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CLIMA 2
ENV 3
ENER 2
IND 1
COMPET 4
MI 5
ECOFIN 6
TRANS 5
AELE 1
CH 1

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. prev. doc.:	13716/17
No. Cion doc.:	11699/14 - COM(2014) 427 final + ADD 1
Subject:	Draft Council Decision (EU) 2017/... of ... on the conclusion of an Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems - Adoption

1. On 20 December 2010, the Council authorised the Commission to open negotiations with the Swiss Confederation for the linking of their greenhouse gas emissions trading systems.
2. Following the finalisation of the negotiations, the Commission adopted on 16 August 2017 a proposal for a Council Decision on the signing, on behalf of the European Union, of that agreement¹, together with the text of the draft Agreement. On the same date, the Commission also submitted to the Council a proposal for a Council Decision on the conclusion of the agreement².

¹ Doc. 11700/17 - COM(2017) 428 final + ADD 1

² Doc. 11699/14 - COM(2014) 427 final + ADD 1

3. On 11 September and 2 October 2017, the Working Party on the Environment examined the above-mentioned proposals and, following an informal silence procedure, agreed on the text of the two draft Council Decisions on the basis of Presidency compromise texts³.
4. On 10 November 2017, the Council adopted the Council Decision 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, as finalised by the legal/linguistic experts⁴. A statement by the Commission was recorded in the minutes of the Council at the time of adoption⁵. The European Parliament was informed of the adoption of the Decision in accordance with Article 218(10) TFEU. The Decision was published in the Official Journal on 7 December 2017, together with the text of the Agreement⁶.
5. The Council also decided on 10 November to request the consent of the European Parliament to the draft Council Decision on the conclusion of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems, with a view to its adoption at a later date by the Council. The Agreement will only enter into force after the Swiss Confederation has put in place rules extending its ETS to aviation and Annex I, Part B of the Agreement has been amended to refer to those rules.
6. The Agreement was signed in Bern on 23 November 2017.
7. On 12 December 2017, the European Parliament gave its consent to the conclusion of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems⁷.

³ Docs. 12684/17 and 12686/17

⁴ Docs. 13074/17 (draft Council Decision) and 13073/17 (draft Agreement).

⁵ See Annex to doc. 14194/17

⁶ Council Decision (EU) 2017/2240 of 10 November 2017, OJ L 322, 7.12.2017 p. 1.

⁷ P8_TA(2017)0483

8. Therefore, the Permanent Representatives Committee is invited to suggest that the Council, as an "A" item at one of its upcoming meetings:
- adopt the draft Council Decision on the conclusion of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems, as finalised by the legal-linguistic experts⁸;
 - decide to inform the European Parliament of the adoption of the above-mentioned Decision in accordance with Article 218(10) TFEU.
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⁸ Doc. 13076/17