vehicles made by experts responsible for the examination of the vehicle in question.

Reference to Annex I, Section I.1, to this Directive: point 8.2.1.

Content of the Annex to the Directive: Drivers of vehicles must attend training courses.

Content of the national legislation: ADR training and certificates are not required for journeys undertaken with the purpose of transporting vehicles that have broken down or test drives related to repairs, journeys with tank vehicles made to the examination of the tank vehicle or its tank, and journeys made by experts responsible for the examination of tank vehicles.

Initial reference to the national legislation: Instructions of 30 September 2008 of the Federal Department of Environment, Transport, Energy and Communication (DETEC) on the carriage of dangerous goods by road.

Comments: In some cases, vehicles which have broken down or are undergoing repairs and tank vehicles being prepared for technical inspection or being checked at the time of the inspection still contain dangerous goods.

The requirements in points 1.3 and 8.2.3 are still applicable.

Date of expiration: 1 January 2017.

## 2. Railway transport

Derogations for Switzerland under Article 6(2)(a) of Directive 2008/68/EC of 24 September 2008 on the inland transport of dangerous goods

### **RA — a — CH — 1**

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

Reference to Annex II, Section II.1, to this Directive: point 6.8.

Content of the Annex to the Directive: Regulations concerning the construction of tanks.

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 are authorised.

Initial reference to the national legislation: Annex to the DETEC Ordinance of 3 December 1996 relating to the transport of dangerous goods by rail and cableway installation (RSD, RS 742.401.6) and Appendix 1, Chapter 6.14, of the Ordinance relating to the carriage of dangerous goods by road (SDR, RS 741.621).

Date of expiration: 1 January 2017.

#### **RA — a — CH — 2**

Subject: Transport document.

Reference to Annex II, Section II.1, to this Directive: point 5.4.1.1.1.

Content of the Annex to the Directive: General information required in the transport document.

Content of the national legislation: Use of a collective term in the transport document and an annexed list containing the information prescribed as stipulated above.

Initial reference to the national legislation: Annex to the DETEC Ordinance of 3 December 1996 relating to the transport of dangerous goods by rail and cableway installation (RSD, RS 742.401.6).

Date of expiration: 1 January 2017.

- Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC (OJ L 165, 30.6.2010, p. 1).

#### **SECTION 4 — ACCESS AND TRANSIT RIGHTS WITH REGARD TO RAILWAYS**

- Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25).
- Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings (OJ L 143, 27.6.1995, p. 70).
- Council Directive 95/19/EC of 19 June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees (OJ L 143, 27.6.1995, p. 75).
- Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44), as last amended by Commission Directive 2014/88/EU of 9 July 2014 (OJ L 201, 10.7.2014, p. 9).
- Commission Regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC (OJ L 153, 14.6.2007, p. 9), as amended by Commission Regulation (EU) No 445/2011 of 10 May 2011 (OJ L 122, 11.5.2011, p. 22).
- Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC (OJ L 305, 23.11.2007, p. 30), as amended by Commission Decision 2011/107/EU of 10 February 2011 (OJ L 43, 17.2.2011, p. 33).

- Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast) (OJ L 191, 18.7.2008, p. 1), as last amended by Commission Directive 2014/38/EU of 10 March 2014 (OJ L 70, 11.3.2014, p. 20).
- Commission Regulation (EC) No 352/2009 of 24 April 2009 on the adoption of a common safety method on risk evaluation and assessment as referred to in Article 6(3)(a) of Directive 2004/49/EC of the European Parliament and of the Council (OJ L 108, 29.4.2009, p. 4).
- Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ L 319, 4.12.2010, p. 1).
- Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (OJ L 326, 10.12.2010, p. 11).
- Commission Regulation (EU) No 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation (OJ L 327, 11.12.2010, p. 13).
- Commission Regulation (EU) No 201/2011 of 1 March 2011 on the model of declaration of conformity to an authorised type of railway vehicle (OJ L 57, 2.3.2011, p. 8).
- Commission Decision 2011/275/EU of 26 April 2011 concerning a technical specification for interoperability relating to the “infrastructure” subsystem of the trans-European conventional rail system (OJ L 126, 14.5.2011, p. 53), as amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).
- Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of the entity in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ L 122, 11.5.2011, p. 22).
- Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem “telematics applications for passenger services” of the trans-European rail system (OJ L 123, 12.5.2011, p. 11), as last amended by Commission Regulation (EU) 2015/302 of 25 February 2015 (OJ L 55, 26.2.2015, p. 2).
- Commission Implementing Decision 2011/633/EU of 15 September 2011 on the common specifications of the register of railway infrastructure (OJ L 256, 1.10.2011, p. 1).
- Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorized types of railway vehicles (OJ L 264, 8.10.2011, p. 32).
- Commission Decision 2012/88/EU of 25 January 2012 on the technical specification for interoperability relating to the control-command and signalling subsystems of the trans-European rail system (OJ L 51, 23.2.2012, p. 1), as last amended by Commission Decision (EU) 2015/14 of 5 January 2015 (OJ L 3, 7.1.2015, p. 44).
- Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the “operation and traffic management” subsystem of the rail system in the European Union and amending Decision 2007/756/EC (OJ L 345, 15.12.2012, p. 1), as amended by Commission Decision 2013/710/EU of 2 December 2013 (OJ L 323, 4.12.2013, p. 35).
- Commission Regulation (EU) No 1077/2012 of 16 November 2012 on a common safety method for supervision by national safety authorities after issuing a safety certificate or safety authorisation (OJ L 320, 17.11.2012, p. 3).
- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ L 320, 17.11.2012, p. 8).
- Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem “rolling stock — freight wagons” of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1), as amended by Commission Regulation (EU) No 1236/2013 (OJ L 322, 3.12.2013, p. 23).

- Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110).
- Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the "energy" subsystem of the rail system in the Union (OJ L 356, 12.12.2014, p. 179).
- Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the "rolling stock — locomotives and passenger rolling stock" subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228).
- Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to "safety in railway tunnels" of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394).
- Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem "rolling stock — noise" amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421).
- Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006 (OJ L 356, 12.12.2014, p. 438).

#### SECTION 5 — OTHER FIELDS

- Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils (OJ L 316, 31.10.1992, p. 19).
  - Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the trans-European road network (OJ L 167, 30.4.2004, p. 39).
  - Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).'
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ANNEX 2

ANNEX 3

EUROPEAN COMMUNITY

(a)

(Colour Pantone light blue 290, or as close as possible to this colour, format DIN A4 cellulose paper 100 g/m<sup>2</sup> or more)

(First page of the licence)

(Text in the official language(s) or one of the official languages of the Member State issuing the licence)

Distinguishing sign of the Member State <sup>(1)</sup> issuing the licence

Name of the competent authority or body

LICENCE No ...

or

CERTIFIED TRUE COPY No ...

for the international carriage of goods by road for hire or reward

This licence entitles <sup>(2)</sup>.....  
.....  
.....

to engage in the international carriage of goods by road for hire or reward by any route, for journeys or parts of journeys carried out for hire or reward within the territory of the Community, as laid down in Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market and in accordance with the general provisions of this licence.

Comments:.....  
.....  
.....

This licence is valid from.....	to.....
Issued in..... ,	on.....

..... <sup>(3)</sup>

<sup>(1)</sup> The distinguishing signs of the Member States are: Belgium, (BG) Bulgaria, (CZ) Czech Republic, (DK) Denmark, (D) Germany, (EST) Estonia, (IRL) Ireland, (GR) Greece, (E) Spain, (F) France, (HR) Croatia, (I) Italy, (CY) Cyprus, (LV) Latvia, (LT) Lithuania, (L) Luxembourg, (H) Hungary, (MT) Malta, (NL) Netherlands, (A) Austria, (PL) Poland, (P) Portugal, (RO) Romania, (SLO) Slovenia, (SK) Slovakia, (FIN) Finland, (S) Sweden, (UK) United Kingdom.

<sup>(2)</sup> Name or business name and full address of the haulier.

<sup>(3)</sup> Signature and seal of the competent authority or body issuing the licence.

(b)

(Second page of the licence)

(Text in the official language(s) or one of the official languages of the Member State issuing the licence)

#### GENERAL PROVISIONS

This licence is issued pursuant to Regulation (EC) No 1072/2009.

It entitles the holder to engage in the international carriage of goods by road for hire or reward by any route for journeys or parts of journeys carried out within the territory of the Community and, where appropriate, subject to the conditions laid down herein:

- where the point of departure and the point of arrival are situated in two different Member States, with or without transit through one or more Member States or third countries,
  - from a Member State to a third country or vice versa, with or without transit through one or more Member States or third countries,
  - between third countries with transit through the territory of one or more Member States,
- and unladen journeys in connection with such carriage.

In the case of carriage from a Member State to a third country or vice versa, this licence is valid for that part of the journey carried out within the territory of the Community. It shall be valid in the Member State of loading or unloading only after the conclusion of the necessary agreement between the Community and the third country in question in accordance with Regulation (EC) No 1072/2009.

The licence is personal to the holder and is non-transferable.

It may be withdrawn by the competent authority of the Member State which issued it, in particular where the holder has:

- not complied with all the conditions for using the licence,
- supplied incorrect information with regard to the data needed for the issue or extension of the licence.

The original of the licence must be kept by the haulage undertaking.

A certified copy of the licence must be kept in the vehicle <sup>(1)</sup>. In the case of a coupled combination of vehicles it must accompany the motor vehicle. It shall cover the coupled combination of vehicles even where the trailer or semi-trailer is not registered or authorised to use the roads in the name of the licence holder or where it is registered or authorised to use the roads in another State.

The licence must be presented at the request of any authorised inspecting officer.

The holder must, on the territory of each Member State, comply with the laws, regulations and administrative measures in force in that State, particularly with regard to transport and traffic.'

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<sup>(1)</sup> 'Vehicle' means a motor vehicle registered in a Member State, or a coupled combination of vehicles the motor vehicle of which at least is registered in a Member State, used exclusively for the carriage of goods.

## ANNEX 3

## ANNEX 4

**TYPES OF CARRIAGE AND UNLADEN JOURNEYS IN CONNECTION WITH SUCH CARRIAGE EXEMPT FROM ANY SYSTEM OF LICENCES AND FROM ANY CARRIAGE AUTHORISATION**

1. Carriage of mail as a universal service.
2. Carriage of vehicles which have suffered damage or breakdown.
3. Carriage of goods in motor vehicles the permissible laden mass of which, including that of trailers, does not exceed 3,5 tonnes.
4. Carriage of goods in motor vehicles provided the following conditions are fulfilled:
  - (a) the goods carried are the property of the undertaking or have been sold, bought, let out on hire or hired, produced, extracted, processed or repaired by the undertaking;
  - (b) the purpose of the journey is to carry the goods to or from the undertaking or to move them, either inside or outside the undertaking for its own requirements;
  - (c) motor vehicles used for such carriage are driven by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation;
  - (d) the vehicles carrying the goods are owned by the undertaking or have been bought by it on deferred terms or hired provided that in the latter case they meet the conditions of Directive 2006/1/EC of the European Parliament and of the Council <sup>(1)</sup>.

This provision shall not apply to the use of a replacement vehicle during a short breakdown of the vehicle normally used;

  - (e) the carriage must be no more than ancillary to the overall activities of the undertaking.
5. Carriage of medicinal products, appliances, equipment and other articles required for medical care in emergency relief, in particular for natural disasters.'

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<sup>(1)</sup> Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road (OJ L 33, 4.2.2006, p. 82).

ANNEX 4

ANNEX 7

## INTERNATIONAL CARRIAGE OF PASSENGERS BY COACH AND BUS

### Article 1

#### Definitions

For the purposes of this Agreement, the following definitions shall apply:

#### 1. Scheduled services

1.1. Regular services are services which provide for the carriage of passengers at specified intervals along specified routes, passengers being taken up and set down at predetermined stopping points. Regular services shall be open to all, subject, where appropriate, to compulsory reservation.

The regular nature of the service is not affected by any adjustment to the service operating conditions.

1.2. Services, by whomsoever organised, which provide for the carriage of specified categories of passengers to the exclusion of other passengers, in so far as such services are operated under the conditions specified in point 1.1, shall be deemed to be regular services. Such services are hereinafter called "special regular services".

Special regular services shall include:

- (a) the carriage of workers between home and work;
- (b) carriage to and from the educational institution for school pupils and students.

The fact that a special service may be varied according to the needs of users shall not affect its classification as a regular service.

1.3. The organisation of parallel or temporary services, serving the same public as existing regular services, the non-serving of certain stops and the serving of additional stops on existing regular services shall be governed by the same rules as existing regular services.

#### 2. Occasional services

2.1. Occasional services are services which do not meet the definition of regular services, including special regular services, and which are characterised above all by the fact that they carry groups of passengers assembled at the initiative of the customer or of the carrier himself.

The organisation of parallel or temporary services comparable to existing regular services and serving the same public as the latter shall be subject to authorisation in accordance with the procedure laid down in section I.

2.2. The services referred to in point 2 shall not cease to be occasional services solely because they are provided at certain intervals.

2.3. Occasional services may be provided by a group of carriers acting on behalf of the same contractor.

The names of such carriers and, where appropriate, the connection points en route shall be communicated to the competent authorities of the EU Member States concerned and of Switzerland, in accordance with procedures to be determined by the Joint Committee.

### 3. Carriage on own account

Own-account transport operations means operations carried out for non-commercial and non-profit-making purposes by a natural or legal person, whereby:

- the transport activity is only an ancillary activity for that natural or legal person,
- the vehicles used are the property of that natural or legal person or have been obtained by that person on deferred terms or have been the subject of a long-term leasing contract and are driven by a member of the staff of the natural or legal person or by the natural person himself or by personnel employed by, or put at the disposal of, the undertaking under a contractual obligation.

#### Section I

#### REGULAR SERVICES SUBJECT TO AUTHORISATION

#### Article 2

#### **Type of authorisation**

1. Authorisations shall be issued in the name of the transport undertaking; they may not be transferred by the latter to third parties. However, the carrier who has received the authorisation may, with the consent of the authority referred to in Article 3(1) of this Annex, operate the service through a subcontractor. In this case, the name of the latter undertaking and its role as subcontractor shall be indicated in the authorisation. The subcontractor must fulfil the conditions laid down in Article 17 of the Agreement.

In the case of undertakings associated for the purpose of operating a regular service, the authorisation shall be issued in the names of all the undertakings. It shall be given to the undertaking that manages the operation and copies shall be given to the others. The authorisation shall state the names of all the operators.

2. The maximum period of validity of the authorisation is five years.
3. Authorisations shall specify the following:
  - (a) the type of service;
  - (b) the route of the service, giving in particular the point of departure and the point of arrival;
  - (c) the period of validity of the authorisation;
  - (d) the stops and the timetable.
4. Authorisations shall conform to the model set out in Commission Regulation (EU) No 361/2014 <sup>(1)</sup>.
5. Authorisations shall entitle their holder(s) to operate regular services in the territories of the Contracting Parties.
6. The operator of a regular service may use additional vehicles to deal with temporary and exceptional situations.

In this event, the carrier must ensure that the following documents are on board the vehicle:

- a copy of the authorisation of the regular service;
- a copy of the contract between the operator of the regular service and the undertaking providing the additional vehicles or an equivalent document;
- a certified copy of the Community licence in the case of EU carriers, or of a similar Swiss licence in the case of Swiss carriers, issued to the operator providing the additional vehicles for the service.

<sup>(1)</sup> Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (OJ L 107, 10.4.2014, p. 39).

*Article 3***Submission of application for authorisation**

1. EU operators applying for authorisation shall submit their applications in accordance with the provisions of Article 7 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council <sup>(1)</sup>, and Swiss operators applying for authorisation shall submit their applications in accordance with chapter 3 of the Ordinance of 4 November 2009 on the carriage of passengers (*Ordonnance sur le transport de voyageurs — OTV*) <sup>(2)</sup>. In the case of services exempt from authorisation in Switzerland but subject to authorisation in the European Union, Swiss operators applying for authorisation shall submit their applications to the competent Swiss authorities if the place of departure of such services is in Switzerland.
2. Applications shall conform to the model set out in Regulation (EU) No 361/2014.
3. Persons applying for authorisation shall provide any additional information they consider relevant or which is requested by the issuing authority. In particular, applicants should provide a driving schedule which makes it possible to check whether the service complies with legislation on driving and rest periods. EU carriers should also submit a copy of the Community licence for the international carriage of passengers by road for hire or reward, and Swiss carriers a copy of a similar Swiss licence, issued to the operator of the regular service.

*Article 4***Authorisation procedure**

1. Authorisations shall be issued in agreement with the competent authorities of the Contracting Parties on whose territories passengers are picked up or set down. The authorising authority shall forward to such authorities, as well as to the competent authorities of EU Member States whose territories are crossed without passengers being picked up or set down, a copy of the application, together with copies of any other relevant documentation, and its assessment.
2. The competent authorities of Switzerland and of the EU Member States whose agreement has been requested shall notify the issuing authority of their decision within two months. This time limit shall be calculated from the date of receipt of the request for agreement which is shown in the acknowledgement of receipt. If, within this period, the issuing authority has received no reply, the authorities consulted shall be deemed to have given their agreement, and the issuing authority shall issue the authorisation. If the decision received from the competent authorities of the Contracting Parties whose agreement has been requested is negative, it shall contain a proper statement of reasons.
3. Subject to paragraphs 7 and 8, the issuing authority shall take a decision within four months of the date on which the carrier submits the application.
4. Authorisation shall be granted unless:
  - (a) the applicant is unable to provide the service which is the subject of the application with equipment directly available to him;
  - (b) in the past, the applicant has failed to comply with national or international legislation on road transport, and in particular the conditions and requirements relating to authorisations for international road passenger services, or has committed serious breaches of legislation in regard to road haulage, in particular the rules applicable to vehicles and driving and rest periods for drivers;
  - (c) in the case of an application for renewal of authorisation, the conditions of authorisation have not been complied with;
  - (d) the competent authority of a Contracting Party decides on the basis of a detailed analysis that the service concerned would seriously affect the viability of a comparable service covered by one or more public service contracts conforming to the Contracting Party's applicable law on the direct sections concerned. In such a case, the competent authority shall set up criteria, on a non-discriminatory basis, for determining whether the service applied for would seriously affect the viability of the abovementioned comparable service and shall communicate them to the Joint Committee, upon its request.

<sup>(1)</sup> Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88).

<sup>(2)</sup> RS/SR/745.11.

- (e) the competent authority of a Contracting Party decides on the basis of a detailed analysis that the principal purpose of the service is not to carry passengers between stops located in the Contracting Parties.

In the event that an existing international coach and bus service is seriously affecting the viability of a comparable service covered by one or more public service contracts conforming to a Contracting Party's applicable law on the direct sections concerned, due to exceptional reasons which could not have been foreseen at the time of granting the authorisation, the competent authority of a Contracting Party may, with the agreement of the Joint Committee, suspend or withdraw the authorisation to run the international coach and bus service after having given 6 months' notice to the carrier.

The fact that a carrier offers lower prices than are offered by other road carriers, or that the route in question is already being operated by other road carriers, may not in itself constitute justification for refusing the application.

5. The issuing authority may refuse applications only for reasons compatible with this Agreement.
6. If the procedure for reaching the agreement referred to in paragraph 1 does not result in an agreement being reached, the matter may be referred to the Joint Committee.
7. The Joint Committee shall, as swiftly as possible, take a decision which shall take effect within 30 days of its being notified to Switzerland and the EU Member States concerned.
8. Once the procedure laid down in this Article has been completed, the issuing authority shall inform all the authorities referred to in paragraph 1 and shall, where appropriate, send them a copy of the authorisation.

#### Article 5

##### **Issuing and renewing authorisations**

1. Once the procedure laid down in Article 4 has been completed, the issuing authority shall either grant the authorisation or shall formally refuse the application.
2. A decision refusing an application must state the reasons for that refusal. The Contracting Parties shall ensure that carriers have the opportunity to invoke their rights if their application is refused.
3. Article 4 of this Annex shall apply, *mutatis mutandis*, to applications for the renewal of authorisations or for alteration of the conditions under which the services subject to authorisation must be operated.

In the event of a minor alteration to the operating conditions, in particular the adjustment of fares or timetables, the issuing authority need only inform the competent authorities of the other Contracting Party of the changes in question.

#### Article 6

##### **Lapse of an authorisation**

The procedure to be followed in respect of the lapse of an authorisation shall be as laid down in Article 10 of Regulation (EC) No 1073/2009 and in Article 46 of the OTV.

#### Article 7

##### **Obligations of carriers**

1. Save in the event of *force majeure*, the operator of a regular service shall, until the authorisation expires, take all measures to guarantee a transport service that meets the required standards of continuity, regularity and capacity and complies with the other conditions laid down by the competent authority in accordance with Article 2(3) of this Annex.
2. The carrier shall display the route of the service, the bus stops, the timetable, the fares and the conditions of carriage in such a way as to ensure that such information is readily available to all users.
3. It shall be possible for Switzerland and the EU Member States concerned, by common agreement and in agreement with the holder of the authorisation, to make changes to the operating conditions governing a regular service.

## Section II

## OCCASIONAL SERVICES AND OTHER SERVICES EXEMPT FROM AUTHORISATION

## Article 8

**Control document**

1. The services referred to in Article 18(1) of the Agreement shall be carried out under cover of a control document (journey form).
2. A carrier operating occasional services must fill out a journey form before each journey.
3. The books of journey forms shall be supplied by the competent authorities of Switzerland or the EU Member State where the carrier is established or by bodies appointed by those authorities.
4. The model for the control document and the way in which it is to be used shall be as laid down in Regulation (EU) No 361/2014.
5. In the case of the services covered by Article 18(2) of the Agreement, the contract or a certified true copy of it shall serve as a control document.

## Article 9

**Certification**

The certificate referred to in Article 18(6) of the Agreement shall be issued by the competent authority of Switzerland or the EU Member State where the vehicle is registered.

It shall conform to the model set out in Regulation (EU) No 361/2014.

## Section III

## CONTROLS AND PENALTIES

## Article 10

**Transport tickets**

1. Carriers operating a regular service, excluding special regular services, shall issue either individual or collective transport tickets indicating:
  - the points of departure and arrival and, where appropriate, the return journey;
  - the period of validity of the ticket,
  - the fare of transport.
2. The transport ticket provided for in paragraph 1 shall be presented at the request of any authorised inspecting officer.

## Article 11

**Inspections on the road and in undertakings**

1. In the case of carriage for hire or reward, the following documents must be carried on board the vehicle and must be presented at the request of any authorised inspecting officer: a certified true copy of the Community licence for EU carriers or of the similar Swiss licence for Swiss carriers and, depending on the type of service, either the authorisation (or a certified copy thereof) or the journey form.

In the case of own-account transport operations, the certificate (or a certified copy thereof) must be carried on board the vehicle and must be presented at the request of any authorised inspecting officer.

2. Carriers operating international carriage of passengers by coach and bus shall allow all inspections intended to ensure that operations are being conducted correctly, in particular as regards driving and rest periods.

*Article 12***Mutual assistance and penalties**

1. The competent authorities of the Contracting Parties shall assist one another in ensuring the application and monitoring of the provisions laid down in this Annex. They shall exchange information via the national contact points established pursuant to Article 18 of Regulation (EC) No 1071/2009 <sup>(1)</sup>.
2. The competent authorities of the Contracting Party in which the carrier is established shall withdraw the Community licence for EU carriers or the similar Swiss licence for Swiss carriers if the holder:
  - (a) no longer meets the conditions laid down in Article 17(1) of the Agreement; or
  - (b) has provided inaccurate information on the data needed for issuing the Community licence for EU carriers or the similar Swiss licence for Swiss carriers.
3. The issuing authority shall withdraw an authorisation if the holder no longer meets the conditions for issuing that authorisation under this Agreement, in particular if the competent authorities of the Contracting Party in which the carrier is established request such withdrawal. The issuing authority shall immediately inform the competent authorities of the other Contracting Party.
4. If a carrier commits a serious breach of transport regulations and road safety rules, in particular with regard to the rules applicable to vehicles, driving and rest periods for drivers and the unauthorised operation of the parallel or temporary services referred to in Article 1(2.1), the competent authorities of the Contracting Party in which that carrier is established may, in particular, withdraw their Community licence for EU carriers or the similar Swiss licence for Swiss carriers, or may temporarily and/or partially withdraw the certified copies of their Community licence for EU carriers or similar Swiss licence for Swiss carriers.

These penalties shall be determined according to the seriousness of the offence committed by the holder of the Community licence for EU carriers or the similar Swiss licence for Swiss carriers, and according to the total number of certified copies of the licence they possess in connection with their international transport operations.

The competent authorities of the Contracting Party of establishment shall communicate to the competent authorities of the Contracting Party in which the infringements were ascertained, as soon as possible and at the latest within six weeks of their final decision on the matter, which, if any, of the penalties provided for above have been imposed. If such penalties are not imposed, the competent authorities of the Contracting Party of establishment shall state the reasons therefor.

5. Where the competent authorities of a Contracting Party are aware of a serious infringement of this Annex or of road transport legislation attributable to a non-resident carrier, the Contracting Party within the territory of which the infringement is ascertained shall transmit to the competent authorities of the carrier's Contracting Party of establishment, as soon as possible and at the latest within six weeks of their final decision, the following information:
  - (a) a description of the infringement and the date and time when it was committed;
  - (b) the category, type and seriousness of the infringement; and
  - (c) the penalties imposed and the penalties executed.

The competent authorities of the host Contracting Party may request that the competent authorities of the Contracting Party of establishment impose administrative penalties in accordance with paragraph 4.

6. The Contracting Parties shall ensure that carriers have the right to appeal against any administrative penalty imposed on them pursuant to this Article.

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<sup>(1)</sup> Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51).

*Article 13***Entry in the national electronic registers**

The Contracting Parties shall ensure that serious infringements of road transport legislation attributable to carriers established in their territory, which have led to the imposition of a penalty by the competent authorities of a Member State of the European Union or Switzerland, as well as any temporary or permanent withdrawal of the Community licence for EU carriers or the similar Swiss licence for Swiss carriers, or of the certified true copy of the Community licence or the similar Swiss licence, are recorded in the national electronic register of road transport undertakings. Entries in the register which concern a temporary or permanent withdrawal of a Community licence for EU carriers or of a similar Swiss licence for Swiss carriers shall remain in the database for at least two years from the time of the expiry of the period of withdrawal, in the case of temporary withdrawal, or from the date of withdrawal, in the case of permanent withdrawal.'

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