

DECISION No 2/2021 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE
of 17 December 2021
amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 on transitory measures to maintain smooth rail traffic between Switzerland and the European Union [2022/308]

THE COMMITTEE,

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

Whereas:

- (1) Under Article 51(2) of the Agreement, the Community/Switzerland Inland Transport Committee ('the Joint Committee') is responsible for the monitoring and application of the provisions of the Agreement and implements the adaptation and revision clauses referred to in Articles 52 and 55 thereof.
- (2) Under Article 52(4) of the Agreement, the Joint Committee adopts, inter alia, decisions revising Annex 1 so as to incorporate therein, as and where necessary and on a basis of reciprocity, amendments to the relevant legislation or decides on any other measure aimed at safeguarding the proper functioning of the Agreement.
- (3) By Decision No 2/2019 of 13 December 2019 ⁽²⁾, the Joint Committee, on the one hand, revised Annex 1 to the Agreement so as to incorporate substantive provisions of Directive (EU) 2016/797 of the European Parliament and of the Council ⁽³⁾ and Directive (EU) 2016/798 of the European Parliament and of the Council ⁽⁴⁾ and, on the other, adopted transitory provisions to maintain smooth rail traffic between Switzerland and the European Union. The transitory provisions set out in Articles 2, 3, 4 and 5 of Decision No 2/2019 were initially applicable until 31 December 2020. By Decision No 2/2020 of 11 December 2020 ⁽⁵⁾, the Joint Committee extended their applicability until 31 December 2021.
- (4) Pending the adoption of the final provisions replacing the current transitional arrangements, the provisions laid down in Articles 2, 3, 4 and 5 of Decision No 2/2019 should be extended until 31 December 2022 in order to maintain smooth rail traffic between Switzerland and the European Union.
- (5) By Decision No 1/2021 of 30 June 2021 ⁽⁶⁾, the date by which certain Swiss national rules listed in Annex 1 to the Agreement that may be incompatible with the technical specifications for interoperability should have been reviewed to decide whether to remove, amend or keep them was extended until 31 December 2021. In view of the stage reached in the review, that date should be changed to 31 December 2022,

⁽¹⁾ OJ L 114, 30.4.2002, p. 91.

⁽²⁾ Decision No 2/2019 of the Community/Switzerland Inland Transport Committee of 13 December 2019 on transitory measures to maintain smooth rail traffic between Switzerland and the European Union (OJ L 13, 17.1.2020, p. 43).

⁽³⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

⁽⁴⁾ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

⁽⁵⁾ Decision No 2/2020 of the Community/Switzerland Inland Transport Committee of 11 December 2020 amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 of the Committee on transitory measures to maintain smooth rail traffic between Switzerland and the European Union (OJ L 15, 18.1.2021, p. 34).

⁽⁶⁾ Decision No 1/2021 of the Community/Switzerland Inland Transport Committee of 30 June 2021 amending Annex 1 to the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road and Decision No 2/2019 of the Committee on transitory measures to maintain smooth rail traffic between Switzerland and the European Union (OJ L 255, 16.7.2021, p. 7).

HAS DECIDED AS FOLLOWS:

Article 1

Section 4 of Annex 1 to the Agreement is amended as follows: The date of '31 December 2021', by which the compatibility of the following Swiss national rules with the corresponding Union technical specifications for interoperability should have been reviewed, is replaced by '31 December 2022' for the following provisions:

- In relation to Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock – locomotives and passenger rolling stock' subsystem of the rail system in the European Union:
 - CH-TSI LOC&PAS-009 (version 1.0 of June 2015)
 - CH-TSI LOC&PAS-019 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-020 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-025 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-027 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-031 (version 2.1 of November 2020)
 - CH-TSI LOC&PAS-035 (version 2.1 of November 2020)
 - CH-TSI LOC&PAS-036 (version 2.0 of June 2019)
 - CH-TSI LOC&PAS-037 (version 1.0 of June 2019).
- In relation to Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the rail system in the European Union:
 - CH-TSI CCS-006 (version 2.1 of November 2020)
 - CH-TSI CCS-019 (version 3.0 of November 2020)
 - CH-TSI CCS-026 (version 2.1 of November 2020)
 - CH-TSI CCS-032 (version 2.1 of November 2020)
 - CH-TSI CCS-033 (version 1.1 of November 2020)
 - CH-TSI CCS-035 (version 1.0 of June 2019)
 - CH-TSI CCS-038 (version 1.1 of November 2020)
 - CH-CSM-RA-001 (version 1.0 of June 2019)
 - CH-CSM-RA-002 (version 1.0 of June 2019).

Article 2

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

'3. Annex 1 identifies applicable national rules and specific cases that are potentially incompatible with Union law. If compatibility with Union law has not been established by 31 December 2022, those national rules and specific cases may no longer be applied unless the Joint Committee decides otherwise.'

Article 3

The second paragraph of Article 8 of Decision No 2/2019 of the Joint Committee of 13 December 2019 is amended as follows:

'Articles 2, 3, 4 and 5 shall apply until 31 December 2022.'

Article 4

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

Brussels, 17 December 2021.

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

For the European Union
The President
Kristian SCHMIDT
