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►B 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 [2020/40]

(OJ L 13, 17.1.2020, p. 43)

Amended by:

		Official Journal		
		No	page	date
►M1	Decision No 1/2020 of the Community/Switzerland Inland Transport Committee of 19 June 2020	L 206	65	30.6.2020
►M2	Decision No 2/2020 of the Community/Switzerland Inland Transport Committee of 11 December 2020	L 15	34	18.1.2021

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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 [2020/40]

Article 1

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

Article 2

1. Compliance with the requirements applicable to the use of the Swiss railway network by a railway undertaking may be established by means of:

— a single safety certificate issued by the Agency in accordance with Article 10 of Directive (EU) 2016/798, and

— a decision by Switzerland verifying compliance with the Swiss national rules referred to in Article 6(1).

For the purposes of the first subparagraph, Switzerland shall recognise the single safety certificates issued by the Agency in accordance with Article 10 of Directive (EU) 2016/798.

Verification by the Swiss national authorities of compliance with the national rules shall be carried out within the time periods laid down in Article 6 of Commission Implementing Regulation (EU) 2018/763 ([1]).

2. When issuing a single safety certificate for using the European Union's rail network, the Agency shall take into account as evidence the assessment carried out by Switzerland, for the purpose of issuing a safety certificate for the Swiss rail network, of the requirements of Swiss legislation corresponding to the relevant European Union legislation.

3. An applicant may apply at the same time for a single safety certificate and a decision to verify compliance with the Swiss national rules. In that case, the Agency and Switzerland shall cooperate to ensure that decisions on the application for a single safety certificate and on compliance with Swiss national rules are taken within the time periods laid down in Article 6 of Regulation (EU) 2018/763, and in accordance with the third subparagraph of paragraph 1.

Article 3

1. Compliance with the requirements for authorisations for the use of a vehicle on the Swiss rail network may be established by means of:

— an EU vehicle authorisation issued by the Agency in accordance with Articles 21 and 24 of Directive (EU) 2016/797, and

([1]) Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007 (OJ L 129, 25.5.2018, p. 49).

▼B

— a decision by Switzerland verifying compliance with the Swiss national rules referred to in Article 6(1).

For the purposes of the first subparagraph, Switzerland shall recognise the EU vehicle authorisations issued by the Agency in accordance with Articles 21 and 24 of Directive (EU) 2016/797.

Verification by Switzerland of compliance with the national rules shall be carried out within the time periods laid down in Article 34 of Commission Implementing Regulation (EU) 2018/545 ([1]).

2. When issuing an EU vehicle authorisation for using a vehicle on the European Union's rail network, the Agency shall take into account as evidence the assessment carried out by Switzerland, for the purpose of issuing a vehicle authorisation for the Swiss rail network, of the requirements of Swiss legislation corresponding to the relevant European Union legislation.

3. An applicant may apply at the same time for an EU vehicle authorisation and a decision to verify compliance with Swiss national rules. In that case, the Agency and Switzerland shall cooperate to ensure that decisions on the application for an EU vehicle authorisation and on verification of compliance with Swiss national rules are taken within the time periods laid down in Article 34 of Implementing Regulation (EU) 2018/545, in accordance with the third subparagraph of paragraph 1.

Article 4

1. The following shall be recognised on the basis of reciprocity:

(a) the 'EC' certificates of conformity or of suitability for use referred to in Article 9(2) of Directive (EU) 2016/797 and issued by a notified body;

(b) the 'EC' declarations of conformity or of suitability for use referred to in Articles 9 and 10(1) of Directive (EU) 2016/797 and drawn up by the manufacturer or its authorised representative;

(c) the 'EC' certificates of verification referred to in Annex IV to Directive (EU) 2016/797 and issued by a notified body;

(d) the 'EC' declarations of verification referred to in Article 15(1) of Directive (EU) 2016/797 and drawn up by the applicant;

(e) the list of Swiss and European Union conformity assessment bodies provided for in Article 38 of Directive (EU) 2016/797.

2. In accordance with Article 37 of Directive (EU) 2016/797, Switzerland shall notify the European Commission and the European Union Member States of the conformity assessment bodies established in Switzerland.

The Swiss notified bodies may carry out their activities under the conditions laid down in Directive (EU) 2016/797 and for as long as they comply with the requirements of Directive (EU) 2016/797.

([1]) Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (OJ L 90, 6.4.2018, p. 66).

▼B

The Commission shall make publicly available the list of Swiss notified bodies.

Article 5

1. The applications for decisions verifying compliance with the Swiss national rules referred to in Articles 2(1) and 3(1) shall be made using the one-stop shop referred to in Article 12 of Regulation (EU) 2016/796.

2. The applications referred to in Articles 2(3) and 3(3) shall be submitted through the one-stop shop.

3. Switzerland shall register a copy of the decision verifying compliance with national rules within the one-stop shop.

4. Switzerland shall have access to the one-stop shop for the purposes of this Decision.

▼M2

Article 6

1. The Swiss national rules and specific cases may supplement or derogate from European Union requirements to the extent that these rules and specific cases relate to the technical parameters of subsystems, operational aspects or aspects relating to staff carrying out safety tasks as listed in Annex 1 to the Agreement.

2. Switzerland shall notify the Agency of the national rules referred to in paragraph 1 with a view to their being published using the IT system referred to in Article 27 of Regulation (EU) 2016/796.

3. Annex 1 identifies the applicable national rules and specific cases that are potentially incompatible with Union law. If compatibility with Union law has not been established by 30 June 2021, those national rules and specific cases may no longer be applied unless the Joint Committee decides otherwise.

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Article 7

1. Decision No 1/2013 of the Joint Committee is repealed with effect from the date of entry into force of this Decision.

2. Articles 2(1) and 3(1) of Decision No 1/2013 of the Joint Committee shall continue to apply until 16 June 2020 as regards the Member States which have notified the Agency and the Commission pursuant to Article 57(2) of Directive (EU) 2016/797 or Article 33(2) of Directive (EU) 2016/798.

▼M1

2a. Article 2(1) and/or Article 3(1) of Joint Committee Decision No 1/2013 shall continue to apply until 31 October 2020 for Member States that have notified the Agency and the Commission pursuant to Article 57(2a) of Directive (EU) 2016/797 or Article 33(2a) of Directive (EU) 2016/798.

▼B

3. ‘EC’ declarations of conformity or of suitability for use, ‘EC’ certificates of verification and ‘EC’ declarations of verification recognised pursuant to Decision No 1/2013 of the Joint Committee shall continue to be recognised under the conditions subject to which they were issued.

4. The safety certificates and the authorisations for placing in service of subsystems and vehicles and type authorisations recognised in accordance with Decision No 1/2013 of the Joint Committee shall continue to be recognised under the conditions subject to which they were issued.

Article 8

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

▼M2

Articles 2, 3, 4 and 5 shall apply until 31 December 2021.

▼B

ANNEX

'*ANNEX 1*

APPLICABLE PROVISIONS

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

Relevant provisions of Union law

SECTION 1 — ADMISSION TO THE OCCUPATION

— Directive 2006/1/EC of the European Parliament and of the Council of 18 January 2006 on the use of vehicles hired without drivers for the carriage of goods by road (codified version) (OJ L 33, 4.2.2006, p. 82).

— Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (OJ L 300, 14.11.2009, p. 51), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

— Regulation (EC) No 1072/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international road haulage market (OJ L 300, 14.11.2009, p. 72), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

For the purposes of this Agreement,

(a) the European Union and the Swiss Confederation shall exempt from the obligation to hold a driver attestation all citizens of the Swiss Confederation, of an EU Member State and of a Member State of the European Economic Area;

(b) the Swiss Confederation may not exempt citizens of States other than those mentioned in point (a) above from the obligation to hold a driver attestation without prior consultation with and approval by the European Union;

(c) the provisions of Chapter III of Regulation (EC) No 1072/2009 (on cabotage) shall not apply.

— Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (OJ L 300, 14.11.2009, p. 88), as last amended by Council Regulation (EU) No 517/2013 of 13 May 2013 (OJ L 158, 10.6.2013, p. 1).

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

— Commission Decision 2009/992/EU of 17 December 2009 on minimum requirements for the data to be entered in the national electronic register of road transport undertakings (OJ L 339, 22.12.2009, p. 36).

— Commission Regulation (EU) No 1213/2010 of 16 December 2010 establishing common rules concerning the interconnection of national electronic registers on road transport undertakings (OJ L 335, 18.12.2010, p. 21).

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— Commission Regulation (EU) No 361/2014 of 9 April 2014 laying down detailed rules for the application of Regulation (EC) No 1073/2009 of the European Parliament and of the Council as regards documents for the international carriage of passengers by coach and bus and repealing Commission Regulation (EC) No 2121/98 (OJ L 107, 10.4.2014, p. 39).

— Commission Regulation (EU) 2016/403 of 18 March 2016 supplementing Regulation (EC) No 1071/2009 of the European Parliament and of the Council with regard to the classification of serious infringements of the Union rules, which may lead to the loss of good repute by the road transport operator, and amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council (OJ L 74, 19.3.2016, p. 8).

SECTION 2 — SOCIAL STANDARDS

— Directive 2002/15/EC of the European Parliament and of the Council of 11 March 2002 on the organisation of the working time of persons performing mobile road transport activities (OJ L 80, 23.3.2002, p. 35).

— Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (OJ L 226, 10.9.2003, p. 4).

— Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Regulation (EEC) No 3820/85 (OJ L 102, 11.4.2006, p. 1), as last amended by Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 (OJ L 60, 28.2.2014, p. 1).

— Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC (OJ L 102, 11.4.2006, p. 35), as last amended by Regulation (EU) 2016/403 of 18 March 2016 (OJ L 74, 19.3.2016, p. 8).

— Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for the downloading of relevant data from vehicle units and from driver cards (OJ L 168, 2.7.2010, p. 16).

— Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).

— Commission Implementing Regulation (EU) 2016/68 of 21 January 2016 on common procedures and specifications necessary for the interconnection of electronic registers of driver cards (OJ L 15, 22.1.2016, p. 51), as amended by Commission Implementing Regulation (EU) 2017/1503 of 25 August 2017 (OJ L 221, 26.8.2017, p. 10).

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— Commission Implementing Regulation (EU) 2016/799 of 18 March 2016 implementing Regulation (EU) No 165/2014 of the European Parliament and of the Council laying down the requirements for the construction, testing, installation, operation and repair of tachographs and their components (OJ L 139, 26.5.2016, p. 1), as amended by Commission Implementing Regulation (EU) 2018/502 of 28 February 2018 (OJ L 85, 28.3.2018, p. 1).

— Commission Implementing Regulation (EU) 2017/548 of 23 March 2017 laying down a standard form for the written statement on the removal or breakage of a tachograph seal (OJ L 79, 24.3.2017, p. 1).

— Commission Implementing Decision (EU) 2017/1013 of 30 March 2017 drawing up the standard reporting form referred to in Article 17 of Regulation (EC) No 561/2006 of the European Parliament and of the Council (OJ L 153, 16.6.2017, p. 28).

SECTION 3 — TECHNICAL STANDARDS

Motorised vehicles

— Council Directive 70/157/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the permissible sound level and the exhaust system of motor vehicles (OJ L 42, 23.2.1970, p. 16), as last amended by Commission Directive 2007/34/EC of 14 June 2007 (OJ L 155, 15.6.2007, p. 49).

— Council Directive 88/77/EEC of 3 December 1987 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression ignition engines for use in vehicles, and the emission of gaseous pollutants from positive ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 36, 9.2.1988, p. 33), as last amended by Commission Directive 2001/27/EC of 10 April 2001 (OJ L 107, 18.4.2001, p. 10).

— Council Directive 91/671/EEC of 16 December 1991 on the approximation of the laws of the Member States relating to compulsory use of safety belts in vehicles of less than 3,5 tonnes (OJ L 373, 31.12.1991, p. 26), as last amended by Commission Implementing Directive 2014/37/EU of 27 February 2014 (OJ L 59, 28.2.2014, p. 32).

— Council Directive 92/6/EEC of 10 February 1992 on the installation and use of speed limitation devices for certain categories of motor vehicles in the Community (OJ L 57, 2.3.1992, p. 27), as amended by Directive 2002/85/EC of the European Parliament and of the Council of 5 November 2002 (OJ L 327, 4.12.2002, p. 8).

— Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorised dimensions in national and international traffic and the maximum authorised weights in international traffic (OJ L 235, 17.9.1996, p. 59), as amended by Directive 2002/7/EC of the European Parliament and of the Council of 18 February 2002 (OJ L 67, 9.3.2002, p. 47).

— Council Regulation (EC) No 2411/98 of 3 November 1998 on the recognition in intra-Community traffic of the distinguishing sign of the Member State in which motor vehicles and their trailers are registered (OJ L 299, 10.11.1998, p. 1).

— Directive 2000/30/EC of the European Parliament and of the Council of 6 June 2000 on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Community (OJ L 203, 10.8.2000, p. 1), as last amended by Commission Directive 2010/47/EU of 5 July 2010 (OJ L 173, 8.7.2010, p. 33).

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— Directive 2005/55/EC of the European Parliament and of the Council of 28 September 2005 on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p. 1), as last amended by Commission Directive 2008/74/EC of 18 July 2008 (OJ L 192, 19.7.2008, p. 51).

— Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1), as last amended by Commission Regulation (EU) No 133/2014 of 31 January 2014 (OJ L 47, 18.2.2014, p. 1).

— Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L 200, 31.7.2009, p. 1), as last amended by Commission Regulation (EU) 2016/1004 of 22 June 2016 (OJ L 165, 23.6.2016, p. 1).

— Commission Regulation (EU) No 582/2011 of 25 May 2011 implementing and amending Regulation (EC) No 595/2009 of the European Parliament and of the Council with respect to emissions from heavy duty vehicles (Euro VI) and amending Annexes I and III to Directive 2007/46/EC of the European Parliament and of the Council (OJ L 167, 25.6.2011, p. 1), as last amended by Commission Regulation (EU) No 627/2014 of 12 June 2014 (OJ L 174, 13.6.2014, p. 28).

— Directive 2014/45/EU of the European Parliament and of the Council of 3 April 2014 on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC (OJ L 127, 29.4.2014, p. 51).

— Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC (OJ L 158, 27.5.2014, p. 131), as amended by Commission Delegated Regulation (EU) 2017/1576 of 26 June 2017 (OJ L 239, 19.9.2017, p. 3).

Transportation of dangerous goods

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

— Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13), as last amended by Commission Directive (EU) 2018/1846 of 23 November 2018 (OJ L 299, 26.11.2018, p. 58).

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

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1. Road transport

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

RO - a - CH - 1

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

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

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

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 may benefit from the exemptions in point 1.1.3.6 ADR.

Initial reference to the national legislation: Appendix 1, points 1.1.3.6.3(b) and 6.14 of the Ordinance of 29 November 2002 on the carriage of dangerous goods by road (SDR; RS 741.621).

Date of expiry: 1 January 2023.

RO - a - CH - 2

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

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

Content of the Annex to the Directive: Requirements for transport documentation.

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

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

Date of expiry: 1 January 2023.

RO - a - CH - 3

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

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

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

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

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

Date of expiry: 1 January 2023.

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

RO - bi - CH - 1

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

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

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

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

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

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

Date of expiry: 1 January 2023.

RO - bi - CH - 2

Subject: Return transport of fireworks.

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

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

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

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

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

Date of expiry: 1 January 2023.

RO - bi - CH - 3

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

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

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

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

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

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

The requirements in 1.3 and 8.2.3 are still applicable.

Date of expiry: 1 January 2023.

2. Railway transport

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

RA - a - CH - 1

Subject: Transport of diesel fuel and heating oil with UN number 1202 in tank containers.

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

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

Content of the national legislation: Tank containers which are not constructed according to point 6.8 but according to national legislation, which have a capacity of less than or equal to 1 210 l and which are used to transport heating oil or diesel fuel with UN number 1202 are authorised.

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

Date of expiry: 1 January 2023.

RA - a - CH - 2

Subject: Transport document.

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

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

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

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

Date of expiry: 1 January 2023.

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

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SECTION 4 — ACCESS AND TRANSIT RIGHTS WITH REGARD TO RAILWAYS

— Council Directive 91/440/EEC of 29 July 1991 on the development of the Community's railways (OJ L 237, 24.8.1991, p. 25).

— Council Directive 95/18/EC of 19 June 1995 on the licensing of railway undertakings (OJ L 143, 27.6.1995, p. 70).

— Council Directive 95/19/EC of 19 June 1995 on the allocation of railway infrastructure capacity and the charging of infrastructure fees (OJ L 143, 27.6.1995, p. 75).

— Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification (Railway Safety Directive) (OJ L 164, 30.4.2004, p. 44), as last amended by Commission Directive 2014/88/EU of 9 July 2014 (OJ L 201, 10.7.2014, p. 9).

— Directive 2007/59/EC of the European Parliament and of the Council of 23 October 2007 on the certification of train drivers operating locomotives and trains on the railway system in the Community (OJ L 315, 3.12.2007, p. 51), as last amended by Commission Directive (EU) 2016/882 of 1 June 2016 (OJ L 146, 3.6.2016, p. 22).

— Commission Regulation (EC) No 653/2007 of 13 June 2007 on the use of a common European format for safety certificates and application documents in accordance with Article 10 of Directive 2004/49/EC of the European Parliament and of the Council and on the validity of safety certificates delivered under Directive 2001/14/EC (OJ L 153, 14.6.2007, p. 9), as amended by Commission Regulation (EU) No 445/2011 of 10 May 2011 (OJ L 122, 11.5.2011, p. 22).

— Commission Decision 2007/756/EC of 9 November 2007 adopting a common specification of the national vehicle register provided for under Articles 14(4) and (5) of Directives 96/48/EC and 2001/16/EC (OJ L 305, 23.11.2007, p. 30), as amended by Commission Decision 2011/107/EU of 10 February 2011 (OJ L 43, 17.2.2011, p. 33).

— Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (OJ L 191, 18.7.2008, p. 1), as last amended by Commission Directive 2014/38/EU of 10 March 2014 (OJ L 70, 11.3.2014, p. 20).

— Commission Decision 2009/965/EC of 30 November 2009 on the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (OJ L 341, 22.12.2009, p. 1), as amended by Commission Implementing Decision (EU) 2015/2299 of 17 November 2015 (OJ L 324, 10.12.2015, p. 15).

— Commission Regulation (EU) No 36/2010 of 3 December 2009 on Community models for train driving licences, complementary certificates, certified copies of complementary certificates and application forms for train driving licences, under Directive 2007/59/EC of the European Parliament and of the Council (OJ L 13, 19.1.2010, p. 1).

— Commission Decision 2010/713/EU of 9 November 2010 on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability adopted under Directive 2008/57/EC of the European Parliament and of the Council (OJ L 319, 4.12.2010, p. 1).

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— Commission Regulation (EU) No 1158/2010 of 9 December 2010 on a common safety method for assessing conformity with the requirements for obtaining railway safety certificates (OJ L 326, 10.12.2010, p. 11).

— Commission Regulation (EU) No 1169/2010 of 10 December 2010 on a common safety method for assessing conformity with the requirements for obtaining a railway safety authorisation (OJ L 327, 11.12.2010, p. 13).

— Commission Regulation (EU) No 201/2011 of 1 March 2011 on the model of declaration of conformity to an authorised type of railway vehicle (OJ L 57, 2.3.2011, p. 8).

— Commission Decision 2011/275/EU of 26 April 2011 concerning a technical specification for interoperability relating to the 'infrastructure' subsystem of the trans-European conventional rail system (OJ L 126, 14.5.2011, p. 53), as amended by Commission Decision 2012/464/EU of 23 July 2012 (OJ L 217, 14.8.2012, p. 20).

— Commission Regulation (EU) No 445/2011 of 10 May 2011 on a system of certification of entities in charge of maintenance for freight wagons and amending Regulation (EC) No 653/2007 (OJ L 122, 11.5.2011, p. 22).

— Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system (OJ L 123, 12.5.2011, p. 11), as last amended by Commission Implementing Regulation (EU) 2019/775 of 16 May 2019 (OJ L 139, 27.5.2019, p. 103).

— Commission Implementing Decision 2011/665/EU of 4 October 2011 on the European register of authorised types of railway vehicles (OJ L 264, 8.10.2011, p. 32).

— Commission Decision 2011/765/EU of 22 November 2011 on criteria for the recognition of training centres involved in the training of train drivers, on criteria for the recognition of examiners of train drivers and on criteria for the organisation of examinations in accordance with Directive 2007/59/EC of the European Parliament and of the Council (OJ L 314, 29.11.2011, p. 36).

— Commission Decision 2012/88/EU of 25 January 2012 on the technical specification for interoperability relating to the control-command and signalling subsystems of the trans-European rail system (OJ L 51, 23.2.2012, p. 1), as last amended by Commission Decision (EU) 2015/14 of 5 January 2015 (OJ L 3, 7.1.2015, p. 44).

— Commission Decision 2012/757/EU of 14 November 2012 concerning the technical specification for interoperability relating to the 'operation and traffic management' subsystem of the rail system in the European Union and amending Decision 2007/756/EC (OJ L 345, 15.12.2012, p. 1), as amended by Commission Decision 2013/710/EU of 2 December 2013 (OJ L 323, 4.12.2013, p. 35).

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

— CH-TSI OPE-001: Railway operating procedures: recording oral communication (railway company - infrastructure manager) *(the rule may be incompatible with Decision 2012/757/EU and must be reviewed before 31 December 2020)*;

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— CH-TSI OPE-002: Railway operating procedures: communications methodology *(the rule may be incompatible with Decision 2012/757/EU and must be reviewed before 31 December 2020)*;

— CH-TSI OPE-003: Railway operating procedures: job control language *(the rule may be incompatible with Decision 2012/757/EU and must be reviewed before 31 December 2020)*;

— CH-TSI OPE-004: Railway operating procedures: emergency messages *(the rule may be incompatible with Decision 2012/757/EU and must be reviewed before 31 December 2020)*.

— Commission Regulation (EU) No 1078/2012 of 16 November 2012 on a common safety method for monitoring to be applied by railway undertakings, infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance (OJ L 320, 17.11.2012, p. 8).

— Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1), as last amended by Commission Regulation (EU) 2015/924 of 8 June 2015 (OJ L 150, 17.6.2015, p. 10).

— Commission Implementing Regulation (EU) No 402/2013 of 30 April 2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009 (OJ L 121, 3.5.2013, p. 8), as amended by Commission Implementing Regulation (EU) 2015/1136 of 13 July 2015 (OJ L 185, 14.7.2015, p. 6).

— Commission Implementing Decision 2014/880/EU of 26 November 2014 on the common specifications of the register of railway infrastructure and repealing Implementing Decision 2011/633/EU (OJ L 356, 12.12.2014, p. 489).

— Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility (OJ L 356, 12.12.2014, p. 1), amended by Commission Implementing Regulation (EU) 2019/772 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 1).

— Commission Regulation (EU) No 1301/2014 of 18 November 2014 on the technical specifications for interoperability relating to the 'energy' subsystem of the rail system in the Union (OJ L 356, 12.12.2014, p. 179), amended by Commission Implementing Regulation (EU) 2018/868 of 13 June 2018 (OJ L 149, 14.6.2018, p. 16).

— Commission Regulation (EU) No 1302/2014 of 18 November 2014 concerning a technical specification for interoperability relating to the 'rolling stock — locomotives and passenger rolling stock' subsystem of the rail system in the European Union (OJ L 356, 12.12.2014, p. 228), as last amended by Commission Implementing Regulation (EU) 2018/868 of 13 June 2018 (OJ L 149, 14.6.2018, p. 16).

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

— CH-TSI LOC&PAS-001: Pantograph head width;

— CH-TSI LOC&PAS-002: Narrow switches/Test of passage through switches;

— CH-TSI LOC&PAS-003: Tight curves r < 250 m;

— CH-TSI LOC&PAS-004: Track displacement force;

— CH-TSI LOC&PAS 005: Cant deficiency;

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— CH-TSI LOC&PAS-006: Authorisation of rolling stock with Series N tilting system;

— CH-TSI LOC&PAS-007: Flange lubrication;

— CH-TSI LOC&PAS-009: Exhaust emissions from thermal vehicles *(the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2020)*;

— CH-TSI LOC&PAS-010: Optical warning signal at front of train: 3 x red;

— CH-TSI LOC&PAS-011: Traction limitation;

— CH-TSI LOC&PAS-012: Admittance;

— CH-TSI LOC&PAS 013: Pantograph/Contact line interaction;

— CH-TSI LOC&PAS-014: Compatibility with track-free announcing devices;

— CH-TSI LOC&PAS-017: Infrastructure gauge: general;

— CH-TSI LOC&PAS-018: Tight track curves;

— CH-TSI LOC&PAS-019: Non-leading input signal *(the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2020)*;

— CH-TSI LOC&PAS-020: Sleeping input signal with multiple-unit control *(the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2020)*;

— CH-TSI LOC&PAS-022: Resetting the emergency brake *(the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2020)*;

— CH-TSI LOC&PAS-025: Inhibited operability to disconnect ETCS on-board unit *(the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2020)*;

— CH-TSI LOC&PAS-026: SIGNUM/ZUB not permitted on vehicles with ERTMS/ETCS Baseline 3;

— CH-TSI LOC&PAS-027: Manual radio remote control in ‘Shunting’ mode *(the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2020)*;

— CH-TSI LOC&PAS-028: Gauging, door area;

— CH-TSI LOC&PAS-029: Safety against derailment Y/Q;

— CH-TSI LOC&PAS-030: Use of braking systems without static friction;

— CH-TSI LOC&PAS-031: Safe traction cut-off *(the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2020)*;

— CH-TSI LOC&PAS-035: Sufficient braking performance during emergency braking *(the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2020)*;

— CH-TSI LOC&PAS-037: ETCS service brake *(the rule may be incompatible with Regulation (EU) No 1302/2014 and must be reviewed before 31 December 2020)*.

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— Commission Regulation (EU) No 1303/2014 of 18 November 2014 concerning the technical specification for interoperability relating to 'safety in railway tunnels' of the rail system of the European Union (OJ L 356, 12.12.2014, p. 394).

— Commission Regulation (EU) No 1304/2014 of 26 November 2014 on the technical specification for interoperability relating to the subsystem 'rolling stock — noise' amending Decision 2008/232/EC and repealing Decision 2011/229/EU (OJ L 356, 12.12.2014, p. 421).

— Commission Regulation (EU) No 1305/2014 of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing the Regulation (EC) No 62/2006 (OJ L 356, 12.12.2014, p. 438), as last amended by Commission Implementing Regulation (EU) 2019/778 of 16 May 2019 (OJ L 139 I, 27.5.2019, p. 356).

— Commission Implementing Regulation (EU) 2015/171 of 4 February 2015 on certain aspects of the procedure of licensing railway undertakings (OJ L 29, 5.2.2015, p. 3).

— Commission Implementing Regulation (EU) 2015/909 of 12 June 2015 on the modalities for the calculation of the cost that is directly incurred as a result of operating the train service (OJ L 148, 13.6.2015, p. 17).

— Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44); only the following provisions shall apply in Switzerland: Articles 7 (paragraphs 1 to 3), 8 to 10, 12, 15, 17, 21 (excluding paragraph 7), 22 to 25, 27 to 42, 44, 45 et 49 as well as Annexes II, III and IV.

— Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, pp. 102-149); only the following provisions shall apply in Switzerland: Articles 9, 10 (excluding paragraph 7), 13, 14 and 17 as well as Annex III.

— Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the rail system in the European Union (OJ L 158, 15.6.2016, p. 1).

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

— CH-TSI CCS-003: Activation / Deactivation of transfer of Packet 44 to SIGNUM/ZUB;

— CH-TSI CCS-005: Proof of Quality of Service for GSM-R radio transmission (*the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020)*;

— CH-TSI CCS-006: Loss of 'Non leading permitted' in 'Non leading' mode *(the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020)*;

— CH-TSI CCS-007: Braking curve requirement for ERTMS/ETCS Baseline 2;

— CH-TSI CCS-008: Minimally implemented change requests *(the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020)*;

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— CH-TSI CCS-011: Euroloop functionality;

— CH-TSI CCS-015: Simultaneous control of two GSM-R data channels;

— CH-TSI CCS-016: Application of country-specific project planning and functions *(the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020)*;

— CH-TSI CCS-018: Level STM/NTC prohibited for SIGNUM/ZUB;

— CH-TSI CCS-019: Acceptance and display of train data *(the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020)*;

— CH-TSI CCS-022: Reversing in 'Unfitted' mode;

— CH-TSI CCS-023: Text message display;

— CH-TSI CCS-024: Train data: NC_TRAIN, M_AXLELOAD, V_MAXTRAIN *(the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020)*;

— CH-TSI CCS-026: Online on-board monitoring of line equipment;

— CH-TSI CCS-032: Unique number for ETCS on-board equipment and GSM-R cab radio *(the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020)*;

— CH-TSI CCS-033: GSM-R Voice Functionalities *(the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020);*

— CH-TSI CCS-034: 'Non-leading' mode;

— CH-TSI CCS-035: Text to be displayed at the DMI *(the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020)*;

— CH-TSI CCS-038: Disclosure of large odometry confidence interval *(the rule may be incompatible with Regulation (EU) 2016/919 and must be reviewed before 31 December 2020)*;

— CH-CSM-RA-001: Proof of safety concept for acquiring ETCS authorisation in Switzerland;

— CH-CSM-RA-002: Requirements at speeds greater than 200 km/h;

— CH-CSM-RA-003: Quality of train data.

— Commission Implementing Regulation (EU) 2018/545 of 4 April 2018 establishing practical arrangements for the railway vehicle authorisation and railway vehicle type authorisation process pursuant to Directive (EU) 2016/797 of the European Parliament and of the Council (OJ L 90, 6.4.2018, p. 66).

— Commission Delegated Regulation (EU) 2018/761 of 16 February 2018 establishing common safety methods for supervision by national safety authorities after the issue of a single safety certificate or a safety authorisation pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 1077/2012 (OJ L 129, 25.5.2018, p. 16).

— Commission Delegated Regulation (EU) 2018/762 of 8 March 2018 establishing common safety methods on safety management system requirements pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council and repealing Commission Regulations (EU) No 1158/2010 and (EU) No 1169/2010 (OJ L 129, 25.5.2018, p. 26).

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— Commission Implementing Regulation (EU) 2018/763 of 9 April 2018 establishing practical arrangements for issuing single safety certificates to railway undertakings pursuant to Directive (EU) 2016/798 of the European Parliament and of the Council, and repealing Commission Regulation (EC) No 653/2007 (OJ L 129, 25.5.2018, p. 49).

— Commission Implementing Regulation (EU) 2019/250 of 12 February 2019 on the templates for 'EC' declarations and certificates for railway interoperability constituents and subsystems, on the model of declaration of conformity to an authorised railway vehicle type and on the 'EC' verification procedures for subsystems in accordance with Directive (EU) 2016/797 of the European Parliament and of the Council and repealing Commission Regulation (EU) No 201/2011 (OJ L 42, 13.2.2019, p. 9).

— Commission Implementing Regulation (EU) 2019/780 of 16 May 2019 on practical arrangements for issuing safety authorisations to infrastructure managers (OJ L 139, 27.5.2019, p. 390).

SECTION 5 — OTHER FIELDS

— Council Directive 92/82/EEC of 19 October 1992 on the approximation of the rates of excise duties on mineral oils (OJ L 316, 31.10.1992, p. 19).

— Directive 2004/54/EC of the European Parliament and of the Council of 29 April 2004 on minimum safety requirements for tunnels in the Trans-European Road Network (OJ L 167, 30.4.2004, p. 39).

— Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management (OJ L 319, 29.11.2008, p. 59).'