



2024/1182

19.4.2024

**DECISION No 1/2023 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE
of 14 December 2023**

amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 of the Committee [2024/1182]

THE COMMITTEE,

Having regard to the Agreement of 21 June 1999 between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road ⁽¹⁾ ('the Agreement'), and in particular Article 52(4) thereof,

Whereas:

- (1) Under Article 51(2) of the Agreement, the Community/Switzerland Inland Transport Committee ('the Joint Committee') is responsible for the monitoring and application of the provisions of the Agreement and implements the adaptation and revision clauses referred to in Articles 52 and 55 thereof.
- (2) Under Article 52(4) of the Agreement, the Joint Committee adopts, inter alia, decisions revising Annex 1 so as to incorporate therein, as and where necessary and on a basis of reciprocity, amendments to the relevant legislation or decides on any other measure aimed at safeguarding the proper functioning of the Agreement.
- (3) By Decision No 2/2019 of 13 December 2019 ⁽²⁾, the Joint Committee, on the one hand, revised Annex 1 to the Agreement so as to incorporate substantive provisions of Directive (EU) 2016/797 of the European Parliament and of the Council ⁽³⁾ and Directive (EU) 2016/798 of the European Parliament and of the Council ⁽⁴⁾, and, on the other, adopted transitory provisions to maintain smooth rail traffic between Switzerland and the European Union. The transitory provisions set out in Articles 2, 3, 4 and 5 of Decision No 2/2019 were initially applicable until 31 December 2020. By Decision No 2/2020 ⁽⁵⁾, the Joint Committee extended their applicability until 31 December 2021. By Decision No 2/2021 ⁽⁶⁾, their applicability was extended until 31 December 2022. By Decision No 1/2022 ⁽⁷⁾, their applicability was further extended until 31 December 2023.

⁽¹⁾ OJ L 114, 30.4.2002, p. 91.

⁽²⁾ Decision No 2/2019 of the Community/Switzerland Inland Transport Committee of 13 December 2019 on transitory measures to maintain smooth rail traffic between Switzerland and the European Union (OJ L 13, 17.1.2020, p. 43).

⁽³⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

⁽⁴⁾ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

⁽⁵⁾ Decision No 2/2020 of the Community/Switzerland Inland Transport Committee of 11 December 2020 amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 of the Committee on transitory measures to maintain smooth rail traffic between Switzerland and the European Union (OJ L 15, 18.1.2021, p. 34).

⁽⁶⁾ Decision No 2/2021 of the Community/Switzerland Inland Transport Committee of 17 December 2021 amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 on transitory measures to maintain smooth rail traffic between Switzerland and the European Union (OJ L 46, 25.2.2022, p. 125).

⁽⁷⁾ Decision No 1/2022 of the Community/Switzerland Inland Transport Committee of 21 December 2022 amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 of the Committee (OJ L 19, 20.1.2023, p. 144).

- (4) Pending the adoption of the final provisions replacing the current transitional arrangements, the provisions laid down in Articles 2, 3, 4 and 5 of Decision No 2/2019 should be extended until 31 December 2024 in order to maintain smooth rail traffic between Switzerland and the European Union.
- (5) By Decision No 1/2021 of 17 December 2021, the date by which certain Swiss national rules listed in Annex 1 to the Agreement that may be incompatible with the technical specifications for interoperability should have been reviewed to decide whether to remove, amend or keep them was extended until 31 December 2022. By Decision No 1/2022, that date was postponed to 31 December 2023. In view of the stage reached in the review, that date should be changed to 31 December 2024 for those national rules that have not yet been reviewed.
- (6) New legal acts of the European Union have been adopted in areas covered by the Agreement since it was last amended. Consequently, Annex 1 should be adapted to include these relevant new legal acts,

HAS DECIDED AS FOLLOWS:

Article 1

Annex I to the Agreement shall be amended as specified in the Annex to this Decision.

Article 2

Decision No 2/2019 of the Joint Committee of 13 December 2019 is amended as follows:

- (1) Article 6(3) is replaced by the following:
‘3. Annex 1 identifies the applicable national rules and specific cases that are potentially incompatible with Union law. If compatibility with Union law has not been established by 31 December 2024, those national rules and specific cases may no longer be applied unless the Joint Committee decides otherwise.’;
- (2) In Article 8, the second paragraph is replaced by the following:
‘Articles 2, 3, 4 and 5 shall apply until 31 December 2024.’.

Article 3

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

Brussels, 14 December 2023

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

For the European Union
The President
Kristian SCHMIDT

ANNEX

Annex 1 to the Agreement of 21 June 1999 between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail is amended as follows:

In Section 2 ('Social standards'), the second indent concerning Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 ⁽¹⁾ is replaced by the following:

— Directive (EU) 2022/2561 of the European Parliament and of the Council of 14 December 2022 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers (codification) (OJ L 330/46, 23.12.2022, p. 46).';

In Section 3 ('Technical standards'), the 15th indent concerning Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 ⁽²⁾ is replaced by the following text:

— Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13), as last amended by Commission Delegated Directive (EU) 2022/2407 of 20 September 2022 (OJ L 317, 9.12.2022, p. 64).';

Section 4 ('Access and transit rights with regard to railways') is amended as follows:

(a) As regards the 26th indent concerning Commission Regulation (EU) No 1302/2014 ⁽³⁾, the date of '31 December 2023', by which the compatibility of the following Swiss national rules with the corresponding Union technical specifications for interoperability should have been reviewed, is replaced by '31 December 2024' for the following provisions:

- CH-TSI LOC&PAS-009 (version 1.0 of June 2015)
- CH-TSI LOC&PAS-019 (version 2.0 of June 2019)
- CH-TSI LOC&PAS-020 (version 2.0 of June 2019)
- CH-TSI LOC&PAS-025 (version 2.0 of June 2019)
- CH-TSI LOC&PAS-027 (version 2.0 of June 2019)
- CH-TSI LOC&PAS-031 (version 2.1 of November 2020)
- CH-TSI LOC&PAS-035 (version 2.1 of November 2020)
- CH-TSI LOC&PAS-036 (version 2.0 of June 2019).

⁽¹⁾ Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

⁽²⁾ Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

⁽³⁾ Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock — locomotives and passenger rolling stock' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228).

- (b) The 28th indent concerning Commission Regulation (EU) No 1304/2014 ⁽⁴⁾ is replaced by the following:
- Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock — noise’ amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421), as amended by Commission Implementing Regulation (EU) 2019/774 of 16 May 2019 (OJ L 139 I), 27.5.2019, p. 89).’;
- (c) As regards the 34th indent concerning Commission Regulation (EU) No 2016/919 ⁽⁵⁾, the date of ‘31 December 2023’, by which the compatibility of the following Swiss national rules with the corresponding Union technical specifications for interoperability should have been reviewed, is replaced by ‘31 December 2024’ for the following provisions:
- CH-TSI CCS-006 (version 2.1 of November 2020)
 - CH-TSI CCS-019 (version 3.0 of November 2020)
 - CH-TSI CCS-026 (version 2.1 of November 2020)
 - CH-TSI CCS-032 (version 2.1 of November 2020)
 - CH-TSI CCS-033 (version 1.1 of November 2020)
 - CH-TSI CCS-038 (version 1.1 of November 2020)
 - CH-CSM-RA-001 (version 1.0 of June 2019).;
- (d) The following indent is inserted after the indent concerning Commission Implementing Regulation (EU) 2015/171 ⁽⁶⁾:
- ‘Commission Implementing Regulation (EU) 2015/429 of 13 March 2015 setting out the modalities to be followed for the application of the charging for the cost of noise effects (OJ L 70, 14.3.2015, p. 36).’.
- (e) The following indent is inserted after the indent concerning Commission Implementing Regulation (EU) 2015/909 ⁽⁷⁾:
- ‘Commission Implementing Regulation (EU) 2015/1100 of 7 July 2015 on the reporting obligations of the Member States in the framework of rail market monitoring (OJ L 181, 9.7.2015, p. 1).’.
- (f) The following indent is inserted after the indent concerning Commission Recommendation (EU) 2019/78 ⁽⁸⁾:
- Commission Implementing Decision (EU) 2020/453 of 27 March 2020 on the harmonised standards for railway products drafted in support of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (OJ L 95, 30.3.2020, p. 1).’.

⁽⁴⁾ Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock – noise’ amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421).

⁽⁵⁾ Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the ‘control-command and signalling’ subsystems of the rail system in the European Union (OJ L 158, 15.6.2016, p. 1).

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/171 of 4 February 2015 on certain aspects of the procedure of licensing railway undertakings (OJ L 29, 5.2.2015, p. 3).

⁽⁷⁾ Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service (OJ L 148, 13.6.2015, p. 17).

⁽⁸⁾ Commission Implementing Regulation (EU) 2019/780 of 16 May 2019 on practical arrangements for issuing safety authorisations to infrastructure managers (OJ L 139I, 27.5.2019, p. 390).