

Official Journal of the European Union

L 194



English edition

Legislation

Volume 63

18 June 2020

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⁽¹⁾ Text with EEA relevance.

EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2020/797

of 17 June 2020

amending Regulation (EU) No 142/2011 as regards requirements for animal by-products and derived products originating from, and returning to, the Union following refusal of entry by a third country*(Text with EEA relevance)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 ⁽¹⁾, and in particular the first subparagraph of Article 41(3) and Article 42(2)(a) thereof,

Whereas:

- (1) Commission Regulation (EU) No 142/2011 ⁽²⁾ lays down measures to implement the rules laid down in Regulation (EC) No 1069/2009, including public and animal health rules for import or transit of animal by-products and derived products into, or sent in transit through the Union, in order to prevent and minimise risks to public and animal health arising from those products.
- (2) Article 15 of Council Directive 97/78/EC ⁽³⁾ lays down rules concerning the veterinary checks to be conducted for the purposes of authorising the re-importation of consignments of products of Union origin returning to the Union following a refusal of entry by a third country. Regulation (EU) 2017/625 of the European Parliament and of the Council ⁽⁴⁾ repeals and replaces Directive 97/78/EC with effect from 14 December 2019.

⁽¹⁾ OJ L 300, 14.11.2009, p. 1.

⁽²⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

⁽³⁾ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

⁽⁴⁾ Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 7.4.2017, p. 1).

- (3) Commission Delegated Regulation (EU) 2019/2074 ⁽⁵⁾ establishes rules for the performance of specific official controls of consignments of animals and goods referred to in Article 47(1)(a), (b) and (c) of Regulation (EU) 2017/625 originating from, and returning to, the Union following a refusal of entry by a third country, among them animal by-products and derived products.
- (4) The animal and public health requirements for the entry into the Union of animal by-products and derived products originating from, and returning to, the Union following a refusal of entry by a third country should be established in accordance with Articles 41 and 42 of Regulation (EC) No 1069/2009.
- (5) In the absence of animal and public health requirements relevant for the return of refused consignments of animal by-products and derived products, those consignments are subject to the general import rules set out in Regulation (EC) No 1069/2009 and product-specific requirements for importation set out in Annex XIV to Regulation (EU) No 142/2011, which could prevent the return to the Union of certain consignments of EU origin following refusal by a third country, for example because of the absence of the product-specific commercial document or health certificate required for entry.
- (6) However, animal and public health risk posed by animal by-products and derived products originating from the Union is different to risks posed by those commodities originating in third countries. A consignment of animal by-products and derived products originating from, and returning to, the Union following a refusal of entry by third countries therefore does not need to be accompanied by a commercial document, health certificate or where appropriate declaration which corresponds to a model currently laid down pursuant to point (d) of the first subparagraph of Article 42(2) of Regulation (EC) No 1069/2009 as required for consignments originating from third countries.
- (7) The aforementioned consignment should be allowed to enter the Union and to be sent to any establishment or plant approved in accordance with Article 24 of Regulation (EC) No 1069/2009 for the Category and type of animal by-products and derived products, provided that the competent authority of the place of destination in the Union has agreed to accept that consignment.
- (8) Certain consignments of animal by-products or derived products intended for export to third countries may be subject to checks by a competent authority in the Union other than those responsible for animal by-products or derived products. If the original seal has been replaced during those checks, the number of the new seal should be indicated in the accompanying documentation.
- (9) Therefore, to ensure appropriate animal and public health risk management and legal certainty, it is necessary to provide for conditions for the return to the Union of animal by-products and derived products of Union origin following a refusal of entry by a third country.
- (10) To ensure traceability of the returning consignments of animal by-product and derived products, their transport from the border control post of arrival in the Union to the establishment of destination should be monitored in accordance with the procedure provided for in Commission Delegated Regulation (EU) 2019/1666 ⁽⁶⁾.
- (11) Annex XIV to Regulation (EU) No 142/2011 should be amended accordingly.
- (12) As Delegated Regulation (EU) 2019/2074 applies from 14 December 2019, the rules laid down in this Regulation should also apply from that date.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽⁵⁾ Commission Delegated Regulation (EU) 2019/2074 of 23 September 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards rules on specific official controls on consignments of certain animals and goods originating from, and returning to the Union following a refusal of entry by a third country (OJ L 316, 6.12.2019, p. 6).

⁽⁶⁾ Commission Delegated Regulation (EU) 2019/1666 of 24 June 2019 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council as regards conditions for monitoring the transport and arrival of consignments of certain goods from the border control post of arrival to the establishment at the place of destination in the Union (OJ L 255, 4.10.2019, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 142/2011 is amended as follows:

(1) in Article 25(3), the following point is added:

‘(c) the specific requirements for animal by-products and derived products originating from, and returning to, the Union following a refusal of entry by a third country, set out in Chapter VI of that Annex.’;

(2) in Article 26, the following point is added:

‘(e) the materials originating from a Member State and returning to that Member State following a refusal of entry by a third country, must comply with the specific requirements set out in Chapter VI of Annex XIV.’;

(3) in Article 31, the following paragraph is added:

‘By way of derogation from the first paragraph, animal by-products and derived products originating from, and returning to, the Union following a refusal of entry by a third country, must comply with the specific requirements set out in Chapter VI of Annex XIV.’;

(4) Annex XIV is amended in accordance with the text in the Annex to this Regulation.

Article 2

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

It shall apply from 14 December 2019.

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

Done at Brussels, 17 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX

In Annex XIV to Regulation (EU) No 142/2011, the following Chapter VI is added:

‘CHAPTER VI

REQUIREMENTS FOR THE ENTRY OF CONSIGNMENTS OF ANIMAL BY-PRODUCTS AND DERIVED PRODUCTS ORIGINATING FROM, AND RETURNING TO, THE UNION FOLLOWING REFUSAL OF ENTRY BY A THIRD COUNTRY**Section 1****Unpackaged or in bulk animal by-products and derived products, originating from, and returning to, the Union following refusal of entry by a third country not listed as a whole or part of its territory in Annex XIV**

1. The competent authority at the border control post shall only authorise the entry into the Union of consignments of unpackaged or in bulk animal by-products or derived products originating from, and returning to, the Union following a refusal of entry by a third country not listed as a whole or part of its territory in Annex XIV for the entry into the Union of the type of product, where the following conditions are met:
 - (a) the consignment is accompanied by the official certificate or document, either in its original or as authenticated copy, or by the electronic equivalent of such certificate or document generated by use of IMSOC ⁽¹⁾, issued by the competent authority of the Member State of export;
 - (b) the consignment is accompanied by a declaration from the competent authority in the Member State of destination in which that authority agrees to receive the consignment and indicates the place of destination;
 - (c) the consignment complies with both of the following conditions:
 - (i) it has remained sealed with an intact original seal, if the application of a seal prior to leaving the Union was mentioned in the original certificate referred to in point 1(a) or another official document issued by an authority in the Union;
 - (ii) it is accompanied by an official declaration of the competent authority or other public authority of the third country which refused the entry of the consignment indicating the reason for the refusal.
2. By way of derogation from point 1(a), in the case where the consignment was exported without accompanying official certificate or document, the origin of the consignment shall be authenticated in another way based on documented evidence presented by the operator responsible for the consignment.
3. The transport of consignments of products referred to in point 1 from the border control post to the place of destination shall be monitored in accordance with Article 2 of Commission Delegated Regulation (EU) 2019/1666.

Section 2**Unpackaged or in bulk animal by-products and derived products originating from, and returning to, the Union following refusal of entry by a third country listed as a whole or part of its territory in Annex XIV**

1. The competent authority at the border control post shall only authorise the entry into the Union of consignments of unpackaged or in bulk animal by-products or derived products originating from, and returning to, the Union following a refusal of entry by a third country listed as a whole or part of its territory in Annex XIV for the entry into the Union of the type of product, where the requirements set out in points 1(a), (b) and (c)(ii), 2 and 3 of Section 1 are met.
2. Where the products referred to in point 1 have been unloaded, stored, re-loaded or the original seal has been replaced in or upon entry into the third country or part of its territory listed in Annex XIV, the consignment shall be accompanied by an official declaration of the competent authority or other public authority of that third country or territory:
 - (a) indicating the place and date of unloading, storage and re-loading and the seal number put on the container after reloading;

⁽¹⁾ Commission Implementing Regulation (EU) 2019/1715 of 30 September 2019 laying down rules for the functioning of the information management system for official controls and its system components (“the IMSOC Regulation”) (OJ L 261, 14.10.2019, p. 37).

- (b) confirming that:
 - (i) the seal on the vehicle or container of the consignment was only broken for the purpose of official controls;
 - (ii) the products were handled only to the extent necessary, and in particular
 - at the appropriate temperature required for the relevant types of animal by-products or derived products; and
 - in a way that prevents cross contamination of the products during the controls;
 - (iii) the vehicle or container was immediately re-sealed after the official controls
- (c) indicating the reasons for unloading and storage.

Section 3

Packaged animal by-products and derived products originating from, and returning to, the Union following a refusal of entry by a third country

1. The competent authority at the border control post shall only authorise the entry into the Union of consignments of packaged animal by-products or derived products originating from, and returning to, the Union following a refusal of entry by a third country where the requirements set out in Section 1 are met and the individual packaging of the products has remained intact as compared to its state before exportation.
 2. Where the products referred to in point 1 have been unloaded in a third country, the consignment is accompanied by an official declaration of the competent authority or other public authority of the third country attesting that the products:
 - (a) have not been subjected to any handling other than unloading, storage and re-loading;
 - (b) were handled at the required temperature for the relevant types of animal by-products or derived products.'
-

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2020/798

of 17 June 2020

amending Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States

(notified under document C(2020) 4134)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2020/47 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings where poultry are kept in certain Member States, and the establishment of protection and surveillance zones by those Member States in accordance with Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2020/47 provides that the protection and surveillance zones established by the Member States listed in the Annex to that Implementing Decision, in accordance with Directive 2005/94/EC, are to comprise at least the areas listed as protection and surveillance zones in that Annex.
- (3) The Annex to Implementing Decision (EU) 2020/47 was recently amended by Commission Implementing Decision (EU) 2020/711 ⁽⁵⁾, following additional outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry in Hungary that needed to be reflected in that Annex.
- (4) Since the date of adoption of Implementing Decision (EU) 2020/711, Hungary has notified the Commission of three more outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings where poultry were kept, again located in the Bács-Kiskun county of that Member State.
- (5) The new outbreaks in Hungary are located within the boundaries of areas currently listed in the Annex to Implementing Decision (EU) 2020/47. However, the boundaries of the new protection zones around these new outbreaks, established by the competent authority of Hungary in accordance with Directive 2005/94/EC, extend beyond the boundaries of the protection zones currently listed in that Annex.
- (6) In addition, Bulgaria has notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H5N8 in a holding where poultry were kept in the Plovdiv region.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2020/47 of 20 January 2020 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 16, 21.1.2020, p. 31).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2020/711 of 27 May 2020 amending the Annex to Implementing Decision (EU) 2020/47 on protective measures in relation to highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 166, 28.5.2020, p. 5).

- (7) Bulgaria is currently not listed in the Annex to Implementing Decision (EU) 2020/47 and following that new outbreak of highly pathogenic avian influenza of subtype H5N8, the competent authority of that Member State has taken the necessary measures required in accordance with Directive 2005/94/EC, including the establishment of protection and surveillance zones around that new outbreak.
- (8) The Commission has examined the measures taken by Bulgaria and Hungary, in accordance with Directive 2005/94/EC, and it is satisfied that the boundaries of the protection and surveillance zones established by the competent authority of Bulgaria, and the new protection zones established by the competent authority of Hungary, are at a sufficient distance to the holdings where the recent outbreaks of highly pathogenic avian influenza of subtype H5N8 have been confirmed. Therefore, the protection zones listed for Hungary in Implementing Decision (EU) 2020/47 should be amended, and new protection and surveillance zones should be listed for Bulgaria.
- (9) Accordingly, Implementing Decision (EU) 2020/47 should be amended to update regionalisation at Union level to include a listing of the new protection and surveillance zones established by Bulgaria and also the new protection zones established by Hungary, in accordance with Directive 2005/94/EC, and the duration of the restrictions applicable therein.
- (10) In addition, since the date of adoption of Implementing Decision (EU) 2020/47, the epidemiological situation in the Union has continued to evolve, being particularly unfavourable in Hungary where 264 outbreaks of highly pathogenic avian influenza of subtype H5N8 were confirmed in the Bács-Kiskun and Csongrád counties, out of the total 273 outbreaks confirmed in that Member State. The severity of the epidemiological situation was influenced, among other factors, by the high density of poultry holdings and the high density of the poultry population present in the affected areas in those counties.
- (11) In areas with a high density of poultry, and certain poultry species that are particularly susceptible to the risk of infection, there is an increased risk for the spread of the highly pathogenic avian influenza virus. Accordingly, the areas in the Bács-Kiskun and Csongrád counties of Hungary can be considered as high-risk areas for the spread of the highly pathogenic avian influenza. Therefore, in order to control the multiplication and the spread of the virus the density of the susceptible poultry population has to be decreased in those high-risk areas and movements of poultry and day-old chicks should be more limited than is permitted in the control measures laid down in Directive 2005/94/EC. More stringent protection measures are needed due to the evolution of the current epidemic of highly pathogenic avian influenza.
- (12) Given the large scale of the outbreaks in Bács-Kiskun and Csongrád counties and the large number of poultry still present in the protection and surveillance zones established for the outbreaks in those counties, to mitigate the risk of poultry becoming exposed to the highly pathogenic avian influenza virus circulating in those areas, and to prevent the spread of highly pathogenic avian influenza, and in accordance with the precautionary principle, it is necessary to adopt protection measures to be applied in those high risk areas, in addition to the control measures already laid down in Directive 2005/94/EC, by not allowing the poultry and day-old chicks to be moved from and to holdings within those high risk areas and delaying the restocking of poultry in those areas by not allowing poultry or day-old chicks to be moved to holdings in those areas.
- (13) Implementing Decision (EU) 2020/47 should therefore be amended in order to provide for additional protection measures to be applied in these high-risk areas in Hungary. In addition, the Annex to that Implementing Decision should be replaced by two Annexes, namely Annex I which lists the protection and surveillance zones established in accordance with Directive 2005/94/EC, and Annex II referring to areas of the protection and surveillance zones listed in Annex I which present a particularly high risk for the spread of the highly pathogenic avian influenza virus and where the additional protection measures should be applied due to the current epidemical situation in Bács-Kiskun and Csongrád counties of Hungary. Accordingly, the high risk areas of those counties should be referred to in Annex II to Implementing Decision (EU) 2020/47.
- (14) The density of the susceptible poultry population in the high risk areas of the protection and surveillance zones as referred to in Annex II of Implementing Decision (EU) 2020/47 should be reduced, in particular by delaying the restocking of poultry holdings, which are at a particularly high risk for infection. It is also appropriate to restrict the movements of poultry from and within those protection and surveillance zones, except where certain animal health conditions are fulfilled.

- (15) Given the current epidemiological situation as regards highly pathogenic avian influenza, as well as the control measures provided for by Directive 2005/94/EC, Hungary should apply the strict protection measures in order to limit the risk of spread of that disease in the high risk areas of Bács-Kiskun and Csongrád counties. Therefore, Hungary should ensure that consignments of poultry and day-old chicks are not dispatched from those high risk areas referred to in Annex II, to other parts of Hungary, or to other Member States or to third countries.
- (16) The movement of poultry for immediate slaughter poses a smaller risk for the spread of disease than other types of movements of poultry, provided that risk mitigation measures are in place. It is therefore appropriate that when, due to logistic and animal welfare considerations, the slaughtering of poultry in the high risk areas referred to in Annex II is not possible, in particular due to the absence of an appropriate slaughterhouse or limitations in slaughtering capacity within the relevant high risk areas, the Member States concerned may exceptionally grant derogations for the dispatch of poultry from a high risk area referred to in Annex II for immediate slaughter, to a designated slaughterhouse located outside that high risk area in the same Member State. Those movements should be authorised provided that rigorous risk mitigation measures are applied in order not to jeopardise disease control.
- (17) The restocking of poultry holdings in the high risk areas for Hungary referred to in Annex II, should be delayed for a sufficient period of time to ensure that the highly pathogenic avian influenza virus is eradicated in those high risk areas, and at least until the absence of the circulation of the virus is confirmed by the results of a suitable surveillance plan put in place by the competent authority of that Member State. Therefore, the movement of day-old chicks to holdings in those high risk areas should not be permitted. In addition, the restocking of poultry holdings located in those high risk areas should only be permitted following a favourable result of a risk assessment carried out by the competent authority of Hungary and if the poultry holdings to be restocked have put in place appropriate risk mitigation and reinforced biosecurity measures to prevent the introduction and the spread of the virus.
- (18) In addition, in order to allow the competent authority of Hungary sufficient time to implement the surveillance necessary to confirm that the highly pathogenic avian influenza virus is not circulating in the protection and surveillance zones established for the outbreaks in Bács-Kiskun and Csongrád counties, referred to in Annex II, and taking into account the time necessary to do the necessary checks in all the poultry holdings in those zones before restocking is to be permitted, the duration of the protection measures applied in those zones should be prolonged. Therefore, the duration for which the protection measures have to be applied in the protection and surveillance zones listed in Parts A and B of Annex I for Hungary should be extended.
- (19) The official name of Csongrád county of Hungary changed on 4 June 2020 to Csongrád-Csanád. Therefore, the references to Csongrád county in the current Annex to Implementing Decision (EU) 2020/47 should be replaced by the new name of that county in new Annexes I and II to that act.
- (20) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Bulgaria and Hungary, the new protection and surveillance zones established by those Member States in accordance with Directive 2005/94/EC and listed in Annex I and the areas referred to in Annex II where the additional protection measures apply.
- (21) Implementing Decision (EU) 2020/47 should therefore be amended accordingly.
- (22) Given the current evolution of the epidemiological situation in Bulgaria and Hungary, and the need to mitigate the further spread of highly pathogenic avian influenza of subtype H5N8, it is important that the amendments made to Implementing Decision (EU) 2020/47, by this Decision, take effect as soon as possible.
- (23) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision (EU) 2020/47 is amended as follows:

(1) Articles 1, 2 and 3 are replaced by the following:

Article 1

Subject matter and scope

1. This Decision establishes at Union level the protection and surveillance zones to be established in accordance with Article 16(1) of Directive 2005/94/EC by the Member States listed in Annex I to this Decision ("the concerned Member States"), following an outbreak or outbreaks of highly pathogenic avian influenza in poultry, and the duration of the measures to be applied in accordance with Article 29(1) and Article 31 of Directive 2005/94/EC.

2. This Decision lays down certain protection measures to be implemented in relation to highly pathogenic avian influenza in Member States or areas thereof as referred to in Annex II, concerning:

- (a) movements of poultry and day-old chicks within those Member States or areas thereof;
- (b) the dispatch of consignments of poultry and day-old chicks from holdings located in those Member States or areas thereof.

The duration of those protection measures shall be in accordance with the duration of the protection and the surveillance zones for those areas, listed in Annex I.

Article 2

Areas to be listed in Part A of Annex I and the duration of the measures to be applied therein

The concerned Member States shall ensure that:

- (a) the protection zones established by their competent authorities, in accordance with Article 16(1)(a) of Directive 2005/94/EC, comprise at least the areas listed as protection zones in Part A of Annex I to this Decision;
- (b) the measures to be applied in the protection zones, as provided for in Article 29(1) of Directive 2005/94/EC, are maintained until at least the dates for the protection zones set out in Part A of Annex I to this Decision.

Article 3

Areas to be listed in Part B of Annex I and the duration of the measures to be applied therein

The concerned Member States shall ensure that:

- (a) the surveillance zones established by their competent authorities in accordance with Article 16(1)(b) of Directive 2005/94/EC, comprise at least the areas listed as surveillance zones in Part B of Annex I to this Decision;
- (b) the measures to be applied in the surveillance zones, as provided for in Article 31 of Directive 2005/94/EC, are maintained until at least the dates for the surveillance zones set out in Part B of Annex I to this Decision.

Article 3a

Protection measures to be applied in the areas referred to in Annex II

1. The Member States listed in Annex II shall prohibit:

- (a) the movement of poultry and day-old chicks from holdings located in the areas referred to in Annex II to other holdings located within those areas;
- (b) the dispatch of consignments of poultry and day-old chicks from holdings located in the areas referred to in Annex II.
- (c) the movement of poultry and day-old chicks originated from holdings located in areas of the same Member State not referred to in Annex II, or from holdings located in other Member States or third countries, to holdings located in the areas referred to in Annex II.

2. By way of derogation from the prohibitions provided for in paragraph 1, the Member States referred to in Annex II may, following the positive outcome of a risk assessment and provided that appropriate risk mitigation and reinforced biosecurity measures are applied to prevent the introduction and the spread of the highly pathogenic avian influenza virus, including at the holding of destination, authorise:

- (a) the movement of poultry and day-old chicks coming from holdings located in areas not listed in Annex I of the same Member State, or from other Member States or third countries, to holdings located in the surveillance zones established in Annex I for the areas referred to in Annex II.
- (b) the movement of poultry originating in a holding located in the surveillance zone established in Annex I for the areas referred to in Annex II to a holding located within the same surveillance zone where there is no other poultry, provided that:
 - (i) a clinical examination of the poultry on the holding of origin has been carried out by an official veterinarian on the day of the dispatch;
 - (ii) laboratory tests have been carried out on poultry on the holding of origin in accordance with the diagnostic manual, within 48 hours before the time of dispatch, with favourable results;
 - (iii) the holding of destination is placed under official surveillance following the arrival of the poultry;
- (c) the dispatch of consignments of poultry for immediate slaughter from holdings located in the areas referred to in Annex II to a designated slaughterhouse within the relevant protection or surveillance zones or outside the relevant protection and surveillance zones, if there is no appropriate slaughterhouse or limitations in slaughtering capacity within the relevant protection and surveillance zones, provided that conditions set in Article 23(1)(a) to (h) of Directive 2005/94/EC and in point (b)(i) and (ii) of this Article are fulfilled;
- (d) the dispatch of consignments of day-old chicks from the protection and surveillance zones established for the areas referred to in Annex II to a holding located in the same Member State outside the areas referred to in Annex II, in accordance with the conditions provided in Article 24 and point (c)(iii) of Article 30 of Directive 2005/94/EC.

3. Poultry and day-old chicks referred to in paragraph 2(b), (c) and (d) shall only be transported in vehicles, cages, containers, boxes, as appropriate, that have been cleaned and disinfected under official supervision and in accordance with the instructions of the official veterinarian.’;

(2) The Annex is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 17 June 2020.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2020/47 is replaced by the following:

'ANNEX I

PART A

Protection zones in the concerned Member States as referred to in Articles 1(1) and 2:

Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Plovdiv region:	
Municipality of Asenovgrad: — Asenovgrad — Boyantsi Municipality of Sadovo: — Mominsko	3.7.2020

Member State: Hungary

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Bács-Kiskun és Csongrád-Csanád megye:	
Ásotthalom, Balástya, Csongrád, Gátér, Hajós, Pálmonostora, Ruzsa és Tiszaalpár települések közigazgatási területeinek a 46.440827 és a 19.846995, a 46.438786 és 19.850685, a 46.440443 és a 19.857895, a 46.423886 és a 19.854827, a 46.44449 és 19.8483, 46.455321 és 19.852898, a 46.45030 és 19.84853, a 46.40299 és 19.87998, a 46.44957 és 19.87544, a 46.42564 és 19.86214, a 46.44133 és 19.85725, a 46.40685 és 19.86369, 46.5323 és 19.8675, a 46.45601 és 19.87579, a 46.45869 és 19.87283, a 46.41407 és 19.88379, a 46.45798081 és 19.86121049, a 46.40755246 és 19.85871844, a 46.47455783 és 19.86788239, a 46.41085 és 19.85558, a 46.5253 és 19.7569, a 46.38582 és 19.87797, a 46.426789 és 19.4482121, a 46.55212 és 19.97079, a 46.54135 és 19.83184, a 46.3996 és 19.87582, a 46.25410 és 19.68220, a 46.54013 és a 19.84689, a 46.51653 és 19.88925, a 46.5951638 és 19.8779228, a 46.71642 és 19.94316, a 46.5305 és 19.81879, a 46.5429337 és 19.9725232, a 46.5332 és 19.8118, a 46.60756 és 19.94654 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körökön belül eső területei, valamint Csengele, Kistelek, Öttömös, Pusztaszer települések teljes közigazgatási területe.	30.6.2020
Csongrád-Csanád megye:	
Balástya, Ópusztaszer, Ruzsa, Székkutas, Szentés, Tömörkény és Zákányszék települések közigazgatási területeinek a 46.3424 és 19.8024, a 46.30436 és 19.77187, a 46.22671 és 19.58741, a 46.34363 és 19.88657, a 46.198931 és 19.5964193, a 46.4386 és 19.9377, a 46.5498 és 20.00926, a 46.48531 és 20.02736, a 46.51651 és 20.54515, a 46.295683 és 19.861898, 46.4723 és 19.9973, a 46.3458 és 19.9377, a 46.1781 és 19.7396, a 46.7133 és 20.0775, a 46.66405 és 20.29444, a 46.66473 és 20.29684 46.4595 és 20.0566, a 46.275056 és 19.946250 GPS koordináták által meghatározott pontok körüli 3 km sugarú körökön belül eső területei, valamint Bordány, Forráskút, Üllés és Zsombó települések teljes közigazgatási területe.	15.6.2020

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Bács-kiskun megye:	
Ágasegyháza, Ballószög, Balotaszállás, Borota, Bugac, Bugacpusztaháza, Császártöltés, Csávoly, Felsőlajos, Felsőszentiván, Fülöpháza, Fülöpjakab, Helvécia, Jakabszállás, Jánoshalma, Kaskantyú, Kecskemét, Kéleshalom, Kerekegyháza, Kiskőrös, Kiskunfélegyháza, Kiskunhalas, Kisszállás, Kunfehértó, Kunszállás, Ladánybene, Lajosmizse, Mélykút, Nyárlőrinc, Orgovány, Páhi, Pirtó, Rémsoltszék, Soltvadkert, Tompa és Városföld települések közigazgatási területeinek a 46.694364 és 19.77329, a 46.800833 és 19.857222, a 46.860495 és 19.848759, a 46.603350 és 19.478592, a 46.65701 és 19.77743, a 46.581470 és 19.770906, a 46.22671 és 19.58741, a 46.606053 és 19.788634, a 46.682057 és 19.499820, a 46.536629 és 19.488942, a 46.347100 és 19.402476; a 46.588129 és 19.798864, a 46.34587 és 19.40784, a 46.34457 és 19.40556, a 46.5916734 és 19.4953154, a 46.43887 és 19.603, a 46.59776 és 19.80446, a 46.675319 és 19.503534, a 46.592784 és 19.491405, a 46.55832 és 19.46721, a 46.598149 és 19.465149, a 46.5878624 és 19.882969, a 46.59159 és 19.77504, a 46.6173 és 19.5483, a 46.66314 és 19.49678, a 46.4209 és 19.44301, a 46.44449 és 19.42247, a 46.22658 és 19.39732, a 46.533528 és 19.518495, a 46.22667 és a 19.62321, a 46.620761 és 19.449354, a 46.624254 és 19.407137, a 46.632 és 19.534668, a 46.630572 és 19.534712, a 46.17763 és 19.6145, a 46.44502 és 19.63958, a 46.58973 és 19.78638, a 46.41340 és 19.45376, a 46.34817 és 19.40526, a 46.40771 és 19.1972, a 46.73519 és 19.45826, a 46.45126 és 19.78045, a 46.22153 és 19.39457, a 46.67671 és 19.49529, a 46.45707 és 19.62088, a 46.46387 és 19.47777, a 46.275227 és 19.52979, a 46.28476 és 19.35571, a 46.634373 és 19.527571, a 46.25856 és 19.12728, a 46.776074 és 19.8004028, a 46.5821446 és 19.4672782, a 46.67858 és 19.66368, a 46.678632 és 19.511939, a 46.618622 és 19.536336, a 46.61693 és 19.54551, a 46.6451959 és 19.8422899, a 46.40391 és 19.44543, a 46.62594 és 19.68757, a 46.63124 és 19.603105, a 46.72058 és 19.81876, a 46.8941508 és 19.575034, a 46.26511 és 19.58339, a 46.7228 és 19.6124, a 46.76493 és 19.5579, a 46.40986 és 19.51711, a 46.41677 és 19.42174, a 46.52991 és 19.50579, a 46.69717 és 19.68106, a 46.24569 és 19.36824, a 46.62892 és 19.66855, a 46.46244 és 19.60314, a 46.27849 és 19.34532, a 46.31154 és 19.29355, a 46.28330 és 19.35307, a 46.24107 és 19.17238, a 46.6610 és 19.8501, a 46.6804205 és 19.6656433, a 46.22462 és 19.41309, a 46.91951 és 19.47583, a 46.75386 és 19.58653, a 46.34972 és 19.40180, a 47.01942 és 19.50579, a 46.68936 és 19.77691, a 46.43783 és 19.44564, a 46.26996 és 19.13649, a 46.69514 és 19.94233, a 46.7411418 és 19.7217461, a 46.7570489 és 19.7653665, a 46.8825443 és 19.4986538, a 46.95122 és 19.48765, a 46.91586 és 19.44855, a 46.926432 és 19.474853, a 46.918638 és 19.470804 GPS koordináták által meghatározott pontok körüli 3 km sugarú körökön belül eső területei valamint Bócsa, Csólyospálos, Harkakötöny, Jászszenktlász, Kelebia, Kiskunmajsza, Kömpöc, Móricgát, Petőfiszállás, Szank, Tázlár és Zsana települések teljes közigazgatási területe.	30.6.2020
Békés megye:	
Almáskamarás, Battonya, Dombegyház, Dombiratos, Kétegyháza, Kétsoprony, Kisdombegyház, Kondoros Kunágota, Magyardombegyház, Mezőhegyes, Nyáráskamarás települések közigazgatási területeinek a 46.47521 és 21.13890 és a 46.29160 és 20.97959, a 46.74646 és 20.82643, a 46.372500 és 21.101667 valamint a 46.30112 és 21.04553 GPS koordináták által meghatározott pontok körüli 3 km sugarú körökön belül eső területei.	15.6.2020

PART B

Surveillance zones in the concerned Member States as referred to in Articles 1(1) and 3:

Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Plovdiv region:	
Municipality of Asenovgrad: — Asenovgrad — Boyantsi Municipality of Sadovo: — Mominsko	From 4.7.2020 until 13.7.2020
Municipality of Rodopi: — Krumovo — Yagodovo Municipality of Sadovo: — Sadovo — Bolyartsi — Katunitsa — Karadzhovo — Kochevo Municipality of Kuklen: — Kuklen — Ruen Municipality of Asenovgrad: — Izbeglii — Kozanovo — Stoevo — Zlatovrah — Muldava — Lyaskovo	13.7.2020

Member State: Hungary

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Bács-Kiskun és Csongrád-Csanád megye:	
Ásotthalom, Balástya, Csongrád, Gátér, Hajós, Pálmonostora, Ruzsa és Tiszaalpár települések közigazgatási területeinek a 46.440827 és a 19.846995, a 46.438786 és 19.850685, a 46.440443 és a 19.857895, a 46.423886 és a 19.854827, a 46.44449 és 19.8483, 46.455321 és 19.852898, a 46.45030 és 19.84853, a 46.40299 és 19.87998, a 46.44957 és 19.87544, a 46.42564 és 19.86214, a 46.44133 és 19.85725, a 46.40685 és 19.86369, 46.5323 és 19.8675, a 46.45601 és 19.87579, a 46.45869 és 19.87283, a 46.41407 és 19.88379, a 46.45798081 és 19.86121049, a 46.40755246 és 19.85871844, a 46.47455783 és 19.86788239, a 46.41085 és 19.85558, a 46.5253 és 19.7569, a 46.38582 és 19.87797, a 46.426789 és 19.4482121, a 46.55212 és 19.97079, a 46.54135 és 19.83184, a 46.3996 és 19.87582, a a 46.25410 és 19.68220, a 46.54013 és a 19.84689, a 46.51653 és 19.88925, a 46.5951638 és 19.8779228, a 46.71642 és 19.94316, a 46.5305 és 19.81879, a 46.5429337 és 19.9725232, a 46.5332 és 19.8118, a 46.60756 és 19.94654 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körökön belül eső területei, valamint Csengele, Kistelek, Öttömös, Pusztaszer települések teljes közigazgatási területe.	From 1.7.2020 until 9.7.2020

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Bács-Kiskun, Békés, Csongrád-Csanád, Jász-Nagykun-Szolnok és Pest megye:	
Az alábbiak által határolt terület védőköri területen kívüli területei: Kunbaja nyugati közigazgatási határa, majd Bácsalmás, Bácsbokod, Baja közigazgatási határai, majd Bács-Kiskun és Tolna megye határa, majd Fajszi keleti és Dusnok nyugati közigazgatási határa, majd Miske és Drágszél nyugati közigazgatási határai, majd Homokmégy, Öregcsertő, Kecel, Kiskőrös, Tabdi, Csengőd, Izsák, Fülöpszállás, Szabadszállás nyugati közigazgatási határai, majd Kunadacs, Tatárszentgyörgy és Örkény nyugati és északi közigazgatási határa, majd Bács-Kiskun és Pest megye határa, majd a 46.860495 és 19.848759 GPS koordináták által meghatározott pont körüli 10 km sugarú kör, majd Tiszaalpár, Tiszasas, Csépa északi határa, majd Szelevény, északi és keleti közigazgatási határa, majd Nagytőke északi közigazgatási határa, majd Csongrád-Csanád megye és Békés megye határa, majd Fábiánsebestyén és Árpádhalom, Orosháza északi és keleti közigazgatási határa, majd Kardoskút, és Békéssámszon keleti közigazgatási határa a Tisza, majd Hódmezővásárhely keleti, déli és nyugati közigazgatási határa, majd Sándorfalva keleti és déli közigazgatási határa, majd Szatymaz keleti közigazgatási határa, majd az 5-ös főút, az 502-es út, az 55-ös út, majd Domaszék és Röske keleti közigazgatási határa, majd az országhatár.	9.7.2020
Csongrád-Csanád megye:	
Balástya, Ópusztaszer, Ruzsa, Székkutas, Szentés, Tömörkény és Zákányszék települések közigazgatási területeinek a 46.3424 és 19.8024, a 46.30436 és 19.77187, a 46.22671 és 19.58741, a 46.34363 és 19.88657, a 46.198931 és 19.5964193, a 46.4386 és 19.9377, a 46.5498 és 20.00926, a 46.48531 és 20.02736, a 46.51651 és 20.54515, a 46.295683 és 19.861898, 46.4723 és 19.9973, a 46.3458 és 19.9377, a 46.1781 és 19.7396, a 46.7133 és 20.0775, a 46.66405 és 20.29444, a 46.66473 és 20.29684 46.4595 és 20.0566, a 46.275056 és 19.946250 GPS koordináták által meghatározott pontok körüli 3 km sugarú körökön belül eső területei, valamint Bordány, Forráskút, Üllés és Zsombó települések teljes közigazgatási területe.	From 16.6.2020 until 9.7.2020
Bács-Kiskun megye:	
Ágasegyháza, Ballószög, Balotaszállás, Borota, Bugac, Bugacpusztaháza, Császártöltés, Csávoly, Felsőlajos, Felsőszentiván, Fülöpháza, Fülöpjakab, Helvécia, Jakabszállás, Jánoshalma, Kaskantyú, Kecskemét, Kéleshalom, Kerekegyháza, Kiskőrös, Kiskunfélegyháza, Kiskunhalas, Kisszállás, Kunfehértó, Kunszállás, Ladánybene, Lajosmizse, Mélykút, Nyárlőrinc, Orgovány, Páhi, Pirtó, Réms, Soltvadkert, Tompa és Városföld települések közigazgatási területeinek a 46.694364 és 19.77329, a 46.800833 és 19.857222, a 46.860495 és 19.848759, a 46.603350 és 19.478592, a 46.65701 és 19.77743, a 46.581470 és 19.770906, a 46.22671 és 19.58741, a 46.606053 és 19.788634, a 46.682057 és 19.499820, a 46.536629 és 19.488942, a 46.347100 és 19.402476; a 46.588129 és 19.798864, a 46.34587 és 19.40784, a 46.34457 és 19.40556, a 46.5916734 és 19.4953154, a 46.43887 és 19.603, a 46.59776 és 19.80446, a 46.675319 és 19.503534, a 46.592784 és 19.491405, a 46.55832 és 19.46721, a 46.598149 és 19.465149, a 46.5878624 és 19.882969, a 46.59159 és 19.77504, a 46.6173 és 19.5483, a 46.66314 és 19.49678, a 46.4209 és 19.44301, a 46.44449 és 19.42247, a 46.22658 és 19.39732, a 46.533528 és 19.518495, a 46.22667 és a 19.62321, a 46.620761 és 19.449354, a 46.624254 és 19.407137, a 46.632 és 19.534668, a 46.630572 és 19.534712,	From 1.7.2020 until 9.7.2020

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
a 46.17763 és 19.6145, a 46.44502 és 19.63958, a 46.58973 és 19.78638, a 46.41340 és 19.45376, a 46.34817 és 19.40526, a 46.40771 és 19.1972, a 46.73519 és 19.45826, a 46.45126 és 19.78045, a 46.22153 és 19.39457, a 46.67671 és 19.49529, a 46.45707 és 19.62088, a 46.46387 és 19.47777, a 46.275227 és 19.52979, a 46.28476 és 19.35571, a 46.634373 és 19.527571, a 46.25856 és 19.12728, a 46.776074 és 19.8004028, a 46.5821446 és 19.4672782, a 46.67858 és 19.66368, a 46.678632 és 19.511939, a 46.618622 és 19.536336, a 46.61693 és 19.54551, a 46.6451959 és 19.8422899, a 46.40391 és 19.44543, a 46.62594 és 19.68757, a 46.63124 és 19.603105, a 46.72058 és 19.81876, a 46.8941508 és 19.575034, a 46.26511 és 19.58339, a 46.7228 és 19.6124, a 46.76493 és 19.5579, a 46.40986 és 19.51711, a 46.41677 és 19.42174, a 46.52991 és 19.50579, a 46.69717 és 19.68106, a 46.24569 és 19.36824, a 46.62892 és 19.66855, a 46.46244 és 19.60314, a 46.27849 és 19.34532, a 46.31154 és 19.29355, a 46.28330 és 19.35307, a 46.24107 és 19.17238, a 46.6610 és 19.8501, a 46.6804205 és 19.6656433, a 46.22462 és 19.41309, a 46.91951 és 19.47583, a 46.75386 és 19.58653, a 46.34972 és 19.40180, a 47.01942 és 19.50579, a 46.68936 és 19.77691, a 46.43783 és 19.44564, a 46.26996 és 19.13649, a 46.69514 és 19.94233, a 46.7411418 és 19.7217461, a 46.7570489 és 19.7653665, a 46.8825443 és 19.4986538, a 46.95122 és 19.48765, a 46.91586 és 19.44855, a 46.926432 és 19.474853, a 46.918638 és 19.470804 GPS koordináták által meghatározott pontok körüli 3 km sugarú körökön belül eső területei valamint Bócsa, Csólyospálos, Harkakötöny, Jászszentlászló, Kelebia, Kiskunmajsa, Kömpöc, Móricgát, Petőfiszállás, Szank, Tázlár és Zsana települések teljes közigazgatási területe.	
Békés megye:	
Almáskamarás, Battonya, Dombegyház, Dombiratos, Kétegyháza, Kétsoprony, Kisdombegyház, Kondoros Kunágota, Magyardombegyház, Mezőhegyes, Nagykomarás települések közigazgatási területeinek a 46.47521 és 21.13890 és a 46.29160 és 20.97959, a 46.74646 és 20.82643, a 46.372500 és 21.101667 valamint a 46.30112 és 21.04553 GPS koordináták által meghatározott pontok körüli 3 km sugarú körökön belül eső területei.	From 16.6.2020 until 24.6.2020
Keletről és délről az országhatár, majd Mezőhegyes és Végegyháza nyugati közigazgatási határa, majd Mezőkovácsháza nyugati és északi közigazgatási határa, majd Magyarbányhegyes 46.47521 és 21.1389 GPS koordináták által meghatározott pontok körüli 10 km sugarú körökön belül eső területe, majd Medgyesháza déli és nyugati közigazgatási határa, majd Pusztaszentlőrinc nyugati közigazgatási határa, majd Ujkígyós nyugati és északi közigazgatási határa, majd Kétegyháza és Elek északi közigazgatási határa. Békéscsaba, Csorvás, Csabacsúd, Kamut, Mezőberény, Nagyszénás, Örménykút, Telekgerendás települések közigazgatási területeinek a 46.74646 és 20.82643 GPS koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területei, Kétsoprony 46.74646 és 20.82643 GPS koordináták által meghatározott pont körüli 3 km sugarú körön kívül eső közigazgatási területe, valamint Hunya, Kardos és Orosháza teljes közigazgatási területe.	24.6.2020

Member State: Romania

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Județul Arad:	
Localitățile: — Peregu Mic — Peregu Mare — Iratoșu — Dorobanți — Variașu Mic — Variașu Mare — Turnu	17.6.2020

*ANNEX II***Member State: Hungary**

The following areas from the ones listed in Annex I:

- Bács-Kiskun megye
- Csongrád-Csanád megye
- Jász-Nagykun-Szolnok megye
- Pest megye
- Békés megye, the following municipalities: Orosháza, Kardoskút, Békéssámson'

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2020 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 15 June 2020

**replacing the Annex to the Agreement between the European Community and the Swiss
Confederation on Air Transport [2020/799]**

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 July 2020.

Done at Brussels, 15 June 2020.

For the Joint Committee

The Head of the European Union Delegation
Filip CORNELIS

The Head of the Swiss Delegation
Christian HEGNER

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ANNEX

‘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 Council 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

Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast), OJ L 293, 31.10.2008, p. 3, as amended by:

- Regulation (EU) 2018/1139, OJ L 212, 22.8.2018, p. 1,
- Regulation (EU) 2020/696, OJ L 165, 27.5.2020, p. 1.

Council Directive 2000/79/EC of 27 November 2000 concerning 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) (text with EEA relevance), OJ L 302, 1.12.2000, p. 57.

Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time, OJ L 299, 18.11.2003, p. 9.

Regulation (EC) No 437/2003 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, OJ L 66, 11.3.2003, p. 1.

Commission Regulation (EC) No 1358/2003 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, OJ L 194, 1.8.2003, p. 9, as amended by:

- Commission Regulation (EC) No 158/2007, OJ L 49, 17.2.2007, p. 9.

Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators, OJ L 138, 30.4.2004, p. 1, as amended by:

- Commission Regulation (EU) No 285/2010, OJ L 87, 7.4.2010, p. 19.

Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports, OJ L 14, 22.1.1993, p. 1 (Articles 1-12), as amended by:

- Regulation (EC) No 793/2004, OJ L 138, 30.4.2004, p. 50,
- Regulation (EU) 2020/459, OJ L 99, 31.3.2020, p. 1.

Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (Text with EEA relevance), OJ L 70, 14.3.2009, p. 11.

Council Directive 96/67/EC of 15 October 1996 on access to the groundhandling market at Community airports, OJ L 272, 25.10.1996, p. 36.

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

Regulation (EC) No 80/2009 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 (text with EEA relevance), OJ L 35, 4.2.2009, p. 47.

2. Competition rules

Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (Text with EEA relevance), OJ L 1, 4.1.2003, p. 1 (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.)

Commission Regulation (EC) No 773/2004 of 7 April 2004 relating to proceedings by the Commission pursuant to Articles 81 and 82 of the EC Treaty (Text with EEA relevance), OJ L 123, 27.4.2004, p. 18, as amended by:

— Commission Regulation (EC) No 1792/2006, OJ L 362, 20.12.2006, p. 1,

— Commission Regulation (EC) No 622/2008, OJ L 171, 1.7.2008, p. 3.

Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) (text with EEA relevance), OJ L 24, 29.1.2004, p. 1.

(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.

Commission Regulation (EC) No 802/2004 of 21 April 2004 implementing Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (text with EEA relevance), OJ L 133, 30.4.2004, p. 1 (Articles 1-24), as amended by:

— Commission Regulation (EC) No 1792/2006, OJ L 362, 20.12.2006, p. 1,

— Commission Regulation (EC) No 1033/2008, OJ L 279, 22.10.2008, p. 3,

— Commission Implementing Regulation (EU) No 1269/2013, OJ L 336, 14.12.2013, p. 1.

Commission Directive 2006/111/EC 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 (Codified version) (text with EEA relevance), OJ L 318, 17.11.2006, p. 17.

Council Regulation (EC) No 487/2009 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 (codified version) (text with EEA relevance), OJ L 148, 11.6.2009, p. 1.

3. Aviation safety

Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91, OJ L 212, 22.8.2018, p. 1.

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 2(6),(7), Article 41(6), Article 62(5), Article 67(2),(3), Article 70(4), Article 71(2), Article 76(4), Article 84(1), Article 85(9), Article 104(3)(i), Article 105(1) and Article 106(1),(6).

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 the provisions of Regulation (EU) No 182/2011 mentioned in Article 127 of Regulation (EU) 2018/1139 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 68 is amended as follows:

- (i) in paragraph 1(a), the words “or Switzerland” shall be inserted after the words “the Union”;
- (ii) the following paragraph is added:

“4. Whenever the Union 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 Union”.

(b) In Article 95, the following paragraph shall be added:

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

(c) In Article 96, 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 102, the following paragraph is added:

“5. 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 120, the following paragraph shall be added:

“13. 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 122, the following paragraph is added:

“6. The provisions relating to financial control by the Union in Switzerland concerning the participants in the activities of the Agency are set out in Annex B to the present Annex.”

(g) Annex I to the Regulation shall be extended to include the following aircraft as products covered by Article 3(1)(a) of Commission Regulation (EU) No 748/2012 ⁽¹⁾:

A/c – [HB-JES] – type Gulfstream G-V

A/c – [HB-ZDF] – type MD900.

(h) In Article 132(1), the reference to Regulation (EU) 2016/679 shall be understood, regarding Switzerland, as a reference to relevant national legislation.

(i) Article 140(6) does not apply to Switzerland.

Commission Regulation (EU) No 1178/2011 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, OJ L 311, 25.11.2011, p. 1, as amended by:

- Commission Regulation (EU) No 290/2012, OJ L 100, 5.4.2012, p. 1,
- Commission Regulation (EU) No 70/2014, OJ L 23, 28.1.2014, p. 25,
- Commission Regulation (EU) No 245/2014, OJ L 74, 14.3.2014, p. 33,
- Commission Regulation (EU) 2015/445, OJ L 74, 18.3.2015, p. 1,
- Commission Regulation (EU) 2016/539, OJ L 91, 7.4.2016, p. 1,
- Commission Regulation (EU) 2018/1065, OJ L 192, 30.7.2018, p. 21,
- Commission Regulation (EU) 2018/1119, OJ L 204, 13.8.2018, p. 13,
- Commission Regulation (EU) 2018/1974, OJ L 326, 20.12.2018, p. 1,
- Commission Regulation (EU) 2019/27, OJ L 8, 10.1.2019, p. 1,
- Commission Implementing Regulation (EU) 2019/430, OJ L 75, 19.3.2019, p. 66,
- Commission Implementing Regulation (EU) 2019/1747, OJ L 268, 22.10.2019, p. 23.

Regulation (EU) 2019/1747 applies in Switzerland from 8 April 2020.

- Commission Implementing Regulation (EU) 2020/359, OJ L 67, 5.3.2020, p. 82.

Regulation (EU) 2020/359 applies in Switzerland from 8 April 2020, except as otherwise provided in paragraphs 3 and 4 of its Article 2.

Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation, OJ L 373, 31.12.1991, p. 4 (Articles 1-3, 4(2), (5-11, and 13), as amended by:

- Regulation (EC) No 1899/2006, OJ L 377, 27.12.2006, p. 1,

⁽¹⁾ Commission Regulation (EU) No 748/2012 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 (OJ L 224, 21.8.2012, p. 1).

- Regulation (EC) No 1900/2006, OJ L 377, 27.12.2006, p. 176,
- Commission Regulation (EC) No 8/2008, OJ L 10, 12.1.2008, p. 1,
- Commission Regulation (EC) No 859/2008, OJ L 254, 20.9.2008, p. 1.

In Accordance with Article 139 of Regulation (EU) 2018/1139, Regulation (EEC) No 3922/91 is repealed from the date of application of the detailed rules adopted pursuant to point (a) of Article 32(1) of Regulation (EU) 2018/1139 on flight and duty time limitations and rest requirements with regard to air taxi, emergency medical service and single pilot commercial air transport operations by aeroplanes.

Regulation (EU) No 996/2010 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 (text with EEA relevance), OJ L 295, 12.11.2010, p. 35, as amended by:

- Regulation (EU) No 376/2014, OJ L 122, 24.4.2014, p. 18,
- Regulation (EU) 2018/1139, OJ L 212, 22.8.2018, p. 1.

Commission Regulation (EC) No 104/2004 of 22 January 2004 laying down rules on the organisation and composition of the Board of Appeal of the European Aviation Safety Agency, OJ L 16, 23.1.2004, p. 20.

Regulation (EC) No 2111/2005 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 (text with EEA relevance), OJ L 344, 27.12.2005, p. 15, as amended by:

- Regulation (EU) 2018/1139, OJ L 212, 22.8.2018, p. 1.

Commission Regulation (EC) No 473/2006 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 (text with EEA relevance), OJ L 84, 23.3.2006, p. 8.

Commission Regulation (EC) No 474/2006 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, OJ L 84, 23.3.2006, p. 14, as last amended by:

- Commission Implementing Regulation (EU) 2019/2105, OJ L 318, 10.12.2019, p. 79.

Commission Regulation (EU) No 1332/2011 of 16 December 2011 laying down common airspace usage requirements and operating procedures for airborne collision avoidance (text with EEA relevance), OJ L 336, 20.12.2011, p. 20, as amended by:

- Commission Regulation (EU) 2016/583, OJ L 101, 16.4.2016, p. 7.

Commission Implementing Regulation (EU) No 646/2012 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 (text with EEA relevance), OJ L 187, 17.7.2012, p. 29.

Commission Regulation (EU) No 748/2012 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, OJ L 224, 21.8.2012, p. 1, as amended by:

- Commission Regulation (EU) No 7/2013, OJ L 4, 9.1.2013, p. 36,
- Commission Regulation (EU) No 69/2014, OJ L 23, 28.1.2014, p. 12,
- Commission Regulation (EU) 2015/1039, OJ L 167, 1.7.2015, p. 1,
- Commission Regulation (EU) 2016/5, OJ L 3, 6.1.2016, p. 3,
- Commission Delegated Regulation (EU) 2019/897, OJ L 144, 3.6.2019, p. 1.

Commission Regulation (EU) No 965/2012 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, OJ L 296, 25.10.2012, p. 1, as amended by:

- Commission Regulation (EU) No 800/2013, OJ L 227, 24.8.2013, p. 1,

- Commission Regulation (EU) No 71/2014, OJ L 23, 28.1.2014, p. 27,
- Commission Regulation (EU) No 83/2014, OJ L 28, 31.1.2014, p. 17,
- Commission Regulation (EU) No 379/2014, OJ L 123, 24.4.2014, p. 1,
- Commission Regulation (EU) 2015/140, OJ L 24, 30.1.2015, p. 5,
- Commission Regulation (EU) 2015/1329, OJ L 206, 1.8.2015, p. 21,
- Commission Regulation (EU) 2015/640, OJ L 106, 24.4.2015, p. 18,
- Commission Regulation (EU) 2015/2338, OJ L 330, 16.12.2015, p. 1,
- Commission Regulation (EU) 2016/1199, OJ L 198, 23.7.2016, p. 13,
- Commission Regulation (EU) 2017/363, OJ L 55, 2.3.2017, p. 1,
- Commission Regulation (EU) 2018/394, OJ L 71, 14.3.2018, p. 1.,
- Commission Regulation (EU) 2018/1042, OJ L 188, 25.7.2018, p. 3 with the exception of the new Article 4(2) of Regulation (EU) No 965/2012, as provided for in Article 1(1) of Regulation (EU) 2018/1042

(Should the Commission adopt an Implementing Regulation amending any dates foreseen in Article 2 of Commission Regulation (EU) 2018/1042, Switzerland will apply the amended dates on the date they are applicable in the European Union),

- Commission Implementing Regulation (EU) 2018/1975, OJ L 326, 20.12.2018, p. 53,
- Commission Implementing Regulation (EU) 2019/1387, OJ L 229, 5.9.2019, p. 1

(Should the Commission adopt an Implementing Regulation amending any dates foreseen in Article 2 of Commission Implementing Regulation (EU) 2019/1387, Switzerland will apply the amended dates on the date they are applicable in the European Union),

- Commission Implementing Regulation (EU) 2019/1384, OJ L 228, 4.9.2019, p. 106.

Commission Implementing Regulation (EU) No 628/2013 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 (text with EEA relevance), OJ L 179, 29.6.2013, p. 46.

Commission Regulation (EU) No 139/2014 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 (text with EEA relevance), OJ L 44, 14.2.2014, p. 1, as amended by:

- Commission Regulation (EU) 2017/161, OJ L 27, 1.2.2017, p. 99,
- Commission Regulation (EU) 2018/401, OJ L 72, 15.3.2018, p. 17.

Commission Implementing Regulation (EU) 2019/2153 of 16 December 2019 on the fees and charges levied by the European Union Aviation Safety Agency, and repealing Regulation (EU) No 319/2014, OJ L 327, 17.12.2019, p. 36.

Regulation (EU) No 376/2014 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 (text with EEA relevance), OJ L 122, 24.4.2014, p. 18, as amended by:

- Regulation (EU) 2018/1139, OJ L 212, 22.8.2018, p. 1.

Commission Regulation (EU) No 452/2014 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 (text with EEA relevance), OJ L 133, 6.5.2014, p. 12, as amended by:

- Commission Regulation (EU) 2016/1158, OJ L 192, 16.7.2016, p. 21.

Commission Regulation (EU) No 1321/2014 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 (text with EEA relevance), OJ L 362, 17.12.2014, p. 1, as amended by:

- Commission Regulation (EU) 2015/1088, OJ L 176, 7.7.2015, p. 4,

- Commission Regulation (EU) 2015/1536, OJ L 241, 17.9.2015, p. 16,
- Commission Regulation (EU) 2017/334, OJ L 50, 28.2.2017, p. 13,
- Commission Regulation (EU) 2018/1142, OJ L 207, 16.8.2018, p. 2,
- Commission Implementing Regulation (EU) 2019/1383, OJ L 228, 4.9.2019, p. 1,
- Commission Implementing Regulation (EU) 2019/1384, OJ L 228, 4.9.2019, p. 106,
- Commission Implementing Regulation (EU) 2020/270, OJ L 56, 27.2.2020, p. 20.

Commission Regulation (EU) 2015/340 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 (text with EEA relevance), OJ L 63, 6.3.2015, p. 1.

Commission Regulation (EU) 2015/640 of 23 April 2015 on additional airworthiness specifications for a given type of operations and amending Regulation (EU) No 965/2012, OJ L 106, 24.4.2015, p. 18, as amended by:

- Commission Implementing Regulation (EU) 2019/133, OJ L 25, 29.1.2019, p. 14.

Commission Implementing Regulation (EU) 2015/1018 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 (text with EEA relevance), OJ L 163, 30.6.2015, p. 1.

Commission Decision (EU) 2016/2357 of 19 December 2016 regarding the lack of effective compliance with Regulation (EC) No 216/2008 of the European Parliament and of the Council and its implementing rules in respect of certificates issued by the Hellenic Aviation Training Academy (HATA), and Part-66 licenses issued on the basis thereof (notified under document C(2016) 8645), OJ L 348, 21.12.2016, p. 72.

Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council, OJ L 71, 14.3.2018, p. 10, as amended by:

- Commission Implementing Regulation (EU) 2020/357, OJ L 67, 5.3.2020, p. 34.

Regulation (EU) 2020/357 applies in Switzerland as from 8 April 2020.

Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes as well as for the flight crew licensing for sailplanes pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council, OJ L 326, 20.12.2018, p. 64, as amended by:

- Commission Implementing Regulation (EU) 2020/358, OJ L 67, 5.3.2020, p. 57.

Regulation (EU) 2020/358 applies in Switzerland as from 8 April 2020.

Regulation (EU) 2019/494 of the European Parliament and of the Council of 25 March 2019 on certain aspects of aviation safety with regard to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union (text with EEA relevance), OJ L 85 I, 27.3.2019, p. 11.

Commission Implementing Decision (EU) 2019/1128 of 1 July 2019 on access rights to safety recommendations and responses stored in the European Central Repository and repealing Decision 2012/780/EU (Text with EEA relevance), OJ L 177, 2.7.2019, p. 112.

4. Aviation Security

Regulation (EC) No 300/2008 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 (text with EEA relevance), OJ L 97, 9.4.2008, p. 22.

Commission Regulation (EC) No 272/2009 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, OJ L 91, 3.4.2009, p. 7, as amended by:

- Commission Regulation (EU) No 297/2010, OJ L 90, 10.4.2010, p. 1,

- Commission Regulation (EU) No 720/2011, OJ L 193, 23.7.2011, p. 19,
- Commission Regulation (EU) No 1141/2011, OJ L 293, 11.11.2011, p. 22,
- Commission Regulation (EU) No 245/2013, OJ L 77, 20.3.2013, p. 5.

Commission Regulation (EU) No 1254/2009 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 (text with EEA relevance), OJ L 338, 19.12.2009, p. 17, as amended by:

- Commission Regulation (EU) 2016/2096, OJ L 326, 1.12.2016, p. 7.

Commission Regulation (EU) No 18/2010 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, OJ L 7, 12.1.2010, p. 3.

Commission Regulation (EU) No 72/2010 of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security (text with EEA relevance), OJ L 23, 27.1.2010, p. 1, as amended by:

- Commission Implementing Regulation (EU) 2016/472, OJ L 85, 1.4.2016, p. 28.

Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security (text with EEA relevance), OJ L 299, 14.11.2015, p. 1, as amended by:

- Commission Implementing Regulation (EU) 2015/2426, OJ L 334, 22.12.2015, p. 5,
- Commission Implementing Regulation (EU) 2017/815, OJ L 122, 13.5.2017, p. 1,
- Commission Implementing Regulation (EU) 2018/55, OJ L 10, 13.1.2018, p. 5,
- Commission Implementing Regulation (EU) 2019/103, OJ L 21, 24.1.2019, p. 13,
- Commission Implementing Regulation (EU) 2019/413, OJ L 73, 15.3.2019, p. 98,
- Commission Implementing Regulation (EU) 2019/1583, OJ L 246, 26.9.2019, p. 15,
- Commission Implementing Regulation (EU) 2020/111, OJ L 21, 27.1.2020, p. 1.

Commission Implementing Decision C(2015) 8005 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 (not published in the OJ) as amended by:

- Commission Implementing Decision C(2017) 3030,
- Commission Implementing Decision C(2018) 4857,
- Commission Implementing Decision C(2019) 132.

5. Air traffic management

Regulation (EC) No 549/2004 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) (text with EEA relevance), OJ L 96, 31.3.2004, p. 1, as amended by:

- Regulation (EC) No 1070/2009, OJ L 300, 14.11.2009, p. 34.

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.

Regulation (EC) No 550/2004 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) (text with EEA relevance), OJ L 96, 31.3.2004, p. 10, as amended by:

— Regulation (EC) No 1070/2009, OJ L 300, 14.11.2009, p. 34.

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.”

Regulation (EC) No 551/2004 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) (text with EEA relevance), OJ L 96, 31.3.2004, p. 20, as amended by:

— Regulation (EC) No 1070/2009, OJ L 300, 14.11.2009, p. 34.

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

Regulation (EC) No 552/2004 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) (text with EEA relevance), OJ L 96, 31.3.2004, p. 26, as amended by:

— Regulation (EC) No 1070/2009, OJ L 300, 14.11.2009, p. 34.

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”.

In accordance with Article 139 of Regulation (EU) 2018/1139, Regulation (EC) No 552/2004 is repealed with effect from 11 September 2018. However, Articles 4, 5, 6, 6a and 7 of that Regulation and Annexes III and IV thereto shall continue to apply until the date of application of the delegated acts referred to in Article 47 of Regulation (EU) 2018/1139 and insofar as those acts cover the subject matter of the relevant provisions of Regulation (EC) No 552/2004, and in any case not later than 12 September 2023.

Commission Regulation (EC) No 2150/2005 of 23 December 2005 laying down common rules for the flexible use of airspace (text with EEA relevance), OJ L 342, 24.12.2005, p. 20.

Commission Regulation (EC) No 1033/2006 of 4 July 2006 laying down the requirements on procedures for flight plans in the pre-flight phase for the Single European Sky (text with EEA relevance), OJ L 186, 7.7.2006, p. 46, as amended by:

- Commission Implementing Regulation (EU) No 923/2012, OJ L 281, 13.10.2012, p. 1,
- Commission Implementing Regulation (EU) No 428/2013, OJ L 127, 9.5.2013, p. 23,
- Commission Implementing Regulation (EU) 2016/2120, OJ L 329, 3.12.2016, p. 70,
- Commission Implementing Regulation (EU) 2018/139, OJ L 25, 30.1.2018, p. 4.

Commission Regulation (EC) No 1032/2006 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 (text with EEA relevance), OJ L 186, 7.7.2006, p. 27, as amended by:

- Commission Regulation (EC) No 30/2009, OJ L 13, 17.1.2009, p. 20.

Council Regulation (EC) No 219/2007 of 27 February 2007 on the establishment of a Joint Undertaking to develop the new generation European air traffic management system (SESAR), OJ L 64, 2.3.2007, p. 1, as amended by:

- Council Regulation (EC) No 1361/2008, OJ L 352, 31.12.2008, p. 12,
- Council Regulation (EU) No 721/2014, OJ L 192, 1.7.2014, p. 1.

Commission Regulation (EC) No 633/2007 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 (text with EEA relevance), OJ L 146, 8.6.2007, p. 7, as amended by:

- Commission Regulation (EU) No 283/2011, OJ L 77, 23.3.2011, p. 23.

Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight, repealing Regulation (EC) No 482/2008, Implementing Regulations (EU) No 1034/2011, (EU) No 1035/2011 and (EU) 2016/1377 and amending Regulation (EU) No 677/2011 (text with EEA relevance), OJ L 62, 8.3.2017, p. 1.

Commission Regulation (EC) No 29/2009 of 16 January 2009 laying down requirements on data link services for the Single European Sky (text with EEA relevance), OJ L 13, 17.1.2009, p. 3, as amended by:

- Commission Implementing Regulation (EU) 2015/310, OJ L 56, 27.2.2015, p. 30,
- Commission Implementing Regulation (EU) 2019/1170, OJ L 183, 9.7.2019, p. 6,
- Commission Implementing Regulation (EU) 2020/208, OJ L 43, 17.2.2020, p. 72.

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.

Commission Regulation (EC) No 262/2009 of 30 March 2009 laying down requirements for the coordinated allocation and use of Mode S interrogator codes for the Single European Sky (text with EEA relevance), OJ L 84, 31.3.2009, p. 20, as amended by:

- Commission Implementing Regulation (EU) 2016/2345, OJ L 348, 21.12.2016, p. 11.

Commission Regulation (EU) No 73/2010 of 26 January 2010 laying down requirements on the quality of aeronautical data and aeronautical information for the Single European Sky (text with EEA relevance), OJ L 23, 27.1.2010, p. 6, as amended by:

- Commission Implementing Regulation (EU) No 1029/2014, OJ L 284, 30.9.2014, p. 9.

Commission Regulation (EU) No 255/2010 of 25 March 2010 laying down common rules on air traffic flow management (text with EEA relevance), OJ L 80, 26.3.2010, p. 10, as amended by:

- Commission Implementing Regulation (EU) No 923/2012, OJ L 281, 13.10.2012, p. 1,

- Commission Implementing Regulation (EU) 2016/1006, OJ L 165, 23.6.2016, p. 8,
- Commission Implementing Regulation (EU) 2017/2159, OJ L 304, 21.11.2017, p. 45.

Commission Decision No C(2010) 5134 of 29 July 2010 on the designation of the Performance Review Body of the Single European Sky (not published in the OJ).

Commission Regulation (EU) No 176/2011 of 24 February 2011 on the information to be provided before the establishment and modification of a functional airspace block, OJ L 51, 25.2.2011, p. 2.

Commission Decision No C(2011) 4130 of 7 July 2011 on the nomination of the Network Manager for the air traffic management (ATM) network functions of the single European sky (text with EEA relevance) (not published in the OJ).

Commission Implementing Regulation (EU) No 1206/2011 of 22 November 2011 laying down requirements on aircraft identification for surveillance for the single European sky (text with EEA relevance), OJ L 305, 23.11.2011, p. 23.

The text of Implementing Regulation (EU) No 1206/2011 shall, for the purposes of this Agreement, be read with the following adaptation:

“Switzerland UIR” is added in Annex I.

Commission Implementing Regulation (EU) No 1207/2011 of 22 November 2011 laying down requirements for the performance and the interoperability of surveillance for the single European sky (text with EEA relevance), OJ L 305, 23.11.2011, p. 35, as amended by:

- Commission Implementing Regulation (EU) No 1028/2014, OJ L 284, 30.9.2014, p. 7,
- Commission Implementing Regulation (EU) 2017/386, OJ L 59, 7.3.2017, p. 34.

Commission Implementing Regulation (EU) No 923/2012 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 (text with EEA relevance), OJ L 281, 13.10.2012, p. 1, as amended by:

- Commission Regulation (EU) 2015/340, OJ L 63, 6.3.2015, p. 1,
- Commission Implementing Regulation (EU) 2016/1185, OJ L 196, 21.7.2016, p. 3.

Commission Implementing Regulation (EU) No 1079/2012 of 16 November 2012 laying down requirements for voice channels spacing for the single European sky (text with EEA relevance), OJ L 320, 17.11.2012, p. 14, as amended by:

- Commission Implementing Regulation (EU) No 657/2013, OJ L 190, 11.7.2013, p. 37,
- Commission Implementing Regulation (EU) 2016/2345, OJ L 348, 21.12.2016, p. 11,
- Commission Implementing Regulation (EU) 2017/2160, OJ L 304, 21.11.2017, p. 47.

Commission Implementing Regulation (EU) No 409/2013 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 (text with EEA relevance), OJ L 123, 4.5.2013, p. 1.

Commission Implementing Regulation (EU) No 716/2014 of 27 June 2014 on the establishment of the Pilot Common Project supporting the implementation of the European Air Traffic Management Master Plan (text with EEA relevance), OJ L 190, 28.6.2014, p. 19.

Commission Implementing Regulation (EU) 2018/1048 of 18 July 2018 laying down airspace usage requirements and operating procedures concerning performance-based navigation, OJ L 189, 26.7.2018, p. 3.

Commission Implementing Regulation (EU) 2019/123 of 24 January 2019 laying down detailed rules for the implementation of air traffic management (ATM) network functions and repealing Commission Regulation (EU) No 677/2011 (text with EEA relevance), OJ L 28, 31.1.2019, p. 1.

Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky and repealing Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (text with EEA relevance), OJ L 56, 25.2.2019, p. 1.

Commission Implementing Decision (EU) 2019/709 of 6 May 2019 on the appointment of the network manager for air traffic management (ATM) network functions of the single European sky (notified under document C(2019) 3228), OJ L 120, 8.5.2019, p. 27.

Commission Implementing Decision (EU) 2019/903 of 29 May 2019 setting the Union-wide performance targets for the air traffic management network for the third reference period starting on 1 January 2020 and ending on 31 December 2024 (text with EEA relevance), OJ L 144, 3.6.2019, p. 49.

Commission Implementing Decision (EU) 2019/2167 of 17 December 2019 approving the Network Strategy Plan for the air traffic management network functions of the single European sky for the period 2020-2029, OJ L 328, 18.12.2019, p. 89.

Commission Implementing Decision (EU) 2019/2168 of 17 December 2019 on the appointment of the chairperson and the members and their alternates of the Network Management Board and of the members and their alternates of the European Aviation Crisis Coordination Cell for the air traffic management network functions for the third reference period 2020-2024, OJ L 328, 18.12.2019, p. 90.

Commission Implementing Decision (EU) 2019/2012 of 29 November 2019 on exemptions under Article 14 of Commission Regulation (EC) No 29/2009 laying down requirements on data link services for the single European sky (Text with EEA relevance), OJ L 312, 3.12.2019, p. 95.

6. Environment and noise

Directive 2002/30/EC 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 (text with EEA relevance) (Articles 1-12, and 14-18), OJ L 85, 28.3.2002, p. 40.

(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).

Council Directive 89/629/EEC of 4 December 1989 on the limitation of noise emissions from civil subsonic jet aeroplanes, OJ L 363, 13.12.1989, p. 27.

(Articles 1-8)

Directive 2006/93/EC 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) (codified version) (text with EEA relevance), OJ L 374, 27.12.2006, p. 1.

7. Consumer protection

Council Directive 90/314/EEC of 13 June 1990 on package travel, package holidays and package tours, OJ L 158, 23.6.1990, p. 59 (Articles 1-10).

Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts, OJ L 95, 21.4.1993, p. 29 (Articles 1-11), as amended by:

— Directive 2011/83/EU, OJ L 304, 22.11.2011, p. 64.

Council Regulation (EC) No 2027/97 of 9 October 1997 on air carrier liability in respect of the carriage of passengers and their baggage by air in the event of accidents, OJ L 285, 17.10.1997, p. 1 (Articles 1-8), as amended by:

— Regulation (EC) No 889/2002, OJ L 140, 30.5.2002, p. 2.

Regulation (EC) No 261/2004 of the European 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 (text with EEA relevance), OJ L 46, 17.2.2004, p. 1.

(Articles 1-18)

Regulation (EC) No 1107/2006 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 (text with EEA relevance), OJ L 204, 26.7.2006, p. 1.

8. **Miscellaneous**

Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (text with EEA relevance), OJ L 283, 31.10.2003, p. 51.

(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 ⁽⁴⁾ and with Council Regulation (EC, Euratom) No 2988/95 ⁽⁵⁾.

Article 7

Recovery and enforcement

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

The enforcement order must be issued, without any further control than verification of the authenticity of the act, by the authority designated by the Swiss government, which must inform the Agency or the Commission thereof. Enforcement must take place in accordance with the Swiss rules of procedure. The legality of the enforcement decision is subject to control by the Court of Justice of the European Union.

Judgments given by the Court of Justice of the European Union pursuant to an arbitration clause are enforceable on the same terms.'

⁽⁴⁾ 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).

⁽⁵⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests (OJ L 312, 23.12.1995, p. 1).

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



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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