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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

COUNCIL REGULATION (EU) 2017/284**of 17 February 2017****amending Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2017/288 amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe ⁽¹⁾,

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

- (1) Council Regulation (EC) No 314/2004 ⁽²⁾ gives effect to Council Decision 2011/101/CFSP ⁽³⁾ and provides for certain measures directed against persons in Zimbabwe, including a freezing of their assets.
- (2) A derogation from the prohibition on the sale, supply, transfer and export of equipment which might be used for internal repression should be introduced in order to enable the authorisation of certain equipment, where appropriate, for the purposes of civilian use in mining or infrastructure projects, following the adoption of Decision (CFSP) 2017/288.
- (3) Regulatory action at the level of the Union is therefore necessary in order to give effect to Decision (CFSP) 2017/288, in particular with a view to ensure uniform application by economic operators in all Member States.
- (4) Regulation (EC) No 314/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 314/2004 is amended as follows:

- (1) the following Article is inserted:

'Article 4a

1. By way of derogation from Article 3, the competent authority, as listed in Annex II, of the Member State where the exporter is established or the Member State where the explosive substances or related equipment is supplied from, may authorise, under such conditions as it deems appropriate, the sale, supply, transfer or export of explosive substances and related equipment as listed in point 4 of Annex I and financial and technical assistance, where the explosive substances and related equipment are intended and will be used solely for civilian use in mining and infrastructure projects.

⁽¹⁾ OJ L 42, 18.2.2017, p. 12.

⁽²⁾ Council Regulation (EC) No 314/2004 of 19 February 2004 concerning certain restrictive measures in respect of Zimbabwe (OJ L 55, 24.2.2004, p. 1).

⁽³⁾ Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures against Zimbabwe (OJ L 42, 16.2.2011, p. 6).

2. The authorisation referred to in this Article shall be granted in accordance with the detailed rules laid down in Article 11 of Regulation (EC) No 428/2009. The authorisation shall be valid throughout the Union.

3. Exporters shall supply the competent authority with all relevant information required for the assessment of their application for an authorisation.

4. The relevant Member State shall inform the other Members States and the Commission at least two weeks in advance of its intention to grant an authorisation referred to in paragraph 1 of this Article.’;

(2) Annex I is replaced by the text appearing in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 17 February 2017.

For the Council

The President

E. BARTOLO

ANNEX

'ANNEX I

List of equipment which might be used for internal repression referred to in Article 3

1. Fire-arms, ammunition and related accessories therefor, as follows:

- 1.1. Firearms not controlled by ML 1 and ML 2 of the EU Common Military List;
- 1.2. Ammunition specially designed for the firearms listed in 1.1 and specially designed components therefor;
- 1.3. Weapon-sights not controlled by the EU Common Military List.

2. Bombs and grenades not controlled by the EU Common Military List.

3. Vehicles as follows:

- 3.1. Vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;
- 3.2. Vehicles specially designed or modified to be electrified to repel borders;
- 3.3. Vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;
- 3.4. Vehicles specially designed for the transport or transfer of prisoners and/or detainees;
- 3.5. Vehicles specially designed to deploy mobile barriers;
- 3.6. Components for the vehicles specified in 3.1 to 3.5 specially designed for the purposes of riot control.

Note 1: This item does not control vehicles specially designed for the purposes of fire-fighting.

Note 2: For the purposes of item 3.5 the term "vehicles" includes trailers.

4. Explosive substances and related equipment as follows:

- 4.1. Equipment and devices specially designed to initiate explosions by electrical or nonelectrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g., car air-bag inflators, electric-surge arresters of fire sprinkler actuators);
- 4.2. Linear cutting explosive charges not controlled by the EU Common Military List;
- 4.3. Other explosives not controlled by the EU Common Military List and related substances as follows:
 - (a) amatol;
 - (b) nitrocellulose (containing more than 12,5 % nitrogen);
 - (c) nitroglycol;
 - (d) pentaerythritol tetranitrate (PETN);
 - (e) picryl chloride;
 - (f) 2,4,6-trinitrotoluene (TNT).

5. Protective equipment not controlled by ML 13 of the EU Common Military List as follows:

5.1. Body armour providing ballistic and/or stabbing protection;

5.2. Helmets providing ballistic and/or fragmentation protection, anti-riot helmets, anti-riot shields and ballistic shields.

Note: This item does not control:

— equipment specially designed for sports activities;

— equipment specially designed for safety of work requirements.

6. Simulators, other than those controlled by ML 14 of the EU Common Military List, for training in the use of firearms, and specially designed software therefor.

7. Night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the EU Common Military List.

8. Razor barbed wire.

9. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.

10. Production equipment specially designed for the items specified in this list.

11. Specific technology for the development, production or use of the items specified in this list.'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/285
of 15 February 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 15 February 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
A remote-controlled multi-rotor helicopter (so-called 'drone') with a diagonal length of 35 cm and a weight of 1 030 g together with a remote control unit in a package for retail sale. The helicopter is equipped with a system to ensure stability, Wi-Fi and a global positioning system (GPS) module. The maximum flight speed is approximately 54 km/h and the flight time is 25 minutes. The remote control unit operates at a frequency of 2,4 GHz and is operated by four batteries. The helicopter can be controlled by the remote control unit (in an open area) for a distance of up to 1 000 m.	8802 11 00	Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 8802 and 8802 11 00. As the helicopter is equipped with advanced systems for flight and has a substantial maximum speed, it cannot be considered a toy within the meaning of heading 9503. The helicopter is therefore to be classified under CN code 8802 11 00 as a helicopter of an unladen weight not exceeding 2 000 kg.

COMMISSION DELEGATED REGULATION (EU) 2017/286**of 17 February 2017****amending Delegated Regulation (EU) 2016/1613 as regards livestock farmers in earthquake-stricken regions of Italy**

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 ⁽¹⁾, and in particular Article 219(1) in conjunction with Article 228 thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2016/1613 ⁽²⁾ was adopted to address market disturbance in the milk sector due to worldwide supply-demand imbalance, and in other livestock sectors, in particular the pigmeat, beef and veal, and sheepmeat and goatmeat sectors, which were equally experiencing market difficulties.
- (2) The earthquake that struck central Italy on 24 August 2016 caused a high level of human and material damage resulting in an exceptionally severe market disturbance in the earthquake-stricken regions which are predominantly mountainous areas suffering from structural handicaps in which livestock farming has a significant economic and social importance. As the region continues to be hit by aftershocks and new earthquakes, recourse to financial aid provided for by Delegated Regulation (EU) 2016/1613 has become even more crucial for Italy.
- (3) As the amount allocated to Italy under Delegated Regulation (EU) 2016/1613 will only compensate for a limited amount of the actual loss suffered by livestock farmers in earthquake-stricken regions, it is appropriate to provide for Italy to grant additional support to those farmers by further topping-up its Union aid.
- (4) Delegated Regulation (EU) 2016/1613 set a deadline of 30 September 2017 for the corresponding expenditure to be made in order for those payments to be eligible for Union aid, without knowing at that time that the particular situation in Italy's earthquake-stricken regions would continue to deteriorate. It is therefore appropriate to postpone that deadline for the relevant expenditure to be made to a later date.
- (5) It is equally appropriate to postpone the deadline for Italy to notify the total amounts paid per measure, the number and type of beneficiaries, and the assessment of the effectiveness of the measure.
- (6) In order to ensure that livestock farmers in Italy's earthquake-stricken regions receive the aid as soon as possible, provision should be made for Italy to apply the rules laid down in Delegated Regulation (EU) 2016/1613, as amended by this Regulation, without delay. Therefore, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2016/1613 is amended as follows:

- (1) In Article 1(1), the following subparagraph is added:

‘However, as regards the earthquake-stricken regions in Italy, expenditure in relation to the payments under this Regulation for livestock farmers shall only be eligible for Union aid if those payments have been made by 30 September 2018 at the latest.’

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Delegated Regulation (EU) 2016/1613 of 8 September 2016 providing for exceptional adjustment aid to milk producers and farmers in other livestock sectors (OJ L 242, 9.9.2016, p. 10).

(2) In Article 2, the following subparagraphs are added:

‘In addition to the support referred to in the first subparagraph, with regard to Italy, further support for livestock farmers in earthquake-stricken regions may be granted up to a maximum of 100 % of the amount as set out in the Annex.

Additional support for livestock farmers in earthquake-stricken regions in Italy shall be paid by 30 September 2018 at the latest.’

(3) In Article 3(b), the following subparagraph is added:

‘However, with regard to support for livestock farmers in earthquake-stricken regions, Italy shall notify the Commission no later than 15 October 2018 of the total amounts paid per measure, the number and type of beneficiaries and the assessment of the effectiveness of the measure.’

Article 2

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

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

Done at Brussels, 17 February 2017.

For the Commission
The President
Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/287**of 17 February 2017****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 ⁽¹⁾,

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 ⁽²⁾, 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*.

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

Done at Brussels, 17 February 2017.

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	337,2
	MA	108,3
	TN	194,0
	TR	126,9
	ZZ	191,6
0707 00 05	MA	79,2
	TR	184,4
	ZZ	131,8
0709 91 00	EG	128,6
	ZZ	128,6
0709 93 10	MA	58,6
	TR	175,4
	ZZ	117,0
0805 10 22, 0805 10 24, 0805 10 28	EG	51,5
	IL	74,6
	MA	45,3
	TN	49,5
	TR	76,2
	ZZ	59,4
	EG	88,5
0805 21 10, 0805 21 90, 0805 29 00	IL	127,8
	JM	122,7
	MA	92,4
	TR	86,8
	ZZ	103,6
	IL	115,2
	MA	98,4
0805 22 00	ZZ	106,8
0805 50 10	EG	82,4
	TR	74,5
	ZZ	78,5
0808 10 80	CN	128,2
	US	115,7
	ZZ	122,0
0808 30 90	CL	163,7
	CN	102,6
	ZA	115,6
	ZZ	127,3

⁽¹⁾ 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'.

DECISIONS

COUNCIL DECISION (CFSP) 2017/288

of 17 February 2017

amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 15 February 2011, the Council adopted Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe ⁽¹⁾.
- (2) A derogation from the prohibition on the sale, supply, transfer or export of equipment which might be used for internal repression should be introduced in order to enable the sale, supply, transfer or export of certain items which are solely for civilian use in mining or infrastructure projects.
- (3) The Council has carried out a review of Decision 2011/101/CFSP, taking into account political developments in Zimbabwe.
- (4) The restrictive measures against Zimbabwe should be extended until 20 February 2018.
- (5) The restrictive measures should be maintained for the seven persons and the one entity listed in Annex I to Decision 2011/101/CFSP. The suspension of the restrictive measures should be renewed for the five persons listed in Annex II to Decision 2011/101/CFSP.
- (6) Decision 2011/101/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2011/101/CFSP is amended as follows:

- (1) in Article 3, the following paragraph is added:

‘3. Article 2 shall not apply to the sale, supply, transfer or export of certain equipment which might be used for internal repression where the equipment is solely for civilian use in mining or infrastructure projects, subject to authorisation on a case-by-case basis by the competent authorities of the exporting Member State.’;

- (2) Article 10 is replaced by the following:

Article 10

1. This Decision shall enter into force on the date of its adoption.
2. This Decision shall apply until 20 February 2018.

⁽¹⁾ Council Decision 2011/101/CFSP of 15 February 2011 concerning restrictive measures against Zimbabwe (OJ L 42, 16.2.2011, p. 6).

3. The measures referred to in Article 4(1) and Article 5(1) and (2), insofar as they apply to persons listed in Annex II, shall be suspended until 20 February 2018.
4. This Decision shall be kept under constant review and shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.’

Article 2

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

Done at Brussels, 17 February 2017.

For the Council
The President
E. BARTOLO

COUNCIL DECISION (CFSP) 2017/289**of 17 February 2017****amending Decision (CFSP) 2015/2005 extending the mandate of the European Union Special Representative in Afghanistan**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 33 and 31(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 22 July 2013, the Council adopted Decision 2013/393/CFSP ⁽¹⁾ appointing Mr Franz-Michael SKJOLD MELLBIN as the European Union Special Representative (EUSR) in Afghanistan.
- (2) On 10 November 2015, the Council adopted Decision (CFSP) 2015/2005 ⁽²⁾ extending the mandate of the EUSR until 28 February 2017.
- (3) On 12 May 2016, the Council confirmed the Union's commitment to supporting civilian policing in Afghanistan beyond the completion of EUPOL Afghanistan in 2016. The Council highlighted in particular that the progress achieved by Afghanistan in the respect, protection and promotion of human rights and especially women's and children's rights, must be consolidated and further improved and mainstreamed in all government activities. That support should be provided in particular through the reinforcement of the EUSR mandate in Afghanistan.
- (4) The mandate of the EUSR should be extended for a further period of six months.
- (5) The EUSR will implement his mandate in the context of a situation which may deteriorate and could impede the achievement of the objectives of the Union's external action as set out in Article 21 of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2015/2005 is amended as follows:

- (1) Article 1 is replaced by the following:

*'Article 1***European Union Special Representative**

The mandate of Mr Franz-Michael SKJOLD MELLBIN as the EUSR in Afghanistan is extended until 31 August 2017. The Council may decide that the mandate of the EUSR be terminated earlier, based on an assessment by the Political and Security Committee (PSC) and a proposal from the High Representative of the Union for Foreign Affairs and Security Policy (HR).;

⁽¹⁾ Council Decision 2013/393/CFSP of 22 July 2013 amending Decision 2013/382/CFSP extending the mandate of the European Union Special Representative in Afghanistan (OJ L 198, 23.7.2013, p. 47).

⁽²⁾ Council Decision (CFSP) 2015/2005 of 10 November 2015 extending the mandate of the European Union Special Representative in Afghanistan (OJ L 294, 11.11.2015, p. 53).

(2) Article 2 is replaced by the following:

'Article 2

Policy objectives

The EUSR shall represent the Union and promote Union policy objectives in Afghanistan, in close coordination with Member States' representatives in Afghanistan. More specifically, the EUSR shall:

- (a) contribute to the implementation of the EU-Afghanistan Joint Declaration, the EU Strategy in Afghanistan 2014-16 as well as to the development of the new EU Strategy in Afghanistan 2017-2020 and, as appropriate, to the implementation of the EU-Afghan Cooperation Agreement on Partnership and Development (CAPD) and the Joint Way Forward on migration issues between Afghanistan and the EU;
- (b) support Union-Afghanistan political dialogue;
- (c) support the pivotal role played by the United Nations (UN) in Afghanistan with particular emphasis on contributing to better coordinated international assistance, thereby promoting the implementation of the Bonn, Chicago, Tokyo, London and Brussels Conference Communiqués, as well as relevant UN Resolutions;
- (d) support the Afghan reform process towards a trustworthy and efficient police service working in accordance with international standards, within the framework of the rule of law and in full respect for human rights.;

(3) Article 3 is replaced by the following:

'Article 3

Mandate

In order to fulfil the mandate, the EUSR shall, in close cooperation with Member States' representatives in Afghanistan:

- (a) promote the views of the Union on the political process and developments in Afghanistan;
- (b) maintain close contact with, and support the development of, relevant Afghan institutions, in particular the Government and the Parliament as well as the local authorities. Contact should also be maintained with other Afghan political groups and other relevant actors in Afghanistan, in particular relevant civil society actors;
- (c) maintain close contact with relevant international and regional stakeholders in Afghanistan, in particular the Special Representative of the Secretary-General of the UN and the Senior Civilian Representative of the North Atlantic Treaty Organisation (NATO) and other key partners and organisations;
- (d) advise on the progress achieved in meeting the objectives of the EU-Afghanistan Joint Declaration, of the EU Strategy in Afghanistan 2014-16, the EU-Afghan Cooperation Agreement on Partnership and Development (CAPD) and of the Bonn, Chicago, Tokyo, London and Brussels Conference Communiqués in particular in the following areas:
 - (i) civilian capacity building, especially at sub-national level;
 - (ii) good governance, anti-corruption and the establishment of institutions necessary for the existence of the rule of law, in particular an independent judiciary;
 - (iii) electoral and constitutional reforms;
 - (iv) security sector reforms, including the strengthening of judicial institutions and the rule of law, the national army and the police force, and in particular the development of the civilian police service;
 - (v) promotion of growth, namely through agriculture and rural development;
 - (vi) respect for Afghanistan's international human rights obligations, including respect for the rights of persons belonging to minorities and the rights of women and children;
 - (vii) respect of democratic principles and the rule of law;

- (viii) fostering participation of women in public administration, civil society and, in accordance with UN Security Council Resolution 1325(2000), peace processes;
- (ix) respect for Afghanistan's international obligations, including cooperation in international efforts to combat terrorism, illicit drug trafficking, trafficking in human beings and proliferation of arms and weapons of mass destruction and related materials;
- (x) facilitation of humanitarian assistance and the orderly return of refugees and internally displaced persons; and
- (xi) enhancing the effectiveness of Union presence and activities in Afghanistan and contributing to:
 - the formulation of the implementation report on the EU Strategy in Afghanistan 2014-16, as requested by the Council;
 - the formulation of the new EU — Afghanistan Strategy 2017-20;
 - the implementation of the Joint Way Forward on migration issues between Afghanistan and the EU;
- (e) support the development of the police service in Afghanistan, namely by:
 - (i) monitoring and advising the Afghan authorities at a strategic level to improve the long term development of leadership and decision-making capacity with a view to foster civilian policing within the Afghan National Police (ANP);
 - (ii) monitoring and advising the Ministry of Interior Affairs (MoIA) on selected aspects related to MoIA reform and ANP professionalisation, such as implementation of policies related to community policing, intelligence-led policing, criminal investigation;
 - (iii) monitoring and advising the Ministry of Justice Anti-Corruption Justice Centre to develop the capacity and capabilities to address senior level public sector corruption;
- (f) actively participate in local coordination fora such as the Joint Coordination and Monitoring Board, while keeping non-participating Member States fully informed of decisions taken at these levels;
- (g) participate in and advise on the positions of the Union in international conferences with regard to Afghanistan in close liaison with the Afghan authorities and the main international partners;
- (h) take an active role in promoting regional cooperation through relevant initiatives including the Heart of Asia/Istanbul Process and the Regional Economic Conference on Afghanistan (RECCA);
- (i) contribute to the implementation of the Union's human rights policy and the EU Guidelines on Human Rights, in particular with regard to women and children in conflict-affected areas, especially by monitoring and addressing developments in this regard;
- (j) provide, as appropriate, support to inclusive and Afghan-led peace processes, leading to negotiated political settlements and lasting reconciliation in accordance with paragraph 25 of the Communiqué of the participants of Brussels Conference on Afghanistan, partnership for prosperity and peace.;

(4) In Article 5, paragraph 1, the following subparagraph is added:

'The financial reference amount intended to cover the expenditure related to the mandate of the EUSR in the period from 1 March 2017 to 31 August 2017 shall be EUR 5 700 000.;

(5) Article 14 is replaced by the following:

'Article 14

Review

The implementation of this Decision and its consistency with other contributions from the Union to the region shall be kept under regular review. The EUSR shall present the Council, the HR and the Commission with a comprehensive mandate implementation report by the end of his mandate.'

*Article 2***Entry into force**

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

Done at Brussels, 17 February 2017.

For the Council

The President

E. BARTOLO

COUNCIL IMPLEMENTING DECISION (EU) 2017/290**of 17 February 2017****amending Decision 2009/935/JHA as regards the list of third States and organisations with which Europol shall conclude agreements**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) ⁽¹⁾, and in particular point (a) of Article 26(1) thereof,

Having regard to Council Decision 2009/934/JHA of 30 November 2009 adopting the implementing rules governing Europol's relations with partners, including the exchange of personal data and classified information ⁽²⁾, and in particular Articles 5 and 6 thereof,

Having regard to the opinion of the European Parliament ⁽³⁾,

Whereas:

- (1) On 30 November 2009 the Council adopted Decision 2009/935/JHA ⁽⁴⁾.
- (2) Point (a) of Article 26(1) of Decision 2009/371/JHA confers on the Council implementing powers to determine the list of third States and organisations with which Europol is to conclude agreements. Pursuant to Decisions 2009/371/JHA and 2009/935/JHA, that list is set out in the Annex to Decision 2009/935/JHA.
- (3) It is for Europol's Management Board to review the list when necessary and to decide whether to propose amendments thereto to the Council.
- (4) Regulation (EU) 2016/794 of the European Parliament and of the Council ⁽⁵⁾ ('the Europol Regulation') will apply from 1 May 2017. Pursuant to Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not bound by the Europol Regulation or subject to its application. Therefore, as of 1 May 2017, Denmark will be regarded as a third country with respect to Europol.
- (5) Given the importance attached by all sides to preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy, it is important to ensure cooperation between Europol and Denmark on key matters so as to enhance the Union's resilience to security threats.
- (6) In accordance with point (c) of Article 25(1) of the Europol Regulation, a cooperation agreement allowing for the exchange of personal data concluded, before 1 May 2017, between Europol and a third country in accordance with Article 23 of Decision 2009/371/JHA may constitute the basis for the transfer of personal data from Europol to a third country, insofar as such transfer is necessary for the performance of Europol's tasks.
- (7) On 20 December 2016 Europol's Management Board decided to recommend that the Council add Denmark to the list, outlining the operational need to conclude a cooperation agreement with Denmark.

⁽¹⁾ OJ L 121, 15.5.2009, p. 37.

⁽²⁾ OJ L 325, 11.12.2009, p. 6.

⁽³⁾ Opinion of 14 February 2017 (not yet published in the Official Journal).

⁽⁴⁾ Council Decision 2009/935/JHA of 30 November 2009 determining the list of third States and organisations with which Europol shall conclude agreements (OJ L 325, 11.12.2009, p. 12).

⁽⁵⁾ Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).

- (8) In order to avoid an operational gap as of 1 May 2017, when Denmark will no longer participate in Europol as a Member State, it is most important that Europol initiate the procedure for the conclusion of a cooperation agreement with Denmark as a third country without delay.
- (9) Denmark is bound by Decision 2009/371/JHA and is therefore taking part in the adoption and application of this Decision, which implements Decision 2009/371/JHA.
- (10) The United Kingdom and Ireland are bound by Decision 2009/371/JHA and are therefore taking part in the adoption and application of this Decision, which implements Decision 2009/371/JHA.
- (11) Decision 2009/935/JHA should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In point 1 of the Annex to Decision 2009/935/JHA, the following entry is inserted:

‘— Denmark’.

Article 2

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

It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 17 February 2017.

For the Council
The President
E. BARTOLO

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 2/2016 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 8 December 2016

**replacing the Annex to the Agreement between the European Community and the Swiss
Confederation on Air Transport [2017/291]**

THE EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE,

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

HAS DECIDED AS FOLLOWS:

Sole Article

The Annex to this Decision replaces the Annex to the Agreement, as from 1 February 2017.

Done at Geneva, on 8 December 2016.

For the Joint Committee

The Head of the European Union Delegation
Filip CORNELIS

The Head of the Swiss Delegation
Christian HEGNER

ANNEX

For the purposes of this Agreement:

- By virtue of the Treaty of Lisbon, entered into force on 1 December 2009, the European Union shall replace and succeed the European Community;
- Wherever acts specified in this Annex contain references to Member States of the European Community, as replaced by the European Union, or a requirement for a link with the latter, the references shall, for the purpose of the Agreement, be understood to apply equally to Switzerland or to the requirement of a link with Switzerland;
- The references to Council Regulations (EEC) No 2407/92 and (EEC) No 2408/92 made in the Articles 4, 15, 18, 27 and 35 of the Agreement, shall be understood as references to Regulation (EC) No 1008/2008 of the European Parliament and of the Council;
- Without prejudice to Article 15 of this Agreement, the term ‘Community air carrier’ referred to in the following Community directives and regulations shall include an air carrier which is licensed and has its principal place of business and, if any, its registered office in Switzerland in accordance with the provisions of Regulation (EC) No 1008/2008. Any reference to Regulation (EEC) No 2407/92 shall be understood as reference to Regulation (EC) No 1008/2008;
- Any reference in the following texts to Articles 81 and 82 of the Treaty or to Articles 101 and 102 of the Treaty on the Functioning of the European Union shall be understood to mean Articles 8 and 9 of this Agreement.

1. Aviation liberalisation and other civil aviation rules

No 1008/2008

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

No 2000/79

Council Directive of 27 November 2000 concerning the implementation of the European Agreement on the Organisation of Working Time of Mobile Workers in Civil Aviation concluded by the Association of European Airlines (AEA), the European Transport Workers' Federation (ETF), the European Cockpit Association (ECA), the European Regions Airline Association (ERA) and the International Air Carrier Association (IACA)

No 93/104

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

- Directive 2000/34/EC

No 437/2003

Regulation of the European Parliament and of the Council of 27 February 2003 on statistical returns in respect of the carriage of passengers, freight and mail by air

No 1358/2003

Commission Regulation of 31 July 2003 implementing Regulation (EC) No 437/2003 of the European Parliament and of the Council on statistical returns in respect of the carriage of passengers, freight and mail by air and amending Annexes I and II thereto

No 785/2004

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

- Commission Regulation (EU) No 285/2010

No 95/93

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

— Regulation (EC) No 793/2004

No 2009/12

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

No 96/67

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

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

No 80/2009

Regulation of the European Parliament and of the Council of 14 January 2009 on a Code of Conduct for computerised reservation systems and repealing Council Regulation (EEC) No 2299/89.

2. Competition rules

No 1/2003

Council Regulation of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Articles 1-13, 15-45)

(To the extent that this Regulation is relevant for the application of this agreement. The insertion of this Regulation does not affect the division of tasks according to this agreement)

No 773/2004

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

— Commission Regulation (EC) No 1792/2006,

— Commission Regulation (EC) No 622/2008

No 139/2004

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

(Article 1-18, 19(1)-(2), and 20-23)

With respect to Article 4(5) of the Merger Regulation the following shall apply between the European Community and Switzerland:

- (1) With regard to a concentration as defined in Article 3 of Regulation (EC) No 139/2004 which does not have a Community dimension within the meaning of Article 1 of that Regulation and which is capable of being reviewed under the national competition laws of at least three EC Member States and the Swiss Confederation, the persons or undertakings referred to in Article 4(2) of that Regulation may, before any notification to the competent authorities, inform the EC Commission by means of a reasoned submission that the concentration should be examined by the Commission.

- (2) The European Commission shall transmit all submissions pursuant to Article 4(5) of Regulation (EC) No 139/2004 and the previous paragraph to the Swiss Confederation without delay.
- (3) Where the Swiss Confederation has expressed its disagreement as regards the request to refer the case, the competent Swiss competition authority shall retain its competence, and the case shall not be referred from the Swiss Confederation pursuant to this paragraph.

With respect to time limits referred to in Articles 4(4) and (5), Articles 9(2) and (6), and Articles 22(2) of the Merger Regulation:

- (1) The European Commission shall transmit all the relevant documents pursuant to Articles 4(4) and (5), Articles 9(2) and (6) and Article 22(2) to the competent Swiss competition authority without delay.
- (2) The calculation of the time limits referred to in Articles 4(4) and (5), Articles 9(2) and (6), and Article 22(2) of Regulation (EC) No 139/2004 shall start, for the Swiss Confederation, upon receipt of the relevant documents by the competent Swiss competition authority.

No 802/2004

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

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

No 2006/111

Commission Directive of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings

No 487/2009

Council Regulation of 25 May 2009 on the application of Article 81(3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector.

3. Aviation safety

No 216/2008

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

- Commission Regulation (EC) No 690/2009,
- Regulation (EC) No 1108/2009,
- Commission Regulation (EU) No 6/2013,
- Commission Regulation (EU) 2016/4

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 ⁽¹⁾:

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

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

A/c – [HB-ZCW, HB-ZDF] — type MD900.

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,
- Commission Regulation (EU) 2016/539

No 3922/91

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

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

No 996/2010

Regulation of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC, as amended by:

- Regulation (EU) No 376/2014

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

⁽¹⁾ OJ L 243, 27.9.2003, p. 6.

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) 2016/963

No 1332/2011

Commission Regulation of 16 December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance, as amended by:

— Commission Regulation (EU) 2016/583

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,
- Commission Regulation (EU) 2015/1039,
- Commission Regulation (EU) 2016/5

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,
- Commission Regulation (EU) 2015/1329,
- Commission Regulation (EU) 2015/640,
- Commission Regulation (EU) 2015/2338,
- Commission Regulation (EU) 2016/1199

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 376/2014

Regulation of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007

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, as amended by:

— Commission Regulation (EU) 2016/1158

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, as amended by:

— Commission Regulation (EU) 2015/1088,

— Commission Regulation (EU) 2015/1536

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

No 2015/640

Commission Regulation of 23 April 2015 on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012

No 2015/1018

Commission Implementing Regulation of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council.

4. Aviation Security

No 300/2008

Regulation of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002

No 272/2009

Commission Regulation of 2 April 2009 supplementing the common basic standards on civil aviation security laid down in the Annex to Regulation (EC) No 300/2008 of the European Parliament and of the Council, as amended by:

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

No 1254/2009

Commission Regulation of 18 December 2009 setting criteria to allow Member States to derogate from the common basic standards on civil aviation security and to adopt alternative security measures

No 18/2010

Commission Regulation of 8 January 2010 amending Regulation (EC) No 300/2008 of the European Parliament and of the Council as far as specifications for national quality control programmes in the field of civil aviation security are concerned

No 72/2010

Commission Regulation of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security, as amended by:

- Commission Implementing Regulation (EU) 2016/472

No 2015/1998

Commission Implementing Regulation of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security, as amended by:

- Commission Implementing Regulation (EU) 2015/2426

No 2015/8005

Commission Implementing Decision of 16 November 2015 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.

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 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, as amended by:

- Commission Implementing Regulation (EU) No 1035/2011

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,

— Commission Implementing Regulation (EU) 2016/1006

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,
- Commission Implementing Regulation (EU) 2016/1185

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

No 2015/2224

Commission Implementing Decision of 27 November 2015 on the appointment of the chairperson, the members and their alternates of the Network Management Board for the air traffic management network functions for the second reference period (2015-2019)

No 2016/1373

Commission Implementing Decision of 11 August 2016 approving the Network Performance Plan for the second reference period of the Single European Sky performance scheme (2015-2019)

6. Environment and noise

No 2002/30

Directive of the European Parliament and of the Council of 26 March 2002 on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports (Articles 1-12, and 14-18)

(The amendments to Annex I, arising from Annex II, Chapter 8 (Transport policy), Section G (Air transport), point 2 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, shall apply).

No 89/629

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

(Articles 1-8)

No 2006/93

Directive of the European Parliament and of the Council of 12 December 2006 on the regulation of the operation of aeroplanes covered by Part II, Chapter 3, Volume 1 of Annex 16 to the Convention on International Civil Aviation, second edition (1988).

7. Consumer protection

No 90/314

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

(Articles 1-10)

No 93/13

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

(Articles 1-11)

No 2027/97

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

— Regulation (EC) No 889/2002

No 261/2004

Regulation of the Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91

(Articles 1-18)

No 1107/2006

Regulation of the European Parliament and of the Council of 5 July 2006 concerning the right of disabled persons and persons with reduced mobility when travelling by air.

8. Miscellaneous

No 2003/96

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

(Article 14(1)(b), and Article 14(2).

9. Annexes

A: Protocol on the Privileges and Immunities of the European Union

B: Provisions on financial control by the European Union as regards Swiss participants in activities of the EASA

ANNEX A

Protocol on the privileges and immunities of the European Union

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 343 of the Treaty on the Functioning of the European Union and Article 191 of the Treaty establishing the European Atomic Energy Community ('EAEC'), the European Union and the EAEC shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community:

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN UNION*Article 1*

The premises and buildings of the Union shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Union shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Union shall be inviolable.

Article 3

The Union, its assets, revenues and other property shall be exempt from all direct taxes.

The governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Union makes, for its official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Union.

No exemption shall be granted in respect of taxes and dues which amount merely to charges for public utility services.

Article 4

The Union shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use: articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Union shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of its publications.

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER*Article 5*

For their official communications and the transmission of all their documents, the institutions of the Union shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Union shall not be subject to censorship.

Article 6

Laissez-passer in a form to be prescribed by the Council, acting by a simple majority, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Union by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of officials and the Conditions of Employment of other servants of the Union.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of third countries.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT*Article 7*

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 8

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 9

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS OF THE EUROPEAN UNION*Article 10*

Representatives of Member States taking part in the work of the institutions of the Union, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Union.

CHAPTER V

OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN UNION*Article 11*

In the territory of each Member State and whatever their nationality, officials and other servants of the Union shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Union and, on the other hand, to the jurisdiction of the Court of Justice of the European Union in disputes between the Union and its officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 12

Officials and other servants of the Union shall be liable to a tax for the benefit of the Union on salaries, wages and emoluments paid to them by the Union, in accordance with the conditions and procedure laid down by the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and after consultation of the institutions concerned.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Union.

Article 13

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Union, officials and other servants of the Union who, solely by reason of the performance of their duties in the service of the Union, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Union, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Union. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of third countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 14

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and after consultation of the institutions concerned, shall lay down the scheme of social security benefits for officials and other servants of the Union.

Article 15

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, and after consulting the other institutions concerned, shall determine the categories of officials and other servants of the Union to whom the provisions of Article 11, the second paragraph of Article 12, and Article 13 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF THIRD COUNTRIES ACCREDITED TO THE EUROPEAN UNION*Article 16*

The Member State in whose territory the Union has its seat shall accord the customary diplomatic immunities and privileges to missions of third countries accredited to the Union.

CHAPTER VII

GENERAL PROVISIONS*Article 17*

Privileges, immunities and facilities shall be accorded to officials and other servants of the Union solely in the interests of the Union.

Each institution of the Union shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Union.

Article 18

The institutions of the Union shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 19

Articles 11 to 14 and Article 17 shall apply to Members of the Commission.

Article 20

Articles 11 to 14 and Article 17 shall apply to the Judges, the Advocates-General, the Registrars and the Assistant Rapporteurs of the Court of Justice of the European Union, without prejudice to the provisions of Article 3 of the Protocol on the Statute of the Court of Justice of the European Union relating to immunity from legal proceedings of Judges and Advocates-General.

Article 21

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 22

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

*Appendix***Procedures for the application in Switzerland of the Protocol on privileges and immunities of the European Union****1. Extension of application to Switzerland**

Wherever the Protocol on the privileges and immunities of the European Union (hereinafter called 'the Protocol') contains references to Member States, the references are to be understood to apply equally to Switzerland, unless the following provisions determine otherwise.

2. Exemption of the Agency from indirect taxation (including VAT)

Goods and services exported from Switzerland are not to be subject to Swiss value added tax (VAT). In the case of goods and services provided to the Agency in Switzerland for its official use, in accordance with the second paragraph of Article 3 of the Protocol, exemption from VAT is by way of refund. Exemption from VAT shall be granted if the actual purchase price of the goods and services mentioned in the invoice or equivalent document totals at least 100 Swiss francs (inclusive of tax).

The VAT refund is to be granted on presentation to the Federal Tax Administration's VAT Main Division of the Swiss forms provided for the purpose. As a rule, refund applications must be processed within the three months following the date on which they were lodged together with the necessary supporting documents.

3. Procedures for the application of the rules relating to the Agency's staff

As regards the second paragraph of Article 12 of the Protocol, Switzerland shall exempt, according to the principles of its national law, officials and other servants of the Agency within the meaning of Article 2 of Regulation (Euratom, ECSC, EEC) No 549/69 of the Council ⁽¹⁾ from federal, cantonal and communal taxes on salaries, wages and emoluments paid to them by the European Union and subject to an internal tax for its own benefit.

Switzerland shall not be considered as a Member State within the meaning of point 1 above for the application of Article 13 of the Protocol.

Officials and other servants of the Agency and members of their families who are members of the social insurance system applicable to officials and other servants of the European Union are not obliged to be members of the Swiss social security system.

The Court of Justice of the European Union shall have exclusive jurisdiction in any matters concerning relations between the Agency or the Commission and its staff with regard to the application of Regulation (EEC, Euratom, ECSC) No 259/68 of the Council ⁽²⁾ and the other provisions of the European Union law laying down working conditions.

⁽¹⁾ Regulation (Euratom, ECSC, EEC) No 549/69 of the Council of 25 March 1969 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply (OJ L 74, 27.3.1969, p. 1).

⁽²⁾ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (Conditions of Employment of Other Servants) (OJ L 56, 4.3.1968, p. 1).

ANNEX B

Financial control as regards Swiss participants in activities of the European Aviation Agreement*Article 1***Direct communication**

The Agency and the Commission shall communicate directly with all persons or entities established in Switzerland and participating in activities of the Agency, as contractors, participants in Agency programmes, recipients of payments from the Agency or the Community budget, or subcontractors. Such persons may send directly to the Commission and to the Agency all relevant information and documentation which they are required to submit on the basis of the instruments referred to in this Decision and of contracts or agreements concluded and any decisions taken pursuant to them.

*Article 2***Checks**

1. In accordance with Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾ and the Financial Regulation adopted by the Management Board of the Agency on 26 March 2003, with Commission Regulation (EC, Euratom) No 2343/2002 ⁽²⁾ and with the other instruments referred to in this Decision, contracts or agreements concluded and decisions taken with beneficiaries established in Switzerland may provide for scientific, financial, technological or other audits to be conducted at any time on the premises of the beneficiaries and of their subcontractors by Agency and Commission officials or by other persons mandated by the Agency and the Commission.
2. Agency and Commission officials and other persons mandated by the Agency and the Commission shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access shall be stated explicitly in the contracts or agreements concluded to implement the instruments referred to in this Decision.
3. The European Court of Auditors is to have the same rights as the Commission.
4. The audits may take place until five years after the expiry of this Decision or under the terms of the contracts or agreements concluded and the decisions taken.
5. The Swiss Federal Audit Office is to be informed in advance of audits conducted on Swiss territory. This information will not be a legal condition for carrying out such audits.

*Article 3***On-the-spot checks**

1. Under this Agreement, the Commission (OLAF) is authorised to carry out on-the-spot checks and inspections on Swiss territory, under the terms and conditions set out in Council Regulation (Euratom, EC) No 2185/96 ⁽³⁾.
2. On-the-spot checks and inspections shall be prepared and conducted by the Commission in close cooperation with the Swiss Federal Audit Office or with other competent Swiss authorities appointed by the Swiss Federal Audit Office, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Swiss authorities may participate in the on-the-spot checks and inspections.

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

⁽²⁾ Commission Regulation (EC, Euratom) No 2343/2002 of 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 (OJ L 357, 31.12.2002, p. 72).

⁽³⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

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

Article 7

Recovery and enforcement

Decisions taken by the Agency or the Commission within the scope of this Decision which impose a pecuniary obligation on persons other than States shall be enforceable in Switzerland.

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

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

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.

CORRIGENDA**Corrigendum to Commission Regulation (EU) No 1357/2014 of 18 December 2014 replacing Annex III to Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives**

(Official Journal of the European Union L 365 of 19 December 2014)

On page 96, Annex, last paragraph after Table 9:

for: 'Test methods:

The methods to be used are described in Council Regulation (EC) No 440/2008 ⁽¹⁾ and in other relevant CEN notes or other internationally recognised test methods and guidelines.'

read: 'Test methods:

The methods to be used are described in Commission Regulation (EC) No 440/2008 ⁽¹⁾ and in other relevant CEN notes or other internationally recognised test methods and guidelines.';

on page 96, Annex, footnote 1:

for: 'Council Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).',

read: 'Commission Regulation (EC) No 440/2008 of 30 May 2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.5.2008, p. 1).'

