Council of the European Union

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	10315/23 + ADD 1
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Subject:	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, as regards amending Annexes I and clarification in Annex IV of the Agreement – Adoption

1. On 10 November 2017, the Council adopted 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 systems and provisional application of the Agreement[1]. The Agreement was signed on 23 November 2017.

[1] OJ L 322, 7.12.2017, p. 1.

2. 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[2] and entered into force on 1 January 2020.

3. Article 12 of the Agreement establishes a Joint Committee, which is responsible for the implementation of the Agreement. In accordance with Article 13(2) of the Agreement, the Joint Committee may amend the Annexes to the Agreement.

4. 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, Annexes I and IV to the Agreement should be amended. It is therefore appropriate to establish the position to be taken on behalf of the Union within the Joint Committee as regards the amendment of those Annexes as they will be binding on the Union.

5. On 17 April 2023, the Commission submitted a proposal for a 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 I and IV to the Agreement.[3]

6. Following examination of the Commission proposal by the Working Party on the Environment (WPE) at its meeting on 26 May 2023, the Presidency prepared a compromise proposal, which was agreed by the WPE on 14 June 2023 following an informal silence procedure[4].

[2] OJ L 43, 16.2.2018, p. 1.
[3] 8447/23 + ADD 1.
[4] 10315/23 + ADD 1.

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 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 I and IV to the Agreement, as finalised by the legal-linguistic experts[5].

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

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[5] 10766/23 + ADD 1.