

Official Journal of the European Union

L 373



English edition

Legislation

Volume 57

31 December 2014

Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

2014/956/EU:

- ★ **Council Decision of 23 July 2014 on the signing, on behalf of the European Union and its Member States, and provisional application, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union** 1
- Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union** 3

REGULATIONS

- ★ **Commission Delegated Regulation (EU) No 1398/2014 of 24 October 2014 laying down standards regarding candidate volunteers and EU Aid Volunteers⁽¹⁾** 8

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

2014/957/EU:

- ★ **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 replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** 24

⁽¹⁾ Text with EEA relevance

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

This issue closes the L series for 2014.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 23 July 2014

on the signing, on behalf of the European Union and its Member States, and provisional application, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union

(2014/956/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91, 100(2), 207 and 212, in conjunction with Article 218(5) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular the second subparagraph of Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) In accordance with Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of the Republic of Croatia to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part⁽¹⁾ ('the Agreement'), is to be agreed by means of a protocol to the Agreement ('the Protocol'). In accordance with Article 6(2) of the Act of Accession, a simplified procedure is to apply to such accession, whereby a protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third countries concerned.
- (2) On 14 September 2012, the Council authorised the Commission to open negotiations with the third countries concerned. The negotiations were successfully concluded with the Russian Federation. This was confirmed in an exchange of notes on 24 September 2013.
- (3) The Protocol should be signed on behalf of the Union and its Member States, subject to its conclusion at a later date.
- (4) The conclusion of the Protocol is subject to a separate procedure as regards matters falling within the competence of the European Atomic Energy Community.
- (5) In view of the accession of the Republic of Croatia to the Union on 1 July 2013, the Protocol should be applied on a provisional basis from that date,

⁽¹⁾ OJ L 327, 28.11.1997, p. 3.

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the European Union and its Member States, of the Protocol to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union is hereby authorised, subject to the conclusion of the Protocol.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the European Union and its Member States.

Article 3

The Protocol shall be applied on a provisional basis, as from 1 July 2013, pending the completion of the procedures for its conclusion.

Article 4

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 23 July 2014.

For the Council
The President
S. GOZI

PROTOCOL

to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, to take account of the accession of the Republic of Croatia to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

IRELAND,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

THE REPUBLIC OF CROATIA,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Contracting Parties to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, hereinafter referred to as the 'Member States',

THE EUROPEAN UNION, hereafter referred to as 'the Union', and

THE EUROPEAN ATOMIC ENERGY COMMUNITY

of the one part, and

THE RUSSIAN FEDERATION

of the other part,

hereinafter referred to together as 'the Parties',

WHEREAS the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Russian Federation, of the other part, hereinafter referred to as 'the Agreement', was signed in Corfu on 24 June 1994;

WHEREAS the Treaty of Accession of the Republic of Croatia to the European Union was signed in Brussels on 9 December 2011;

WHEREAS, pursuant to Article 6(2) of the Act concerning the conditions of accession of the Republic of Croatia and the adjustments to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community, the Republic of Croatia's accession to the Agreement is to be agreed by the conclusion of a protocol to the Agreement;

TAKING INTO ACCOUNT the accession of the Republic of Croatia to the European Union on 1 July 2013;

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Croatia hereby accedes to the Agreement. The Republic of Croatia shall adopt and take note of, in the same manner as the other Member States, the texts of the Agreement, the Joint Declarations, Declarations and Exchanges of Letters annexed to the Final Act signed on the same date and the Protocol to the Agreement of 21 May 1997 which entered into force on 1 December 2000, the Protocol to the Agreement of 27 April 2004 which entered into force on 1 March 2005, and the Protocol to the Agreement of 23 April 2007 which entered into force on 1 May 2008.

Article 2

After the signature of this Protocol, the Union shall communicate the Croatian language version of the Agreement, the Final Act and all documents annexed to it as well as the Protocols to the Agreement of 21 May 1997, 27 April 2004 and 23 April 2007 to the Member States and to the Russian Federation. As from the date of provisional application of this Protocol, the Croatian language version shall become authentic under the same conditions as the Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Russian language versions of the Agreement.

Article 3

This Protocol shall form an integral part of the Agreement.

Article 4

1. This Protocol shall be approved by the Parties, in accordance with their own procedures. The Parties shall notify each other of the completion of the procedures necessary for that purpose. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.
2. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.
3. This Protocol shall apply provisionally after 15 days from the date of its signature.
4. This Protocol shall apply to the relations between the Parties within the framework of the Agreement as of the date of accession of the Republic of Croatia to the European Union.

Article 5

This Protocol is drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Russian languages, each of these texts being equally authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly empowered to this effect, have signed this Protocol.

Съставено в Брюксел на седемнадесети декември две хиляди и четиринадесета година.

Hecho en Bruselas, el diecisiete de diciembre de dos mil catorce.

V Bruselu dne sedmnáctého prosince dva tisíce čtrnáct.

Udfærdiget i Bruxelles den syttende december to tusind og fjorten.

Geschehen zu Brüssel am siebzehnten Dezember zweitausendvierzehn.

Kahe tuhande neljateistkümnenda aasta detsembrikuu seitsmeteistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα εφτά Δεκεμβρίου δύο χιλιάδες δεκατέσσερα.

Done at Brussels on the seventeenth day of December in the year two thousand and fourteen.

Fait à Bruxelles, le dix-sept décembre deux mille quatorze.

Sastavljeno u Bruxellesu sedamnaestog prosinca dvije tisuće četrnaeste.

Fatto a Bruxelles, addì diciassette dicembre duemilaquattordici.

Briselē, divi tūkstoši četrpadsmitā gada septiņpadsmitajā decembrī.

Priimta du tūkstančiai keturioliktų metų gruodžio septynioliktą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizenegyedik év december havának tizenhatedik napján.

Magħmul fi Brussell, fis-sbatax-il jum ta' Diċembru tas-sena elfejn u erbatax.

Gedaan te Brussel, de zeventiende december tweeduizend veertien.

Sporządzono w Brukseli dnia siedemnastego grudnia roku dwa tysiące czternastego.

Feito em Bruxelas, em dezassete de dezembro de dois mil e catorze.

Întocmit la Bruxelles la șaptesprezece decembrie două mii paisprezece.

V Bruseli sedemnácteho decembra dvetisícčtrnásť.

V Bruslju, dne sedemnajstega decembra leta dva tisoč štirinajst.

Tehty Brysselissä seitsemäntenätoista päivänä joulukuuta vuonna kaksituhattaneljätoista.

Som skedde i Bryssel den sjuttonde december tjugohundrafjorton.

Совершено в г. Брюсселе семнадцатого декабря две тысячи четырнадцатого года.

За държавите-членки
 Por los Estados miembros
 Za členské státy
 For medlemsstaterne
 Für die Mitgliedstaaten
 Liikmesriikide nimel
 Για τα κράτη μέλη
 For the Member States
 Pour les États membres
 Za države članice
 Per gli Stati membri
 Dalībvalstu vārdā –
 Valstybių narių vardu
 A tagállamok részéről
 Għall-Istati Membri
 Voor de lidstaten
 W imieniu Państw Członkowskich
 Pelos Estados-Membros
 Pentru statele membre
 Za členské štáty
 Za države članice
 Jäsenvaltioiden puolesta
 För medlemsstaterna
 За государства-члены



За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europejsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen
 За Европийский союз



За Европейската общност за атомна енергия
Por la Comunidad Europea de la Energía Atómica
Za Evropské společenství pro atomovou energii
For Det Europæiske Atomenergifællesskab
Für die Europäische Atomgemeinschaft
Euroopa Aatomienergiaühenduse nimel
Για την Ευρωπαϊκή Κοινότητα Ατομικής Ενέργειας
For the European Atomic Energy Community
Pour la Communauté européenne de l'énergie atomique
Za Evropsku zajednicu za atomsku energiju
Per la Comunità europea dell'energia atomica
Eiropas Atomenerģijas Kopienas vārdā –
Europos atominės energijos bendrijos vardu
az Európai Atomenergia-közösség részéről
Fisem il-Komunità Ewropea tal-Energija Atomika
Voor de Europese Gemeenschap voor Atoomenergie
W imieniu Europejskiej Wspólnoty Energii Atomowej
Pela Comunidade Europeia da Energia Atómica
Pentru Comunitatea Europeană a Energiei Atomice
za Európske spoločenstvo pre atómovú energiu
Za Evropsko skupnost za atomsko energijo
Euroopan atomienergiajärjestön puolesta
För Europeiska atomenergigemenskapen
За Европейское сообщество по атомной энергии

За Руската Федерация
Por la Federación de Rusia
Za Ruskou Federaci
For Den Russiske Føderation
Für die Russische Föderation
Venemaa Föderatsiooni nimel
Για τη Ρωσική Ομοσπονδία
For the Russian Federation
Pour la Fédération de Russie
Per la Federazione Russa
Krievijas Federācijas vārdā –
Rusijos Federacijos vardu
Az Orosz Föderáció részéről
Għall-Federazzjoni Russa
Voor de Russische Federatie
W imieniu Federacji Rosyjskiej
Pela Federação da Rússia
Pentru Federația Rusă
Za Ruskú Federáciu
Za Rusko Federacija
Venäjän Federaation puolesta
För Ryska Federationen
За Российскую Федерацию

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) No 1398/2014

of 24 October 2014

laying down standards regarding candidate volunteers and EU Aid Volunteers

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 375/2014 of the European Parliament and of the Council of 3 April 2014 establishing the European Voluntary Humanitarian Aid Corps ('EU Aid Volunteers initiative') ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Pursuant to Regulation (EU) No 375/2014, the Commission should establish both standards and procedures covering the necessary conditions, arrangements and requirements to be applied by sending and hosting organisations when identifying, selecting, preparing, managing and deploying candidate volunteers and EU Aid Volunteers to support humanitarian aid in third countries. Regulation (EU) No 375/2014 provides for these standards to be adopted through delegated acts and the procedures to be adopted through implementing acts.
- (2) All stakeholders of the EU Aid Volunteers initiative, including the volunteers themselves and the sending and hosting organisations, should be encouraged to share a sense of identity in the initiative.
- (3) The competence framework to be used for the EU Aid Volunteers initiative must define transversal competences required in many sectors of volunteering and employment, and also set out the specific competences needed for the EU Aid Volunteers initiative and for working in humanitarian aid. It should also give a non-exhaustive list of the technical competences. That should help to ensure effective and needs-based selection and preparation of candidate volunteers, on the basis of a common competence framework.
- (4) In order for the competences, learning needs and outcomes of the EU Aid Volunteers to be documented and assessed, they should follow an easy-to-use learning and development plan throughout their participation in the initiative. The design of this plan will be based on lessons learnt from the Youth Pass ⁽²⁾ and Europass ⁽³⁾ initiatives.
- (5) Participation in the EU Aid Volunteers initiative can improve volunteers' employability, as a result of the knowledge, skills and competences they acquire. It also demonstrates their solidarity with people in need and their commitment to visibly promoting a sense of European citizenship. Specific provisions should therefore facilitate, to the extent possible, the validation of non-formal and informal learning undertaken by EU Aid Volunteers, in accordance with the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning ⁽⁴⁾.
- (6) The standards governing the partnerships between sending and hosting organisations are of relevance for both the humanitarian sector and for volunteer organisations. They support the objective of building partnerships between the implementing organisations and reflect the mutual responsibility of these organisations both for achieving the objectives of the EU Aid Volunteers initiative and for the EU Aid Volunteers as individuals. The principles on which the partnership is based need to be defined and the partnership agreement should meet minimum requirements in order for the partners to be able to apply for and manage projects involving the deployment of EU Aid Volunteers in third countries.

⁽¹⁾ OJ L 122, 24.4.2014, p. 1.

⁽²⁾ <https://www.youthpass.eu/en/youthpass/>

⁽³⁾ <https://europass.cedefop.europa.eu/editors/en/esp/compose#>

⁽⁴⁾ OJ C 398, 22.12.2012, p. 1.

- (7) Principles relating to equal opportunities and non-discrimination are enshrined in national and Union legislation and should always be respected and promoted by the sending and hosting organisations. Provision is made, however, for context-specific exceptions, where necessary, relating to the definition of the role and profile of the EU Aid Volunteers.
- (8) Compliance with relevant national and Union law and with the law of the hosting country is of paramount importance. This is the responsibility of sending and hosting organisations, which are also obliged to inform EU Aid Volunteers of their rights and legal obligations deriving from that legislation and their right to insurance coverage. A clear legal status of the volunteers is a pre-condition for their deployment and should be therefore defined in a deployment contract between the sending organisations and the EU Aid Volunteer. Specific attention should also be given to the protection of personal data, to the need to act with integrity, in accordance with a code of conduct, and to the safeguarding of children and vulnerable adults, including by establishing a principle of zero-tolerance to sexual abuse.
- (9) In order to ensure a timely implementation of the EU Aid Volunteers initiative, it is necessary for this Regulation to enter into force as an urgent matter as it sets the provisions based on which implementing organisations to deploy EU Aid Volunteers in third countries,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down standards regarding candidate volunteers and EU Aid Volunteers with respect to the following matters listed in Article 9(2) of Regulation (EU) No 375/2014:

- (a) a competence framework used for the identification, selection and preparation of volunteers as junior or senior professionals;
- (b) provisions to ensure equal opportunities and non-discrimination in the identification and selection process;
- (c) provisions to ensure compliance of sending and hosting organisations with relevant national and Union law and law of the hosting country;
- (d) standards governing the partnerships between sending and hosting organisations; and
- (e) provisions for recognition of the skills and competences acquired by EU Aid Volunteers, in line with existing relevant Union initiatives.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 3 of Regulation (EU) No 375/2014 and the definitions provided for in the Commission Implementing Regulation to be adopted on the basis of Article 9(3) of Regulation (EU) No 375/2014 shall apply. The following definitions shall also apply:

- (a) 'Competences' mean according to the definition laid out in the European Reference Framework on Key Competences for Lifelong Learning ⁽¹⁾ a combination of knowledge, skills and attitudes appropriate to the context, allowing EU Aid Volunteers to contribute to the provision of needs-based humanitarian aid;
- (b) 'Transversal competences' mean competences required in many sectors of volunteering and employment and which are not specific to humanitarian aid;

⁽¹⁾ OJ L 394, 30.12.2006, p. 10.

- (c) 'Specific competences' mean competences required for the EU Aid Volunteers initiative and humanitarian aid more widely;
- (d) 'Technical competences' mean competences resulting from specialized knowledge relevant in the context of humanitarian aid;
- (e) 'Learning outcomes' mean according to the definition laid out in the European Qualifications Framework ⁽¹⁾ statements of what a learner knows, understands and is able to do on completion of a learning process. They are expressed in terms of knowledge, skills and competences.

CHAPTER 2

COMPETENCE FRAMEWORK

Article 3

Competence framework

1. The competence framework to be used for the EU Aid Volunteers initiative shall have three dimensions:
 - (a) Transversal competences;
 - (b) Specific competences; and
 - (c) Technical competences.
2. The competence framework shall be tailored to:
 - (a) junior professionals, in particular recent graduates with less than five years' professional experience and less than five years' experience in humanitarian action; and
 - (b) senior professionals with five or more years' professional experience in positions of responsibility or expert positions.
3. The competence framework shall both promote the continuous process of personal development that EU Aid Volunteers go through during the different stages of their participation in the initiative and shall measure their progress. The levels of proficiency in each competence shall be assessed consistently with the approach of the European Qualifications Framework and on the following scale:
 - (a) Level 4: Excellent proficiency;
 - (b) Level 3: Sustained proficiency;
 - (c) Level 2: Proficiency with development needs;
 - (d) Level 1: Poor proficiency.
4. Definitions of the main competences used are set out in Annex.

Article 4

Learning and development plan

1. A learning and development plan shall state the learning outcomes that EU Aid Volunteers are expected to achieve and shall provide information about the EU Aid Volunteers' expected competences, learning needs and achievements over the different stages of their participation in the EU Aid Volunteers initiative.

⁽¹⁾ OJ C 111, 6.5.2008, p. 1.

2. The following information shall be included in the learning and development plan:
 - (a) Basic information about the EU Aid Volunteer;
 - (b) Basic information about the volunteer placement and a description of the tasks to be carried out;
 - (c) The competences set out in the competence framework and an assessment of the volunteer's performance and learning outcomes according to these;
 - (d) Learning needs and planned development activities, where relevant;
 - (e) Courses attended during the training or placement; and
 - (f) Any other relevant information.
3. The use of the different elements of the learning and development plan shall depend on the EU Aid Volunteer's individual needs and aspirations and shall be regularly updated, including at the following stages:
 - (a) Selection;
 - (b) Training, including apprenticeship placement, where relevant;
 - (c) Deployment; and
 - (d) Post-deployment debrief, where relevant.

CHAPTER 3

RECOGNITION OF THE SKILLS AND COMPETENCES ACQUIRED BY EU AID VOLUNTEERS

Article 5

Assessment and documentation process

1. The assessment and documentation of the competences acquired by EU Aid Volunteers during their participation in the EU Aid Volunteers initiative shall support:
 - (a) the professional recognition of competences acquired that would be usable in a professional context and that would improve the employability of a volunteer; and
 - (b) the social recognition of the volunteers' contribution to expressing the Union's values of solidarity with people in need and visibly promoting a sense of European citizenship.
2. The scope and process of assessment and documentation shall be adapted to make it suitable for junior or senior professionals and shall depend on the EU Aid Volunteer's individual needs and aspirations.
3. The assessment and documentation of learning experiences shall reflect the continuous process of development that EU Aid Volunteers go through, thereby acknowledging and supporting learning and development throughout the different stages of a volunteer's participation in the initiative. Assessment and documentation shall be carried out on the basis of the learning and development plan referred to in Article 4.
4. Sending and hosting organisations shall demonstrate ongoing commitment to the assessment and documentation of EU Aid Volunteers' learning experiences to facilitate professional and social recognition.
5. The Commission and EU Member States shall provide the competent national authorities responsible for the validation of non-formal and informal learning with relevant information about the EU Aid Volunteers initiative and about the assessment and documentation process in order to facilitate the formal validation processes of the learning experiences of the EU Aid Volunteers in their home countries, where appropriate.

*Article 6***Professional recognition**

1. EU Aid Volunteers shall receive, upon request, a certificate of completion of participation in the initiative. This shall be issued by the Commission and shall include at least the following information:
 - (a) dates of the assignment;
 - (b) name and details of the sending and hosting organisations;
 - (c) name and contact details of the volunteer's mentor and line manager;
 - (d) name and details of persons in the sending and hosting organisations willing to provide a reference for the volunteer;
 - (e) the EU Aid Volunteer's main tasks and responsibilities;
 - (f) a description of the EU Aid Volunteer's main achievements during the assignment;
 - (g) a description of the learning outcomes achieved by the EU Aid Volunteer during the different stages of their participation in the initiative, assessed in accordance with Article 3(3) of this Regulation.
2. Upon request of the EU Aid Volunteers, a copy of the learning and development plan may be annexed to the certificate.

*Article 7***Social recognition**

1. Social recognition shall be promoted through the activities set out in the communication plan referred to in Article 17 of Regulation (EU) No 375/2014. EU Aid Volunteers shall have the opportunity to be involved in external communications work designed to publicise the initiative and the commitment made by the volunteers.
2. Where appropriate, the Commission shall organise high-level events to raise public awareness and improve the visibility of the initiative.
3. The sending organisations shall disseminate information about and promote engagement with the network for the EU Aid Volunteers initiative highlighting the opportunities it provides for volunteers to remain engaged with issues related to humanitarian aid and active European citizenship after their deployment.
4. The sending and hosting organisations shall make EU Aid Volunteers aware of opportunities to stay engaged with issues related to humanitarian aid and active European citizenship. They shall, in particular, encourage EU Aid Volunteers to take part in conferences and workshops organised at EU and national level, in order to share their experience with relevant stakeholders.

CHAPTER 4

STANDARDS GOVERNING THE PARTNERSHIPS BETWEEN SENDING AND HOSTING ORGANISATIONS*Article 8***Objective and members of a partnership**

1. The partnership between sending and hosting organisations shall set out the arrangements between partners who are applying for and managing projects involving deployment of EU Aid Volunteers in third countries that may also include activities relating to capacity building and/or technical assistance.
2. The members of the partnership shall be sending organisations that comply with Article 10(3) of Regulation (EU) No 375/2014 and hosting organisations that comply with Article 10(4) of Regulation (EU) No 375/2014.
3. When forming a partnership, the sending and hosting organisations may include as partners other organisations specialised in any areas relevant to the objectives or the actions of the projects referred to in paragraph 1 above in order to contribute with their specific expertise.

4. Where projects include activities relating to capacity building and/or technical assistance, sending and hosting organisations that have already undergone a process of certification in accordance with the Commission Implementing Regulation to be adopted on the basis of Article 10(1) of Regulation (EU) No 375/2014 but that have not been awarded certification also qualify as eligible partners provided they have a needs-based strategy for capacity building and/or technical assistance in place.
5. Where projects serve to support emergency response operations, the partnership may be formed from only sending organisations.

Article 9

Principles of partnership

The activities of the EU Aid Volunteers initiative shall promote transnational partnerships between sending and hosting organisations based on the principles of:

- (a) Equality;
- (b) Shared values and a shared vision;
- (c) Transparency;
- (d) Responsibility, accountability and reliability;
- (e) Mutual trust and respect;
- (f) Complementarity, building on the diversity of the humanitarian and volunteering community with a strong focus on local capacity building;
- (g) Flexibility and adaptability; and
- (h) Mutuality in allocating resources and setting objectives.

Article 10

Partnership agreement and standards

1. Before sending and hosting organisations enter into a partnership, a needs assessment shall be carried out by the hosting organisations, where appropriate in cooperation with the sending organisations, taking into account the Commission's assessment of humanitarian aid needs.
2. The needs assessment shall include as a minimum:
 - (a) a vulnerability and risk assessment of the country of deployment, including assessment of security, travel and health risks relevant for EU Aid Volunteers;
 - (b) consideration of the current capacity of the hosting organisation to host an EU Aid Volunteer;
 - (c) an analysis of the competences and capacities currently lacking within the hosting organisation and the local community, identifying needs and analysing how they can best be addressed;
 - (d) an analysis of the expected added value from the EU Aid Volunteer and, where relevant, from the envisaged capacity building support to the hosting organisation and local community.
3. A partnership agreement shall be signed by all partners to ensure compliance with the following minimum partnership standards:
 - (a) partnerships shall be based on an agreement on shared values and a shared vision, in particular as relates to volunteering and humanitarian aid;
 - (b) the added value of each partner and their respective roles shall be clearly defined;

- (c) all partners shall agree on the common objectives of the partnership and the ways in which the partnership shall be managed, in particular:
- (i) decision-making procedures and working practices;
 - (ii) financial arrangements and management;
 - (iii) communication channels between all stakeholders; frequency of meetings and field visits by sending organisations;
 - (iv) work plan and activities, including timeline;
 - (v) task allocation, according to the communication plan of the initiative;
 - (vi) monitoring and evaluation of the partnership;
 - (vii) book-keeping and documentation;
 - (viii) a refinement and finalisation of the needs assessment referred to in paragraph 1;
 - (ix) joint formulation and evaluation of EU Aid Volunteers' task assignments;
 - (x) roles and responsibilities with regard to candidate volunteers and EU Aid Volunteers over the different stages of their participation in the EU Aid Volunteers initiative;
 - (xi) procedures for handling complaints (both those made within the partnership and those from external parties relating to its work) and resolving conflict between partners;
 - (xii) policies and procedures for the exit of a partner;
 - (xiii) financial implications; and
 - (xiv) contractual implications (including as relates to EU Aid Volunteers and the communities concerned);
- (d) where relevant, a needs-based strategy for capacity building and/or technical assistance between partners shall be developed and a dedicated budget allocated to this strategy;
- (e) partners shall contribute to learning activities and shall commit to carry out actions relating to communication and visibility in accordance with the communication plan referred to in Article 17 of Regulation (EU) No 375/2014.

CHAPTER 5

EQUAL OPPORTUNITIES AND NON-DISCRIMINATION

Article 11

General principle

1. The EU Aid Volunteers initiative shall be open to all eligible candidates regardless of their nationality, sex, race, ethnic origin, age, social background, religion or belief, marital status or sexual orientation and of whether they have a disability.
2. Sending and hosting organisations shall commit to the principles of equal treatment, equal opportunities and non-discrimination. These principles shall be fully integrated into the procedure for identification, selection and recruitment, and preparation of volunteers and into performance management policies and practices.

Article 12

Equal treatment, equal opportunities and non-discrimination

1. The sending organisation shall have a statement of principle and a policy in place to ensure that workplace practices reflect the principles of equal treatment, equal opportunities and non-discrimination and promote an inclusive organisational culture.

2. The equal treatment, equal opportunities and non-discrimination policy referred to in paragraph 1 shall as a minimum:
 - (a) comply with relevant Union and national legislation and seek to avoid or to address and remove discriminatory policies and practices, including any barriers to employment for all groups identified in that legislation and/or known to be liable to encounter prejudices when seeking employment and thus to be at risk of under-representation;
 - (b) cover, but not be limited to, all aspects of the volunteer's experience, including individual standards of behaviours, advertisement of placement, recruitment and selection, training and development, performance management, working conditions including pay and dismissal procedures;
 - (c) clearly state the roles and responsibilities of all staff and volunteers, senior management and leadership teams, human resources departments and any other stakeholders identified by the organisation;
 - (d) be regularly monitored and reviewed to ensure that it remains in accordance with the relevant legislation and that it is being correctly and effectively implemented.
3. The hosting organisation shall give written acknowledgement to the sending organisation of the principle of and the policy on equal treatment, equal opportunities and non-discrimination, and shall advise the sending organisation of any exceptions to be made in defining the role and profile of the EU Aid Volunteer, made necessary by the specific context of its work.
4. The sending organisation shall support the hosting organisation in implementing the policy on equal treatment, equal opportunities and non-discrimination and, by way of exception, support hosting organisations in making context-specific adjustments to these principles, where necessary.
5. Where possible, the sending organisation shall provide appropriate training and briefing on the policy and its principles to all staff on a regular basis, in order to ensure that all stakeholders understand, support and implement the policy.

CHAPTER 6

COMPLIANCE WITH NATIONAL AND UNION LAW AND LAW OF THE HOSTING COUNTRY

Article 13

General provisions

1. Sending and hosting organisations shall ensure compliance with relevant national and Union law and with the law of the hosting country, including:
 - (a) Regulation (EU) No 375/2014, including respect of the general principles referred to in Article 5;
 - (b) Legislation applicable to the legal status of the EU Aid Volunteers;
 - (c) Applicable legislation on working conditions, health, safety and security of volunteers;
 - (d) Legislation on equal treatment and non-discrimination; and
 - (e) Legislation on the protection of personal data.
2. Sending and hosting organisations shall inform the EU Aid Volunteers of their rights and legal obligations deriving from the legislation referred to in paragraph 1 and of their rights to insurance coverage set out in the Commission Implementing Regulation to be adopted on the basis of Article 9(3) of Regulation (EU) No 375/2014.

Article 14

Legal status of an EU Aid Volunteer

1. The sending organisation shall comply with the legislation applicable to the legal status of an EU Aid Volunteer. It shall therefore prepare a deployment contract, as referred to in Article 14(5) of Regulation (EU) No 375/2014, to be signed by itself and by the EU Aid Volunteer. The contract shall indicate the legislation applicable to and the jurisdiction of the contract.

2. The sending organisation shall ensure respect of the contract by the hosting organisation and be liable for violations of the provisions of the deployment contract by the hosting organisation.

Article 15

Duty to inform the EU Aid Volunteer about tax rules

1. Prior to deployment, the sending organisation shall inform the EU Aid Volunteer about any fiscal rules applying to subsistence payments in the country of establishment of the sending organisation and, where relevant, in the country of deployment.

2. Where an EU Aid Volunteer is not a resident of the country of establishment of the sending organisation, the sending organisation shall inform the EU Aid Volunteer of their obligation to acquaint themselves with the fiscal rules of their own country of residence applying to their specific situation.

Article 16

Data protection

1. The processing of personal data by sending and hosting organisations shall comply with Directive 95/46/EC of the European Parliament and of the Council ⁽¹⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾, where applicable.

2. Sending and hosting organisations shall ensure that abuse and misuse of personal data are prevented during any processing, including collection, use, disclosure and erasure of all personal data about candidate volunteers and EU Aid Volunteers. This concerns all actions regarding candidate volunteers and EU Aid Volunteers, in particular:

(a) recruitment and selection (including application forms, interview notes and self-assessment questionnaires); and

(b) preparation and management of the EU Aid Volunteers (including learning and development plans, performance reviews and records of mentoring support, medical checks or any disciplinary issues).

3. Sending and hosting organisations shall ensure that only relevant data is processed and that any personal data such as name, age, address and date of birth, including sensitive data, information regarding their recruitment, employment and performance shall be:

(a) collected lawfully and adequately for a legitimate purpose;

(b) processed fairly and lawfully;

(c) corrected or updated, where necessary;

(d) accessed only by authorised personnel;

(e) made accessible upon request to the candidate volunteer or EU Aid Volunteer concerned;

(f) kept securely; and

(g) kept no longer than necessary.

4. When processing data referred to in paragraph 3, the sending and hosting organisations shall seek the explicit consent of the EU Aid Volunteer.

5. Sending and hosting organisations shall inform the candidate volunteer or EU Aid Volunteer of their right to the protection of personal data, their right to complain and to use and access their own data and their right to know the identity of the entities that will have access to their personal data and to know what type of data each entity will have access to.

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

*Article 17***Integrity and code of conduct**

1. Sending and hosting organisations shall agree on an integrity policy designed to prevent corruption and bribery and on a code of conduct based on the sending organisation's management policy that shall be suitable for and apply to the EU Aid Volunteers with guidance on expected behaviours, decency and integrity required throughout their participation in the EU Aid Volunteers initiative.
2. The code of conduct shall be binding on the EU Aid Volunteers and shall include as a minimum the following requirements:
 - (a) Commitment to developing a sense of identity around the EU Aid Volunteers initiative and to contributing to its objectives;
 - (b) Respect for other people and their dignity and respect of the principle of non-discrimination;
 - (c) Respect of the humanitarian aid principles as referred to in Article 5(1) of Regulation (EU) No 375/2014;
 - (d) Commitment to the safeguarding of children and to the protection of vulnerable adults, including through a zero-tolerance to sexual abuse;
 - (e) Zero-tolerance to the use of drugs illegal in the country of deployment;
 - (f) Respect of local laws;
 - (g) Integrity, anti-fraud and anti-corruption;
 - (h) Maintaining high standards of personal and professional conduct;
 - (i) Compliance with security and health and safety procedures;
 - (j) Duty to report breaches and provisions for whistle-blowing;
 - (k) Rules on contact with the media and information management; and
 - (l) Rules prohibiting the misuse of the organisation's equipment.
3. Any breach of the code of conduct by an EU Aid Volunteer shall be dealt with according to the sending organisation's management policy.
4. If the breach is considered to constitute gross misconduct, it shall lead to early return of the EU Aid Volunteer and, if necessary, their conduct will be reported to any relevant professional or legal organisations or authorities.

*Article 18***Safeguarding children and vulnerable adults, including zero tolerance towards sexual abuse**

1. Sending and hosting organisations shall commit to a policy of zero-tolerance with regard to any abuse of children and/or vulnerable adults, including sexual abuse. They shall be able to report abuse, deal promptly and properly with incidents, support victims, prevent victimisation of whistle-blowers and hold perpetrators to account.
2. Sending and hosting organisations shall prevent abuse through the process used for selecting EU Aid Volunteers and their induction and training, by creating a culture of openness and awareness around the issue and by assigning clear management and oversight responsibilities.
3. The sending organisation shall carry out all legally required statutory checks in order to get clearance for candidate volunteers to work with these target groups.
4. Sending and hosting organisations shall inform the candidate volunteers or EU Aid Volunteers about the risks and recommended preventative measures, in order to ensure that abuse does not occur.

CHAPTER 7

FINAL PROVISIONS

*Article 19***Entry into force**

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

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

Done at Brussels, 24 October 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

Competence framework

1. Transversal competences required in many sectors of volunteering and employment and which are not specific to the field of humanitarian aid

Competence	Description
1) Developing and maintaining collaborative relationships	
Working with others	<ul style="list-style-type: none"> — Is mindful of, respects and is capable of adapting to different working styles. — Understands and accepts his or her role in the team and contributes positively and proactively to achieving the objectives of the team. — Shares useful information and knowledge with colleagues and more widely when appropriate. — Takes constructive action to resolve any conflicts which may arise.
Communication	<ul style="list-style-type: none"> — Communicates effectively with other members of the team and with others outside the team. — Actively listens to new and different perspectives offered by others in his or her team. — Uses a range of means of communication (in person, phone and e-mail) including non-verbal communication, adapted to the local context and the situation.
2) Volunteering mind-set	
	<ul style="list-style-type: none"> — Finds voluntary work rewarding. — Has an understanding of and an opinion about the concepts of volunteering and active citizenship and their role in society. — Is willing to make a contribution without receiving a financial reward in return. — Is committed to the tasks he or she is given and carries them out to the best of his or her ability, even in the absence of financial reward. — Seeks to contribute as a volunteer to the organisation and to help the beneficiaries (i. e. the local communities).
3) Managing oneself in a pressured and changing environment	
Self-awareness and resilience	<ul style="list-style-type: none"> — Capable of coping with stress and overcoming difficulties. — Identifies sources of stress and knows how to minimise their negative effects. — Is willing to talk about stress and difficulties and seeks support when needed. — Is able to adapt to living conditions where resources are very limited and the level of comfort is very low. — Adapts calmly and reacts constructively to changing situations and constraints. — Is aware of his or her strengths and limitations and of how these can influence his or her work.
Autonomy	<ul style="list-style-type: none"> — Organises his or her activities at the workplace and during leisure time autonomously. — Manages his or her working day and prioritises appropriately. — Recognises the limitations of his or her responsibilities and reports to a more senior responsible person(s) where appropriate.

Competence	Description
Managing one's own expectations	<ul style="list-style-type: none"> — Has a realistic understanding of his or her contribution to the organisation and the help he or she can offer to the beneficiaries. — Adjusts expectations to changing situations.
Inter-cultural awareness	<ul style="list-style-type: none"> — Avoids cultural stereotypes. — Is open to and embraces cultural differences. — Respects other cultures and adjusts his or her own behaviours to avoid misunderstandings. — Pays attention to non-verbal communication in a multi-cultural context. — Adopts a non-judgmental approach to different beliefs, social conventions and values. — Demonstrates empathy and sensitivity.
4) Demonstrating leadership	
	<ul style="list-style-type: none"> — Motivates other members of the team (local or international) for the task. — Empowers people to take responsibility within the scope of their actions. — Actively listens to others. — Inspires confidence in others.If in the role of responsibility: — Clearly formulates the tasks to be completed by others and his or her expectations of them. — Checks that these have been understood. — Provides feedback and recognises the contribution made by others. — Takes decisions that reflect the level of risk entailed by an action relative to its urgency.
5) Achieving results	
Achieves and communicates the immediate results of the action and the progress made in terms of capacity building	<ul style="list-style-type: none"> — Adopts a 'can-do' approach and demonstrates a proactive attitude. — Identifies critical improvements needed to ensure the sustainability of results. — Communicates results effectively. — Identifies the individuals expected to learn from his or her contribution and tries to give those who are expected to sustain the results an understanding of the work that has been done. — Looks for solutions. — Takes action to resolve any conflicts which may arise. <p data-bbox="486 1675 949 1709">If with a particular role in capacity building:</p> <ul style="list-style-type: none"> — Knows and applies diverse methods of building organisational capacity in circumstances where resources are limited. — Knows and applies methods of and tools for assessing needs, in order to identify the areas to be targeted in capacity building.
Accountability	<ul style="list-style-type: none"> — Focuses on delivering results on time. — Seeks feedback and takes action based on feedback received. — Reports to the appropriate person(s). — Challenges decisions and behaviours that breach the organisational code of conduct and/or other relevant humanitarian standards.

2. Specific competences required for the EU Aid Volunteers initiative and humanitarian aid more widely.

Competence	Description
6) Understanding the humanitarian context of the EU Aid Volunteers initiative and applying humanitarian principles	<ul style="list-style-type: none"> — Demonstrates an understanding of the system of humanitarian aid, the various actors involved and the links between this and other external policies, particularly from an EU perspective. — Applies an understanding of the theoretical principles and common practices underpinning humanitarian action. — Demonstrates an understanding of the relevant humanitarian aid standards and codes of conduct, including as relate to accountability and quality management, and of the legal framework for humanitarian aid. — Demonstrates an understanding of the phases of humanitarian response including prevention and preparedness, disaster risk reduction, disaster risk management, response and recovery. — Demonstrates an understanding of the theory and practice relating to aid and development and the resilience approach. — Takes into account the needs, skills, capacities and experience of people affected by disasters or humanitarian aid crises. — Understands the objectives of the EU Aid Volunteer initiative and the implications of these objectives for their work when deployed. — Understands the process of selection, training and deployment. — Understands the role of a volunteer and the action to be taken before, during and after deployment. — Applies his or her understanding of the purpose of this initiative within the broader context of EU humanitarian aid.
7) Operating safely and securely at all times	<ul style="list-style-type: none"> — Understands the importance of following organisations' safety procedures when deployed. — Understands and applies the principle of 'do no harm'. — Identifies and prevents risks during a project. — Is able to take action in situations where a danger presents itself. — Is able to manage stress related to security incidents. — Has a basic level of first aid skills.
8) Managing projects in humanitarian contexts	<ul style="list-style-type: none"> — Is able to describes and analyse the various stages of a project cycle in humanitarian aid, including the needs assessment, master proposal and budget development, and the delivery, monitoring and evaluation of the project. — Understands and applies the basic principles of budgeting and proposal writing. — Understands and applies the basic principles of financial management of projects. — Understands and maintains transparency of project management processes. — Understands and applies the basic principles of performance management, monitoring and evaluation.

Competence	Description
9) Communication and advocacy	
	<ul style="list-style-type: none"> — Is aware of and actively engages with the EU Aid Volunteers' communication plan and fulfils his or her role in delivering it. — Speaks out clearly for organisational values and for those of the EU Aid Volunteers where relevant. — Identifies primary, secondary and critical stakeholders in local humanitarian contexts. — Understands and applies the tools used to mobilise international and local stakeholders' support for humanitarian aid in the field in which he or she is working. — Formulates clear and evidence-based arguments as an advocate for the initiative and develops an effective communication strategy.

3. Technical competences resulting from specialist knowledge relevant in the context of humanitarian aid;

EU Aid Volunteers may have competences in the following fields (non-exhaustive list):

- **finance and accounting**
- **legal affairs**
- **project management and administration**
- **project monitoring and evaluation**
- **communications (including visibility, public relations and advocacy)**
- **logistics and transport**
- **human resources management and learning**
- **organisational development and capacity building**
- **strategic policymaking and planning**
- **risk communication and information technology**
- **water and sanitation**
- **protection and shelter**
- **food, nutrition and health**
- **refugees and internally displaced persons**
- **gender issues**
- **child protection**
- **livelihoods**
- **linking relief, rehabilitation and development**
- **disaster risk management**
- **resilience building**
- **disaster data and knowledge**
- **risk and vulnerability assessment and mapping and fragility and conflict analysis**
- **climate change adaptation and ecosystem-based management**
- **awareness-raising and education**
- **urban resilience and land-use planning**
- **community-based development**

- **social protection and safety nets**
 - **resilient business and infrastructure, including critical infrastructure protection**
 - **risk financing**
 - **monitoring and early warning systems**
 - **disaster preparedness and contingency planning**
 - **civil protection and emergency response**
 - **post-disaster and post-conflict assessment and recovery**
 - **medical and paramedical services**
 - **engineering**
 - **volunteer management**
-

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

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

**replacing the Annex to the Agreement between the European Community and the Swiss Confed-
eration on Air Transport**

(2014/957/EU)

THE EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport, hereinafter referred to as 'the Agreement', and in particular Article 23(4) thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The Annex to this Decision replaces the Annex to the Agreement, as from 1 February 2015.

Done at Bern, 5 December 2014.

For the Joint Committee

The Head of the European Union Delegation
Margus RAHUOJA

The Head of the Swiss Delegation
Peter MÜLLER

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 (EEC) 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 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

No 1008/2008

Regulation of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community

No 2000/79

Council Directive of 27 November 2000 concerning the implementation of 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)

No 93/104

Council Directive of 23 November 1993 concerning certain aspects of the organisation of working time, as amended by:

- Directive 2000/34/EC

No 437/2003

Regulation 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

No 1358/2003

Commission Regulation 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

No 785/2004

Regulation of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators, as amended by:

- Commission Regulation (EU) No 285/2010

No 95/93

Council Regulation of 18 January 1993 on common rules for the allocation of slots at Community airports (Articles 1-12), as amended by:

— Regulation (EC) No 793/2004

No 2009/12

Directive of the European Parliament and of the Council of 11 March 2009 on airport charges

No 96/67

Council Directive of 15 October 1996 on access to the groundhandling market at Community airports

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

No 80/2009

Regulation 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

2. Competition rules

No 1/2003

Council Regulation of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (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.)

No 773/2004

Commission Regulation of 7 April 2004 relating to proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty, as amended by:

— Commission Regulation (EC) No 1792/2006,

— Commission Regulation (EC) No 622/2008

No 139/2004

Council Regulation of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation)

(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.

No 802/2004

Commission Regulation of 7 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (Articles 1-24), as amended by:

- Commission Regulation (EC) No 1792/2006,
- Commission Regulation (EC) No 1033/2008,
- Commission Implementing Regulation (EU) No 1269/2013

No 2006/111

Commission Directive 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

No 487/2009

Council Regulation 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.

3. Aviation safety

No 216/2008

Regulation of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, as amended by:

- Commission Regulation (EC) No 690/2009,
- Regulation (EC) No 1108/2009,
- Commission Regulation (EU) No 6/2013.

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 11(2), Article 14(5),(7), Article 24(5), Article 25(1), Article 38(3)(i), Article 39(1), Article 40(3), Article 41(3),(5), Article 42(4), Article 54(1) and Article 61(3).

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 Article 65 of the Regulation or in the provisions of Decision 1999/468/EC mentioned in that provision 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 12 is amended as follows:
 - (i) in paragraph 1, the words 'or Switzerland' shall be inserted after the words 'the Community';
 - (ii) in paragraph 2(a), the words 'or Switzerland' shall be inserted after the words 'the Community';

(iii) in paragraph 2 points (b) and (c) are deleted;

(iv) the following paragraph is added:

'3. Whenever the Community 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 Community'.

(b) In Article 29, the following paragraph shall be added:

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

(c) In Article 30, the following paragraph is added:

'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 37, the following paragraph is added:

'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 59, the following paragraph shall be added:

'12. 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 61, the following paragraph is added:

'The provisions relating to financial control by the Community in Switzerland concerning the participants in the activities of the Agency are set out in Annex B to the present Annex.'

(g) Annex II to the Regulation shall be extended to include the following aircraft as products covered by Article 2(3)(a)(ii) of Commission Regulation (EC) No 1702/2003 of 24 September 2003 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-ID]] — type CL600-2B19

A/c — [HB-IKR, HB-IMY, HB-IWY] — type Gulfstream G-IV

A/c — [HB-IMJ, HB-IVZ, HB-JES] — type Gulfstream G-V

A/c — [HB-XJF, HB-ZCW, HB-ZDF] — type MD900.

No 1108/2009

Regulation of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Directive 2006/23/EC

⁽¹⁾ OJ L 243, 27.9.2003, p. 6.

No 805/2011

Commission Regulation of 10 August 2011 laying down detailed rules for air traffic controllers' licences and certain certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

No 1178/2011

Commission Regulation 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, as amended by:

- Commission Regulation (EU) No 290/2012,
- Commission Regulation (EU) No 70/2014,
- Commission Regulation (EU) No 245/2014

No 3922/91

Council Regulation of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation (Articles 1-3, 4(2), (5-11), and 13), as amended by:

- Regulation (EC) No 1899/2006,
- Regulation (EC) No 1900/2006,
- Commission Regulation (EC) No 8/2008,
- Commission Regulation (EC) No 859/2008

No 996/2010

Regulation 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

No 2003/42

Directive of the European Parliament and the Council of 13 June 2003 on occurrence reporting in civil aviation (Articles 1-12)

No 1321/2007

Commission Regulation of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council

No 1330/2007

Commission Regulation of 24 September 2007 laying down implementing rules for the dissemination to interested parties of information on civil aviation occurrences referred to in Article 7(2) of Directive 2003/42/EC of the European Parliament and of the Council

No 2042/2003

Commission Regulation of 20 November 2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks, as amended by:

- Commission Regulation (EC) No 707/2006,
- Commission Regulation (EC) No 376/2007,
- Commission Regulation (EC) No 1056/2008,
- Commission Regulation (EU) No 127/2010,

- Commission Regulation (EU) No 962/2010,
- Commission Regulation (EU) No 1149/2011,
- Commission Regulation (EU) No 593/2012

No 104/2004

Commission Regulation of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency

No 2111/2005

Regulation 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

No 473/2006

Commission Regulation 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

No 474/2006

Commission Regulation 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, as last amended by:

- Commission Implementing Regulation (EU) No 368/2014

No 1332/2011

Commission Regulation of 16 December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance

No 646/2012

Commission Implementing Regulation 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

No 748/2012

Commission Regulation 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, as amended by:

- Commission Regulation (EU) No 7/2013,
- Commission Regulation (EU) No 69/2014

No 965/2012

Commission Regulation 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, as amended by:

- Commission Regulation (EU) No 800/2013,
- Commission Regulation (EU) No 71/2014,
- Commission Regulation (EU) No 83/2014,
- Commission Regulation (EU) No 379/2014

No 2012/780

Commission Decision of 5 December 2012 on access rights to the European Central Repository of Safety Recommendations and their responses established by Article 18(5) of Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC

No 628/2013

Commission Implementing Regulation 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

No 139/2014

Commission Regulation 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

No 319/2014

Commission Regulation of 27 March 2014 on the fees and charges levied by the European Aviation Safety Agency, and repealing Regulation (EC) No 593/2007

No 452/2014

Commission Regulation 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

4. Aviation Security

No 300/2008

Regulation 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

No 272/2009

Commission Regulation 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, as amended by:

- Commission Regulation (EU) No 297/2010,
- Commission Regulation (EU) No 720/2011,
- Commission Regulation (EU) No 1141/2011,
- Commission Regulation (EU) No 245/2013

No 1254/2009

Commission Regulation 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

No 18/2010

Commission Regulation 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

No 72/2010

Commission Regulation of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security

No 185/2010

Commission Regulation of 4 March 2010 laying down detailed measures for the implementation of the common basic standards on aviation security, as amended by:

- Commission Regulation (EU) No 357/2010,
- Commission Regulation (EU) No 358/2010,
- Commission Regulation (EU) No 573/2010,
- Commission Regulation (EU) No 983/2010,
- Commission Regulation (EU) No 334/2011,
- Commission Implementing Regulation (EU) No 859/2011,
- Commission Implementing Regulation (EU) No 1087/2011,
- Commission Implementing Regulation (EU) No 1147/2011,
- Commission Implementing Regulation (EU) No 173/2012,
- Commission Implementing Regulation (EU) No 711/2012,
- Commission Implementing Regulation (EU) No 1082/2012,
- Commission Implementing Regulation (EU) No 104/2013,
- Commission Implementing Regulation (EU) No 246/2013,
- Commission Implementing Regulation (EU) No 654/2013,
- Commission Implementing Regulation (EU) No 1103/2013,
- Commission Implementing Regulation (EU) No 1116/2013,
- Commission Implementing Regulation (EU) No 278/2014,
- Commission Implementing Regulation (EU) No 687/2014

No 2010/774

Commission Decision of 13 April 2010 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, as amended by:

- Commission Decision C(2010) 2604,
- Commission Decision C(2010) 3572,
- Commission Decision C(2010) 9139,
- Commission Implementing Decision C(2011) 5862,
- Commission Implementing Decision C(2011) 8042,
- Commission Implementing Decision C(2011) 9407,
- Commission Implementing Decision C(2012) 1228,
- Commission Implementing Decision C(2012) 5672,
- Commission Implementing Decision C(2012) 5880,
- Commission Implementing Decision C(2013) 1587,
- Commission Implementing Decision C(2013) 2045,
- Commission Implementing Decision C(2013) 4180,

- Commission Implementing Decision C(2013) 7275,
- Commission Implementing Decision C(2014) 1200,
- Commission Implementing Decision C(2014) 1635,
- Commission Implementing Decision C(2014) 3870,
- Commission Implementing Decision C(2014) 4054

No 2013/511

Commission Implementing Decision of 4 February 2013 as regards the screening of passengers and persons other than passengers by Explosive Trace Detection (ETD) equipment in combination with Hand Held Metal Detection (HHMD) equipment

5. Air traffic management

No 549/2004

Regulation 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), as amended by:

- Regulation (EC) No 1070/2009

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.

No 550/2004

Regulation 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), as amended by:

- Regulation (EC) No 1070/2009

The Commission shall enjoy towards Switzerland the powers granted to it pursuant to Articles 9a, 9b, 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'.

- (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.'

No 551/2004

Regulation 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), as amended by:

— Regulation (EC) No 1070/2009

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

No 552/2004

Regulation 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), as amended by:

— Regulation (EC) No 1070/2009

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'.

No 2150/2005

Commission Regulation of 23 December 2005 laying down common rules for the flexible use of airspace

No 1033/2006

Commission Regulation of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the Single European Sky, as amended by:

— Commission Implementing Regulation (EU) No 923/2012,

— Commission Implementing Regulation (EU) No 428/2013

No 1032/2006

Commission Regulation 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, as amended by:

— Commission Regulation (EC) No 30/2009

No 1794/2006

Commission Regulation of 6 December 2006 laying down a common charging scheme for air navigation services, as amended by:

— Commission Regulation (EU) No 1191/2010,

— Commission Implementing Regulation (EU) No 923/2012

No 730/2006

Commission Regulation of 11 May 2006 on airspace classification and access of flights operated under visual flight rules above flight level 195, as amended by:

— Commission Implementing Regulation (EU) No 923/2012

No 219/2007

Council Regulation of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR), as amended by:

- Council Regulation (EC) No 1361/2008,
- Council Regulation (EU) No 721/2014

No 633/2007

Commission Regulation 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, as amended by:

- Commission Regulation (EU) No 283/2011

No 482/2008

Commission Regulation of 30 May 2008 establishing a software safety assurance system to be implemented by air navigation service providers and amending Annex II to Regulation (EC) No 2096/2005

No 29/2009

Commission Regulation of 16 January 2009 laying down requirements on data link services for the Single European Sky, as amended by:

- Commission Implementing Regulation (EU) No 441/2014

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.

No 262/2009

Commission Regulation of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the Single European Sky

No 73/2010

Commission Regulation of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the Single European Sky

No 255/2010

Commission Regulation of 25 March 2010 laying down common rules on air traffic flow management, as amended by:

- Commission Implementing Regulation (EU) No 923/2012

No 691/2010

Commission Regulation of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services, as amended by:

- Commission Implementing Regulation (EU) No 1216/2011

Corrective measures adopted by the Commission under Article 14 paragraph 3 of the Regulation are mandatory for Switzerland after having been adopted by a decision of the Joint Committee

No C(2010) 5134

Commission Decision of 29 July 2010 on the designation of the Performance Review Body of the Single European Sky

No 2014/672

Commission Implementing Decision of 24 September 2014 on the extension of the designation of the Performance Review Body of the single European sky

No 176/2011

Commission Regulation of 24 February 2011 on the information to be provided before the establishment and modification of a functional airspace block

No 2011/121

Commission Decision of 21 February 2011 setting the European Union-wide performance targets and alert thresholds for the provision of air navigation services for the years 2012 to 2014

No 677/2011

Commission Regulation of 7 July 2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010

No 2011/4130

Commission Decision of 7 July 2011 on the nomination of the Network Manager for the air traffic management (ATM) network functions of the single European sky

No 1034/2011

Commission Implementing Regulation of 17 October 2011 on safety oversight in air traffic management and air navigation services and amending Regulation (EU) No 691/2010

No 1035/2011

Commission Implementing Regulation of 17 October 2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010, as amended by:

- Commission Implementing Regulation (EU) No 923/2012,
- Commission Implementing Regulation (EU) No 448/2014

No 1206/2011

Commission Implementing Regulation of 22 November 2011 laying down requirements on aircraft identification for surveillance for the single European sky

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.

No 1207/2011

Commission Implementing Regulation of 22 November 2011 laying down requirements for the performance and the interoperability of surveillance for the single European sky

No 923/2012

Commission Implementing Regulation 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

No 1079/2012

Commission Implementing Regulation of 16 November 2012 laying down requirements for voice channels spacing for the single European sky, as amended by:

— Commission Implementing Regulation (EU) No 657/2013

No 390/2013

Commission Implementing Regulation of 3 May 2013 laying down a performance scheme for air navigation services and network functions

No 391/2013

Commission Implementing Regulation of 3 May 2013 laying down a common charging scheme for air navigation services

No 409/2013

Commission Implementing Regulation 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

No 2014/132

Commission Implementing Decision of 11 March 2014 setting the Union-wide performance targets for the air traffic management network and alert thresholds for the second reference period 2015-19

No 716/2014

Commission Implementing Regulation of 27 June 2014 on the establishment of the Pilot Common Project supporting the implementation of the European Air Traffic Management Master Plan

6. Environment and noise

No 2002/30

Directive 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 (Articles 1-12, and 14-18)

(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.)

No 89/629

Council Directive of 4 December 1989 on the limitation of noise emissions from civil subsonic jet aeroplanes

(Articles 1-8)

No 2006/93

Directive 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).

7. Consumer protection

No 90/314

Council Directive of 13 June 1990 on package travel, package holidays and package tours.

(Articles 1-10)

No 93/13

Council Directive of 5 April 1993 on unfair terms in consumer contracts.

(Articles 1-11)

No 2027/97

Council Regulation of 9 October 1997 on air carrier liability in the event of accidents (Articles 1-8), as amended by:

— Regulation (EC) No 889/2002

No 261/2004

Regulation 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

(Articles 1-18)

No 1107/2006

Regulation 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.

8. Miscellaneous

No 2003/96

Council Directive of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity

(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

—

ANNEX A

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

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.

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.

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.

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.

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.

*Appendix***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 of the Council ⁽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 Regulation (EEC, Euratom, ECSC) No 259/68 ⁽²⁾ of the Council 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).

⁽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).

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 ⁽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 ⁽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.

*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 ⁽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.

⁽¹⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

⁽²⁾ 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 (OJ L 357, 31.12.2002, p. 72).

⁽³⁾ 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 (OJ L 292, 15.11.1996, p. 2).

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.

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 Regulation (EC, Euratom) No 1605/2002 and Commission Regulation (EC, Euratom) No 2342/2002 ⁽¹⁾ and with Council Regulation (EC, Euratom) No 2988/95. ⁽²⁾

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.

⁽¹⁾ Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, 31.12.2002, p. 1).

⁽²⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (OJ L 312, 23.12.1995, p. 1).

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN