



**COUNCIL OF
THE EUROPEAN UNION**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken by the European Union in the Joint EU/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport concerning an amendment to the Annex thereto

COMMON GUIDELINES

Consultation deadline for Croatia: 10.01.2013

COUNCIL DECISION

of ...

**on the position to be taken by the European Union
in the Joint EU/Switzerland Air Transport Committee
set up under the Agreement between the European Community and the Swiss Confederation
on Air Transport concerning an amendment to the Annex thereto**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) and Article 218(9) thereof,

Having regard to the Decision of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation (2002/309/EC, Euratom), and in particular Article 3(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) 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 Community¹ was incorporated into the Agreement between the European Community and the Swiss Confederation on Air Transport² by Joint Committee Decision No 1-2010³.
- (2) Through the inclusion of Regulation (EC) No 1008/2008 in the Agreement on the European Economic Area by EEA Joint Committee Decision No 90/2011, of 19 July 2011⁴, the same regime has been established between all EEA States for EEA air carriers.
- (3) Through the inclusion of Regulation (EC) No 1008/2008 in the Convention establishing the European Free Trade Association (Vaduz Convention), by means of Decision of the EFTA Council No 1/2012, of 22 March 2012, the same regime has also been established between Switzerland and the EEA EFTA States for Swiss and EEA EFTA air carriers.
- (4) The Annex to the Air transport Agreement between the European Community and the Swiss Confederation should therefore be amended to grant the EEA EFTA air carriers the right to operate air services from an EU Member State to Switzerland and vice versa.

HAS ADOPTED THIS DECISION:

¹ OJ L 293, 31.10.2008, p. 3.

² OJ L 114, 30.4.2002, p. 73.

³ OJ L 106, 28.4.2010, p. 20.

⁴ OJ L262, 6.10.2011, p. 62.

Article 1

The position to be taken by the European Union within the EU/Switzerland Air Transport Joint Committee on the proposed amendment to the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport shall be based on the draft Decision of the EU/Switzerland Joint Committee attached to this Decision.

Article 2

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

Done at Brussels,

For the Council

The President

DRAFT

DECISION No ...
OF THE JOINT EU/SWITZERLAND AIR TRANSPORT COMMITTEE SET UP UNDER
THE AGREEMENT BETWEEN THE EUROPEAN COMMUNITY AND THE SWISS
CONFEDERATION ON AIR TRANSPORT

of ...

amending Annex to the Agreement between the European Community and the Swiss
Confederation on Air Transport

THE EU/SWITZERLAND AIR TRANSPORT COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on Air Transport, hereinafter referred to as "the Agreement", and in particular Article 23(4) thereof,

Whereas:

- (1) 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 Community¹ was incorporated into the Agreement by Joint Committee Decision No 1-2010².
- (2) The Contracting Parties aim at ensuring that EEA EFTA air carriers are entitled to operate air services from a EU Member State to Switzerland and vice versa.
- (3) The Contracting Parties also aim at ensuring that Union air carriers are entitled to operate air services from an EEA EFTA State to Switzerland and vice versa.
- (4) To this end, the EU/Switzerland Joint Committee is to grant, subject to the condition of reciprocity, EEA EFTA air carriers the right to operate from an EU Member State to Switzerland and vice versa.
- (5) The Annex to the Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

¹ OJ L 293, 31.10.2008, p. 3.

² OJ L 106, 28.4.2010, p. 20.

Article 1

The Annex to the Agreement shall be amended as follows:

The following text shall be added to the point 1 under reference *No 1008/2008*, Regulation of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community:

"The text of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 15 the following paragraph is added:

"6. Under the same conditions as European Union and Swiss air carriers, EEA EFTA air carriers shall be entitled to operate air services from an EU Member State to Switzerland and vice versa. This shall be subject to the condition that, on the one hand, the European Union and EEA EFTA States grant Swiss air carriers the right to operate air services from an EU Member State to EEA EFTA States and vice versa, and, on the other hand, that Switzerland and the EEA EFTA States grant European Union air carriers the right to operate air services from Switzerland to an EEA EFTA State and vice versa.

Any restrictions to this arrangement arising from existing bilateral or multilateral agreements binding the European Union, on the one hand, and Switzerland, on the other hand, are hereby superseded."."

Article 2

This Decision shall enter into force on the twentieth day following its publication in the *Official Journal of the European Union*, or on the date of entry into force either of the decision amending the EEA Agreement granting Swiss air carriers the right to operate air services from an EU Member State to an EEA EFTA State and vice versa, or of the decision amending the Convention establishing the European Free Trade Association (Vaduz Convention) granting Union air carriers the right to operate air services from Switzerland to an EEA EFTA State and vice versa, whichever is the latest.

Article 3

The Head of the Union Delegation shall notify the President of the EEA Joint Committee of the adoption of this Decision.

Done at Brussels, on ...

For the Joint Committee

The Head of the European Union Delegation

Matthew Baldwin

The Head of the Swiss Delegation

Peter Müller
