

**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 [2021/35]

THE COMMUNITY/SWITZERLAND INLAND TRANSPORT 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⁾ (hereinafter '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, the amendments to the legislation concerned, or decides on any other measure aimed at safeguarding the proper functioning of the Agreement.
- (3) Switzerland plans to apply legal provisions equivalent to Directive (EU) 2016/797 of the European Parliament and of the Council ⁽²⁾ and Directive (EU) 2016/798 of the European Parliament and of the Council ⁽³⁾. By Decision No 2/2019 of the Community/Switzerland Inland Transport Committee ⁽⁴⁾, the Joint Committee, on the one hand, revised Annex 1 to the Agreement so as to incorporate the new substantive provisions of those Directives and, on the other, adopted transitory measures to maintain smooth rail traffic between Switzerland and the European Union pending amendment of the Agreement under the relevant procedures. These transitory provisions apply until 31 December 2020.
- (4) Pending the incorporation of the remaining substantive provisions, the transitory provisions set out in Articles 2, 3, 4 and 5 of Decision No 2/2019 should apply until 31 December 2021.
- (5) The date on which certain Swiss national rules listed in Annex 1 to the Agreement which might be incompatible with the technical specifications for interoperability should be reviewed to decide whether to remove, amend or keep them should be set as the date of the next Committee, and not later than 30 June 2021.
- (6) The specific cases referred to in Article 4(5) of Directive (EU) 2016/797 which may be provided for for each technical specification for interoperability in order to retain, in an appropriate manner, the compatibility of the existing rail system with regard to both network and vehicles should be listed in Annex 1 to the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Annex 1 to the Agreement is replaced by the text in the Annex to this Decision.

⁽¹⁾ OJ L 114, 30.4.2002, p. 91.

⁽²⁾ 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).

⁽³⁾ 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).

⁽⁴⁾ 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).

Article 2

Article 6 of Decision No 2/2019 shall be amended as follows:

'Article 6

1. The Swiss national rules and specific cases may supplement or derogate from European Union requirements to the extent that these rules and specific cases relate to the technical parameters of subsystems, operational aspects or aspects relating to staff carrying out safety tasks as listed in Annex 1 to the Agreement.
2. Switzerland shall notify the Agency of the national rules referred to in paragraph 1 with a view to their being published using the IT system referred to in Article 27 of Regulation (EU) 2016/796.
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 30 June 2021, those national rules and specific cases may no longer be applied unless the Joint Committee decides otherwise.'

Article 3

The second paragraph of Article 8 of Decision No 2/2019 shall be amended as follows:

'Articles 2, 3, 4 and 5 shall apply until 31 December 2021.'

Article 4

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

Done at Bern, 11 December 2020.

For the Swiss Confederation
The President
Peter FÜGLISTALER

For the European Union
The Head of the European Union Delegation
Elisabeth WERNER

ANNEX

‘ANNEX 1

APPLICABLE PROVISIONS

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

Relevant provisions of Union law

SECTION 1 – ADMISSION TO THE OCCUPATION

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

For the purposes of this Agreement,

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

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

- Commission Decision 2009/992/EU of 17 December 2009 on minimum requirements for the data to be entered in the national electronic register of road transport undertakings (OJ L 339, 22.12.2009, p. 36).
- Commission Regulation (EU) No 1213/2010 of 16 December 2010 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings (OJ L 335, 18.12.2010, p. 21).
- Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (OJ L 107, 10.4.2014, p. 39).
- Commission Regulation (EU) 2016/403 of 18 March 2016 supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator, and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council (OJ L 74, 19.3.2016, p. 8).

SECTION 2 – SOCIAL STANDARDS

- Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).
- Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).
- Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1), as last amended by Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 (OJ L 60, 28.2.2014, p. 1).
- Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35), as last amended by Regulation (EU) 2016/403 of 18 March 2016 (OJ L 74, 19.3.2016, p. 8).
- Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards (OJ L 168, 2.7.2010, p. 16).
- Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).
- Commission Implementing Regulation (EU) 2016/68 of 21 January 2016 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards (OJ L 15, 22.1.2016, p. 51), as amended by Commission Implementing Regulation (EU) 2017/1503 of 25 August 2017 (OJ L 221, 26.8.2017, p. 10).
- Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (OJ L 139, 26.5.2016, p. 1), as amended by Commission Implementing Regulation (EU) 2018/502 of 28 February 2018 (OJ L 85, 28.3.2018, p. 1).
- Commission Implementing Regulation (EU) 2017/548 of 23 March 2017 laying down a standard form for the written statement on the removal or breakage of a tachograph seal (OJ L 79, 24.3.2017, p. 1).
- Commission Implementing Decision (EU) 2017/1013 of 30 March 2017 drawing up the standard reporting form referred to in Article 17 of Regulation (EC) No 561/2006 of the European Parliament and of the Council (OJ L 153, 16.6.2017, p. 28).

SECTION 3 – TECHNICAL STANDARDS

Motorised vehicles

- Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16), as last amended by Commission Directive 2007/34/EC of 14 June 2007 (OJ L 155, 15.6.2007, p. 49).
- Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 36, 9.2.1988, p. 33), as last amended by Commission Directive 2001/27/EC of 10 April 2001 (OJ L 107, 18.4.2001, p. 10).

- Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes (OJ L 373, 31.12.1991, p. 26), as last amended by Commission Implementing Directive 2014/37/EU of 27 February 2014 (OJ L 59, 28.2.2014, p. 32).
- Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27), as amended by Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002 (OJ L 327, 4.12.2002, p. 8).
- Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as amended by Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002 (OJ L 67, 9.3.2002, p. 47).
- Council Regulation (EC) No 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered (OJ L 299, 10.11.1998, p. 1).
- Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1), as last amended by Commission Directive 2010/47/EU of 5 July 2010 (OJ L 173, 8.7.2010, p. 33).
- Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p. 1), as last amended by Commission Directive 2008/74/EC of 18 July 2008 (OJ L 192, 19.7.2008, p. 51).
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1), as last amended by Commission Regulation (EU) No 133/2014 of 31 January 2014 (OJ L 47, 18.2.2014, p. 1).
- Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1), as last amended by Commission Regulation (EU) 2016/1004 of 22 June 2016 (OJ L 165, 23.6.2016, p. 1).
- Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1), as last amended by Commission Regulation (EU) No 627/2014 of 12 June 2014 (OJ L 174, 13.6.2014, p. 28).
- Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).
- Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131), as amended by Commission Delegated Regulation (EU) 2017/1576 of 26 June 2017 (OJ L 239, 19.9.2017, p. 3).

Transportation of dangerous goods

- Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road (OJ L 249, 17.10.1995, p. 35), as last amended by Directive 2008/54/EC of the European Parliament and of the Council of 17 June 2008 (OJ L 162, 21.6.2008, p. 11).

- Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13), as last amended by Commission Directive (EU) 2018/1846 of 23 November 2018 (OJ L 299, 26.11.2018, p. 58).

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

1. Road transport

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

RO - a - CH - 1

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

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

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

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

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

Date of expiration: 1 January 2023.

RO - a - CH - 2

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

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

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

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

Initial reference to the national legislation: Appendix 1, point 1.1.3.6.3(c), of the Ordinance of 29 November 2002 on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2023.

RO - a - CH - 3

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

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

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

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

Initial reference to the national legislation: Appendix 1, point 1.1.3.6.3.10, of the Ordinance of 29 November 2002 on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiration: 1 January 2023.

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

RO - bi - CH - 1

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

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

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

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

Initial reference to the national legislation: Appendix 1, point 1.1.3.7, of the Ordinance of 29 November 2002 on the carriage of dangerous goods by road (SDR; RS 741.621).

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

Date of expiration: 1 January 2023.

RO - bi - CH - 2

Subject: Return transport of fireworks.

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

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

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

Initial reference to the national legislation: Appendix 1, point 1.1.3.8 of the Ordinance of 29 November 2002 on the carriage of dangerous goods by road (SDR; RS 741.621).

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

Date of expiration: 1 January 2023.

RO - bi - CH - 3

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

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

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

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

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

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

The requirements in 1.3 and 8.2.3 are still applicable.

Date of expiration: 1 January 2023.

2. Railway transport

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

RA - a - CH - 1

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

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

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

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

Initial reference to the national legislation: Annex to the DETEC Ordinance of 3 December 1996 relating to the transport of dangerous goods by rail and cableway installation (RSD; RS 742.401.6) and Appendix 1, Chapter 6.14, of the Ordinance of 29 November 2002 relating to the carriage of dangerous goods by road (SDR; RS 741.621)

Date of expiration: 1 January 2023.

RA - a - CH - 2

Subject: Transport document.

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

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

Content of the national legislation: A collective term may be used in the transport document if a list containing the information prescribed as stipulated above accompanies that document.

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

Date of expiration: 1 January 2023.

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

SECTION 4 – ACCESS AND TRANSIT RIGHTS WITH REGARD TO RAILWAYS

- Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25).
- Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings (OJ L 143, 27.6.1995, p. 70).
- Council Directive 95/19/EC of 19 June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees (OJ L 143, 27.6.1995, p. 75).
- Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44), as last amended by Commission Directive 2014/88/EU of 9 July 2014 (OJ L 201, 10.7.2014, p. 9).
- Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51), as last amended by Commission Directive (EU) 2016/882 of 1 June 2016 (OJ L 146, 3.6.2016, p. 22).

- Commission Regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC (OJ L 153, 14.6.2007, p. 9), as amended by Commission Regulation (EU) No 445/2011 of 10 May 2011 (OJ L 122, 11.5.2011, p. 22).
- Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC (OJ L 305, 23.11.2007, p. 30), as amended by Commission Decision 2011/107/EU of 10 February 2011 (OJ L 43, 17.2.2011, p. 33).
- Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast) (OJ L 191, 18.7.2008, p. 1), as last amended by Commission Directive 2014/38/EU of 10 March 2014 (OJ L 70, 11.3.2014, p. 20).
- Commission Decision 2009/965/EC of 30 November 2009 on the reference document referred to in Article 27(4) 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 341, 22.12.2009, p. 1), as amended by Commission Implementing Decision (EU) 2015/2299 of 17 November 2015 (OJ L 324, 10.12.2015, p. 15).
- Commission Regulation (EU) No 36/2010 of 3 December 2009 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council (OJ L 13, 19.1.2010, p. 1).
- Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ L 319, 4.12.2010, p. 1).
- Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (OJ L 326, 10.12.2010, p. 11).
- Commission Regulation (EU) No 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation (OJ L 327, 11.12.2010, p. 13).
- Commission Regulation (EU) No 201/2011 of 1 March 2011 on the model of declaration of conformity to an authorised type of railway vehicle (OJ L 57, 2.3.2011, p. 8).
- Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ L 122, 11.5.2011, p. 22).
- Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system (OJ L 123, 12.5.2011, p. 11), as last amended by Commission Implementing Regulation (EU) 2019/775 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 103).
- Commission Implementing Decision of 4 October 2011 on the European register of authorised types of railway vehicles (2011/665/EU) (OJ L 264, 8.10.2011, p. 32), as amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 108).
- Commission Decision 2011/765/EU of 22 November 2011 on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council (OJ L 314, 29.11.2011, p. 36).
- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ L 320, 17.11.2012, p. 8).

- Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock – freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1), as last amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 108).
- Commission Implementing Regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009 (OJ L 121, 3.5.2013, p. 8), as amended by Commission Implementing Regulation (EU) 2015/1136 of 13 July 2015 (OJ L 185, 14.7.2015, p. 6).
- Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'infrastructure' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 1), as amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 108).
- Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 1), as amended by Commission Implementing Regulation (EU) 2019/772 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 1).

The national rule referred to in Article 6 of Decision No 2/2019 of the Joint Committee shall apply in Switzerland:

- CH-TSI PRM-001 (version 2.0 of November 2020): Autonomous access to trains (*the rule may be incompatible with Regulation (EU) No 1300/2014 and must be reviewed before 30 June 2021*).
- Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the Union (OJ L 356, 12.12.2014, p. 179), as last amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 108).
- 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), as last amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 108).

The following national rules referred to in Article 6 of Decision No 2/2019 of the Joint Committee shall apply in Switzerland:

- CH-TSI LOC&PAS-001 (version 1.0 of June 2015): Pantograph head width;
- CH-TSI LOC&PAS-002 (version 1.0 of July 2016): Narrow switches / test of passage through switches (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-003 (version 1.0 of July 2016): Tight curves $r < 250$ m (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-004 (version 1.0 of July 2016): Track displacement force (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-005 (version 1.0 of July 2016): Cant deficiency (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-006 (version 1.0 of July 2016): Authorisation of rolling stock with category N tilting system (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-007 (version 1.0 of June 2015): Flange lubrication (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-009 (version 1.0 of June 2015): Exhaust emissions from thermal vehicles (*the rule may be incompatible with Regulation (EU) 2016/1628 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-011 (version 1.0 of July 2016): Traction limitation (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-012 (version 1.0 of July 2016): Admittance;

- CH-TSI LOC&PAS 013 (version 1.0 of July 2016): Pantograph / contact line interaction;
- CH-TSI LOC&PAS-014 (version 1.0 of July 2016): Compatibility with track-free announcing devices (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-017 (version 1.0 of July 2016): Infrastructure gauge: general (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-019 (version 2.0 of June 2019): Non-leading input signal (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-020 (version 2.0 of June 2019): Sleeping input signal with multiple-unit control (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-022 (version 2.1 of November 2020): Resetting the emergency brake (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-025 (version 2.0 of June 2019): Inhibited operability to disconnect ETCS on-board unit (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-026 (version 2.0 of June 2019): SIGNUM/ZUB not permitted on vehicles with ERTMS/ETCS Baseline 3;
- CH-TSI LOC&PAS-027 (version 2.0 of June 2019): Manual radio remote control in 'Shunting' mode (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-028 (version 1.0 of July 2016): Gauging, door area (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-030 (version 1.0 of July 2016): Use of braking systems without static friction (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-031 (version 2.1 of November 2020): Safe traction cut-off (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-035 (version 2.1 of November 2020): Sufficient braking performance during emergency braking (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-036 (version 2.0 of June 2019): Vehicles with a control panel for both directions of travel (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*);
- CH-TSI LOC&PAS-037: (version 1.0 of June 2019): ETCS service brake (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 30 June 2021*).
- Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to 'safety in railway tunnels' of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394), as last amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 108).
- Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421).
- Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006 (OJ L 356, 12.12.2014, p. 438), as last amended by Commission Implementing Regulation (EU) 2019/778 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 356).
- 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).

- 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).
- 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); Only the following provisions shall apply in Switzerland: Articles 7 (paragraphs 1 to 3), 8 to 10, 12, 15, 17, 21 (excluding paragraph 7), 22 to 25, 27 to 42, 44, 45 and 49 as well as Annexes II, III and IV.
- 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); Only the following provisions shall apply in Switzerland: Articles 9, 10 (excluding paragraph 7), 13, 14 and 17 as well as Annex III.
- 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), as amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 108).

The following national rules referred to in Article 6 of Decision No 2/2019 of the Joint Committee shall apply in Switzerland:

- CH-TSI CCS-003 (version 2.0 of June 2019): Activation / deactivation of transfer of Packet 44 to SIGNUM/ZUB;
- CH-TSI CCS-005 (version 2.0 of June 2019): Proof of Quality of Service for GSM-R radio transmission (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-006 (version 2.1 of November 2020) Loss of 'Non leading permitted' in 'Non leading' mode (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-007 (version 3.0 of November 2020) Braking curve requirement for ERTMS/ETCS Baseline 2;
- CH-TSI CCS-008 (version 3.0 of November 2020) : Minimally implemented change requests (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-011 (version 2.0 of June 2019): Euroloop functionality;
- CH-TSI CCS-015 (version 2.0 of June 2019): Simultaneous control of two GSM-R data channels;
- CH-TSI CCS-016 (version 3.0 of November 2020) Application of country-specific project planning and functions (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-018 (version 2.0 of June 2019): Level STM/NTC prohibited for SIGNUM/ZUB;
- CH-TSI CCS-019 (version 3.0 of November 2020) Acceptance and display of train data (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-022 (version 2.0 of June 2019): Reversing in 'Unfitted' mode;
- CH-TSI CCS-023 (version 2.0 of June 2019): Text message display;
- CH-TSI CCS-024 (version 2.0 of June 2019): Train data: NC_TRAIN, M_AXLELOAD, V_MAXTRAIN;
- CH-TSI CCS-026 (version 2.1 of November 2020) Online on-board monitoring of line equipment (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-032 (version 2.1 of November 2020) Unique number for ETCS on-board equipment and GSM-R cab radio (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-033 (version 1.1 of November 2020) GSM-R Voice Functionalities (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-034 (version 1.0 of June 2019): 'Non-leading' mode;

- CH-TSI CCS-035 (version 1.0 of June 2019): Text to be displayed at the DMI (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-036 (version 2.0 of November 2020): GSM-R interference resistance (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-037 (version 1.1 of November 2020): SIL2 DMI (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-TSI CCS-038 (version 1.1 of November 2020) Disclosure of large odometry confidence interval (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-CSM-RA-001 (version 1.0 of June 2019): Proof of safety concept for acquiring ETCS authorisation in Switzerland (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-CSM-RA-002 (version 1.0 of June 2019): Requirements at speeds greater than 200 km/h (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*);
- CH-CSM-RA-003 (version 1.0 of June 2019): Quality of train data (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 30 June 2021*).
- Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (OJ L 90, 6.4.2018, p. 66).
- Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012 (OJ L 129, 25.5.2018, p. 16).
- Commission Delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010 (OJ L 129, 25.5.2018, p. 26).
- Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007 (OJ L 129, 25.5.2018, p. 49).
- Commission Implementing Regulation (EU) 2019/250 of 12 February 2019 on the templates for 'EC' declarations and certificates for railway interoperability constituents and subsystems, on the model of declaration of conformity to an authorised railway vehicle type and on the 'EC' verification procedures for subsystems in accordance with Directive (EU) 2016/797 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 201/2011 (OJ L 42, 13.2.2019, p. 9).
- Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (OJ L 139 I, 27.5.2019, p. 5).

The following national rules referred to in Article 6 of Decision No 2/2019 of the Joint Committee shall apply in Switzerland:

- CH-TSI OPE-006 (version 1.0 of July 2020): Railway operating procedures: communication concepts;
- CH-TSI OPE-007 (version 1.0 of July 2020): Railway operating procedures, without a basis in the TSI OPE;
- CH-TSI OPE-008 (version 1.0 of July 2020): Regulations which relate exclusively to IMs or to the ETF.
- Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139 I, 27.5.2019, p. 312).

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

SECTION 5 – OTHER FIELDS

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