



Council of the
European Union

Brussels, 11 February 2026
(OR. en)

10643/25

Interinstitutional File:
2025/0162(NLE)

AELE 65
CH 31
MI 443

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the conclusion of a broad package of agreements between the European Union, of the one part, and the Swiss Confederation, of the other part, to consolidate, deepen and expand their bilateral relations, and amending Decisions 2011/51/EU and 2011/738/EU

COUNCIL DECISION (EU) 2026/...

of ...

**on the conclusion of a broad package of agreements
between the European Union, of the one part,
and the Swiss Confederation, of the other part,
to consolidate, deepen and expand their bilateral relations,
and amending Decisions 2011/51/EU and 2011/738/EU**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(6), second subparagraph, point (a)(i), Article 218(7), and the second subparagraph of Article 218(8) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament¹,

¹ Consent of ... (not yet published in the Official Journal).

Whereas:

- (1) By way of Decision (EU, Euratom) 2024/995², the Council authorised the Commission to open negotiations with the Swiss Confederation (hereinafter also referred to as ‘Switzerland’) for a broad package of agreements on measures related to bilateral relations with Switzerland (the ‘broad package’), comprising of institutional and State aid provisions in, and, where necessary, specific adaptations to, existing agreements between the Union and Switzerland in fields related to the internal market (‘agreements in fields related to the internal market in which Switzerland participates’), namely: the Agreement between the European Community and the Swiss Confederation on the Carriage of Goods and Passengers by Rail and Road³ (the ‘Agreement on the Carriage of Goods and Passengers by Rail and Road’), the Agreement between the European Community and the Swiss Confederation Air Transport⁴ (the ‘Agreement on Air Transport’), the Agreement between the European Community, of the one part, and the Swiss Confederation, of the other, on the Free Movement of Persons⁵ (the ‘Agreement on the Free Movement of Persons’), the Agreement between the European Community and the Swiss Confederation on Mutual Recognition in Relation to Conformity Assessment⁶ (the ‘Agreement on Mutual Recognition’), and the Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products⁷ (the ‘Agreement on Trade in Agricultural Products’), which were all signed on 21 June 1999.

² Council Decision (EU, Euratom) 2024/995 of 12 March 2024 authorising the opening of negotiations with the Swiss Confederation on institutional provisions in agreements between the European Union and the Swiss Confederation related to the internal market, on an agreement on the Swiss Confederation’s participation in Union programmes and on an agreement that forms the basis for the Swiss Confederation’s permanent contribution to the Union’s cohesion (OJ L, 2024/995, 26.3.2024, ELI: <http://data.europa.eu/eli/dec/2024/995/oj>).

³ OJ L 114, 30.4.2002, p. 91, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(3\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(3)/oj).

⁴ OJ L 114, 30.4.2002, p. 73, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(2\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(2)/oj).

⁵ OJ L 114, 30.4.2002, p. 6, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(1\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(1)/oj).

⁶ OJ L 114, 30.4.2002, p. 369, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(5\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(5)/oj).

⁷ OJ L 114, 30.4.2002, p. 132, ELI: [http://data.europa.eu/eli/agree_internation/2002/309\(4\)/oj](http://data.europa.eu/eli/agree_internation/2002/309(4)/oj).

- (2) Decision (EU, Euratom) 2024/995 also authorised the Commission to open negotiations with Switzerland on an agreement on Switzerland's participation in Union programmes, on a legally binding mechanism ensuring Switzerland's permanent financial contribution to the reduction of economic and social disparities in the Union, and on new agreements on electricity, health and food safety. In addition, that Decision authorised the opening of negotiations on agreements on the participation of Switzerland in the European Union Agency for the Space Programme and in the European Union Agency for Railways, and on the amendment of the Agreement on Air Transport to allow for cabotage.

- (3) The broad package, as negotiated by the Commission on behalf of the Union, includes protocols on institutional, State aid, and amending provisions to existing agreements in fields related to the internal market in which Switzerland participates, the Protocol to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products establishing a common food safety area (the ‘Food Safety Protocol’), the Agreement between the European Union and the Swiss Confederation on electricity (the ‘Agreement on Electricity’), the Agreement between the European Union and the Swiss Confederation on health (the ‘Agreement on Health’), the Agreement between the European Union and the Swiss Confederation on Switzerland’s regular financial contribution towards reducing economic and social disparities in the European Union (the ‘Agreement on Cohesion’), the Agreement between the European Union and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, on the participation of the Swiss Confederation in Union programmes (the ‘Agreement on Union Programmes’), the Agreement between the European Union and the Swiss Confederation on the terms and conditions for the participation of the Swiss Confederation in the European Union Agency for the Space Programme (the ‘Agreement on EUSPA’), as well as the Protocol between the European Union and the Swiss Confederation on parliamentary cooperation (the ‘Protocol on Parliamentary Cooperation’).

- (4) Pursuant to Council Decision (EU) 2025/2478⁸, the Agreement on Union Programmes was signed on 10 November 2025, subject to its conclusion at a later date, and has been provisionally applied from 1 January 2025, pending its entry into force.
- (5) Pursuant to Council Decision (EU) 2025/...⁹⁺, the broad package was signed on ..., subject to its conclusion at a later date. The Agreement on EUSPA has been provisionally applied from ... [date of provisional application], pending its entry into force.

⁸ Council Decision (EU) 2025/2478 of 21 October 2025 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, on the participation of the Swiss Confederation in Union Programmes (OJ L, 2025/2478, 16.12.2025, ELI: <http://data.europa.eu/eli/dec/2025/2478/oj>).

⁹ Council Decision (EU) 2026/... of ... on the signing, on behalf of the European Union, of a broad package of agreements between the European Union, of the one part, and the Swiss Confederation, of the other part, to consolidate, deepen and expand their bilateral relations, and on the provisional application of the Agreement on the terms and conditions for the participation of the Swiss Confederation in the European Union Agency for the Space Programme (OJ L, ..., ELI: ...).

⁺ OJ: please insert in the text the number and the date of the Decision contained in document ST 10565/25 and complete the footnote.

- (6) The institutional provisions included in the institutional protocols to the Agreement on the Free Movement of Persons Agreement, the Agreement on the Carriage of Goods and Passengers by Rail and Road, the Agreement on Air Transport, and the Agreement on Mutual Recognition (the ‘institutional protocols’) as well as the Agreement on Electricity, the Agreement on Health and the Food Safety Protocol, lay down obligations for the joint committees established under those agreements and protocols to integrate all acts of Union law falling within their scope, as well as provisions to ensure the uniform interpretation and application of all agreements in fields related to the internal market in which Switzerland participates. Where the application of those agreements and the protocol involves concepts of Union law, those concepts are to be interpreted and applied in accordance with the case-law of the Court of Justice of the European Union. The institutional provisions also lay down effective mechanisms for the resolution of disputes based on arbitration, including the referral to the Court of Justice of the European Union of all questions of Union law. In cases of non-compliance with a decision of the arbitral tribunal, the broad package provides for proportionate compensatory measures to be adopted under the agreement concerned or under any of the agreements in fields related to the internal market in which Switzerland participates.
- (7) The amending protocols included in the broad package make the necessary substantive changes to the existing agreements between the Union and Switzerland to ensure consistency with the new institutional framework. In addition, the amending protocol to the Agreement on Air Transport provides for the mutual exchange of cabotage rights.

- (8) The broad package also includes State aid protocols to the Agreement on Air Transport and to the Agreement on Carriage of Goods and Passengers by Rail and Road in order to guarantee a level playing field for Switzerland's participation in the internal market in the areas covered by those agreements. Pursuant to those protocols, Switzerland is to apply substantive and procedural rules, including surveillance and enforcement mechanisms, equivalent to those which apply within the Union.
- (9) The broad package also includes an amending protocol to the Agreement on Trade in Agricultural Products in order to update that agreement's dispute settlement mechanism in line with established practice in trade agreements to which the Union is a party.
- (10) A separate protocol to the Agreement on Trade in Agricultural Products is included in the broad package in order to establish a common food safety area covering all dimensions of the food chain. That protocol includes the institutional provisions which are common to all agreements in fields related to the internal market in which Switzerland participates.
- (11) The Agreement on Electricity included in the broad package lays down the rules and conditions under which Switzerland can participate in the internal electricity market. That Agreement includes the institutional provisions which are common to all agreements in fields related to the internal market in which Switzerland participates as well as rules on State aid which are almost identical to those which apply in the areas of air transport and land transport.

- (12) The Agreement on Health included in the broad package aims at strengthening cooperation between the Union and Switzerland regarding serious cross-border threats to health and applies, by analogy, the institutional provisions which are common to the agreements in the fields related to the internal market in which Switzerland participates. That Agreement is linked to Switzerland's participation in the Programme for the Union's action in the field of health ('EU4Health Programme').
- (13) The Agreement on Cohesion included in the broad package establishes the legal basis and lays down the parameters for Switzerland's regular financial contribution, within the framework of the broad package, to the reduction of economic and social disparities in the Union. That Agreement includes a dispute settlement mechanism. In cases of non-compliance with an arbitral ruling, the Agreement provides for proportionate compensatory measures to be adopted in any of the agreements to which the broad package relates.
- (14) The Agreement on Union Programmes included in the broad package will allow Switzerland to participate in several Union programmes open to association of third countries: Horizon Europe, Euratom Research and Training, ITER/F4E (Fusion for Energy), Digital Europe, Erasmus+, as well as EU4Health.
- (15) The Agreement on EUSPA included in the broad package lays down the conditions under which Switzerland can participate in the work of the EUSPA.
- (16) Identical provisions in the institutional protocols and new agreements included in the broad package are to ensure Switzerland's financial contribution to the costs of the information systems and agencies in which it participates.

- (17) The Protocol on Parliamentary Cooperation establishes a Joint Parliamentary Committee as a forum for dialogue and debate between members of the European Parliament and the Swiss Federal Assembly with a view to furthering the mutual understanding of and reflection on the broader EU-Switzerland relationship, including its possible further development.
- (18) Due to the substantial changes to the agreements falling within the scope of Decision 2002/309/EC, Euratom of the Council and of the Commission¹⁰, Articles 2 to 6 of that Decision and Article 3 of Council Decisions 2011/51/EU¹¹ and Article 3 of Council Decisions 2011/738/EU¹² should be repealed and their content replaced by this Decision, which provides for a consistent and comprehensive set of rules on the application and implementation in the Union of the relevant agreements.

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- ¹⁰ Decision 2002/309/EC, Euratom 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 (OJ L 114, 30.4.2002, p. 1, ELI: <http://data.europa.eu/eli/dec/2002/309/oj>).
- ¹¹ Council Decision 2011/51/EU of 18 January 2011 on the signing of the Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 25, 18.1.2011, p. 3, ELI: [http://data.europa.eu/eli/dec/2011/51\(1\)/oj](http://data.europa.eu/eli/dec/2011/51(1)/oj)).
- ¹² Council Decision 2011/738 of 20 October 2011 on the conclusion of the Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products (OJ L 297, 16.11.2011, p. 1, ELI: <http://data.europa.eu/eli/dec/2011/738/oj>).

- (19) It is appropriate to define the modalities of the Union's representation within the joint committees and other bodies established by the agreements and protocols included in the broad package.
- (20) Pursuant to Article 218(7) of the Treaty on the Functioning of the European Union (TFEU), the Commission should be authorised to approve on the Union's behalf a set of precisely defined modifications to the agreements and protocols included in the broad package which are to be adopted by a simplified procedure or by a body established for that purpose under, and in accordance with the provisions of, those agreements and protocols. All other decisions to be taken by a body set up by one of the agreements or protocols that have legal effects should be approved on the Union's behalf in accordance with Article 218(9) TFEU.
- (21) It is necessary to establish the arrangements for deciding on the positions to be taken on the Union's behalf in the joint committees and other bodies established by the agreements and the protocol in fields related to the internal market in which Switzerland participates and by the Agreement on Health in order to guarantee that the legal acts adopted by the Union in the fields covered by those agreements and protocol are integrated in those agreements and protocol as soon as possible after the adoption and transmission to Switzerland with a view to ensuring the simultaneous application of those legal acts in the Union and Switzerland.

- (22) With a view to enabling the Union to take rapid and effective action to protect its interests in accordance with the agreements and protocols included in the broad package, the Commission should be empowered to adopt decisions suspending the application of the agreements and protocols by means of compensatory, safeguard, balancing, crisis and suspensive measures in accordance with the conditions set out in the corresponding provisions of those agreements and protocols.
- (23) As regards the Agreement on Trade in Agricultural Products, certain measures necessary for the implementation of that Agreement should continue to be adopted by the Commission.
- (24) The agreements and protocols included in the broad package constitute a coherent whole and lay down the architecture of a reinforced and comprehensive partnership in a broad range of areas covered by the Treaties, based on an appropriate balance of rights and obligations. This Decision should therefore be based on the substantive legal bases provided for in the TFEU for the establishment of an association involving reciprocal rights and obligations, common action and special procedure.
- (25) The conclusion of the Agreement on Union Programmes as regards matters falling under the Treaty establishing the European Atomic Energy Community (the ‘Euratom Treaty’) is subject to a separate procedure.

- (26) The Joint Declaration by the European Union and the Swiss Confederation on the establishment of a high-level dialogue on the broad bilateral package and the possible further development of the bilateral relations between the European Union and Switzerland on behalf of the European Union was signed on behalf of the Union on ... [date of signature].
- (27) The agreements and protocols included in the broad package and the joint declarations accompanying those agreements and protocols should be approved,

HAS ADOPTED THIS DECISION:

Article 1

1. The following agreements and protocols are hereby approved:
 - (a) Amending Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons¹³;
 - (b) Institutional Protocol to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons¹⁴;
 - (c) Amending Protocol to the Agreement between the European Community and the Swiss Confederation on air transport¹⁵;
 - (d) Institutional Protocol to the Agreement between the European Community and the Swiss Confederation on air transport¹⁶;
 - (e) State Aid Protocol to the Agreement between the European Community and the Swiss Confederation on air transport¹⁷;
 - (f) Amending Protocol to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road¹⁸;

¹³ The text of the protocol is published in OJ L, ..., ELI: ...

¹⁴ The text of the protocol is published in OJ L, ..., ELI: ...

¹⁵ The text of the protocol is published in OJ L, ..., ELI: ...

¹⁶ The text of the protocol is published in OJ L, ..., ELI: ...

¹⁷ The text of the protocol is published in OJ L, ..., ELI: ...

¹⁸ The text of the protocol is published in OJ L, ..., ELI: ...

- (g) Institutional Protocol to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road;
- (h) State Aid Protocol to the Agreement between the European Community and the Swiss confederation on the carriage of goods and passengers by rail and road¹⁹;
- (i) Amending Protocol to the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment²⁰;
- (j) Institutional protocol to the Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment²¹;
- (k) Amending Protocol to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products²²;
- (l) Protocol to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products establishing a common food safety area²³;
- (m) Agreement between the European Union and the Swiss Confederation on electricity²⁴;

¹⁹ The text of the protocol is published in OJ L, ..., ELI: ...

²⁰ The text of the protocol is published in OJ L, ..., ELI: ...

²¹ The text of the protocol is published in OJ L, ..., ELI: ...

²² The text of the protocol is published in OJ L, ..., ELI: ...

²³ The text of the protocol is published in OJ L, ..., ELI: ...

²⁴ The text of the agreement is published in OJ L, ..., ELI: ...

- (n) Agreement between the European Union and the Swiss Confederation on health²⁵;
- (o) Agreement between the European Union and the Swiss Confederation on Switzerland's regular financial contribution towards reducing economic and social disparities in the European Union²⁶;
- (p) Agreement between the European Union and the Swiss Confederation on the terms and conditions for the participation of the Swiss Confederation in the European Union Agency for the Space Programme²⁷;
- (q) Protocol between the European Union and the Swiss Confederation on parliamentary cooperation²⁸.

2. The Agreement between the European Union and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, on the participation of the Swiss Confederation in Union programmes is hereby approved as regards matters other than those falling under the Euratom Treaty²⁹.

²⁵ The text of the agreement is published in OJ L, ..., ELI: ...

²⁶ The text of the agreement is published in OJ L, ..., ELI: ...

²⁷ The text of the agreement is published in OJ L, ..., ELI: ...

²⁸ The text of the protocol is published in OJ L, ..., ELI: ...

²⁹ The text of the agreement is published in OJ L, ..., ELI: ...

Article 2

1. The Joint Declaration by the European Union and the Swiss Confederation on the establishment of a high-level dialogue on the broad bilateral package and the possible further development of the bilateral relations between the European Union and Switzerland is hereby approved³⁰.
2. The following joint declarations accompanying agreements and protocols referred to in Article 1 of this Decision are hereby approved:
 - (a) the joint declarations accompanying the amending protocol referred to in Article 1(1), point (a), of this Decision³¹, namely:
 - (i) Joint Declaration on Union citizenship;
 - (ii) Joint Declaration on preventing and acting against abuse of rights conferred by Directive 2004/38/EC;
 - (iii) Joint Declaration on refusing social assistance and terminating residence prior to the acquisition of permanent residence;
 - (iv) Joint Declaration on the notification of the taking up of employment;
 - (v) Joint Declaration on the Convention of the Recognition of Qualifications;
 - (vi) Joint Declaration on job vacancies;
 - (vii) Joint Declaration on common objectives regarding the freedom to provide services up to 90 working days and ensuring posted workers' rights;

³⁰ The Declaration is published in OJ L, ..., ELI: ...

³¹ The Declaration is published in OJ L, ..., ELI: ...

- (viii) Joint Declaration on effective control systems including Switzerland's dual enforcement system;
 - (ix) Joint Declaration on the principle of 'Equal pay for equal work in the same place' and on a proportionate and adequate level of protection of posted workers;
 - (x) Joint Declaration on the participation of Switzerland in the activities of the European Labour Authority;
 - (xi) Joint Declaration on the declaratory registration system of frontier workers;
 - (xii) Joint Declaration concerning the inclusions of two EU legal acts in Annex I to the Agreement;
- (b) the joint declaration accompanying the State aid protocol referred to in Article 1(1), point (e), of this Decision³²;
 - (c) the joint declaration accompanying the amending protocol referred to in Article 1(1), point (f), of this Decision³³;
 - (d) the joint declaration accompanying the State aid protocol referred to in Article 1(1), point (h), of this Decision³⁴;
 - (e) the joint declaration accompanying the agreement referred to in Article 1(1), point (m), of this Decision³⁵.

³² The Declaration is published in OJ L, ..., ELI: ...

³³ The Declaration is published in OJ L, ..., ELI: ...

³⁴ The Declaration is published in OJ L, ..., ELI: ...

³⁵ The Declaration is published in OJ L, ..., ELI: ...

3. The Council takes note of the following declarations by Switzerland:
- (a) Declaration by Switzerland on measures to be taken in respect of self-employed persons in the context of the notification procedure for work-related short-term stays accompanying the amending protocol referred to in Article 1(1), point (a), of this Decision³⁶;
 - (b) Declaration by the Swiss Confederation regarding the inclusion of the institutional elements by analogy in the Agreement on health accompanying the agreement referred to in Article 1(1), point (n), of this Decision³⁷.

Article 3

1. The Commission shall represent the Union within the joint committees, as well as any additional joint body established in accordance with:
- (a) Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons;
 - (b) Agreement between the European Community and the Swiss Confederation on air transport;
 - (c) Agreement between the European Community and the Swiss confederation on the carriage of goods and passengers by rail and road;

³⁶ The Declaration is published in OJ L, ..., ELI: ...

³⁷ The Declaration is published in OJ L, ..., ELI: ...

- (d) Agreement between the European Community and the Swiss Confederation on mutual recognition in relation to conformity assessment;
- (e) Agreement between the European Community and the Swiss Confederation on trade in agricultural products;
- (f) Protocol to the Agreement between the European Community and the Swiss Confederation on trade in agricultural products establishing a common food safety area;
- (g) Agreement between the European Union and the Swiss Confederation on electricity;
- (h) Agreement between the European Union and the Swiss Confederation on health;
- (i) Agreement between the European Union and the Swiss Confederation on Switzerland's regular financial contribution towards reducing economic and social disparities in the European Union;
- (j) Agreement between the European Union and the European Atomic Energy Community, of the one part, and the Swiss Confederation, of the other part, on the participation of the Swiss Confederation in Union programmes;
- (k) Agreement between the European Union and the Swiss Confederation on the terms and conditions for the participation of the Swiss Confederation in the European Union Agency for the Space Programme.

2. When the Commission represents the Union within the bodies established by the agreements and protocol referred to in paragraph 1, it shall inform the Council in a timely manner about the discussions and the outcome of the meetings and of the acts adopted therein.
3. Each Member State shall be allowed to send one representative to accompany the Commission representative as part of the Union delegation in meetings of the joint committees established by the agreements and protocol referred to in paragraph 1.

Article 4

1. The Commission shall adopt the Union position within the joint committees established by the agreements and the protocol referred to in Article 3(1) with regard to the following:
 - (a) decisions laying down handling instructions for sensitive non-classified information;
 - (b) decisions setting up working parties or expert groups in accordance with:
 - Article 14(7) of the agreement referred to in Article 3(1), point (a), of this Decision;
 - Article 21(8) of the agreement referred to in Article 3(1), point (b), of this Decision;
 - Article 51(7) of the agreement referred to in Article 3(1), point (c), of this Decision;

- Article 10(7) of the agreement referred to in Article 3(1), point (d), of this Decision;
 - Article 6(7) of the agreement referred to in Article 3(1), point (e), of this Decision;
 - Article 11(8) of the protocol referred to in Article 3(1), point (f), of this Decision;
 - Article 25(8) of the agreement referred to in Article 3(1), point (g), of this Decision;
 - Article 19(7) of the agreement referred to in Article 3(1), point (h), of this Decision;
- (c) decisions that integrate Union legal acts in the agreements, subject to any technical adjustments needed, in accordance with:
- the respective Articles 5(4) of the institutional protocols to each of the agreements referred to in Article 3(1), points (a) to (d), of this Decision;
 - Article 13(4) of the protocol referred to Article 3(1), point (f), of this Decision;
 - Article 27(4) of the agreement referred to in Article 3(1), point (g), of this Decision;
 - Article 6(4) of the agreement referred to in Article 3(1), point (h), of this Decision;

- (d) decisions establishing the list of additional committees and other bodies in which Switzerland's experts are to be involved, where this is required in order to ensure the proper functioning of the agreements or protocols, in accordance with:
- the respective Articles 4(4) of the institutional protocols to the agreements referred to in Article 3(1), points (a) to (d), of this Decision;
 - Article 12(4) of the protocol referred to in Article 3(1), point (f), of this Decision;
 - Article 26(4) of the agreement referred to in Article 3(1), point (g), of this Decision;
 - Article 5(4) of the agreement referred to in Article 3(1), point (h), of this Decision;
- (e) decisions adopting the rules on the protection of personal data, professional secrecy and the legitimate interests of confidentiality which the International Bureau of the Permanent Court of Arbitration applies when making the decisions of the arbitral tribunal public, in accordance with the respective Articles IV.2(4) of the following:
- the respective appendices to the institutional protocols to the agreements referred to in Article 3(1), points (a) to (d), of this Decision;
 - the Appendix on the arbitral tribunal to the protocol referred to in Article 3(1), point (f), of this Decision;

- the respective protocols on the arbitral tribunal to the agreements referred to in Article 3(1), points (e), (g), (h) and (i) of this Decision;
- (f) decisions adopting and updating the list of daily compensation and maximum and minimum hours, for which arbitrators can receive fees, in accordance with the respective Articles VI.6(2) of the following appendices or protocols:
- the respective appendices on the arbitral tribunal to the institutional protocols to the agreements referred to in Article 3(1), points (a) to (d), of this Decision;
 - the Appendix of the arbitral tribunal to the protocol referred to in Article 3(1), point (f), of this Decision;
 - the respective protocols on the arbitral tribunal to the agreements referred to in Article 3(1), points (e), (g), (h) and (i), of this Decision;
- (g) under the agreement referred to in Article 3(1), point (c), of this Decision:
- decisions differentiating the charges applicable to categories of heavy good vehicles and determining the weighted average of charges referred to in Article 40(2) and (3) of the agreement, in accordance with Article 40(2) and (5) of the agreement;
 - decisions reviewing and updating the maximum levels of the charges fixed in Article 40(3) of the agreement, in accordance with Article 42(2) of the agreement;

- decisions determining the administrative procedures governing the operation of the observatory for the monitoring of road, rail and combined traffic in the Alpine region as well as each Contracting Party's contribution to the financing of its operation, in accordance with Article 45(2) and (3) of the agreement;
- decisions taken pursuant to Article 46(2) and (4) of the agreement;
- decisions in the context of consensual safeguard measures in the event of serious disturbance of transalpine traffic flows, prejudicing the attainment of the objectives set out in Article 30 of the agreement, in accordance with Article 47 of the agreement;
- decisions to amend Annexes 5, 6, 8 and 9 of the agreement, in accordance with Article 55(3) of the agreement;
- decisions determining the procedure for communicating information between competent authorities on carriers providing such occasional international coach services, in accordance with Article 1, point 2.3., of Annex 7 to the agreement;
- decisions concerning authorisations to run international coach and bus services in the situations described in Article 4 of Annex 7 of the agreement, in accordance with Article 4(4) and (7) of that Annex;

- (h) under the agreement referred to in Article 3(1), point (d), of this Decision:
- decisions drawing up the procedure for carrying out the verifications provided for in Articles 7 and 8 of the agreement, in accordance with Article 10(3), point (e)(i) and (ii), of the agreement;
 - decisions on the recognition or withdrawal of conformity assessment bodies contested under Article 8 of the agreement, in accordance with of Article 10(3), point (e)(iii) and (iv), of the agreement;
 - decisions laying down the procedure for the joint verification of the technical competence of conformity assessment bodies contested under Article 8(2) of the agreement in accordance with applicable requirements and the general principles of designation listed in Annex 2, subject to the provisions listed in the respective Sections IV of the Chapters of Annex 1, in accordance with Article 10(d) of the agreement;
- (i) decisions under the agreement referred to in Article 3(1), point (e), of this Decision, as regards:
- matters relating to Annexes 7 to 10 and Annex 12 to the agreement and the Appendices thereto;
 - matters relating to Annexes 4 to 6 and Annex 11 to the agreement during the transition period referred to in Article 32 of the protocol referred to in Article 3(1), point (f), of this Decision;

- (j) decisions laying down appropriate solutions providing for direct exchange of information between the Commission and Swiss competent authorities and relevant bodies in areas where rapid transfer of information is needed, in accordance with:
 - Article 2(2) of Annex 1 to the agreement referred to in Article 3(1), point (d), of this Decision;
 - Article 40(3) and Article 41(2) of the agreement referred to in Article 3(1), point (g), of this Decision.
2. For decisions having legal effects adopted by the joint committees established by the agreements and protocol referred to in Article 3(1), other than the decisions referred to in paragraph 1 of this Article, the positions to be taken on the Union's behalf shall be established in accordance with the procedure set out in Article 218(9) TFEU.

Article 5

1. Any decision of the Union to take the following measures shall be taken by the Commission:
- (a) compensatory measures for the incorrect application of the instruments referred to in Article 3(1), points (a) to (i), of this Decision, with a view to remedying imbalances in accordance with:
 - the respective Articles 11 of the institutional protocols to the agreements referred to in Article 3(1), points (a) to (d), of this Decision;

- Article 21 of the protocol referred to Article 3(1), point (f), of this Decision;
 - Article 33 of the agreement referred to in Article 3(1), point (g), of this Decision;
 - Article 16 of the agreement referred to in Article 3(1), point (h), of this Decision; or
 - Article 17 of the agreement referred to in Article 3(1), point (i), of this Decision;
- (b) rebalancing and interim rebalancing measures in case safeguard measures taken by Switzerland under the agreement referred to in Article 3(1), point (a), of this Decision, intended to remedy serious economic or social difficulties caused by the application of the agreement have created an imbalance between the respective rights and obligations under the agreement, in accordance with the Article 14a(3) and (5) of the agreement;
- (c) the following measures under the agreement referred to in Article 3(1), point (c), of this Decision:
- unilateral safeguard measures increasing the charges applicable to vehicles in the event of difficulties with transalpine road traffic flows and an under-utilisation of the Union rail capacity with the aim to make rail and combined transport more competitive vis-à-vis road transport, in accordance with Article 46 of the agreement;

- consensual safeguard measures in the event of serious disturbance of transalpine traffic flows, prejudicing the attainment of the objectives set out in Article 30 of the agreement, in accordance with Article 47 of the agreement;
 - crisis measures intended to restore and maintain transalpine traffic flows in the event that those are seriously disrupted for reasons of force majeure, in accordance with Article 48 of the agreement;
- (d) safeguard measures in the event that, in connection with the application of Annexes 1, 2 and 3 of the agreement referred to in Article 3(1), point (e), of this Decision, imports of agricultural products originating in Switzerland cause or threaten to cause a serious disturbance in the Union's common agricultural markets, in accordance with Article 10 of the agreement;
- (e) interim safeguard measures in the event that a failure by Switzerland to fulfil an obligation under the Annexes 7 to 10 to the agreement referred to in Article 3(1), point (e), of this Decision, represents a risk of endangering human health or impairing the effectiveness of measures to combat fraud in accordance with Article 26 of Annex 7, Article 16 of Annex 8, Article 9 of Annex 9, and Article 5 of Annex 10, to the agreement;
- (f) the suspension or termination of the participation of Switzerland in Union programmes in accordance with Article 19 of the agreement referred to in Article 3(1), point (j), of this Decision;

- (g) measures necessary to ensure the integrity of the Union's food safety area, as set out in Article 15(3) of the protocol referred to in Article 3(1), point (f), of this Decision;
- (h) the suspension of the participation of Switzerland in the Union agencies, information systems and other activities listed to which Switzerland has access in accordance with:
 - the respective Articles 13(2) of the institutional protocols referred to in Article 3(1), points (a) to (d), of this Decision;
 - the respective Articles 9(2), 49(2) and 25(2) of the agreements and the protocol referred to in Articles 3(1), points (f), (g) and (h), of this Decision.

2. Before taking decisions referred to in paragraph 1, points (a) to (f), the Commission shall consult the European Parliament and the Council. The Commission may set, depending on the urgency of the matter, a time-limit within which the Council and the European Parliament may deliver their opinion.

Article 6

1. The Commission shall adopt the measures necessary for the implementation of the agreement referred to in Article 3(1), point (e), of this Decision as regards:
 - the implementation of the tariff concessions set out in Annexes 2 and 3 to the agreement as well as amendments and technical adaptations made necessary by amendments to the Combined Nomenclature and TARIC codes;
 - the implementation of Title III of Annex 7, Article 14 of Annex 8, Annexes 9 and 10, and Articles 3, 13 and 15 of Annex 12, to the agreement.
2. During the transition period referred to in Article 32 of the protocol referred to in Article 3(1), point (f), of this Decision, the Commission shall adopt the measures necessary for the implementation of Annexes 4 to 6 and Annex 11 to the agreement referred to in Article 3(1), point (e), of this Decision.

Article 7

Articles 2 to 6 of Decision 2002/309/EC, Euratom are repealed.

Article 3 of Decision 2011/51/EU is repealed.

Article 3 of Decision 2011/738 is repealed.

Article 8

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

Done at ..., ...

For the Council

The President
