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Legislation

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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

COMMISSION IMPLEMENTING DECISION (EU) 2021/1214

of 22 July 2021

authorising Poland to prohibit the marketing on its territory of the hemp variety Finola pursuant to Council Directive 2002/53/EC

(notified under document C(2021) 5295)

(Only the Polish text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/53/EC of 13 June 2002 on the Common Catalogue of varieties of agricultural plant species ⁽¹⁾, and in particular Article 18 thereof,

Whereas:

- (1) The Commission, in accordance with Directive 2002/53/EC, publishes in the C-series of the *Official Journal of the European Union* the Common Catalogue of varieties of agricultural plant species ⁽²⁾, which includes certain varieties of hemp.
- (2) Article 32(6) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽³⁾ provides that in order to prevent support being granted for illegal crops, areas used for the production of hemp may only be eligible if the varieties used have a tetrahydrocannabinol (THC) content not exceeding 0,2%.
- (3) Article 9(5) of Commission Delegated Regulation (EU) No 639/2014 ⁽⁴⁾ lays down that, if for the second year the average of all the samples of a given hemp variety exceeds the THC content as laid down in Article 32(6) of Regulation (EU) No 1307/2013, the Member State is to notify the Commission of the request for authorisation to prohibit the marketing of such variety in accordance with Article 18 of Directive 2002/53/EC.
- (4) On 19 January 2021, the Commission received a request from Poland for authorisation to prohibit the marketing in its entire territory of the hemp variety Finola, in accordance with Article 9(5) of Delegated Regulation (EU) No 639/2014. Poland informed the Commission that upon analyses, the average of all the samples of the variety Finola exceeded the THC content of 0,2% laid down in Article 32(6) of Regulation (EU) No 1307/2013 for the second year in a row.

⁽¹⁾ OJ L 193, 20.7.2002, p. 1.

⁽²⁾ Common catalogue of varieties of agricultural plant species – Supplement 2021/2 (OJ C 42, 5.2.2021).

⁽³⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

⁽⁴⁾ Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and amending Annex X to that Regulation (OJ L 181, 20.6.2014, p. 1).

- (5) Under Article 18 of Directive 2002/53/EC a Member State may, upon application, be authorised to prohibit the marketing of a variety included in the common catalogue of varieties if the cultivation of such variety presents a risk for the environment or for human health.
- (6) THC has a psychotropic effect and there is a need to limit human exposure by limiting the presence of THC in marketed hemp varieties.
- (7) Therefore, Poland should be authorised to prohibit the marketing of the hemp variety Finola in its entire territory.
- (8) In order to allow the Commission to inform the other Member States and to update the Common Catalogue of varieties of agricultural plant species, Poland should be required to inform the Commission of the date from which it intends to apply the authorisation granted by this Decision.
- (9) 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

Poland may prohibit the marketing of the hemp variety Finola in its entire territory in accordance with Article 18 of Directive 2002/53/EC.

Article 2

Poland shall notify to the Commission the date from which it will apply the authorisation provided for in Article 1.

Article 3

This Decision is addressed to the Republic of Poland.

Done at Brussels, 22 July 2021.

For the Commission
Stella KYRIAKIDES
Member of the Commission

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

Only the original UN/ECE texts have legal effect under international public law. The status and date of entry into force of this Regulation should be checked in the latest version of the UN/ECE status document TRANS/WP.29/343, available at:

<https://unece.org/status-1958-agreement-and-annexed-regulations>

UN Regulation No 160 – Uniform provisions concerning the approval of motor vehicles with regard to the Event Data Recorder [2021/1215]

01 series of amendments

Date of entry into force: TBC

This document is meant purely as documentation tool. The authentic and legally binding text is: ECE/TRANS/WP.29/2021/58.

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0. INTRODUCTION

- 0.1. The intention of this Regulation is to establish uniform provisions concerning the approval of motor vehicles of the Categories M₁ and N₁ with regard to their Event Data Recorders (EDRs).
- 0.2. The provisions concern the minimum collection, storage and crash survivability of motor vehicle crash event data. It does not include specifications for data retrieval tools and methods as that is subject to national/regional level requirement.

- 0.3. The purpose of these provisions is to ensure that EDRs record, in a readily usable manner, data valuable for effective crash investigations and for analysis of safety equipment performance (e.g., advanced restraint systems). These data will help provide a better understanding of the circumstances in which crashes and injuries occur and will facilitate the development of safer vehicle designs.

1. SCOPE

- 1.1. This Regulation applies to the approval of vehicles of categories M₁ and N₁ ⁽¹⁾ with regard to their Event Data Recorder (EDR).
- 1.2. This Regulation is without prejudice to requirements of national or regional laws related to privacy, data protection and personal data processing.
- 1.3. The following data elements are excluded from the scope: VIN, associated vehicle details, location/positioning data, information of the driver, and date and time of an event.
- 1.4. If there is no system or sensor designed to provide the data element to be recorded and stored under section 3, in the format (range, resolution, and sample rate) indicated in Annex 4. 'DATA ELEMENTS' or it is not operational at the time of recording, this document requires neither recording of such data nor fitting or making such systems or sensors operational. However, if the vehicle is fitted with an original equipment manufacturer sensor or system designed to provide the data element in the format specified in Annex 4. 'DATA ELEMENTS', then it is mandatory to report the data element in the specified format when the sensor or system is operational. In the case the reason for not being operational at the time of recording is a failure of this system or sensor, this failure state shall be recorded by the EDR as defined in the data elements Annex 4. Data elements.

2. DEFINITIONS

For the purposes of these performance elements:

- 2.1. 'ABS activity' means the anti-lock brake system (ABS) is actively controlling the vehicle's brakes.
- 2.2. 'Air bag warning lamp status' means whether the air bag malfunction warning lamp is on or off.
- 2.3. 'Capture' means the process of buffering EDR data in a temporary, volatile storage where it is continuously updated at regular time intervals.
- 2.4. 'Delta-V, lateral' means the cumulative change in velocity, as recorded by the EDR of the vehicle, along the lateral axis.
- 2.5. 'Delta-V, longitudinal' means the cumulative change in velocity, as recorded by the EDR of the vehicle, along the longitudinal axis.
- 2.6. 'Deployment time, frontal air bag' means (for both driver and front passenger) the elapsed time from crash time zero to the deployment command or for multi-staged air bag systems, the deployment command for the first stage.
- 2.7. 'End of event time' means the moment at which the cumulative delta-V within a 20 ms time period becomes 0,8 km/h or less, or the moment at which the crash detection algorithm of the air bag control unit resets.

⁽¹⁾ As defined in Section 2 of the Consolidated Resolution on the Construction of Vehicles (R.E.3) (document ECE/TRANS/WP.29/78/Rev.6) – <https://unece.org/transport/standards/transport/vehicle-regulations-wp29/resolutions>

- 2.8. 'Engine RPM' means:
- (a) For vehicles powered by internal combustion engines, the number of revolutions per minute of the main crankshaft of the vehicle's engine, and
 - (b) For vehicles not entirely powered by internal combustion engines, the number of revolutions per minute of the motor shaft at the point at which it enters the vehicle transmission gearbox, and
 - (c) For vehicles not powered by internal combustion engines at all, the number of revolutions per minute of the output shaft of the device(s) supplying motive power.
- 2.9. 'Engine throttle, percent full' means the driver-requested acceleration as measured by the throttle position sensor on the accelerator control compared to the fully depressed position.
- 2.10. 'Event' means a crash or other physical occurrence that causes the trigger threshold to be met or exceeded, or any non-reversible deployable restraint to be deployed, whichever occurs first.
- 2.11. 'Event data recorder' (EDR) means a device or function in a vehicle that records the vehicle's dynamic, time-series data during the time period just prior to an event (e.g., vehicle speed vs. time) or during a crash event (e.g., delta-V vs. time), intended for retrieval after the crash event. For the purposes of this definition, the event data does not include audio and video data.
- 2.12. 'Frontal air bag' means an inflatable restraint system that requires no action by vehicle occupants and is used to meet the applicable national frontal crash protection requirements.
- 2.13. 'If recorded' means if data is recorded in non-volatile memory for the purpose of subsequent downloading.
- 2.14. 'Ignition cycle, crash' means the number (count) of power mode cycles at the time when the crash event occurred since the first use of the EDR.
- 2.15. 'Ignition cycle download' means the number (count) of power mode cycles at the time when the data was downloaded since the first use of the EDR.
- 2.16. 'Lateral acceleration' means the component of the vector acceleration of a point in the vehicle in the y-direction. The lateral acceleration is positive from left to right, from the perspective of the driver when seated in the vehicle facing the direction of forward vehicle travel.
- 2.17. 'Longitudinal acceleration' means the component of the vector acceleration of a point in the vehicle in the x-direction. The longitudinal acceleration is positive in the direction of forward vehicle travel.
- 2.18. 'Maximum delta-V, lateral' means the maximum value of the cumulative change in velocity, as recorded by the EDR, of the vehicle along the lateral axis.
- 2.19. 'Maximum delta-V, longitudinal' means the maximum value of the cumulative change in velocity, as recorded by the EDR, of the vehicle along the longitudinal axis.
- 2.20. 'Maximum delta-V, resultant' means the time-correlated maximum value of the cumulative change in velocity, as reported by the EDR along the vector-added longitudinal and lateral axis.
- 2.21. 'Multi-event crash' means the occurrence of a minimum of 2 events, the first and last of which begin not more than 5 seconds apart.

- 2.22. 'Non-volatile memory' means the memory reserved for maintaining recorded EDR data in a semi-permanent fashion. Data recorded in non-volatile memory is retained after a loss of power and can be retrieved with EDR data extraction tools and methods.
- 2.23. 'Normal acceleration' means the component of the vector acceleration of a point in the vehicle in the z-direction. The normal acceleration is positive in a downward direction.
- 2.24. 'Occupant size classification' means, for front passenger, the classification of an occupant as an adult and not a child, and for the driver, the classification of the driver as not being of small stature as indicated in the data format.
- 2.25. 'Operational' means that the system or sensor, at the time of the event, is active or can be activated/deactivated by the driver.
- 2.26. 'Passenger air bag suppression status' means the status of the passenger air bag (suppressed or not suppressed).
- 2.27. 'Pretensioner' means a device that is activated by a vehicle's crash sensing system and removes slack from a vehicle safety belt system.
- 2.28. 'Record' means the process of saving captured EDR data into a non-volatile storage for subsequent retrieval.
- 2.29. 'Safety belt status' means the feedback from the safety system that the vehicle's safety belt is fastened or unfastened.
- 2.30. 'Seat track position switch, foremost, status' means the status of the switch that is installed to detect whether the seat is moved to a forward position.
- 2.31. 'Service brake, on and off' means the status of the device that is installed in or connected to the brake pedal system to detect whether the pedal was pressed. The device can include the brake pedal switch or other driver-operated service brake control.
- 2.32. 'Side air bag' means any inflatable occupant restraint device that is mounted to the seat or side structure of the vehicle interior, and that is designed to deploy in a side impact crash to help mitigate occupant injury and/or ejection.
- Note – Side air bags can also deploy in other crash modes as determined by the vehicle manufacturer.
- 2.33. 'Side curtain/tube air bag' means any inflatable occupant restraint device that is mounted to the side structure of the vehicle interior, and that is designed to deploy in a side impact crash or rollover and to help mitigate occupant injury and/or ejection.
- Note – Side curtain/tube air bags can also deploy in other crash modes as determined by the manufacturer.
- 2.34. 'Speed, vehicle indicated' means the vehicle speed indicated by a manufacturer-designated subsystem designed to indicate the vehicle's ground travel speed during vehicle operation.
- 2.35. 'Stability control' means any device that complies with national, 'Electronic stability control systems'.
- 2.36. 'Steering input' means the angular displacement of the steering wheel measured from the straight-ahead position (position corresponding to zero average steer angle of a pair of steered wheels).

- 2.37. 'Time from event 1 to 2' means the elapsed time from time zero of the first event to time zero of the second event of a multi-event crash.
- 2.38. 'Time, maximum delta-V, lateral' means the time from crash time zero to the point where the maximum value of the cumulative change in velocity is found, as recorded by the EDR, along the lateral axis.
- 2.39. 'Time, maximum delta-V, longitudinal' means the time from crash time zero to the point where the maximum value of the cumulative change in velocity is found, as recorded by the EDR, along the longitudinal axis.
- 2.40. 'Time, maximum delta-V, resultant' means the time from crash time zero to the point where the maximum delta-V resultant occurs, as reported by the EDR.
- 2.41. 'Time to deploy, pretensioner' means the elapsed time from crash time zero to the deployment command for the safety belt pretensioner (for both driver and front passenger).
- 2.42. 'Time to deploy, side air bag/curtain' means the elapsed time from crash time zero to the deployment command for a side air bag or a side curtain/tube air bag (for both driver and front passenger).
- 2.43. 'Time to first stage' means the elapsed time between time zero and the time when the first stage of a frontal air bag is commanded to fire.
- 2.44. 'Time to nth stage' means the elapsed time from crash time zero to the deployment command for the nth stage of a frontal air bag (for both driver and front passenger).
- 2.45. 'Time zero' is the time reference for the EDR data timestamps of an event.
- 2.46. 'Trigger threshold' means the appropriate parameter has met the conditions for recording an EDR event.
- 2.47. 'Vehicle roll angle' means the angle between the vehicle y-axis and the ground plane as determined by the sensing system.
- 2.48. 'Vehicle type with regard to its Event Data Recorder' means vehicles which do not differ significantly in such essential aspects as:
- (a) The manufacturer's trade name or mark;
 - (b) Vehicle features which significantly influence the performances of the EDR; Addition of new trigger(s), new data (elements), or modification in their format, shall not be considered as 'significantly influencing the performance of EDR';
 - (c) The main characteristics and design of the EDR.
- 2.49. 'Volatile memory' means the memory reserved for buffering of captured EDR data. The memory is not capable of retaining data in a semi-permanent fashion. Data captured in volatile memory is continuously overwritten and is not retained in the event of a power loss or retrievable with EDR data extraction tools.
- 2.50. 'Vulnerable road user secondary safety system' means a deployable vehicle system outside the occupant compartment designed to mitigate injury consequences to vulnerable road users during a collision.
- 2.51. 'X-direction' means in the direction of the vehicle's X-axis, which is parallel to the vehicle's longitudinal centerline. The X-direction is positive in the direction of forward vehicle travel.

- 2.52. 'Y-direction' means in the direction of the vehicle's Y-axis, which is perpendicular to its X-axis and in the same horizontal plane as that axis. The Y-direction is positive from left to right, from the perspective of the driver when seated in the vehicle facing the direction of forward vehicle travel.
- 2.53. 'Z-direction' means in the direction of the vehicle's Z-axis, which is perpendicular to the X and Y-axes. The Z-direction is positive in a downward direction.
- 2.54. 'Vehicle roll rate' means the change in angle over time of the vehicle about its X-axis as determined by the sensing system.
- 2.55. 'Vehicle yaw rate' means the change in angle over time of the vehicle about its Z-axis as determined by the sensing system.
3. APPLICATION FOR APPROVAL
- 3.1. The application for approval of a vehicle type with regard to its EDR shall be submitted by the vehicle manufacturer or by his authorized representative to the approval authority of the Contracting Party according to the provisions of Schedule 3 of the 1958 Agreement.
- 3.2. It shall be accompanied by the following documentation (a model of the information document is given in Annex 2):
- 3.2.1. A description of the vehicle type with regard to the items specified in paragraph 5 below, in particular related to the location of the EDR in the vehicle, the triggering parameters, storing capacity and the resistance to high deceleration and mechanical stress of a severe impact;
- 3.2.2. The data elements and format stored in the EDR;
- 3.2.3. Instructions for retrieving data from the EDR.
- 3.3. A vehicle representative of the vehicle type to be approved shall be submitted to the approval authority or its designated technical service responsible for conducting the approval tests.
4. APPROVAL
- 4.1. If the vehicle type submitted for approval pursuant to this Regulation meets the requirements of paragraph 5 below, approval of that vehicle type shall be granted.
- 4.2. An approval number shall be assigned to each type approved. Its first two digits (at present 00 for the Regulation in its original form) shall indicate the series of amendments incorporating the most recent major technical amendments made to the Regulation at the time of issue of the approval. The same Contracting Party shall not assign the same number to another type of vehicle.
- 4.3. Notice of approval or of extension or of refusal or of withdrawal of approval or of production definitively discontinued of a vehicle type pursuant to this Regulation shall be communicated to the Contracting Parties to the Agreement applying this Regulation by means of a form conforming to the model in Annex 1 to this Regulation and documentation supplied by the applicant being in a format not exceeding A4 (210 × 297mm) and on an appropriate scale or electronic format.

- 4.4. There shall be affixed, conspicuously and in a readily accessible place specified on the approval form, to every vehicle conforming to a vehicle type approved under this Regulation, an international approval mark conforming to the model described in Annex 3, consisting of either:
- 4.4.1. A circle surrounding the letter 'E' followed by:
- (a) The distinguishing number of the country which has granted approval; ⁽²⁾ and
 - (b) The number of this Regulation, followed by the letter 'R', a dash and the approval number to the right of the circle prescribed in this paragraph;
- or
- 4.4.2. An oval surrounding the letters 'UI' followed by the Unique Identifier.
- 4.5. The approval mark shall be clearly legible and be indelible.
- 4.6. The approval authority shall verify the existence of satisfactory arrangements for ensuring effective checks on conformity of production before type-approval is granted.
5. REQUIREMENTS
- Requirements for vehicles fitted with an EDR include data elements, data format, data capture, and crash test performance and survivability.
- 5.1. Data elements
- 5.1.1. Each vehicle fitted with an EDR shall record the data elements specified as mandatory and those required under specified minimum conditions during the interval/time and at the sample rate specified in Annex 4, Table 1.
- 5.2. Data format
- 5.2.1. Each data element recorded shall be reported in accordance with the range, accuracy, and resolution specified in Annex 4, Table 1.
- 5.2.2. Acceleration Time-History data and format: the longitudinal, lateral, and normal acceleration time-history data, as applicable, shall be filtered either during the recording phase or during the data downloading phase to include:
- 5.2.2.1. The Time Step (TS) that is the inverse of the sampling frequency of the acceleration data and which has units of milliseconds;
 - 5.2.2.2. The number of the first point (NFP), which is an integer that when multiplied by the TS equals the time relative to time zero of the first acceleration data point;
 - 5.2.2.3. The number of the last point (NLP), which is an integer that when multiplied by the TS equals the time relative to time zero of the last acceleration data point; and
 - 5.2.2.4. NLP—NFP + 1 acceleration values sequentially beginning with the acceleration at time NFP * TS and continue sampling the acceleration at TS increments in time until the time NLP * TS is reached.

⁽²⁾ The distinguishing numbers of the Contracting Parties to the 1958 Agreement are reproduced in Annex 3 to the Consolidated Resolution on the Construction of Vehicles (R.E.3), document ECE/TRANS/WP.29/78/Rev.6 - <https://unece.org/transport/standards/transport/vehicle-regulations-wp29/resolutions>

5.3. Data capture

The EDR shall record the captured data in the vehicle and this data shall remain in the vehicle subject to the provisions of paragraph 5.3.4, at least until they are retrieved in compliance with national or regional legislation or they are overwritten in compliance with paragraph 5.3.4.

The EDR non-volatile memory buffer shall accommodate the data related to at least three different events.

The data elements for every event shall be captured and recorded by the EDR, as specified in paragraph 5.1 in accordance with the following conditions and circumstances:

5.3.1. Conditions for triggering recording of data

An event shall be recorded by the EDR if one of the following threshold values is met or exceeded:

5.3.1.1. Change in longitudinal vehicle velocity more than 8 km/h within a 150 ms or less interval.

5.3.1.2. Change in lateral vehicle velocity more than 8 km/h within a 150 ms or less interval

5.3.1.3. Activation of Non-reversible occupant restraint system.

5.3.1.4. Activation of Vulnerable road user secondary safety system

If a vehicle is not fitted with any Vulnerable Road User (VRU) secondary safety system, this document requires neither recording of data nor fitting of such systems. However, if the vehicle is fitted with such a system, then it is mandatory to record the event data following activation of this system.

5.3.2. Conditions for triggering locking of data

In the circumstances provided below, the memory for the event shall be locked to prevent any future overwriting of the data by subsequent event.

5.3.2.1. In all the cases where a non-reversible occupant restraint system is deployed.

5.3.2.2. In the case of a frontal impact, if the vehicle is not fitted with a non-reversible restraint system for front impact, when the vehicle's velocity change in x-axis direction exceeds 25 km/h within 150ms or less interval.

5.3.2.3. Activation of Vulnerable road user secondary safety system

5.3.3. Conditions for establishment of time zero

Time zero is established at the time when any of the following first occurs:

5.3.3.1. For systems with 'wake-up' air bag control systems, the time at which the occupant restraint control algorithm is activated; or

5.3.3.2. For continuously running algorithms,

5.3.3.2.1. The first point in the interval where a longitudinal, cumulative delta-V of over 0,8 km/h is reached within a 20 ms time period; or

5.3.3.2.2. For vehicles that record 'delta-V, lateral,' the first point in the interval where a lateral, cumulative delta-V of over 0,8 km/h is reached within a 5 ms time period; or

- 5.3.3.3. Deployment of a non-reversible deployable restraint or activation of VRU secondary safety protection system.
- 5.3.4. Overwriting
 - 5.3.4.1 If an EDR non-volatile memory buffer void of previous-event data is not available, the recorded data shall, subject to the provisions of paragraph 5.3.2, be overwritten by the current event data, on a first-in first-out basis, or according to different strategies decided by the manufacturer and made available to the relevant authorities of Contracting Parties.
 - 5.3.4.2 Furthermore, if an EDR non-volatile memory buffer void of previous-event data is not available, data originating from non-reversible restraint system or Vulnerable road user secondary safety system deployment events referred to in paragraph 5.3.2 shall always overwrite any other data that is not locked per 5.3.2.
- 5.3.5. Power failure

Data recorded in non-volatile memory is retained after loss of power.
- 5.4. Crash test performance and survivability
 - 5.4.1. Each vehicle subject to the requirements of national or regional frontal crash test regulations, shall conform with the specifications in paragraph 5.4.3.
 - 5.4.2. Each vehicle subject to the requirements of national or regional side impact crash test regulations, shall conform with the specifications of paragraph 5.4.3.
 - 5.4.3. The data elements required by paragraph 5.1, shall be recorded in the format specified by paragraph 5.2, exist at the completion of the crash test and the complete data recorded element shall read 'yes' after the test. Elements that are not operating normally in crash tests (e.g., those related to engine operation, braking, etc.) are not required to meet the accuracy or resolution requirements in these crash tests.

The data shall be retrievable even after an impact of a severity level set by UN Regulations Nos 94, 95 or 137.
- 5.5. It shall not be possible to deactivate the Event Data Recorder.
- 6. MODIFICATION OF VEHICLE TYPE AND EXTENSION OF APPROVAL
 - 6.1. Every modification of the vehicle type as defined in paragraph 2.x of this Regulation shall be notified to the approval authority which approved the vehicle type. The approval authority may then either:
 - 6.1.1. Consider that the modifications made do not have an adverse effect on the conditions of the granting of the approval and grant an extension of approval;
 - 6.1.2. Consider that the modifications made affect the conditions of the granting of the approval and require further tests or additional checks before granting an extension of approval.
 - 6.2. Confirmation or refusal of approval, specifying the alterations, shall be communicated by the procedure specified in paragraph 4.3 above to the Contracting Parties to the Agreement applying this Regulation.
 - 6.3. The approval authority shall inform the other Contracting Parties of the extension by means of the communication form which appears in Annex 1 to this Regulation. It shall assign a serial number to each extension, to be known as the extension number.

7. CONFORMITY OF PRODUCTION

- 7.1. Procedures for the conformity of production shall conform to the general provisions defined in Article 2 and Schedule 1 to the Agreement (E/ECE/TRANS/505/Rev.3) and meet the following requirements:
- 7.2. A vehicle approved pursuant to this Regulation shall be so manufactured as to conform to the type approved by meeting the requirements of paragraph 5 above;
- 7.3. The approval authority which has granted the approval may at any time verify the conformity of control methods applicable to each production unit. The normal frequency of such inspections shall be once every two years.

8. PENALTIES FOR NON-CONFORMITY OF PRODUCTION

- 8.1. The approval granted in respect of a vehicle type pursuant to this Regulation may be withdrawn if the requirements laid down in paragraph 7 above are not complied with.
- 8.2. If a Contracting Party withdraws an approval it had previously granted, it shall forthwith so notify the other Contracting Parties applying this Regulation by sending them a communication form conforming to the model in Annex 1 to this Regulation.

9. PRODUCTION DEFINITELY DISCONTINUED

If the holder of the approval completely ceases to manufacture a type of vehicle approved in accordance with this Regulation, he shall so inform the approval authority which granted the approval, which in turn shall forthwith inform the other Contracting Parties to the Agreement applying this Regulation by means of a communication form conforming to the model in Annex 1 to this Regulation.

10. NAMES AND ADDRESSES OF THE TECHNICAL SERVICES RESPONSIBLE FOR CONDUCTING APPROVAL TESTS AND OF TYPE APPROVAL AUTHORITIES

The Contracting Parties to the Agreement applying this Regulation shall communicate to the United Nations Secretariat ^(*) the names and addresses of the technical services responsible for conducting approval tests and of the approval authorities which grant approval and to which forms certifying approval or extension or refusal or withdrawal of approval are to be sent.

11. TRANSITIONAL PROVISIONS

- 11.1. As from the official date of entry into force of the 01 series of amendments, no Contracting Party applying this Regulation shall refuse to grant or refuse to accept type approvals under this Regulation as amended by the 01 series of amendments.
- 11.2. As from 1 July 2024, Contracting Parties applying this Regulation shall not be obliged to accept type approvals to the original version of this Regulation, first issued after 1 July 2024.
- 11.3. Until 1 July 2026, Contracting Parties applying this Regulation shall accept type approvals to the original version of this Regulation, first issued before 1 July 2024.
- 11.4. As from 1 July 2026, Contracting Parties applying this Regulation shall not be obliged to accept type approvals issued to the original version of this Regulation.

(*) Through the online platform ("343 Application") provided by UNECE and dedicated to the exchange of such information: <https://www.unece.org/trans/main/wp29/datasharing.html>

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- 11.5. Notwithstanding paragraph 11.4, Contracting Parties applying this Regulation shall continue to accept type approvals issued according to the original version of this Regulation, for vehicles which are not affected by the changes introduced by the 01 Series of amendments.
- 11.6. Contracting Parties applying this Regulation shall not refuse to grant type approvals according to any preceding series of amendments to this Regulation or extensions thereof.
-

ANNEX 1

Communication

(Maximum format: A4 (210 × 297 mm))



issued by:

Name of administration:

.....

.....

.....

Concerning ⁽²⁾:

Approval granted

Approval extended

Approval refused

Approval withdrawn

Production definitively discontinued

of a vehicle type with regard to its Event Data Recorder (EDR) pursuant to UN Regulation No. 160

Approval No.:

Reason(s) for extension (if applicable):

1. Trade name or mark of the vehicle:
2. Vehicle type:
3. Name and address of manufacturer:
4. If applicable, name and address of manufacturer's representative:
5. Brief description of vehicle:
6. Technical service responsible for conducting the approval tests:
- 6.1. Date of report issued by that service:
- 6.2. Number of report issued by that service:
7. Approval granted/refused/extended/withdrawn:²
8. Position of approval mark on the vehicle:
9. Place:
10. Date:
11. Signature:
12. The list of documents deposited with the approval authority which has granted approval is annexed to this communication.

⁽¹⁾ Distinguishing number of the country which has granted/extended/refused/withdrawn an approval (see approval provisions in this Regulation).

⁽²⁾ Strike out what does not apply.

ANNEX 2

Information document on the type approval of a vehicle type with regard to its Event Data Recorder (EDR)

A list of contents shall be included.

Any drawings shall be supplied in appropriate scale and in sufficient detail on size A4 paper or on a folder of A4 format.

Photographs, if any, shall show sufficient detail.

GENERAL

1. Trade name or mark of vehicle:
2. Vehicle type:
3. Means of identification of type, if marked on the vehicle:
4. Location of the marking:
5. Location of and method of affixing the approval mark:
6. Category of vehicle:
7. Name and address of manufacturer:
8. Address(es) of assembly plant(s):
9. Photograph(s) and/or drawing(s) of a representative vehicle:
10. EDR
 - 10.1. Make (trade name of manufacturer):
 - 10.2. Type and general commercial description(s):
 - 10.3. Drawing(s) or photographs showing the location and method of attachment of the EDR in the vehicle:
 - 10.4. Description of the triggering parameter:
 - 10.5. Description of any other relevant parameter (storing capacity, resistance to high deceleration and mechanical stress of a severe impact, etc.):
 - 10.6. The data elements and data format stored in the EDR:

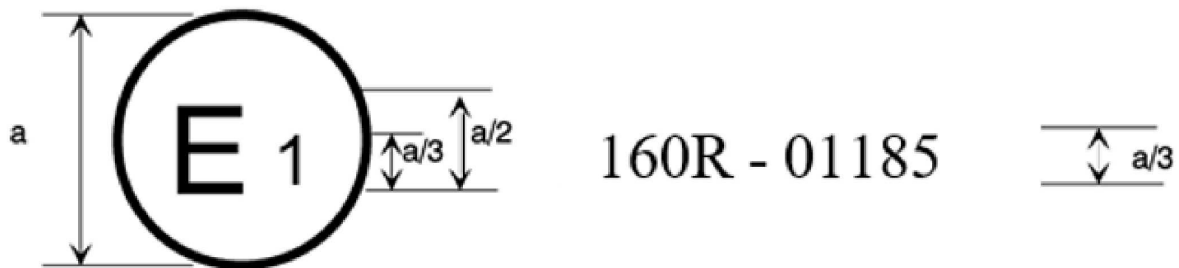
Data element	Recording interval/time (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy	Resolution

- 10.7. Instructions for retrieving data from the EDR:

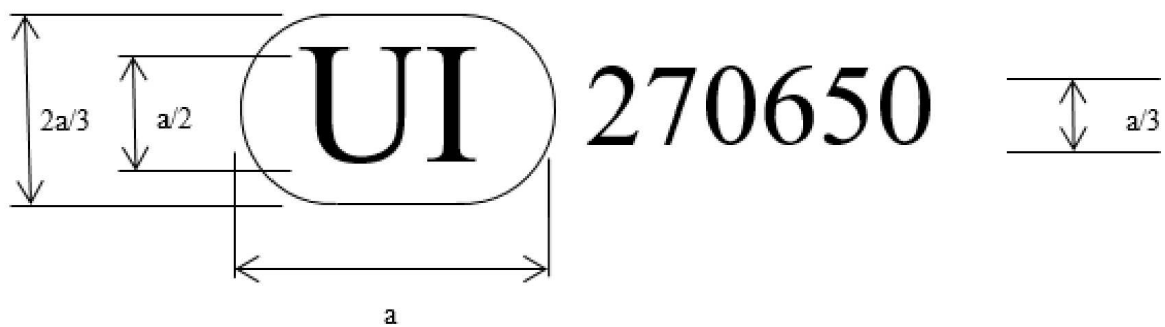
ANNEX 3

Arrangements of approval marks

(see paragraphs 4.4 to 4.4.2 of this Regulation)

 $a = 8 \text{ mm min}$

The above approval mark affixed to a vehicle shows that the vehicle type with regard to its EDR concerned has been approved in Germany (E 1) pursuant to UN Regulation No 160. The first two digits of the approval number (01) indicate that the approval was granted in accordance with the requirements of the 01 series of amendments to UN Regulation No 160.

 $a \geq 8 \text{ mm}$

The above Unique Identifier shows that the type concerned has been approved and that the relevant information on that type-approval can be accessed on the UN secure internet database by using 270650 as Unique Identifier. Any leading zeroes in the Unique Identifier may be omitted in the approval marking.

ANNEX 4

Data elements and format ⁽¹⁾

Table 1

Data element	Condition for requirement ⁽¹⁾	Recording interval/ time ⁽²⁾ (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy ⁽³⁾	Resolution	Event(s) recorded for ⁽⁴⁾
Delta-V, longitudinal	Mandatory – not required if longitudinal acceleration recorded at ≥ 500 Hz with sufficient range and resolution to calculate delta-v with required accuracy	0 to 250 ms or 0 to End of Event Time plus 30 ms, whichever is shorter.	100	-100 km/h to + 100 km/h.	± 10 %	1 km/h	Planar
Maximum delta-V, longitudinal	Mandatory – not required if longitudinal acceleration recorded at ≥ 500 Hz	0–300 ms or 0 to End of Event Time plus 30 ms, whichever is shorter.	N/A	-100 km/h to + 100 km/h.	± 10 %	1 km/h	Planar
Time, maximum delta-V, longitudinal	Mandatory – not required if longitudinal acceleration recorded at ≥ 500 Hz	0–300 ms or 0 to End of Event Time plus 30 ms, whichever is shorter.	N/A	0–300 ms, or 0-End of Event Time plus 30 ms, whichever is shorter.	± 3 ms	2,5 ms	Planar
Speed, vehicle indicated	Mandatory	-5,0 to 0 sec	2	0 km/h to 250 km/h	± 1 km/h	1 km/h	Planar VRU
Engine throttle, % full (or accelerator pedal, % full)	Mandatory	-5,0 to 0 sec	2	0 to 100 %	± 5 %	1 %	Planar Rollover VRU
Service brake, on/off	Mandatory	-5,0 to 0 sec	2	On or Off	N/A	On or Off	Planar VRU Rollover

⁽¹⁾ Format requirements specified below are minimum requirements and manufacturers can exceed them.

Data element	Condition for requirement ⁽¹⁾	Recording interval/time ⁽²⁾ (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy ⁽³⁾	Resolution	Event(s) recorded for ⁽⁴⁾
Ignition cycle, crash	Mandatory	-1,0 sec	N/A	0 to 60 000	±1 cycle	1 cycle	Planar VRU Rollover
Ignition cycle, download	Mandatory	At time of download ⁽⁵⁾	N/A	0 to 60 000	±1 cycle	1 cycle	Planar VRU Rollover
Safety belt status, driver	Mandatory	-1,0 sec	N/A	Fastened, not fastened	N/A	Fastened, not fastened	Planar Rollover
Air bag warning lamp ⁽⁶⁾	Mandatory	-1,0 sec	N/A	On or Off	N/A	On or Off	Planar Rollover
Frontal air bag deployment, time to deploy, in the case of a single stage air bag, or time to first stage deployment, in the case of a multi-stage air bag, driver.	Mandatory	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar
Frontal air bag deployment, time to deploy, in the case of a single stage air bag, or time to first stage deployment, in the case of a multi-stage air bag, front passenger.	Mandatory	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar
Multi-event crash, number of event	If Recorded ⁽⁷⁾	Event	N/A	1 or more	N/A	1 or more	Planar VRU Rollover

Data element	Condition for requirement ⁽¹⁾	Recording interval/time ⁽²⁾ (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy ⁽³⁾	Resolution	Event(s) recorded for ⁽⁴⁾
Time from event 1 to 2	Mandatory	As needed	N/A	0 to 5,0 sec	±0,1 sec	0,1 sec	Planar Rollover
Complete file recorded (yes, no)	Mandatory	Following other data	N/A	Yes or No	N/A	Yes or No	Planar VRU Rollover
Lateral acceleration (post-crash)	If Recorded	0–250 ms or 0 to End of Event Time plus 30 ms, whichever is shorter.	500Hz	-50 to +50g	+/- 10 %	1 g	Planar Rollover
Longitudinal acceleration (post-crash)	If Recorded	0–250 ms or 0 to End of Event Time plus 30 ms, whichever is shorter.	500Hz	-50 to +50g	+/- 10 %	1 g	Planar
Normal acceleration (post-crash)	If recorded	-1,0 to 5,0 sec ⁽⁸⁾	10 Hz	-5 g to +5 g	± 10 %	0,5 g	Rollover
Delta-V, lateral	Mandatory – not required if lateral acceleration recorded at ≥500 Hz and with sufficient range and resolution to calculate delta-v with required accuracy	0–250 ms or 0 to End of Event Time plus 30 ms, whichever is shorter.	100	-100 km/h to + 100 km/h.	±10 %	1 km/h	Planar
Maximum delta-V, lateral	Mandatory – not required if lateral acceleration recorded at ≥500 Hz	0–300 ms or 0 to End of Event Time plus 30 ms, whichever is shorter.	N/A	-100 km/h to + 100 km/h.	±10 %	1 km/h	Planar

Data element	Condition for requirement ⁽¹⁾	Recording interval/time ⁽²⁾ (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy ⁽³⁾	Resolution	Event(s) recorded for ⁽⁴⁾
Time maximum delta-V, lateral	Mandatory – not required if lateral acceleration recorded at ≥ 500 Hz	0–300 ms or 0 to End of Event Time plus 30 ms, whichever is shorter.	N/A	0–300 ms, or 0-End of Event Time plus 30 ms, whichever is shorter.	± 3 ms	2,5 ms	Planar
Time for maximum delta-V, resultant.	Mandatory – not required if relevant acceleration recorded at ≥ 500 Hz	0–300 ms or 0 to End of Event Time plus 30 ms, whichever is shorter.	N/A	0–300 ms, or 0-End of Event Time plus 30 ms, whichever is shorter.	± 3 ms	2,5 ms	Planar
Engine rpm	Mandatory	-5,0 to 0 sec	2	0 to 10 000 rpm	± 100 rpm ⁽⁹⁾	100 rpm	Planar Rollover
Vehicle roll angle	If recorded	-1,0 up to 5,0 sec ⁽⁸⁾	10	-1 080 deg to + 1 080 deg	± 10 %	10 deg	Rollover
Vehicle roll rate	Mandatory if fitted and used for rollover protection system control algorithm	-1,0 up to 5,0 sec ⁽¹⁰⁾	10	-240 to + 240 deg/sec	± 10 % ⁽¹¹⁾	1 deg/sec	Rollover
ABS activity	Mandatory	-5,0 to 0 sec	2	Faulted, Active, Intervening ⁽¹²⁾	N/A	Faulted, Active, Intervening ⁽¹¹⁾	Planar VRU Rollover
Stability control	Mandatory	-5,0 to 0 sec	2	Faulted, On, Off, Intervening ⁽¹¹⁾	N/A	Faulted, On, Off, Intervening ⁽¹¹⁾	Planar VRU Rollover
Steering input	Mandatory	-5,0 to 0 sec	2	-250 deg CW to + 250 deg CCW.	± 5 %	± 1 %	Planar VRU Rollover
Safety belt status, front passenger	Mandatory	-1,0 sec	N/A	Fastened, not fastened	N/A	Fastened, not fastened	Planar Rollover

Data element	Condition for requirement ⁽¹⁾	Recording interval/time ⁽²⁾ (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy ⁽³⁾	Resolution	Event(s) recorded for ⁽⁴⁾
Passenger air bag suppression status, front	Mandatory	-1,0 sec	N/A	Suppressed or not suppressed	N/A	Suppressed or not suppressed	Planar Rollover
Frontal air bag deployment, time to nth stage, driver ⁽³⁾	Mandatory if fitted with a driver's frontal air bag with a multi-stage inflator.	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar
Frontal air bag deployment, time to nth stage, front passenger ⁽¹³⁾	Mandatory if fitted with a front passenger's frontal air bag with a multi-stage inflator.	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar
Side air bag deployment, time to deploy, driver.	Mandatory	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar
Side air bag deployment, time to deploy, front passenger.	Mandatory	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar
Side curtain/tube air bag deployment, time to deploy, driver side.	Mandatory	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar Rollover
Side curtain/tube air bag deployment, time to deploy, passenger side.	Mandatory	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar Rollover
Pretensioner deployment, time to fire, driver.	Mandatory	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar Rollover
Pretensioner deployment, time to fire, front passenger.	Mandatory	Event	N/A	0 to 250 ms	±2 ms	1 ms	Planar Rollover

Data element	Condition for requirement ⁽¹⁾	Recording interval/ time ⁽²⁾ (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy ⁽³⁾	Resolution	Event(s) recorded for ⁽⁴⁾
Seat track position switch, foremost, status, driver.	Mandatory if fitted and used for deployment decision	-1,0 sec	N/A	Yes or No	N/A	Yes or No	Planar Rollover
Seat track position switch, foremost, status, front passenger.	Mandatory if fitted and used for deployment decision	-1,0 sec	N/A	Yes or No	N/A	Yes or No	Planar Rollover
Occupant size classification, driver	If recorded	-1,0 sec	N/A	5th percentile female or larger.	N/A	Yes or No	Planar Rollover
Occupant size classification, front passenger	If recorded	-1,0 sec	N/A	6yr old HIII US ATD or Q6 ATD or smaller	N/A	Yes or No	Planar Rollover
Safety belt status, rear passengers	Mandatory	-1,0 sec	N/A	Fastened, not fastened	N/A	Fastened, not fastened	Planar Rollover
Tyre Pressure Monitoring System (TPMS) Warning Lamp Status	Mandatory	-1,0 seconds relative to time zero	N/A	N/A	N/A	On, Off	Planar Rollover
Longitudinal acceleration (pre – crash)	Mandatory	-5,0 to 0 seconds relative to time zero	2 Hz	-1.5g to +1.5g	+/- 10%	0,1 g	Planar VRU
Lateral acceleration (pre – crash)	Mandatory	-5,0 to 0 seconds relative to time zero	2 Hz	-1,0 g to +1,0 g	+/- 10 %	0,1 g	Planar
Yaw Rate	Mandatory	-5 to 0 seconds relative to time zero	2	-75 to +75 degrees / second	±10 % of the full range of the sensor	0,1	Planar Rollover

Data element	Condition for requirement ⁽¹⁾	Recording interval/time ⁽²⁾ (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy ⁽³⁾	Resolution	Event(s) recorded for ⁽⁴⁾
Traction Control Status	Mandatory if not fitted with ESC	-5,0 to 0 seconds relative to time zero	2	N/A	N/A	Actively controlling, Faulted, Commanded Off, or On but Not Controlling	Planar Rollover
AEBS status	Mandatory	-5,0 to 0 seconds relative to time zero	2	N/A	N/A	Actively Warning, Actively Engaged, Faulted, Off, Not Active	Planar VRU Rollover
Cruise Control System	Mandatory	-5,0 to 0 seconds relative to time zero	2	N/A	N/A	Actively Controlling, Faulted, Commanded Off, On but Not Controlling	Planar VRU Rollover
Adaptive Cruise Control Status (driving automation system level 1)	Mandatory	-5,0 to 0 seconds relative to time zero	2	N/A	N/A	Actively Controlling, Faulted, Commanded Off, On but Not Controlling	Planar VRU Rollover
VRU secondary safety system deployment, time to deploy	Mandatory	Event	N/A	0 to 250 ms	±2 ms	1 ms	VRU
VRU secondary safety system warning indicator status ⁽¹⁴⁾	Mandatory	-1,1 to 0 seconds relative to time zero	N/A	N/A	N/A	On or Off	VRU
Safety belt status mid-position front	Mandatory	-1,0 sec	N/A	Fastened, not fastened	N/A	Fastened, not fastened	Planar Rollover

Data element	Condition for requirement ⁽¹⁾	Recording interval/time ⁽²⁾ (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy ⁽³⁾	Resolution	Event(s) recorded for ⁽⁴⁾
Far side impact center airbag	Mandatory	Event	N/A	0 to 250 ms	+/- 2 ms	1 ms	Planar Rollover
Lane departure warning system status	Mandatory	-5,0 to 0 sec	2	N/A	N/A	Faulted, Off, On but not warning, On – Warning left, On – Warning right	
Corrective steering function (CSF) status	Mandatory	-5,0 to 0 sec	2	N/A	N/A	Faulted, Off, On but not intervening, On – Actively intervening	
Emergency steering function (ESF) status	Mandatory	-5,0 to 0 sec	2	N/A	N/A	Faulted, Off, On but not intervening, On – Actively intervening	
Automatically commanded steering function (ACSF) category A status	Mandatory	-5,0 to 0 sec	2	N/A	N/A	Faulted, Off, On but not controlling, On – Actively controlling	
Automatically commanded steering function (ACSF) category B1 status	Mandatory	-5,0 to 0 sec	2	N/A	N/A	Faulted, Off, On but not controlling, On – Actively controlling	
Automatically commanded steering function (ACSF) category B2 status	Mandatory	-5,0 to 0 sec	2	N/A	N/A	Faulted, Off, On but not controlling, On – Actively controlling	

Data element	Condition for requirement ⁽¹⁾	Recording interval/time ⁽²⁾ (relative to time zero)	Data sample rate (samples per second)	Minimum range	Accuracy ⁽³⁾	Resolution	Event(s) recorded for ⁽⁴⁾
Automatically commanded steering function (ACSF) category C status	Mandatory	-5,0 to 0 sec	2	N/A	N/A	Faulted, Off, On but not controlling, On – Actively controlling	
Automatically commanded steering function (ACSF) category D status	Mandatory	-5,0 to 0 sec	2	N/A	N/A	Faulted, Off, On but not controlling, On – Actively controlling	
Automatically commanded steering function (ACSF) category E status	Mandatory	-5,0 to 0 sec	2	N/A	N/A	Faulted, Off, On but not controlling, On – Actively controlling	
Accident emergency call system status	Mandatory	Event	N/A	N/A	N/A	Faulted, On but emergency call not automatically triggered, On – Emergency call automatically triggered	

⁽¹⁾ 'Mandatory' is subject to the conditions detailed in Section 1.

⁽²⁾ Pre-crash data and crash data are asynchronous. The sample time accuracy requirement for pre-crash time is -0,1 to 1,0 sec (e.g. T = -1 would need to occur between -1,1 and 0 seconds.)

⁽³⁾ Accuracy requirement only applies within the range of the physical sensor. If measurements captured by a sensor exceed the design range of the sensor, the reported element shall indicate when the measurement first exceeded the design range of the sensor.

⁽⁴⁾ 'Planar' includes triggered events in sections 5.3.1.1, 5.3.1.2, and 5.3.1.3 and 'VRU' includes triggered events in section 5.3.1.4.

⁽⁵⁾ The ignition cycle at the time of download is not required to be recorded at the time of the crash but shall be reported during the download process.

⁽⁶⁾ The air bag warning lamp is the readiness indicator specified in national air bag requirements and may also illuminate to indicate a malfunction in another part of the deployable restraint system.

⁽⁷⁾ 'If recorded' means if the data is recorded in non-volatile memory for the purpose of subsequent downloading.

⁽⁸⁾ May be recorded in any time duration; -1,0 to 5,0 sec is suggested.

⁽⁹⁾ These elements do not need to meet the accuracy and resolution requirements in specified crash tests.

⁽¹⁰⁾ 'vehicle roll angle' may be recorded in any time duration; -1,0 sec to 5,0 sec is suggested.

⁽¹¹⁾ Relative to the full range of the sensor.

⁽¹²⁾ Manufacturers can include other system states.

⁽¹³⁾ List this element n - 1 times, once for each stage of a multi-stage air bag system.

⁽¹⁴⁾ Multiple safety system status indications can be combined into the air bag warning indicator

**DECISION No 1/2021 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 July 2021

**replacing the Annex to the Agreement between the European Community and the Swiss
Confederation on Air Transport [2021/1216]**

THE EUROPEAN UNION/SWITZERLAND AIR TRANSPORT COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport (the "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 August 2021.

Done at Brussels, on 15 July 2021.

For the Joint Committee
The Head of the European Union Delegation
Filip CORNELIS

The Head of the Swiss Delegation
Christian HEGNER

ANNEX

For the purposes of this Agreement:

- By virtue of the Treaty of Lisbon, entered into force on 1 December 2009, the European Union shall replace and succeed the European Community;
- Wherever acts specified in this Annex contain references to Member States of the European Community, as replaced by the European Union, or a requirement for a link with the latter, the references shall, for the purpose of the Agreement, be understood to apply equally to Switzerland or to the requirement of a link with Switzerland;
- The references to Council Regulations (EEC) No 2407/92 and 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) N° 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,
- Commission Delegated Regulation (EU) 2020/2114, OJ L 426, 17.12.2020, p.1; Regulation (EU) 2020/2114 is applicable in Switzerland in its entirety since 18.12.2020,
- Commission Delegated Regulation (EU) 2020/2115, OJ L 426, 17.12.2020, p.4; Regulation (EU) 2020/2115 is applicable in Switzerland in its entirety since 18.12.2020.

Council Directive 2000/79 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,
- Commission Delegated Regulation (EU) 2020/1118, OJ L 243, 29.7.2020, p.1.

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,
- Commission Delegated Regulation (EU) 2020/1477, OJ L 338, 15.10.2020, p.4,
- Regulation (EU) 2021/250, OJ L 58, 19.2.2021, p.1; paragraphs 1 and 4 of Article 10a of Regulation (EEC) No 95/93, as amended by paragraph (6) of Article 1 of Regulation (EU) 2021/250, are applicable in Switzerland since 20.2.2021.

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 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 ⁽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,

⁽¹⁾ OJ L 224, 21.8.2012, 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,
- Commission Implementing Regulation (EU) 2020/359, OJ L 67, 5.3.2020, p.82,
- Commission Delegated Regulation (EU) 2020/723, OJ L 170, 2.6.2020, p.1,
- Commission Implementing Regulation (EU) 2020/2193, OJ L 434, 23.12.2020, p.13.

Commission Delegated Regulation (EU) 2020/723 of 4 March 2020 laying down detailed rules with regard to the acceptance of third-country certification of pilots and amending Regulation (EU) No 1178/2011, OJ L 170, 2.6.2020, p.1.

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,
- 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) 2020/1992, OJ L 410, 7.12.2020, p.49.

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 Delegated Regulation (EU) 2020/570, OJ L 132, 27.4.2020, 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) 965/2012, as provided for in Article 1(1) of Regulation (EU) 2018/1042, as amended by:
 - Commission Implementing Regulation (EU) 2020/745, OJ L 176, 5.6.2020, p.11,
 - 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, as amended by:
 - Commission Implementing Regulation (EU) 2020/1176, OJ L 259, 10.8.2020, p.10,
 - Commission Implementing Regulation (EU) 2019/1384, OJ L 228, 4.9.2019, p.106,
 - Commission Implementing Regulation (EU) 2020/2036, OJ L 416, 11.12.2020, p.24; paragraphs 4 to 6 of the Annex to Regulation (EU) 2020/2036 are applicable in Switzerland since 31.12.2020.

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) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by:
- Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12,
- Commission Delegated Regulation (EU) 2020/1234, OJ L 282, 31.8.2020, p.1,
- Commission Delegated Regulation (EU) 2020/2148, OJ L 428, 18.12.2020, p.10.

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 Implementing Regulation (EU) 2020/1159, OJ L 257, 6.8.2020, p.14.

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) 2020/1159, OJ L 257, 6.8.2020, p.14,
- Commission Implementing Regulation (EU) 2021/97, OJ L 31, 29.1.2021, p. 208; article 1 of Regulation (EU) 2021/97 is applicable in Switzerland since 26.2.2021, except for point (1) of Annex I, which is applicable in Switzerland since 16.2.2021.

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.

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) 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.72.

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, as amended by:

— Commission Implementing Regulation (EU) 2020/910, OJ L 208, 1.7.2020, p.43,

— 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, as amended by:
 - Commission Implementing Regulation (EU) 2020/910, OJ L 208, 1.7.2020, p.43.
- Commission Implementing Regulation (EU) 2020/111, OJ L 21, 27.1.2020, p.1,
- Commission Implementing Regulation (EU) 2020/910, OJ L 208, 1.7.2020, p.43,
- Commission Implementing Regulation (EU) 2021/255, OJ L 58, 19.2.2021, p.23; points 15, 18 to 19 and 32 of the Annex to Regulation (EU) 2021/255 are applicable in Switzerland since 11.3.2021.

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, as amended by:
 - Commission Implementing Decision C(2020) 4241,
- Commission Implementing Decision C(2021) 0996.

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 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, as amended by :

— Commission Implementing Regulation (EU) 2020/886, OJ L 205, 29.6.2020, p.14,

— Commission Implementing Regulation (EU) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by:

— Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12,

— 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, as amended by:

- Commission Implementing Regulation (EU) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by :
 - Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12.

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.

Regulation (EU) No 73/2010 is repealed with effect from 27.1.2022.

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, as amended by :
 - Commission Implementing Regulation (EU) 2020/886, OJ L 205, 29.6.2020, p.14,
 - Commission Implementing Regulation (EU) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by :
 - Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12,
- 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, as amended by:

— Commission Implementing Regulation (EU) 2020/587, OJ L 138, 30.4.2020, p.1.

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) 2020/587, OJ L 138, 30.4.2020, p.1.

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) 2020/469, OJ L 104, 3.4.2020, p.1, as amended by :

— Commission Implementing Regulation (EU) 2020/1177, OJ L 259, 10.8.2020, p.12,

— Commission Implementing Regulation (EU) 2020/886, OJ L 205, 29.6.2020, p.14.

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, as amended by:

— Commission Implementing Regulation (EU) 2021/116, OJ L 36, 2.2.2021, p.10.

Commission Implementing Regulation (EU) 2021/116 of 1 February 2021 on the establishment of the Common Project One supporting the implementation of the European Air Traffic Management Master Plan provided for in Regulation (EC) No 550/2004 of the European Parliament and of the Council, amending Commission Implementing Regulation (EU) No 409/2013 and repealing Commission Implementing Regulation (EU) No 716/2014 (Text with EEA relevance), OJ L 36, 2.2.2021, p.10.

For the purposes of this Agreement, the Annex to the Regulation shall be read with the following adaptations:

- (a) The following point is added after point 1.2.1.r): “s) Zürich Kloten”
- (b) The following point is added after point 2.2.1.r): “s) Zürich Kloten”
- (c) The following point is added after point 2.2.2.r): “s) Zürich Kloten”
- (d) The following points are added after point 2.2.3.bb): “cc) Geneva; dd) Zürich Kloten”.

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.

Commission Implementing Regulation (EU) 2020/1627 of 3 November 2020 on exceptional measures for the third reference period (2020-2024) of the single European sky performance and charging scheme due to the COVID-19 pandemic, OJ L 366, 4.11.2020, p.7.

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 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

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ANNEX A

PROTOCOL**ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION**

THE HIGH CONTRACTING PARTIES,

- (2) 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 to ANNEX A***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 ⁽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 Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽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). Regulation last amended by Commission Regulation (EC) No 1749/2002 (OJ L 264, 2.10.2002, p.13.)

⁽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). Regulation last amended by Commission Regulation (EC) No 2104/2005 (OJ L 337, 22.12.2005, p.7.)

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 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽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 of 23 December 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 ⁽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 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. ⁽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⁾ OJ L 248, 16.9.2002, p.1.

⁽²⁾ OJ L 357, 31.12.2002, p.72.

⁽³⁾ 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 Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 and Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 and with Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities' financial interests. ⁽⁴⁾

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⁾ OJ L 312, 23.12.1995, p. 1.

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