



Council of the  
European Union

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**NOTE**

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From: General Secretariat of the Council  
To: Delegations

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No. prev. doc.: 9600/22

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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 amending Annexes III and IV to the Agreement

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Based on the outcome of the informal silence procedure on the Presidency compromise proposal for the draft Council Decision as set out in the Annex the text is considered as agreed and, after legal-linguistic revision, will be submitted to Coreper/Council for formal adoption.

**COUNCIL DECISION (EU) 2022/...**

**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 Annexes III and 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 ('the Agreement') was concluded by the Union by Council Decision (EU) 2018/219<sup>1</sup> and entered into force on 1 January 2020.
- (2) Pursuant to Article 12(3) of the Agreement, the Joint Committee may adopt decisions that shall, upon their entry into force, be binding on the Parties.
- (3) It is appropriate to restore compatibility and consistency between legal rules and their practical application with a view to protecting sensitive information, in particular against unauthorised disclosure or integrity loss. To ensure consistency of the application of security markings as set out in Annex III and IV to the Agreement, these Annexes should be amended in accordance with Article 13(2) of the Agreement.

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

- (4) In 2022, during its fifth meeting, or earlier by means of the written procedure pursuant to Article 8(4) of the Rules of Procedure of the Joint Committee<sup>2</sup>, the Joint Committee is to adopt the Decision on amending Annexes III and IV to the Agreement.
- (5) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committee, as the Decision on amending Annexes III and IV to the Agreement will be binding on the Union.
- (6) 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 the Union's behalf in the fifth 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<sup>3</sup>, 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 ...,

*For the Council*

*The President*

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<sup>2</sup> 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, available from [https://ec.europa.eu/clima/system/files/2021-07/20191201\\_jc\\_dec\\_rop\\_en.pdf](https://ec.europa.eu/clima/system/files/2021-07/20191201_jc_dec_rop_en.pdf) and Council Decision (EU) 2018/1279 of 18 September 2018, OJ L 239 of 24.9.2018, p.8.

<sup>3</sup> 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, available from [https://ec.europa.eu/clima/system/files/2021-07/20191201\\_jc\\_dec\\_rop\\_en.pdf](https://ec.europa.eu/clima/system/files/2021-07/20191201_jc_dec_rop_en.pdf) and Council Decision (EU) 2018/1279 of 18 September 2018, OJ L 239 of 24.9.2018, p.8.