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CH 53

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

No. prev. doc.: 15291/17 TRANS 533 CH 49
No. Cion doc.: 14507/17 TRANS 495 CH 43 + ADD 1

Subject: Council Decision authorising the Commission to open negotiations with the Swiss Confederation to amend the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road with a view to enabling the participation of the Swiss Confederation in the European Union Agency for Railways
– Adoption

1. The Commission submitted the above-mentioned recommendation for a Council Decision on 15 November 2017.
2. Further intensifying the existing constructive cooperation between the Union and the Swiss Confederation is deemed to be mutually beneficial in terms of achieving a safe and interoperable railway area as well as ensuring that the Swiss Confederation continues to provide its expertise in interoperability and safety matters. As such, it is deemed appropriate to allow in principle the Swiss Confederation to participate in the Agency. The Swiss Confederation requested such a participation in 2013.

3. The proposal was presented by the Commission to the Land Working Party on 12 December 2017. It was agreed to make minor changes to the proposal by adding a substantive legal basis and adding Article 3. The Presidency considers that the proposal as set out in the Annex to this note could be accepted, subject to legal-linguistic revision (doc. 15695/17, *to be issued*).
 4. The Permanent Representatives Committee is invited to endorse the text as set out in the Annex to this document and to submit it to the next possible Council for adoption.
 5. The Council is invited to adopt the decision as set out in doc. 15695/17.
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Recommendation for a

COUNCIL DECISION

authorising the Commission to open negotiations with the Swiss Confederation to amend the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road with a view to enabling the participation of the Swiss Confederation in the European Union Agency for Railways

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1) in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas

- (1) The Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road of 21 June 1999 (hereinafter "the Land Transport Agreement") provides for a coordinated transport policy in the areas of road, rail and combined transport,

- (2) The cooperation with the Swiss Confederation has intensified and evolved positively over the years. The Swiss Confederation has adopted and effectively applied legal provisions equivalent to the relevant *acquis* in the area of rail interoperability and safety. The Swiss Confederation joins the meetings of the Interoperability and Safety Committee set up under 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 (recast) as observer. Swiss experts have attended technical meetings at the European Union Agency for Railways (the Agency) as observers. Further intensifying the cooperation between the Union and the Swiss Confederation is deemed to be mutually beneficial in terms of achieving a safe and interoperable railway area as well as ensuring that the Swiss Confederation continues to provide its expertise in interoperability and safety matters.
- (3) Therefore negotiations should be opened with a view to concluding an agreement with the Swiss Confederation, amending the Land Transport Agreement with a view to enabling the participation of the Swiss Confederation in the Agency,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, an agreement with the Swiss Confederation amending the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road of 21 June 1999 with a view to enabling the participation of the Swiss Confederation in the European Union Agency for Railways.

Article 2

The negotiating Directives are set out in the Annex.

Article 3

The negotiations shall be conducted in consultation with the Working Party on Land Transport, acting as the special committee.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President

ANNEX

to the

**Directives for the negotiation of an agreement with the Swiss Confederation
amending the Agreement between the European Community and the Swiss Confederation on
the Carriage of Goods and Passengers by Rail and Road
with a view to enabling the participation of the Swiss Confederation
in the European Union Agency for Railways**

The Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road of 21 June 1999 should be amended to allow the Swiss Confederation to participate in the European Union Agency for Railways (hereinafter "the Agency") without the right to vote and subject to the arrangements to be made with the Agency in accordance with Article 75(2) of Regulation (EU) 2016/796¹.

¹ OJ L 138, 26.5.2016, p. 1.