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<sup>(1)</sup> 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.

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## II

(Non-legislative acts)

## REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2015/1479

of 28 August 2015

**establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors <sup>(2)</sup>, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

*Article 2*

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

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.

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

Done at Brussels, 28 August 2015.

*For the Commission,  
On behalf of the President,  
Jerzy PLEWA  
Director-General for Agriculture and Rural Development*

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## ANNEX

## Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)			
CN code	Third country code <sup>(1)</sup>	Standard import value	
0702 00 00	MA	173,3	
	MK	36,9	
	ZZ	105,1	
0709 93 10	TR	132,0	
	ZZ	132,0	
0805 50 10	AR	147,8	
	BO	152,6	
	CL	152,6	
	TR	126,0	
	UY	147,2	
	ZA	155,9	
	ZZ	147,0	
	0806 10 10	BA	74,4
		EG	201,5
MA		201,2	
MK		68,3	
TR		147,6	
ZZ		138,6	
0808 10 80	AR	94,8	
	BR	99,5	
	CL	139,3	
	NZ	140,9	
	US	142,3	
	UY	170,8	
	ZA	120,1	
	ZZ	129,7	
	0808 30 90	AR	73,8
		CL	107,2
NZ		210,1	
TR		128,5	
ZA		141,5	
ZZ		132,2	
0809 30 10, 0809 30 90	MK	80,9	
	TR	139,6	
	ZZ	110,3	
0809 40 05	BA	58,1	
	MK	51,8	
	XS	74,4	
	ZZ	61,4	

<sup>(1)</sup> Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

# DIRECTIVES

## COMMISSION DIRECTIVE (EU) 2015/1480

of 28 August 2015

**amending several annexes to Directives 2004/107/EC and 2008/50/EC of the European Parliament and of the Council laying down the rules concerning reference methods, data validation and location of sampling points for the assessment of ambient air quality**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air <sup>(1)</sup>, and in particular Article 4(15) thereof,

Having regard to Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe <sup>(2)</sup>, and in particular Article 28(1) thereof,

Whereas:

- (1) In accordance with Article 4(15) of Directive 2004/107/EC, as amended by Regulation (EC) No 219/2009/EC of the European Parliament and of the Council <sup>(3)</sup>, the Commission is empowered to amend certain provisions of Annexes IV and V.
- (2) Annex IV to Directive 2004/107/EC, lays down data quality objectives that need to be updated in order to achieve better clarity.
- (3) Annex V to Directive 2004/107/EC lays down the reference methods for assessment of concentrations, and such methods should be updated in order to reflect the development of the relevant standards.
- (4) In accordance with Article 28(1) of Directive 2008/50/EC the Commission is empowered to amend certain provisions of Annexes I, III, VI and IX.
- (5) Section C of Annex I to Directive 2008/50/EC lays down criteria for the quality assurance for ambient air quality assessment, which need to be clarified and complemented taking into account the quality assurance programmes organised by the Commission's Joint Research Centre and introducing the obligation of reviewing the quality control system in order to ensure the continued accuracy of monitoring devices.
- (6) Sections C and D of Annex III to Directive 2008/50/EC lay down criteria for the siting of sampling points, which need to be clarified and complemented in the light of the experience gained in implementing the Directive.

<sup>(1)</sup> OJ L 23, 26.1.2005, p. 3.

<sup>(2)</sup> OJ L 152, 11.6.2008, p. 1.

<sup>(3)</sup> Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two (OJ L 87, 31.3.2009, p. 109).

- (7) Section A of Annex VI to Directive 2008/50/EC lays down the reference method for the measurement of certain pollutants, which need to be adapted having regard to the experience gained in implementing the Directive and taking into account the most recent standards for the sampling and measurement of particulate matter.
- (8) In accordance with the Joint Political Declaration of Member States and the Commission of 28 September 2011 on explanatory documents <sup>(1)</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments.
- (9) The measures provided for in this Directive are in accordance with the opinion of the Ambient Air Quality Committee,

HAS ADOPTED THIS DIRECTIVE:

*Article 1*

Annexes IV and V to Directive 2004/107/EC are amended in accordance with Annex I to this Directive.

*Article 2*

Annexes I, III, VI and IX to Directive 2008/50/EC are amended in accordance with Annex II to this Directive.

*Article 3*

The provisions of this Directive should be read in conjunction with those of Regulation (EC) No 765/2008 of the European Parliament and of the Council <sup>(2)</sup>, in particular as regards the accreditation of conformity assessment bodies, and do not introduce any derogation or exception to the above Regulation.

*Article 4*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2016 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 5*

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

<sup>(1)</sup> OJ C 369, 17.12.2011, p. 14.

<sup>(2)</sup> Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

*Article 6*

This Directive is addressed to the Member States.

Done at Brussels, 28 August 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX I

Directive 2004/107/EC is amended as follows:

(1) Section I of Annex IV is amended as follows:

(a) the table is replaced by the following:

	'Benzo(a)pyrene	Arsenic, cadmium and nickel	Polycyclic aromatic hydrocarbons other than benzo(a)pyrene, total gaseous mercury	Total deposition
— Uncertainty				
Fixed and indicative measurements	50 %	40 %	50 %	70 %
Modelling	60 %	60 %	60 %	60 %
— Minimum data capture	90 %	90 %	90 %	90 %
— Minimum time coverage				
Fixed measurements <sup>(1)</sup>	33 %	50 %		
Indicative measurements <sup>(1)</sup> <sup>(2)</sup>	14 %	14 %	14 %	33 %

<sup>(1)</sup> Distributed over the year to be representative of various conditions for climate and anthropogenic activities

<sup>(2)</sup> Indicative measurement being measurements which are performed at reduced regularity but fulfil the other data quality objectives'

(b) in the third paragraph, the following sentence is deleted:

'Twenty-four hour sampling is also advisable for the measurement of arsenic, cadmium and nickel concentrations.'

(c) after the third paragraph the following text is inserted:

'The provisions on individual samples in the previous paragraph apply also to arsenic, cadmium, nickel and total gaseous mercury. Moreover, sub-sampling of PM<sub>10</sub> filters for metals for subsequent analysis is allowed, providing there is evidence that the sub-sample is representative of the whole and that the detection sensitivity is not compromised when compared with the relevant data quality objectives. As an alternative to daily sampling, weekly sampling for metals in PM<sub>10</sub> is allowed provided that the collection characteristics are not compromised.'

(2) Sections I to IV of Annex V are replaced by the following:

#### I. Reference method for the sampling and analysis of arsenic, cadmium and nickel in ambient air

The reference method for the sampling of arsenic, cadmium and nickel in ambient air is described in EN 12341:2014. The reference method for the measurement of arsenic, cadmium and nickel in ambient air is that described in EN 14902:2005 "Ambient air quality — Standard method for the measurement of Pb, Cd, As and Ni in the PM10 fraction of suspended particulate matter".

A Member State may also use any other methods which it can demonstrate give results equivalent to the above method.

**II. Reference method for the sampling and analysis of polycyclic aromatic hydrocarbons in ambient air**

The reference method for the sampling of polycyclic aromatic hydrocarbons in ambient air is described in EN 12341:2014. The reference method for the measurement of benzo(a)pyrene in ambient air is that described in EN 15549:2008 "Air quality — Standard method for the measurement of concentration of benzo[a]pyrene in ambient air". In the absence of a CEN standard method for the other polycyclic aromatic hydrocarbons referred to in Article 4(8), Member States are allowed to use national standards methods or ISO methods such as ISO standard 12884.

A Member State may also use any other method which it can demonstrate give results equivalent to the above method.

**III. Reference method for the sampling and analysis of mercury in ambient air**

The reference method for the measurement of total gaseous mercury concentrations in ambient air is that described in EN 15852:2010 "Ambient air quality — Standard method for the determination of total gaseous mercury".

A Member State may also use any other method which it can demonstrate give results equivalent to the above method.

**IV. Reference method for the sampling and analysis of the deposition of arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons**

The reference method for the determination of the deposition of arsenic, cadmium, and nickel is that described in EN 15841:2009 "Ambient air quality — Standard method for determination of arsenic, cadmium, lead and nickel in atmospheric deposition".

The reference method for the determination of the deposition of mercury is that described in EN 15853:2010 "Ambient air quality — Standard method for determination of mercury deposition".

The reference method for the determination of the deposition of benzo(a)pyrene and the other polycyclic hydrocarbons referred to in Article 4(8) is that described in EN 15980:2011 "Air quality. Determination of the deposition of benz[a]anthracene, benzo[b]fluoranthene, benzo[j]fluoranthene, benzo[k]fluoranthene, benzo[a]pyrene, dibenz[a,h]anthracene and indeno[1,2,3-cd]pyrene".

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## ANNEX II

Directive 2008/50/EC is amended as follows:

(1) Section C of Annex I is replaced by the following:

**C. Quality assurance for ambient air quality assessment. Data validation**

1. To ensure accuracy of measurements and compliance with the data quality objectives laid down in Section A, the appropriate competent authorities and bodies designated pursuant to Article 3 shall ensure the following:
  - (i) that all measurements undertaken in relation to the assessment of ambient air quality pursuant to Articles 6 and 9 are traceable in accordance with the requirements set out in the harmonised standard for testing and calibration laboratories,
  - (ii) that institutions operating networks and individual stations have an established quality assurance and quality control system which provides for regular maintenance to assure the continued accuracy of measuring devices. The quality system shall be reviewed as necessary and at least every five years by the relevant National Reference Laboratory
  - (iii) that a quality assurance/quality control process is established for the process of data collection and reporting and that institutions appointed for this task actively participate, in the related Union-wide quality assurance programmes,
  - (iv) that the National Reference Laboratories are appointed by the appropriate competent authority or body designated pursuant to Article 3 and are accredited for the reference methods referred to in Annex VI, at least for those pollutants for which concentrations are above the lower assessment threshold, according to the relevant harmonised standard for testing and calibration laboratories, the reference to which has been published in the *Official Journal of the European Union* pursuant to Article 2(9) of Regulation (EC) No 765/2008 setting out the requirements for accreditation and market surveillance. These laboratories shall also be responsible for the coordination in Member State's territory of the Union-wide quality assurance programmes to be organised by the Commission's Joint Research Centre and shall also be responsible for coordinating, on the national level, the appropriate use of reference methods, and the demonstration of equivalence of non-reference methods. National Reference Laboratories organising intercomparison on the national level should also be accredited according to the relevant harmonised standard for proficiency testing.
  - (v) that the National Reference Laboratories, take part at least every three years in the Union-wide quality assurance programmes organized by the Commission's Joint Research Centre. If this participation produces unsatisfactory results then the national laboratory should demonstrate at the next participation in the intercomparison satisfactory remediation measures, and provide a report to the Joint Research Centre on these.
  - (vi) that the national reference laboratories support the work done by the European network of National Reference Laboratories set up by the Commission.
2. All reported data under Article 27 shall be deemed to be valid except data flagged as provisional.'

(2) Annex III is amended as follows:

(a) Section C is amended as follows:

(i) the first and the second indents of paragraph 1 are replaced by the following:

- the flow around the inlet sampling probe shall be unrestricted (in general free in an arc of at least 270° or 180° for sampling points at the building line) without any obstructions affecting the airflow in the vicinity of the inlet (normally some metres away from buildings, balconies, trees and other obstacles and at least 0,5 m from the nearest building in the case of sampling points representing air quality at the building line)

- in general, the inlet sampling point shall be between 1,5 m (the breathing zone) and 4 m above the ground. Higher siting may also be appropriate if the station is representative of a large area and any derogations should be fully documented;

(ii) the fifth indent of paragraph 1 is replaced by the following:

- ‘— for all pollutants, traffic-orientated sampling probes shall be at least 25 m from the edge of major junctions and no more than 10 m from the kerbside. A “major junction” to be considered here is a junction which interrupts the traffic flow and causes different emissions (stop&go) from the rest of the road.’

(iii) the following paragraph is added:

- ‘Any deviation from the criteria listed in this Section shall be fully documented through the procedures described in Section D.’

(b) Section D is replaced by the following:

#### **D. Documentation and review of site selection**

The competent authorities responsible for air quality assessment shall for all zones and agglomerations fully document the site-selection procedures and record information to support the network design and choice of location for all monitoring sites. The documentation shall include compass-point photographs of the area surrounding monitoring sites and detailed maps. Where supplementary methods are used within a zone or agglomeration, the documentation shall include details of these methods and information on how the criteria listed in Article 7(3) are met. The documentation shall be updated as necessary and reviewed at least every 5 years, to ensure that selection criteria, network design and monitoring site locations remain valid and optimal over time. The documentation shall be provided to the Commission within 3 months of being requested.’

(3) Annex VI is amended as follows:

(a) Section A is replaced by the following:

#### **A. Reference methods for the assessment of concentrations of sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter (PM<sub>10</sub> and PM<sub>2,5</sub>), lead, benzene, carbon monoxide and ozone**

##### *1. Reference method for the measurement of sulphur dioxide*

The reference method for the measurement of sulphur dioxide is that described in EN 14212:2012 “Ambient air — Standard method for the measurement of the concentration of sulphur dioxide by ultraviolet fluorescence”.

##### *2. Reference method for the measurement of nitrogen dioxide and oxides of nitrogen*

The reference method for the measurement of nitrogen dioxide and oxides of nitrogen is that described in EN 14211:2012 “Ambient air — Standard method for the measurement of the concentration of nitrogen dioxide and nitrogen monoxide by chemiluminescence”.

##### *3. Reference method for the sampling and measurement of lead — unchanged*

##### *4. Reference method for the sampling and measurement of PM<sub>10</sub>*

The reference method for the sampling and measurement of PM<sub>10</sub> is that described in EN12341:2014 “Ambient Air — standard gravimetric measurement method for the determination of the PM<sub>10</sub> or PM<sub>2,5</sub> mass concentration of suspended particulate matter”.

##### *5. Reference method for the sampling and measurement of PM<sub>2,5</sub>*

The reference method for the sampling and measurement of PM<sub>2,5</sub> is that described in EN12341:2014 “Ambient Air — standard gravimetric measurement method for the determination of the PM<sub>10</sub> or PM<sub>2,5</sub> mass concentration of suspended particulate matter”

6. *Reference method for the sampling and measurement of benzene — unchanged*

7. *Reference method for the measurement of carbon monoxide*

The reference method for the measurement of carbon monoxide is that described in EN 14626:2012 “Ambient air — Standard method for the measurement of the concentration of carbon monoxide by non-dispersive infrared spectroscopy”.

8. *Reference method for measurement of ozone*

The reference method for the measurement of ozone is that described in EN 14625:2012 “Ambient air — Standard method for the measurement of the concentration of ozone by ultraviolet photometry”.

(b) Section D is deleted;

(c) Section E is replaced by the following:

‘When demonstrating that equipment meets the performance requirements of the reference methods listed in Section A of this Annex, the competent authorities and bodies designated pursuant to Article 3 shall accept test reports issued in other Member States provided that the test laboratories are accredited to the relevant harmonised standard for testing and calibration laboratories.

The detailed test reports and all the results of the tests shall be available to other competent authorities or their designated bodies. Test reports shall demonstrate that the equipment meets all the performance requirements including where some environmental and site conditions are specific to a Member State and are outside the conditions for which the equipment has been already tested and type approved in another Member State;’

(4) Section A of Annex IX is replaced by the following:

**A. Minimum number of sampling points for fixed measurements of concentrations of ozone**

Minimum number of sampling points for fixed continuous measurements to assess compliance with target values, long — term objectives and information and alert thresholds where such measurements are the sole source of information.

Population (× 1 000)	Agglomeration <sup>(1)</sup>	Other zones <sup>(1)</sup>	Rural background
< 250		1	1 station/50 000 km <sup>2</sup> as an average density over all zones per country <sup>(2)</sup>
< 500	1	2	
< 1 000	2	2	
< 1 500	3	3	
< 2 000	3	4	
< 2 750	4	5	
< 3 750	5	6	
> 3 750	One additional station per 2 million inhabitants	One additional station per 2 million inhabitants	

<sup>(1)</sup> At least 1 station in areas where exposure of the population to the highest concentrations of ozone is likely to occur. In agglomerations, at least 50 % of the stations shall be located in suburban areas.

<sup>(2)</sup> 1 station per 25 000 km<sup>2</sup> for complex terrain is recommended.’

## ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

### **DECISION No 1/2015 OF THE JOINT EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS CONFEDERATION ON AIR TRANSPORT**

**of 20 August 2015**

**replacing the Annex to the Agreement between the European Community and the Swiss  
Confederation on Air Transport [2015/1481]**

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 15 September 2015.

Done at Brussels, 20 August 2015.

*For the Joint Committee*

*The Head of the European Union Delegation*  
Margus RAHUOJA

*The Head of the Swiss Delegation*  
Peter MÜLLER

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## 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 ad 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 paragraphs 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 <sup>(1)</sup>:

A/c - [HB-IDJ] — 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

*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,

— Commission Regulation (EU) 2015/445

*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,

<sup>(1)</sup> OJ L 243, 27.9.2003, p. 6.

- 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 1318/2014

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,

— Commission Regulation (EU) 2015/140

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

No 1321/2014

Commission Regulation of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks

No 2015/340

Commission Regulation of 20 February 2015 laying down technical requirements and administrative procedures relating to air traffic controllers' licences and certificates pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 923/2012 and repealing Commission Regulation (EU) No 805/2011

#### 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,
- Commission Implementing Regulation (EU) 2015/187

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,
- Commission Implementing Decision C(2015)561,
- Commission Implementing Decision C(2015)984

*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, 15, 15a, 16 and 17.

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

(a) Article 3 shall be amended as follows:

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

(b) Article 7 is amended as follows:

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

(c) Article 8 is amended as follows:

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

(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 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) 2015/310.

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, as amended by:

— Commission Implementing Regulation (EU) No 1029/2014.

*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 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 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, as amended by:

— Commission Implementing Regulation (EU) No 970/2014.

*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, as amended by:

- Commission Implementing Regulation (EU) No 1028/2014.

*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, as amended by:

- Commission Regulation (EU) 2015/340.

*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: Financial control as regards Swiss participants in activities of the European Aviation Agreement.

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## 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.

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*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 <sup>(1)</sup> 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 of the Council <sup>(2)</sup> and the other provisions of the European Union law laying down working conditions.

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<sup>(1)</sup> 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).

<sup>(2)</sup> 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 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities <sup>(1)</sup> and the Financial Regulation adopted by the Management Board of the Agency on 26 March 2003, with Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 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 <sup>(2)</sup> 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 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 <sup>(3)</sup>.

<sup>(1)</sup> OJ L 248, 16.9.2002, p. 1.

<sup>(2)</sup> OJ L 357, 31.12.2002, p. 72.

<sup>(3)</sup> OJ L 292, 15.11.1996, p. 2.

2. On-the-spot checks and inspections shall be prepared and conducted by the Commission in close cooperation with the Swiss Federal Audit Office or with other competent Swiss authorities appointed by the Swiss Federal Audit Office, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Swiss authorities may participate in the on-the-spot checks and inspections.
3. If the Swiss competent authorities concerned so wish, the on-the-spot checks and inspections may be carried out jointly by the Commission and the Swiss competent authorities.
4. Where the participants in the programme resist an on-the-spot check or inspection, the Swiss authorities, acting in accordance with national rules, shall give the Commission inspectors such assistance as they need to allow them to discharge their duty in carrying out an on-the-spot check or inspection.
5. The Commission shall report as soon as possible to the Swiss Federal Audit Office any fact or suspicion relating to an irregularity which has come to its notice in the course of the on-the-spot check or inspection. In any event the Commission is required to inform the aforementioned authority of the result of such checks and inspections.

#### Article 4

##### **Information and consultation**

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

#### Article 5

##### **Confidentiality**

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

#### 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 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 <sup>(1)</sup> and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests <sup>(2)</sup>.

#### 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.

<sup>(1)</sup> OJ L 357, 31.12.2002, p. 1.

<sup>(2)</sup> OJ L 312, 23.12.1995, p. 1.

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.

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