



Council of the  
European Union

Brussels, 20 September 2023  
(OR. en)

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**Interinstitutional File:  
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#### **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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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 I, and the insertion of a clarification in Annex IV, to the Agreement
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**COUNCIL DECISION (EU) 2023/...**

**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 I, and the insertion of a clarification in Annex IV, to the Agreement**

**(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 systems<sup>1</sup> ('the Agreement') was signed on 23 November 2017 in accordance with Council Decision (EU) 2017/2240<sup>2</sup>.
- (2) The Agreement was concluded by Council Decision (EU) 2018/219<sup>3</sup> 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.

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<sup>1</sup> OJ L 322, 7.12.2017, p. 3.

<sup>2</sup> 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).

<sup>3</sup> 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) It is appropriate to restore consistency with legal provisions applicable to the emissions trading systems of the European Union and of the Swiss Confederation following the start of the new trading period on 1 January 2021 by amending Annex I to the Agreement in order to reflect regulatory changes, including necessary clarifications in the essential criteria laid down in that Annex, and by amending Annex IV to the Agreement by inserting a clarification in order to avoid misunderstandings and confusion in respect of the meaning of sensitive information as defined in Annex IV to the Agreement.
- (6) The Joint Committee, during its sixth meeting, or earlier by means of the written procedure pursuant to Article 8(4) of the Rules of Procedure of the Joint Committee, is to adopt a Decision as regards the amendment of Annexes I and IV to the Agreement.
- (7) 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 Annexes I and IV to the Agreement, as the amended Annexes will be binding on the Union.
- (8) 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 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 during its sixth meeting, 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*

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