



Brussels, 13 July 2018
(OR. en)

11089/18

**Interinstitutional File:
2018/0192(NLE)**

**CLIMA 141
ENV 520
ENER 278
IND 197
COMPET 519
MI 530
ECOFIN 726
TRANS 321
AELE 44
CH 20**

'I/A' ITEM NOTE

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

No. prev. doc.: 10562/18 + ADD 1 + ADD 2
No. Cion doc.: 9672/18 - COM(2018) 359 final + ADD 1

Subject: Council Decision on the position to be taken on behalf of the European Union in 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
– Adoption

1. On 4 June 2018, the Commission submitted the above-mentioned proposal for a Council Decision on the position to be taken on behalf of the European Union in 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 Procedure¹.

¹ Docs 9672/18 + ADD 1

2. The aim of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems ('the Agreement')² is to connect the Emissions Trading Systems of the EU and Switzerland, by allowing that allowances issued in one system can be traded and used for compliance in the other one.
3. The Council adopted on 10 November 2017 Decision (EU) 2017/2240 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 systems³. The Agreement was signed on 23 November 2017.
4. The Council adopted on 23 January 2018 Decision (EU) 2018/219 on the conclusion of the Agreement⁴. It will enter into force on 1 January of the year following the exchange of the instruments of ratification or approval by the Parties. The instrument of approval of the EU will be notified when the Swiss Confederation has brought into force the requisite rules extending its ETS to aviation and Annex I of the Agreement has been amended accordingly.
5. However, the provisions of the Agreement in relation to the Joint Committee, which is responsible for its implementation, apply provisionally from the date of signature, and the first meeting of the Joint Committee must take place by the end of 2018.
6. The Working Party on the Environment (WPE) examined the Commission proposal on 5 and 22 June 2018. Based on the discussions in the WPE and delegations' comments, the Presidency prepared a Presidency compromise proposal⁵ which was agreed by the WPE on 5 July following an informal silence procedure.

² OJ L 322, 7.12.2017, p. 3.

³ OJ L 322, 7.12.2017, p. 1.

⁴ OJ L 43, 16.2.2018, p. 1.

⁵ Doc. 10562/18 + ADD 1 + ADD 2

7. Therefore, the Permanent Representatives Committee is invited to recommend that the Council, as an "A" item on the agenda of one of its forthcoming meetings:

- adopt the Council Decision set out in doc. 10971/18 + ADD 1, as finalised by the legal-linguistic experts;
- agree to enter in its minutes the statement set out in the addendum to this note.

The text of the decision will be transmitted to the European Parliament for information in accordance with Article 218(10) TFEU.
