



Council of the
European Union

Brussels, 17 June 2024
(OR. en)

10038/24

Interinstitutional File:
2024/0067(NLE)

ENV 530
CLIMA 207
ENER 236
IND 263
COMPET 563
MI 512
ECOFIN 586
TRANS 235
AELE 42
CH 12

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems as regards the amendment of Annex II to the Agreement and of the Common Operational Procedures and the Linking Technical Standards

COUNCIL DECISION (EU) 2024/...

of ...

**on the position to be taken on behalf of the European Union
within the Joint Committee established by the Agreement
between the European Union and the Swiss Confederation
on the linking of their greenhouse gas emissions trading systems
as regards the amendment of Annex II to the Agreement
and of the Common Operational Procedures
and the Linking Technical Standards**

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems¹ ('the Agreement') was signed on 23 November 2017 in accordance with Council Decision (EU) 2017/2240².
- (2) The Agreement was concluded by Council Decision (EU) 2018/219³ and entered into force on 1 January 2020.
- (3) Pursuant to Article 12(3) of the Agreement, the Joint Committee may adopt decisions that are to, upon their entry into force, be binding on the Parties.
- (4) Article 13(2) of the Agreement provides that the Joint Committee may amend the Annexes to the Agreement.

¹ OJ L 322, 7.12.2017, p. 3.

² Council Decision (EU) 2017/2240 of 10 November 2017 on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems (OJ L 322, 7.12.2017, p. 1).

³ Council Decision (EU) 2018/219 of 23 January 2018 on the conclusion of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems (OJ L 43, 16.2.2018, p. 1).

- (5) Article 3(6) and (7) provide that the Common Operational Procedures and the Linking Technical Standards are to take effect when adopted by decision of the Joint Committee. By means of its Decisions No 1/2020⁴ and 2/2020⁵, the Joint Committee adopted the Common Operational Procedures and the Linking Technical Standards, respectively.
- (6) It is appropriate to amend Annex II to the Agreement to reflect the evolution of the registry link between the EU Emission Trading System and the Emission Trading System of Switzerland and to streamline the provisions of Annex II in the light of technological developments. To ensure consistency of the Common Operational Procedures and the Linking Technical Standards with Annex II, those documents should also be amended.
- (7) The Joint Committee, during its seventh meeting, or earlier by means of the written procedure pursuant to Article 8(4) of the Rules of Procedure of the Joint Committee⁶, is to adopt a Decision as regards the amendment of Annex II to the Agreement and the amendment of the Common Operational Procedures and the Linking Technical Standards.

⁴ Decision No 1/2020 of the Joint Committee established by the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems of 5 November 2020 on the adoption of Common Operational Procedures (COP) [2021/1033] (OJ L 226, 25.6.2021, p. 2).

⁵ Decision No 2/2020 of the Joint Committee established by the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems of 5 November 2020 on amending Annexes I and II to the Agreement and the adoption of Linking Technical Standards (LTS) (2021/1034) (OJ L 226, 25.6.2021, p. 16).

⁶ Decision No 1/2019 of the Joint Committee established by the Agreement between the European Union and the Swiss Confederation on the Linking of their Greenhouse Gas Emissions Trading Systems of 25 January 2019 regarding the adoption of its Rules of Procedure and Council Decision (EU) 2018/1279 of 18 September 2018 on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems regarding the adoption of its Rules of Procedure (OJ L 239, 24.9.2018, p. 8).

- (8) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committee, with regard to the amendment of Annex II to the Agreement and the amendment of the Common Operational Procedures and the Linking Technical Standards, as the Decision will be binding on the Union.
- (9) The position of the Union within the Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union during the seventh meeting of the Joint Committee, or earlier by means of the written procedure pursuant to Article 8(4) of the Rules of Procedure of the Joint Committee, shall be based on the draft Decision of the Joint Committee attached to this Decision.

Article 2

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

Done at Brussels, ...

For the Council
The President
