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

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II

(Non-legislative acts)

DECISIONS

COUNCIL DECISION (EU) 2021/1169

of 13 July 2021

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of Národná banka Slovenska

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular Article 27.1 thereof,

Having regard to the Recommendation of the European Central Bank of 6 May 2021 to the Council of the European Union on the external auditors of Národná banka Slovenska (ECB/2021/22) ⁽¹⁾,

Whereas:

- (1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council of the European Union.
- (2) In 2017, Národná banka Slovenska selected Deloitte Audit s.r.o. as its external auditors for the financial years 2017 to 2020, with an option to extend the mandate to the financial years 2021 to 2023.
- (3) The mandate of Národná banka Slovenska's current external auditors, Deloitte Audit s.r.o., ended after the audit for the financial year 2020 in accordance with Council Decision (EU) 2017/1849 ⁽²⁾.
- (4) Národná banka Slovenska intends to extend the mandate of Deloitte Audit s.r.o. to the financial year 2021. This extension is possible in accordance with the contractual arrangements between Národná banka Slovenska and Deloitte Audit s.r.o.
- (5) The Governing Council of the ECB has recommended that Deloitte Audit s.r.o. be appointed as the external auditors of Národná banka Slovenska for the financial year 2021.
- (6) Following the recommendation of the Governing Council of the ECB, Council Decision 1999/70/EC ⁽³⁾ should be amended accordingly,

⁽¹⁾ OJ C 187, 17.5.2021, p. 1.

⁽²⁾ Council Decision (EU) 2017/1849 of 10 October 2017 amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of Národná banka Slovenska (OJ L 264, 13.10.2017, p. 5).

⁽³⁾ Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks (OJ L 22, 29.1.1999, p. 69).

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 1999/70/EC, paragraph 16 is replaced by the following:

‘16. Deloitte Audit s.r.o. are hereby approved as the external auditors of Národná banka Slovenska for the financial year 2021.’.

Article 2

This Decision shall take effect on the date of its notification.

Article 3

This Decision is addressed to the European Central Bank.

Done at Brussels, 13 July 2021.

For the Council
The President
A. ŠIRCELJ

RECOMMENDATIONS

COUNCIL RECOMMENDATION (EU) 2021/1170

of 15 July 2021

amending Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77 (2) (b) and (e) and Article 292, first and second sentence thereof,

Whereas:

- (1) On 30 June 2020, the Council adopted a Recommendation on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction ⁽¹⁾ ("Council Recommendation").
- (2) Since then, the Council adopted Recommendations (EU) 2020/1052 ⁽²⁾, (EU) 2020/1144 ⁽³⁾, (EU) 2020/1186 ⁽⁴⁾, (EU) 2020/1551 ⁽⁵⁾, (EU) 2020/2169 ⁽⁶⁾, (EU) 2021/89 ⁽⁷⁾, (EU) 2021/132 ⁽⁸⁾, (EU) 2021/767 ⁽⁹⁾, (EU) 2021/892 ⁽¹⁰⁾, (EU) 2021/992 ⁽¹¹⁾ and (EU) 2021/1085 ⁽¹²⁾ amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction.
- (3) On 20 May 2021, the Council adopted Recommendation 2021/816 amending Council Recommendation (EU) 2020/912 on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction ⁽¹³⁾ in order to update the criteria used to assess whether non-essential travel from third countries is safe and should be allowed.
- (4) The Council Recommendation provides that Member States should gradually lift the temporary restriction on non-essential travel to the EU as from 1 July 2020 in a coordinated manner with regard to the residents of the third countries listed in Annex I to the Council Recommendation. Every two weeks, the list of third countries referred to in Annex I should be reviewed, and as the case may be updated, by the Council, after close consultation with the Commission and the relevant EU agencies and services following an overall assessment based on the methodology, criteria and information referred to in the Council Recommendation.
- (5) Discussions have since then taken place within the Council, in close consultation with the Commission and the relevant EU agencies and services, on the review of the list of third countries set out in Annex I to the Council Recommendation and in application of the criteria and methodology laid down in the Council Recommendation, as amended by Recommendation 2021/816. As a result of these discussions, the list of third countries set out in Annex I should be amended. In particular, Rwanda and Thailand should be removed from the list and Ukraine should be added to the list.

⁽¹⁾ OJ L 208 I, 1.7.2020, p. 1.

⁽²⁾ OJ L 230, 17.7.2020, p. 26.

⁽³⁾ OJ L 248, 31.7.2020, p. 26.

⁽⁴⁾ OJ L 261, 11.8.2020, p. 83.

⁽⁵⁾ OJ L 354, 26.10.2020, p. 19.

⁽⁶⁾ OJ L 431, 21.12.2020, p. 75.

⁽⁷⁾ OJ L 33, 29.1.2021, p. 1.

⁽⁸⁾ OJ L 41, 4.2.2021, p. 1.

⁽⁹⁾ OJ L 165 I, 11.5.2021, p. 66.

⁽¹⁰⁾ OJ L 198, 4.6.2021, p. 1.

⁽¹¹⁾ OJ L 221, 21.6.2021, p. 12.

⁽¹²⁾ OJ L 235, 2.7.2021, p. 27.

⁽¹³⁾ OJ L 182, 21.5.2021, p. 1.

- (6) Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control. Member States should therefore ensure that measures taken at the external borders are coordinated in order to ensure a well functioning Schengen area. To that end, as of 15 July 2021, Member States should continue lifting the temporary restriction on non-essential travel into the EU in a coordinated manner with regard to the residents of the third countries, Special Administrative Regions *and other entities and territorial authorities* listed in Annex I of the Council Recommendation as amended by this Recommendation.
- (7) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and to the TFEU, Denmark is not taking part in the adoption of this Recommendation and is not bound by it or subject to its application. Given that this Recommendation builds upon the Schengen acquis, Denmark shall, in accordance with Article 4 of the said Protocol, decide within a period of six months after the Council has decided on this Recommendation whether it will implement it.
- (8) This Recommendation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽¹⁴⁾; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (9) As regards Iceland and Norway, this Recommendation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 1, point A, of Council Decision 1999/437/EC ⁽¹⁵⁾.
- (10) As regards Switzerland, this Recommendation constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 1, point A, of Decision 1999/437/EC ⁽¹⁶⁾ read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽¹⁷⁾.
- (11) As regards Liechtenstein, this Recommendation constitutes a development of provisions of the Schengen acquis within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis which fall within the area referred to in Article 1 point A, of Decision 1999/437/EC ⁽¹⁸⁾ read in conjunction with Article 3 of Decision 2011/350/EU ⁽¹⁹⁾,

⁽¹⁴⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20).

⁽¹⁵⁾ OJ L 176, 10.7.1999, p. 31.

⁽¹⁶⁾ OJ L 53, 27.2.2008, p. 52.

⁽¹⁷⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53, 27.2.2008, p. 1).

⁽¹⁸⁾ OJ L 160, 18.6.2011, p. 21.

⁽¹⁹⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

HAS ADOPTED THIS RECOMMENDATION:

Council Recommendation (EU) 2020/912, as amended by Recommendations (EU) 2020/1052, (EU) 2020/1144, (EU) 2020/1186, (EU) 2020/1551, (EU) 2020/2169, (EU) 2021/89, (EU) 2021/132, (EU) 2021/767, (EU) 2021/816, (EU) 2021/892, (EU) 2021/992 and (EU) 2021/1085, on the temporary restriction on non-essential travel into the EU and the possible lifting of such restriction is amended as follows:

(1) First paragraph of point 1 of the Council Recommendation is replaced by the following:

'1. As from 15 July 2021, Member States should gradually lift the temporary restriction on non-essential travel to the EU in a coordinated manner with regard to the residents of the third countries listed in Annex I.'

(2) Annex I to the Recommendation is replaced by the following:

'ANNEX I

Third countries, Special Administrative Regions and other entities and territorial authorities whose residents should not be affected by temporary external borders restriction on non-essential travel into the EU:

I. STATES

1. ALBANIA
2. ARMENIA
3. AUSTRALIA
4. AZERBAIJAN
5. BOSNIA AND HERZEGOVINA
6. BRUNEI DARUSSALAM
7. CANADA
8. ISRAEL
9. JAPAN
10. JORDAN
11. LEBANON
12. MONTENEGRO
13. NEW ZEALAND
14. QATAR
15. REPUBLIC OF MOLDOVA
16. REPUBLIC OF NORTH MACEDONIA
17. SAUDI ARABIA
18. SERBIA
19. SINGAPORE
20. SOUTH KOREA
21. UKRAINE
22. UNITED STATES OF AMERICA
23. CHINA (*)

II. SPECIAL ADMINISTRATIVE REGIONS OF THE PEOPLE'S REPUBLIC OF CHINA

Hong Kong SAR

Macao SAR

III. ENTITIES AND TERRITORIAL AUTHORITIES THAT ARE NOT RECOGNISED AS STATES BY AT LEAST ONE MEMBER STATE

Kosovo *

Taiwan

(*) subject to confirmation of reciprocity

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.'

Done at Brussels, 15 July 2021.

For the Council

The President

G. DOVŽAN

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2021 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 30 June 2021

amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 of the Committee on transitory measures to maintain smooth rail traffic between Switzerland and the European Union [2021/1171]

THE COMMITTEE,

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

Whereas:

- (1) Under Article 51(2) of the Agreement, the Community/Switzerland Inland Transport Committee ('the Joint Committee') is responsible for the monitoring and application of the provisions of the Agreement and implements the adaptation and revision clauses referred to in Articles 52 and 55 thereof.
- (2) Under Article 52(4) of the Agreement, the Joint Committee adopts, inter alia, decisions revising Annex 1 so as to incorporate therein, as and where necessary and on a basis of reciprocity, amendments to the relevant legislation or decides on any other measure aimed at safeguarding the proper functioning of the Agreement.
- (3) Switzerland plans to apply legal provisions equivalent to Directive (EU) 2016/797 of the European Parliament and of the Council ⁽²⁾ and Directive (EU) 2016/798 of the European Parliament and of the Council ⁽³⁾. By Decision No 2/2019 of 13 December 2019 ⁽⁴⁾, the Joint Committee, on the one hand, revised Annex 1 to the Agreement so as to incorporate the new substantive provisions of those Directives and, on the other, adopted transitory measures to maintain smooth rail traffic between Switzerland and the European Union pending amendment of the Agreement under the relevant procedures. These transitory provisions were initially applicable until 31 December 2020. By Decision No 2/2020 of 11 December 2020 ⁽⁵⁾, the Joint Committee extended their applicability until 31 December 2021.
- (4) The date on which certain Swiss national rules listed in Annex 1 to the Agreement which may be incompatible with the technical specifications for interoperability should be reviewed to decide whether to remove, amend or keep them should be set as the date of the next Committee, and not later than 31 December 2021.

⁽¹⁾ OJ L 114, 30.4.2002, p. 91.

⁽²⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

⁽³⁾ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

⁽⁴⁾ OJ L 13, 17.1.2020, p. 43.

⁽⁵⁾ OJ L 15, 18.1.2021, p. 34.

- (5) The specific cases referred to in Article 4(5) of Directive (EU) 2016/797 of the European Parliament and of the Council for which provision may be made for each technical specification for interoperability in order to retain, in an appropriate manner, the compatibility of the existing rail system with regard to both network and vehicles should be listed in Annex 1 to the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

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

Article 2

Article 6(3) of Decision No 2/2019 of the Joint Committee of 13 December 2019 is amended as follows:

‘3. Annex 1 identifies the applicable national rules and specific cases that are potentially incompatible with Union law. If compatibility with Union law has not been established by 31 December 2021, those national rules and specific cases may no longer be applied unless the Joint Committee decides otherwise.’

Article 3

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

Brussels, 30 June 2021

For the European Union
The President
Kristian SCHMIDT

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

ANNEX

‘ANNEX 1

APPLICABLE PROVISIONS

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

Relevant provisions of Union law**Section 1 – Admission to the occupation**

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

For the purposes of this Agreement,

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

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

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

Section 2 – Social standards

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

Section 3 – Technical standards

Motorised vehicles

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

- Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3.5 tonnes (OJ L 373, 31.12.1991, p. 26), as last amended by Commission Implementing Directive 2014/37/EU of 27 February 2014 (OJ L 59, 28.2.2014, p. 32).
- Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27), as amended by Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002 (OJ L 327, 4.12.2002, p. 8).
- Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as amended by Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002 (OJ L 67, 9.3.2002, p. 47).
- Council Regulation (EC) No 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered (OJ L 299, 10.11.1998, p. 1).
- Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1), as last amended by Commission Directive 2010/47/EU of 5 July 2010 (OJ L 173, 8.7.2010, p. 33).
- Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p. 1), as last amended by Commission Directive 2008/74/EC of 18 July 2008 (OJ L 192, 19.7.2008, p. 51).
- Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy-duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1), as last amended by Commission Regulation (EU) No 133/2014 of 31 January 2014 (OJ L 47, 18.2.2014, p. 1).
- Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1), as last amended by Commission Regulation (EU) 2016/1004 of 22 June 2016 (OJ L 165, 23.6.2016, p. 1).
- Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy-duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1), as last amended by Commission Regulation (EU) No 627/2014 of 12 June 2014 (OJ L 174, 13.6.2014, p. 28).
- Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).
- Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131), as amended by Commission Delegated Regulation (EU) 2017/1576 of 26 June 2017 (OJ L 239, 19.9.2017, p. 3).

Transportation of dangerous goods

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

- Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13), as last amended by Commission Delegated Directive (EU) 2020/1833 of 2 October 2020 (OJ L 408, 4.12.2020, p. 1).

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

1. *Road transport*

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

RO - a - CH - 1

Subject: Transport of diesel fuel and heating oil with UN number 1 202 in tank containers.

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

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

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1 202 may benefit from the exemptions in point 1.1.3.6 ADR.

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

Date of expiration: 1 January 2023.

RO - a - CH - 2

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

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

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

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

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

Date of expiration: 1 January 2023.

RO - a - CH - 3

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

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

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

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

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

Date of expiration: 1 January 2023.

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

RO - bi - CH - 1

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

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

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

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

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

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

Date of expiration: 1 January 2023.

RO - bi - CH - 2

Subject: Return transport of fireworks.

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

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

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

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

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

Date of expiration: 1 January 2023.

RO - bi - CH - 3

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

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

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

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

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

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

The requirements in 1.3 and 8.2.3 are still applicable.

Date of expiration: 1 January 2023.

2. *Railway transport*

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

RA - a - CH - 1

Subject: Transport of diesel fuel and heating oil with UN number 1 202 in tank containers.

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

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

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1 202 are authorised.

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

Date of expiration: 1 January 2023.

RA - a - CH - 2

Subject: Transport document.

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

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

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

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

Date of expiration: 1 January 2023.

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

Section 4 – Access and transit rights with regard to railways

- Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25).
- Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings (OJ L 143, 27.6.1995, p. 70).
- Council Directive 95/19/EC of 19 June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees (OJ L 143, 27.6.1995, p. 75).
- Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44), as last amended by Commission Directive 2014/88/EU of 9 July 2014 (OJ L 201, 10.7.2014, p. 9).

- Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51), as last amended by Commission Regulation (EU) 2019/554 of 5 April 2019 (OJ L 97, 8.4.2019, p. 1).
- Commission Regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC (OJ L 153, 14.6.2007, p. 9), as amended by Commission Regulation (EU) No 445/2011 of 10 May 2011 (OJ L 122, 11.5.2011, p. 22).
- Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC (OJ L 305, 23.11.2007, p. 30), as amended by Commission Decision 2011/107/EU of 10 February 2011 (OJ L 43, 17.2.2011, p. 33).
- Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations (OJ L 315, 3.12.2007, p. 14).
- Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (Recast) (OJ L 191, 18.7.2008, p. 1), as last amended by Commission Directive 2014/38/EU of 10 March 2014 (OJ L 70, 11.3.2014, p. 20).
- Commission Decision 2009/965/EC of 30 November 2009 on the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (OJ L 341, 22.12.2009, p. 1), as amended by Commission Implementing Decision (EU) 2015/2299 of 17 November 2015 (OJ L 324, 10.12.2015, p. 15).
- Commission Regulation (EU) No 36/2010 of 3 December 2009 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and the Council (OJ L 13, 19.1.2010, p. 1).
- Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ L 319, 4.12.2010, p. 1).
- Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (OJ L 326, 10.12.2010, p. 11).
- Commission Regulation (EU) No 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation (OJ L 327, 11.12.2010, p. 13).
- Regulation (EU) No 201/2011 of 1 March 2011 on the model of declaration of conformity to an authorised type of railway vehicle (OJ L 57, 2.3.2011, p. 8).
- Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ L 122, 11.5.2011, p. 22).
- Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system (OJ L 123, 12.5.2011, p. 11), as last amended by Commission Implementing Regulation (EU) 2019/775 of 16 May 2019 (OJ L 139I, 27.5.2019, p. 103).
- Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles (OJ L 264, 8.10.2011, p. 32), as amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139I, 27.5.2019, p. 108).
- Commission Decision 2011/765/EU of 22 November 2011 on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council (OJ L 314, 29.11.2011, p. 36).

- Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ L 320, 17.11.2012, p. 8).
- Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock – freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1), as last amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139I, 27.5.2019, p. 108).
- Commission Implementing Regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009 (OJ L 121, 3.5.2013, p. 8), as amended by Commission Implementing Regulation (EU) 2015/1136 of 13 July 2015 (OJ L 185, 14.7.2015, p. 6).
- Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'infrastructure' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 1), as amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139I, 27.5.2019, p. 108).
- Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 110), as amended by Commission Implementing Regulation (EU) 2019/772 of 16 May 2019 (OJ L 139I, 27.5.2019, p. 1).

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

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

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

— **Permanent specific case CH-TSI ENE-001: Pantograph loading gauge** (TSI reference Article 4.2.10(2))

For new, updated or renewed 'energy' subsystems on the Swiss interoperable network, the pantograph loading gauge must be specified in accordance with the implementing provisions of the Railways Ordinance of 15 December 1983 (DE-OCF), version of 1 November 2020, re Article 18, Normal track, DE 18, figures, Figure 12, and re Art. 18/47, DE 18.2/47.2, Reference contour, Chapter 14, as follows:

- OCF S1: pantograph head geometry type 1 450 mm with horns made of insulating material
- OCF S2: pantograph head geometry type 1 450 mm or 1 600 mm with horns made of insulating material
- OCF S3: pantograph head geometry type 1 600 mm
- OCF S4: pantograph head geometry type 1 950 mm

NB: To operate on existing sections, electric units (rolling stock) must be equipped with a 1 450 mm-wide pantograph head (with horns made of insulating material) in accordance with Figure B.1 of EN 50367:2020.

— **Permanent specific case CH-TSI ENE-002: Mean useful voltage certificate** (TSI reference Article 6.2.4.1)

Alternatively to assessment of mean useful voltage according to prEN 50388:xxxx, clause 15.4, the power supply performance may also be assessed by:

- a comparison with a reference where the power supply solution has been used for a similar or more demanding train schedule. The reference shall have a similar or larger:

- distance to the voltage-controlled bus bar (frequency converter station);
- impedance of the OCL system;
- a rough estimation of U_{mean} useful for simple cases resulting in an increased additional capacity for future traffic demands.
- Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock – locomotives and passenger rolling stock' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228), as last amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139I, 27.5.2019, p. 108).

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

— **Permanent specific case CH-TSI LOC&PAS-004: Track displacement force**(*TSI reference Article 4.2.3.4*)

The maximum permissible track displacement force (sum of the guiding forces) per axle is limited on the infrastructure side by the permissible track displacement resistance. Given the design of the track superstructure in Switzerland, a coefficient $\alpha = k_1 = 0.85$ should be applied as a regulatory value to calculate the maximum permissible track displacement force.

A coefficient $\alpha = k_1 = 1.0$ may be applied in exceptional cases and requires special checks.

The dynamic type-approval tests must be carried out on the basis of the coefficient $\alpha = k_1 = 0.85$.

— **Permanent specific case CH-TSI LOC&PAS-005: Cant deficiency**(*LOC&PAS TSI reference Article 4.2.3.4.2 and WAG TSI reference Article 4.2.3.5*)

The permissible running speed on the Swiss rail network is defined on the basis of a cant deficiency of 130 mm (freight trains) and 150 mm (passenger trains); these cant deficiencies are accepted without further examination. To ensure safe operation, it is therefore imperative that vehicles are examined in respect of such cant deficiencies.

Vehicles which have not been examined in respect of such cant deficiencies cannot run on the Swiss rail network.

— **Permanent specific case CH-TSI LOC&PAS-017: Infrastructure gauge: general**(*LOC&PAS TSI reference Article 4.2.3.1*)

The compatibility of OCF gauges with the international gauges of EN 15273-1:2013 is as follows:

- G1 gauge: admission without restrictions.
- GA gauge: admission with restrictions for gauge OCF O1. The formulae associated with the G1 gauge are to be applied to calculate the kinematic gauge of rolling stock (upper part) for all heights h . In Switzerland the use of the special features provided for in EN 15273-2, Annex B, B.3.3.1, B.3.4.1, B.3.5.1 and B.3.6.1, is not authorised for heights $h > 3.250$ m. Gauge OCF O1 accepts standard loads for gauge GA as specified in file UIC 506, Annex B, Article B.1.1.
- GB gauge: admission with restrictions for gauge OCF O2. The formulae associated with the G1 gauge are to be applied to calculate the kinematic gauge of rolling stock (upper part) for all heights h . In Switzerland the use of the special features provided for in EN 15273-2, Annex B, B.3.3.1, B.3.4.1, B.3.5.1 and B.3.6.1, is not authorised for heights $h > 3.250$ m. Gauge OCF O2 accepts standard loads for gauge GB as specified in file UIC 506, Annex B, Article B.1.1.
- GC gauge: admission without restrictions for gauge OCF O4.

The infrastructure gauge (upper part) for all types of gauge (e.g. OCF O1, OCF O2, OCF O4) is calculated in accordance with EN 15273-1:2013, Annex C, C.2.1, Table C1 (Annex C, C.2.3, Table C4 respectively), subject to the reference kinematic profiles and the associated calculation rules. Use of the formulae under EN 15273-3:2013, Annex C, Tables C.2 and C.3 (for heights $h > 3.250$ m) is not permitted in Switzerland.

— **Permanent specific case CH-TSI LOC&PAS-028: Gauging, door area**(LOC&PAS TSI reference Article 4.2.3.1)

Boarding doors meeting the requirements of UIC 560, Chapters 1.1.4 to 1.1.4.3, are permitted. In general, the following points apply:

The compatibility of OCF gauges with the international gauges of EN 15273-1:2013 is as follows:

- G1 gauge: admission without restrictions.
- GA gauge: admission with restrictions for gauge OCF O1. The formulae associated with the G1 gauge are to be applied to calculate the kinematic gauge of rolling stock (upper part) for all heights h . In Switzerland the use of the special features provided for in EN 15273-2, Annex B, B.3.3.1, B.3.4.1, B.3.5.1 and B.3.6.1, is not authorised for heights $h > 3.250$ m. Gauge OCF O1 accepts standard loads for gauge GA as specified in file UIC 506, Annex B, Article B.1.1.
- GB gauge: admission with restrictions for gauge OCF O2. The formulae associated with the G1 gauge are to be applied to calculate the kinematic gauge of rolling stock (upper part) for all heights h . In Switzerland the use of the special features provided for in EN 15273-2, Annex B, B.3.3.1, B.3.4.1, B.3.5.1 and B.3.6.1, is not authorised for heights $h > 3.250$ m. Gauge OCF O2 accepts standard loads for gauge GB as specified in file UIC 506, Annex B, Article B.1.1.
- GC gauge: admission without restrictions for gauge OCF O4.

The infrastructure gauge (upper part) for all types of gauge (e.g. OCF O1, OCF O2, OCF O4) is calculated in accordance with EN 15273-1:2013, Annex C, C.2.1, Table C1 (Annex C, C.2.3, Table C4 respectively), subject to the reference kinematic profiles and the associated calculation rules. Use of the formulae under EN 15273-3:2013, Annex C, Tables C.2 and C.3 (for heights $h > 3.250$ m) is not permitted in Switzerland.

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

- CH-TSI LOC&PAS-001 (version 1.0 of June 2015): Pantograph head width;
- CH-TSI LOC&PAS-002 (version 2.0 of June 2021): Narrow switches / test of passage through switches;
- CH-TSI LOC&PAS-003 (version 2.0 of June 2021): Tight curves $r < 250$ m;
- CH-TSI LOC&PAS-006 (version 2.0 of June 2021): Authorisation of rolling stock with category N tilting system;
- CH-TSI LOC&PAS-007 (version 2.0 of June 2021): Flange lubrication;
- CH-TSI LOC&PAS-009 (version 1.0 of June 2015): Exhaust emissions from thermal vehicles (the rule may be incompatible with Regulation (EU) 2016/1628 and must be reviewed before 31 December 2021);
- CH-TSI LOC&PAS-011 (version 2.0 of June 2021): Traction limitation;
- CH-TSI LOC&PAS-012 (version 1.0 of July 2016): Admittance;
- CH-TSI LOC&PAS-013 (version 1.0 of July 2016): Pantograph / contact line interaction;
- CH-TSI LOC&PAS-014a (version 2.0 of June 2021): Rolling stock characteristics compatible with train detection system based on track circuits;
- CH-TSI LOC&PAS-014b (version 2.0 of June 2021): Rolling stock characteristics compatible with train detection system based on axle counters;
- CH-TSI LOC&PAS-019 (version 2.0 of June 2019): Non-leading input signal (the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2021);
- CH-TSI LOC&PAS-020 (version 2.0 of June 2019): Sleeping-input signal with multiple-unit control (the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2021);
- CH-TSI LOC&PAS-022 (version 2.1 of June 2021): Resetting the emergency brake;

- CH-TSI LOC&PAS-025 (version 2.0 of June 2019): Inhibited operability to disconnect ETCS on-board unit (the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2021);
- CH-TSI LOC&PAS-026 (version 2.0 of June 2019): SIGNUM/ZUB not permitted on vehicles with ERTMS/ETCS Baseline 3;
- CH-TSI LOC&PAS-027 (version 2.0 of June 2019): Manual radio remote control in ‘shunting’ mode (*the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2021*);
- CH-TSI LOC&PAS-030 (version 2.0 of June 2021): Use of braking systems without static friction;
- CH-TSI LOC&PAS-031 (version 2.1 of November 2020): Safe traction cut-off (the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2021);
- CH-TSI LOC&PAS-035 (version 2.1 of November 2020): Sufficient braking performance during emergency braking (the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2021);
- CH-TSI LOC&PAS-036 (version 2.0 of June 2019): Vehicles with a control panel for both directions of travel (the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2021);
- CH-TSI LOC&PAS-037 (version 1.0 of June 2019): ETCS service brake (the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2021).
- Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to ‘safety in railway tunnels’ of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394), as last amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139I, 27.5.2019, p. 108).
- Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem ‘rolling stock – noise’ amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421).
- Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006 (OJ L 356, 12.12.2014, p. 438), as last amended by Commission Implementing Regulation (EU) 2019/778 of 16 May 2019 (OJ L 139I, 27.5.2019, p. 356).
- Commission Implementing Regulation (EU) 2015/171 of 4 February 2015 on certain aspects of the procedure of licensing railway undertakings (OJ L 29, 5.2.2015, p. 3).
- Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service (OJ L 148, 13.6.2015, p. 17).
- Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44); only the following provisions shall apply in Switzerland: Articles 7 (paragraphs 1 to 3), 8 to 10, 12, 15, 17, 21 (excluding paragraph 7), 22 to 25, 27 to 42, 44, 45 and 49 and Annexes II, III and IV.
- Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102); only the following provisions shall apply in Switzerland: Articles 9, 10 (excluding paragraph 7), 13, 14 and 17 and Annex III.
- Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the ‘control-command and signalling’ subsystems of the rail system in the European Union (OJ L 158, 15.6.2016, p. 1), as amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019 (OJ L 139I, 27.5.2019, p. 108).

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

- CH-TSI CCS-003 (version 2.0 of June 2019): Activation/deactivation of transfer of packet 44 to SIGNUM/ZUB;

- CH-TSI CCS-006 (version 2.1 of November 2020): Loss of ‘non-leading permitted’ in ‘non-leading’ mode (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2021*);
- CH-TSI CCS-007 (version 3.0 of November 2020): Braking curve requirement for ERTMS/ETCS Baseline 2;
- CH-TSI CCS-008 (version 3.0 of June 2021): Minimally implemented change requests;
- CH-TSI CCS-011 (version 2.0 of June 2019): Euroloop functionality;
- CH-TSI CCS-015 (version 2.0 of June 2019): Simultaneous control of two GSM-R data channels;
- CH-TSI CCS-016 (version 3.0 of June 2021): Application of country-specific parameters and functions;
- CH-TSI CCS-018 (version 2.0 of June 2019): Level STM/NTC prohibited for SIGNUM/ZUB;
- CH-TSI CCS-019 (version 3.0 of November 2020): Acceptance and display of train data (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2021*);
- CH-TSI CCS-022 (version 2.0 of June 2019): Reversing in ‘unfitted’ mode;
- CH-TSI CCS-023 (version 2.0 of June 2019): Text message display;
- CH-TSI CCS-024 (version 3.0 of June 2021): Flexible data entry;
- CH-TSI CCS-026 (version 2.1 of November 2020): Online on-board monitoring of line equipment (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2021*);
- CH-TSI CCS-032 (version 2.1 of November 2020): Unique number for ETCS on-board equipment and GSM-R cab radio (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2021*);
- CH-TSI CCS-033 (version 1.1 of November 2020): GSM-R voice functionalities (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2021*);
- CH-TSI CCS-034 (version 1.0 of June 2019): ‘non-leading’ mode;
- CH-TSI CCS-035 (version 1.0 of June 2019): Text to be displayed at the DMI (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2021*);
- CH-TSI CCS-038 (version 1.1 of November 2020): Disclosure of large odometry confidence interval (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2021*);
- CH-CSM-RA-001 (version 1.0 of June 2019): Proof of safety concept for acquiring ETCS authorisation in Switzerland (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2021*);
- CH-CSM-RA-002 (version 1.0 of June 2019): Requirements at speeds greater than 200 km/h (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2021*).
- Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (OJ L 90, 6.4.2018, p. 66).
- Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012 (OJ L 129, 25.5.2018, p. 16).
- Commission Delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010 (OJ L 129, 25.5.2018, p. 26).

- Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007 (OJ L 129, 25.5.2018, p. 49).
- Commission Implementing Regulation (EU) 2019/250 of 12 February 2019 on the templates for 'EC' declarations and certificates for railway interoperability constituents and subsystems, on the model of declaration of conformity to an authorised railway vehicle type and on the 'EC' verification procedures for subsystems in accordance with Directive (EU) 2016/797 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 201/2011 (OJ L 42, 13.2.2019, p. 9).
- Commission Implementing Regulation (EU) 2019/773 of 16 May 2019 on the technical specification for interoperability relating to the operation and traffic management subsystem of the rail system within the European Union and repealing Decision 2012/757/EU (OJ L 139I, 27.5.2019, p. 5).

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

- CH-TSI OPE-006 (version 1.0 of July 2020): Railway operating procedures: communication concepts;
- CH-TSI OPE-007 (version 1.0 of July 2020): Railway operating procedures, without a basis in the TSI OPE;
- CH-TSI OPE-008 (version 1.0 of July 2020): Regulations which relate exclusively to IMs or to the ETF.
- Commission Implementing Regulation (EU) 2019/777 of 16 May 2019 on the common specifications for the register of railway infrastructure and repealing Implementing Decision 2014/880/EU (OJ L 139I, 27.5.2019, p. 312).
- Commission Recommendation (EU) 2019/780 of 16 May 2019 on practical arrangements for issuing safety authorisations to infrastructure managers (OJ L 139I, 27.5.2019, p. 390).

Section 5 – Other fields

- Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils (OJ L 316, 31.10.1992, p. 19).
 - Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network (OJ L 167, 30.4.2004, p. 39).
 - Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).
 - Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (OJ L 55, 28.2.2011, p. 1).'
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