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Subject: Draft DECISION 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 as regards the amendment of Annex I to the Agreement

DRAFT

DECISION No 1/2025
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 ...

as regards the amendment of Annex I to the Agreement

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems¹ ('the Agreement'), and in particular Article 13(2) thereof,

¹ OJ EU L 322, 7.12.2017, p. 3, ELI: http://data.europa.eu/eli/agree_internation/2017/2240/oj.

Whereas:

- (1) The adoption of Decision No 2/2019 of the Joint Committee² fulfilled the conditions for linking set out in the Agreement and enabled the Agreement to enter into force on 1 January 2020.
- (2) In accordance with Article 13(2) of the Agreement, the Joint Committee may amend the Annexes to the Agreement.
- (3) In accordance with Article 10(1) of the Agreement, the Agreement is without prejudice to the right of each Party to amend or adopt legislation of relevance to the Agreement, including the right to adopt more stringent protective measures.

² Decision No 2/2019 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 5 December 2019 amending Annexes I and II to the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems (OJ EU L 314, 29.9.2020, p. 68, ELI: <http://data.europa.eu/eli/dec/2020/1359/oj>).

- (4) Directives (EU) 2023/958³ and (EU) 2023/959 of the European Parliament and of the Council⁴ amended Directive 2003/87/EC of the European Parliament and of the Council⁵ with a view to aligning the contribution of the EU Emissions Trading System (EU ETS) to a net domestic reduction of at least 55 % in greenhouse gas emissions by 2030 compared to 1990, as agreed by the European Council in December 2020.
- (5) In its 7th meeting on 4 December 2024, the Joint Committee agreed to cover amendments to Annex I to the Agreement accruing from the revision of Directive 2003/87/EC by a single update of that Annex in 2025.

³ Directive (EU) 2023/958 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and the appropriate implementation of a global market-based measure (OJ L 130, 16.5.2023, p. 115, ELI: <http://data.europa.eu/eli/dir/2023/958/oj>).

⁴ Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system (OJ L 130, 16.5.2023, p. 134, ELI: <http://data.europa.eu/eli/dir/2023/959/oj>).

⁵ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32, ELI: <http://data.europa.eu/eli/dir/2003/87/oj>).

- (6) In view of major developments in both emissions trading systems, as referred to in Article 13(7) of the Agreement, it is appropriate to reflect the regulatory changes that accrue from the revision of Directive 2003/87/EC in the essential criteria laid down in Annex I to the Agreement by amending that Annex so that compatibility of the two emissions trading systems is maintained, market integrity is ensured, and distortion of competition is excluded,

HAS ADOPTED THIS DECISION

Article 1

Parts A and B of Annex I to the Agreement are replaced by the text set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at ..., on ...

For the Joint Committee

Secretary for the European Union

The Chair

Secretary for Switzerland

ANNEX

Parts A and B of Annex I to the Agreement are replaced by the following:

‘A. Essential criteria for stationary installations

	Essential criteria	In the EU ETS	In the ETS of Switzerland
1.	Mandatory nature of the participation in the ETS	Participation in the ETS shall be mandatory for the installations carrying out the activities and emitting the greenhouse gases (“GHG”) listed below.	Participation in the ETS shall be mandatory for the installations carrying out the activities and emitting the GHG listed below.
2.	The ETS shall cover at least the activities set out in:	– Annex I to Directive 2003/87/EC, as in force on 1 January 2025.	– Article 40(1) of, and Annex 6 to, the CO ₂ Ordinance, as in force on 1 January 2025.
3.	The ETS shall cover at least the GHGs set out in:	– Annex II to Directive 2003/87/EC, as in force on 1 January 2025.	– Article 1(1) of the CO ₂ Ordinance, as in force on 1 January 2025.

	Essential criteria	In the EU ETS	In the ETS of Switzerland
4.	A cap shall be set for the ETS, which is at least as stringent as the one in:	<p>– Articles 9 and 9a of Directive 2003/87/EC, as in force on 1 January 2025.</p> <p>The linear reduction factor is 4,3 % per year from 2024 to 2027 and 4,4 % as from 2028. It will apply to all sectors in accordance with Directive 2003/87/EC, as in force on 1 January 2025.</p>	<p>– Article 18(1) and (2) of the CO₂ Act</p> <p>– Article 45(1) of, and Annex 8 point 1 to, the CO₂ Ordinance,</p> <p>as in force on 1 January 2025.</p> <p>The linear reduction factor is 6,4 % in 2025 as an adjustment to result in the same level of reduction of the cap for the period 2021 to 2025 as determined by the linear reduction factor of the EU ETS. As of 2026, the linear reduction factor is 4.3 % per year and 4,4 % as from 2028. It will apply to all sectors covered by the Swiss ETS.</p>
5.	Market stability mechanism	<p>In 2015, the EU introduced the Market Stability Reserve (Decision (EU) 2015/1814), the operation of which was reinforced by Directives (EU) 2018/410 and (EU) 2023/959.</p> <p>The EU legislation provides that, by 15 May each year and starting in 2017, the Commission shall publish the total number of allowances in circulation (TNAC). This figure determines whether some of the allowances intended to be auctioned should be placed into the reserve or be released from the reserve.</p>	<p>– Article 19(6) of the CO₂ Act</p> <p>– Article 48(1bis) and (5) of, and Annex 8 point 2 to, the CO₂ Ordinance,</p> <p>as in force on 1 January 2025.</p> <p>The Swiss legislation provides for a reduction in auction volume conditional on the total number of allowances in circulation. In addition, the emission allowances which are not assigned to an auction are cancelled at the end of the trading period.</p>

	Essential criteria	In the EU ETS	In the ETS of Switzerland
6.	The level of market oversight of the ETS shall be at least as stringent as the ones in:	<ul style="list-style-type: none"> – Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (MIFID II) – Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (MIFIR) – Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (MAR) – Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive) (CS-MAD) 	<ul style="list-style-type: none"> – Federal Act on the Swiss Financial Market Supervisory Authority of 22 June 2007 – Federal Act on Financial Market Infrastructures and Market Conduct in Securities and Derivatives Trading of 19 June 2015 – Federal Act on Financial Institutions of 15 June 2018 – Federal Act on Combating Money Laundering and Terrorist Financing of 10 October 1997, <p>as in force on 1 January 2025.</p> <p>Swiss financial market regulation does not define the legal nature of emission allowances. In particular, emission allowances are not qualified as securities in the Financial Markets Infrastructure Act and therefore are not tradeable on regulated trading venues. Because emission allowances do not qualify as securities, Swiss securities regulation does not apply to OTC emission allowances trading on secondary markets.</p>

	Essential criteria	In the EU ETS	In the ETS of Switzerland
		<p>– Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (AMLD), as in force on 1 January 2025.</p>	<p>Derivative contracts qualify as securities according to the Financial Markets Infrastructure Act. This also includes derivatives that have emission allowances as their underlying instrument. OTC traded derivatives on emission allowances between non-financial as well as financial counterparties is covered by the provisions in the Financial Market Infrastructure Act.</p>
7.	Cooperation regarding market oversight	The Parties shall establish appropriate cooperation arrangements regarding market oversight. Those cooperation arrangements shall concern the exchange of information and the enforcement of obligations arising under their respective market oversight regime. The Parties shall inform the Joint Committee about any such arrangements.	
8.	The qualitative limits for international credits shall be at least as stringent as those set out in:	No entitlements to use international credits are provided for in Union law from 2021 onwards.	No entitlements to use international credits are provided for in Swiss law from 2021 onwards.
9.	The quantitative limits for international credits shall be at least as stringent as those set out in:	No entitlements to use international credits are provided for in Union law from 2021 onwards.	No entitlements to use international credits are provided for in Swiss law from 2021 onwards.

	Essential criteria	In the EU ETS	In the ETS of Switzerland
10.	Free allocation shall be calculated on the basis of benchmarks and adjustment factors. Allowances which are not allocated free of charge shall be auctioned or invalidated. To this end, the ETS shall meet at least:	<ul style="list-style-type: none"> – Articles 10, 10a, 10b and 10c of Directive 2003/87/EC – Commission Implementing Regulation (EU) 2021/447 of 12 March 2021 determining revised benchmark values for free allocation of emission allowances for the period from 2021 to 2025 pursuant to Article 10a(2) of Directive 2003/87/EC of the European Parliament and of the Council, as applicable in the period from 1 January 2021 to December 2025 – Directive (EU) 2023/959 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system 	<ul style="list-style-type: none"> – Article 18(3) and Article 19 of the CO₂ Act – Article 45(2) to (6) and Articles 46, 46a, 46b and 48 of, and Annex 9 to, the CO₂ Ordinance, <p>as in force on 1 January 2025.</p> <p>In the period from 2021 to 2025, free allocations do not exceed the levels of free allocations given to installations in the EU ETS.</p>

	Essential criteria	In the EU ETS	In the ETS of Switzerland
		<ul style="list-style-type: none"> <li data-bbox="651 228 1364 443">– Commission Delegated Regulation (EU) 2024/873 of 30 January 2024 amending Delegated Regulation (EU) 2019/331 as regards transitional Union-wide rules for harmonised free allocation of emission allowances <li data-bbox="651 451 1364 703">– Commission Delegated Decision (EU) 2019/708 of 15 February 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council concerning the determination of sectors and subsectors deemed at risk of carbon leakage for the period 2021 to 2030 <li data-bbox="651 711 1364 778">– any cross-sectoral correction factor in the EU ETS in 2021-2025 or 2026-2030 <li data-bbox="651 786 1364 1161">– Commission Implementing Regulation (EU) 2025/772 of 16 April 2025 amending and correcting Implementing Regulation (EU) 2019/1842 laying down rules for the application of Directive 2003/87/EC of the European Parliament and of the Council as regards further arrangements for the adjustments to free allocation of emission allowances due to activity level changes, as in force on 1 January 2025. 	

	Essential criteria	In the EU ETS	In the ETS of Switzerland
11.	The ETS shall provide for penalties in the same circumstances and of the same magnitude as those set out in:	– Article 16 of Directive 2003/87/EC, as in force on 1 January 2025.	– Article 21 of the CO ₂ Act – Article 56 of the CO ₂ Ordinance, as in force on 1 January 2025.
12.	Monitoring and reporting in the ETS shall be at least as stringent as in:	– Article 14 of, and Annex IV to, Directive 2003/87/EC – Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012, as in force on 1 January 2025.	– Article 20 of the CO ₂ Act – Articles 50 to 53 of, and Annexes 16, point 1, and 17, point 1, to, the CO ₂ Ordinance, as in force on 1 January 2025.
13.	Verification and accreditation in the ETS shall be at least as stringent as in:	– Article 15 of, and Annex V to, Directive 2003/87/EC – Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council, as in force on 1 January 2025.	– Articles 51 to 54 of the CO ₂ Ordinance, as in force on 1 January 2025.

B. Essential criteria for aviation

	Essential criteria	For the EU	For Switzerland
1.	Mandatory nature of the participation in the ETS	Participation in the ETS shall be mandatory for aviation activities in accordance with the criteria listed below.	Participation in the ETS shall be mandatory for aviation activities in accordance with the criteria listed below.
2.	Coverage of aviation activities and GHG and attribution of flights and their respective emissions according to the departing flight principle as set out in:	– Directive 2003/87/EC, as amended by Directive 2023/959 of the European Parliament and of the Council of 10 May 2023 amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system	<p>1. Scope of coverage</p> <p>Flights which arrive at, or depart from, an aerodrome situated in the territory of Switzerland, except flights which depart from an aerodrome situated in the territory of the EEA.</p> <p>Any temporary derogations as regards the scope of the ETS, such as derogations in the sense of Article 28a of Directive 2003/87/EC, may apply with regard to the ETS of Switzerland in accordance with those introduced in the EU ETS. Only CO₂ emissions shall be covered for aviation activities.</p>

	Essential criteria	For the EU	For Switzerland
		<ul style="list-style-type: none"> – Commission Delegated Decision (EU) 2020/1071 of 18 May 2020 amending Directive 2003/87/EC of the European Parliament and of the Council, as regards the exclusion of incoming flights from Switzerland from the EU emission trading system – Commission Delegated Regulation (EU) 2021/1416 of 17 June 2021 amending Directive 2003/87/EC of the European Parliament and of the Council as regards the exclusion of incoming flights from the United Kingdom from the Union emissions trading system – Commission Delegated Regulation (EU) 2019/1122 of 12 March 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry as in force on 1 January 2025. 	<p>2. Limitations of coverage</p> <p>General coverage mentioned in point 1 shall not include:</p> <ol style="list-style-type: none"> 1. Flights performed exclusively for the transport on an official mission of a reigning monarch and his/her immediate family, heads of State, heads of Government and Government ministers, where this is substantiated by an appropriate status indicator in the flight plan. 2. Military, customs and police flights. 3. Flights related to search and rescue, fire-fighting flights, humanitarian flights and emergency medical service flights. 4. Flights performed exclusively under visual flight rules as defined in Annex 2 to the Convention on International Civil Aviation of 7 December 1944. 5. Flights terminating at the aerodrome from which the aircraft has taken off and during which no planned intermediate landing has been made.

	Essential criteria	For the EU	For Switzerland
		<p>As from 1 January 2020, flights from an aerodrome situated in the territory of the European Economic Area (“EEA”) to aerodromes situated in the territory of Switzerland shall be covered by the EU ETS.</p> <ul style="list-style-type: none"> – Flights from aerodromes situated in the territory of Switzerland and the United Kingdom to aerodromes situated in the territory of the EEA shall be excluded from the EU ETS, pursuant to Article 25a of Directive 2003/87/EC. 	<ol style="list-style-type: none"> 6. Training flights performed exclusively in order to acquire or maintain a licence, or a rating in the case of cockpit flight crew where this is substantiated by an appropriate remark in the flight plan, provided that the flight does not serve for the transport of passengers and/or cargo or for the positioning or ferrying of the aircraft. 7. Flights performed exclusively for the purpose of scientific research. 8. Flights performed exclusively for the purpose of checking, testing or certifying aircraft or airborne or ground-based equipment. 9. Flights performed by aircraft with a certified maximum take-off mass of less than 5 700 kilograms.

	Essential criteria	For the EU	For Switzerland
			<p>10. Flights of commercial aircraft operators with total annual emissions lower than 10 000 tonnes on flights covered by the ETS of Switzerland or fewer than 243 flights per period for three consecutive four-month periods within the scope of the ETS of Switzerland, if the operators are not covered by the EU ETS.</p> <p>11. Flights of non-commercial aircraft operators covered by the ETS of Switzerland with total annual emissions lower than 1 000 tonnes in accordance with the respective derogation applied in the EU ETS, if the operators are not covered by the EU ETS.</p> <p>These limitations of coverage are provided for in:</p> <ul style="list-style-type: none"> – Article 16a of the CO₂ Act – Article 46d and Article 55(2) of, and Annex 13 to, the CO₂ Ordinance, <p>as in force on 1 January 2025.</p>
3.	Exchange of relevant data regarding the application of the limitations of coverage of aviation activities	The two parties shall cooperate regarding the application of the limitations of coverage in the ETS of Switzerland and the EU ETS for commercial and non-commercial operators in accordance with this Annex. In particular, both parties shall ensure the timely transfer of all relevant data to enable correct identification of the flights and aircraft operators that are covered by the ETS of Switzerland and the EU ETS.	

	Essential criteria	For the EU	For Switzerland
4.	Cap (total quantity of allowances to be allocated to aircraft operators)	<p>Article 3c of Directive 2003/87/EC, as in force on 1 January 2025.</p> <p>Article 3c(5) of Directive 2003/87/EC as in force on 1 January 2024 provides for a total quantity of allowances allocated to aircraft operators on the basis of total allocation of allowances to aircraft operators performing aviation activities in accordance with Annex I to Directive 2003/87/EC in 2023 reduced by the linear reduction factor, as referred to in Article 9 of Directive 2003/87/EC and applicable as from 1 January 2025.</p> <p>Article 3c(7) of Directive 2003/87/EC as in force on 1 January 2024 provides, in respect of flights from and to an aerodrome located in the EEA, and to Switzerland or the United Kingdom, but not covered in 2023, that the total quantity of allowances shall be increased by the level of allocation as if these flights were included in the ETS in 2023. The linear reduction factor as referred to in Article 9 of Directive 2003/87/EC and applicable as from 1 January 2024 applies.</p>	<p>The cap shall reflect a similar level of stringency as the one in the EU ETS, in particular with regard to the reduction percentage rate between years and trading periods. The allowances in the cap shall be auctioned or allocated free of charge.</p> <p>This allocation may be reviewed in accordance with Articles 6 and 7 of this Agreement.</p> <p>As of 2024, the total quantity of allowances is increased in respect of flights from an aerodrome in Switzerland to an aerodrome located in an outermost region of the EU by the level of allocation as if these flights were included in the ETS in 2023. The linear reduction factor as specified in Annex 15 to the CO₂ Ordinance applies.</p> <p>This is provided for in:</p> <ul style="list-style-type: none"> – Article 18 of the CO₂ Act – Article 46e of, and Annex 15 to, the CO₂ Ordinance, <p>as in force on 1 January 2025.</p>

	Essential criteria	For the EU	For Switzerland
5.	Allocation of allowances for aviation through auctioning	<ul style="list-style-type: none"> – Article 3d (1) and (1a) and Article 28a(2) of Directive 2003/87/EC, as in force on 1 January 2025. 	<p>Swiss emission allowances to be auctioned shall be auctioned by the Swiss competent authority. Switzerland is entitled to the revenues generated from the auctioning of Swiss allowances.</p> <p>This is provided for in:</p> <ul style="list-style-type: none"> – Article 19a(2) and (4) of the CO₂ Act – Article 48 of, and Annex 15 to, the CO₂ Ordinance, <p>as in force on 1 January 2025.</p> <p>Modified benchmarks (see criterion no 7) are used in 2024 and 2025 with the same effect as the increased auctioning rate in the EU ETS.</p> <p>These benchmarks are provided for in:</p> <ul style="list-style-type: none"> – Article 46f(1) of, and Annex 15 to, the CO₂ Ordinance, <p>as in force on 1 January 2025.</p>
6.	Special reserve for certain aircraft operators	The special reserves are no longer operational.	

	Essential criteria	For the EU	For Switzerland
7.	Benchmark for free allocation of allowances to aircraft operators	Article 3d(1a) of Directive 2003/87/EC, as in force on 1 January 2025.	<p>The benchmark shall be no higher than the one in the EU ETS.</p> <p>The annual benchmark is</p> <ul style="list-style-type: none"> – 0,000642186914222035 allowances per tonne-kilometre for the years 2020 to 2023 – 0,000481640185666526 allowances per tonne-kilometre for the year 2024 – 0,000321093457111017 allowances per tonne-kilometre for the year 2025 <p>These benchmarks are provided for in:</p> <ul style="list-style-type: none"> – Article 46f(1) of, and Annex 15 to, the CO₂ Ordinance, <p>as in force on 1 January 2025.</p>

	Essential criteria	For the EU	For Switzerland
8.	Free allocation of allowances for aircraft operators	Article 3d(1a) of Directive 2003/87/EC, as in force on 1 January 2025.	<p>The number of emission allowances allocated free of charge to aircraft operators is calculated by multiplying its reported tonne-kilometre data performed in the reference year by the applicable benchmark.</p> <p>This free allocation is provided for in:</p> <ul style="list-style-type: none"> – Article 19a(3) and (4) of the CO₂ Act – Articles 46f and 46g of, and Annex 15 to, the CO₂ Ordinance, <p>as in force on 1 January 2025.</p>
9.	The qualitative limits for international credits shall be at least as stringent as those set out in:	No entitlements to use international credits are provided for in Union law from 2021 onwards.	No entitlements to use international credits are provided for in Swiss law from 2021 onwards.
10.	Quantitative limits for the use of international credits	No entitlements to use international credits are provided for in Union law from 2021 onwards.	No entitlements to use international credits are provided for in Swiss law from 2021 onwards.

	Essential criteria	For the EU	For Switzerland
11.	Acquisition of tonne-kilometre data for reference year	From 2024 onwards, the tonne-kilometre data does not apply.	<p>In accordance with the Ordinance on the Acquisition of Tonne-Kilometre Data and the Preparation of Monitoring Plans relating to Distances covered by Aircraft, as in force on the date of entry into force of this Agreement, the reference year for the acquisition of data for Swiss aviation activities shall be 2018.</p> <p>This is provided for in:</p> <ul style="list-style-type: none"> – Article 19a(3) and (4) of the CO₂ Act – Articles 46f and 46g of, and Annex 15 to, the CO₂ Ordinance, <p>as in force on 1 January 2025.</p>

	Essential criteria	For the EU	For Switzerland
12.	Monitoring and reporting	<p>Article 14 of, and Annex IV to, Directive 2003/87/EC</p> <ul style="list-style-type: none"> – Commission Implementing Regulation (EU) 2018/2066 of 19 December 2018 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012 – Commission Delegated Regulation (EU) 2019/1603 of 18 July 2019 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards measures adopted by the International Civil Aviation Organisation for the monitoring, reporting and verification of aviation emissions for the purpose of implementing a global market-based measure, <p>as in force on 1 January 2025.</p> <p>Monitoring and reporting on non-CO₂ aviation effects as set out in Article 14(5) of Directive 2003/87/EC shall apply as of 2025.</p>	<p>Monitoring and reporting provisions shall reflect the same level of stringency as in the EU ETS.</p> <p>This is provided for in:</p> <ul style="list-style-type: none"> – Article 20 of the CO₂ Act – Articles 50 to 52 of, and Annexes 14, 16 and 17 to, the CO₂ Ordinance, <p>as in force on 1 January 2025.</p>

	Essential criteria	For the EU	For Switzerland
13.	Verification and accreditation	<ul style="list-style-type: none"> – Article 15 of, and Annex V to, Directive 2003/87/EC – Commission Implementing Regulation (EU) 2018/2067 of 19 December 2018 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council, as in force on 1 January 2025. 	<p>Verification and accreditation provisions shall reflect the same level of stringency as in the EU ETS.</p> <p>This is provided for in:</p> <ul style="list-style-type: none"> – Article 52(4) and (5) of, and Annex 18 to, the CO₂ Ordinance, as in force on 1 January 2025.

	Essential criteria	For the EU	For Switzerland
14.	Administration	<p>The criteria laid down in Article 18a of Directive 2003/87/EC shall apply. To this effect and pursuant to Article 25a of Directive 2003/87/EC, Switzerland shall be considered as an Administering Member State as regards the attribution of the administration of aircraft operators to Switzerland and EU (EEA) Member States.</p> <p>Pursuant to Article 25a of Directive 2003/87/EC, the competent authorities of the EU (EEA) Member States shall be responsible for all the tasks related to the administration of aircraft operators attributed to them, including the tasks relating to the ETS of Switzerland (e.g. the reception of verified emission reports covering both EU and Swiss aviation activities, administration of aircraft operators and accounts, compliance and enforcement).</p> <p>The European Commission shall agree bilaterally with the Swiss competent authorities on handing over the relevant documentation and information.</p> <p>In particular, the European Commission shall ensure the transfer to aircraft operators administered by Switzerland of the amount of free allocation of EU allowances.</p>	<p>Switzerland shall be responsible for the administration of aircraft operators:</p> <ul style="list-style-type: none"> – with a valid operating licence granted by Switzerland, or – with the greatest estimated attributed aviation emissions in Switzerland under the linked ETS. <p>Swiss competent authorities shall be responsible for all the tasks related to the administration of aircraft operators attributed to Switzerland, including the tasks relating to the EU ETS (e.g. the reception of verified emission reports covering both EU and Swiss aviation activities, administration of aircraft operators and accounts, compliance and enforcement).</p> <p>The Swiss competent authorities shall agree bilaterally with the European Commission on handing over the relevant documentation and information.</p> <p>In particular, the Swiss competent authorities shall transfer to aircraft operators administered by the EU (EEA) Member States the amount of free allocation of Swiss allowances.</p>

	Essential criteria	For the EU	For Switzerland
		In the case of a bilateral agreement regarding the administration of flights operating in relation to the EuroAirport Basel-Mulhouse-Freiburg not involving any amendment to Directive 2003/87/EC, the European Commission shall, as appropriate, facilitate the implementation of such agreement, provided that this does not result in double counting.	This is provided for in: <ul style="list-style-type: none"> – Article 39(1bis) of the CO₂ Act – Article 46d of, and Annex 14 to, the CO₂ Ordinance, as in force on 1 January 2025.
15.	Surrendering	When assessing compliance of aircraft operators on the basis of the amount of surrendered allowances, the competent authorities of the EU (EEA) Member States shall first account for emissions covered by the ETS of Switzerland and use the remaining amount of surrendered allowances to account for emissions covered by the EU ETS.	When assessing compliance of aircraft operators on the basis of the amount of surrendered allowances, the competent authorities of Switzerland shall first account for emissions covered by the EU ETS and use the remaining amount of surrendered allowances to account for emissions covered by the ETS of Switzerland. <p>This is provided for in:</p> <ul style="list-style-type: none"> – Article 55 (2bis) of the CO₂ Ordinance, as in force on 1 January 2025.
16.	Legal enforcement	Parties shall enforce the provisions of their respective ETS in relation to aircraft operators that do not fulfil the obligations in the respective ETS, regardless of whether the operator is administered by an EU (EEA) competent authority or by a Swiss competent authority, in case enforcement by the authority administering the operator requires additional action.	

	Essential criteria	For the EU	For Switzerland
17.	Administrative attribution of aircraft operators	<p>Pursuant to Article 25a of Directive 2003/87/EC, the aircraft operator's list published by the European Commission, in accordance with Article 18a(3) of Directive 2003/87/EC, shall specify the administering State, including Switzerland, for each aircraft operator.</p> <p>Aircraft operators attributed to Switzerland for the first time after the entry into force of this Agreement shall be administered by Switzerland after 30 September of the year of attribution and once the provisional registry link is operational.</p> <p>The two parties shall cooperate on sharing relevant documentation and information.</p> <p>The attribution of an aircraft operator shall not affect the coverage of that aircraft operator by the respective ETS (i.e. an operator covered by the EU ETS that is administered by the Swiss competent authority shall have the same level of obligations under the EU ETS alongside its coverage under the ETS of Switzerland, and vice versa).</p>	
18.	Modalities for implementation	<p>Any further modalities needed for the organisation of the work and cooperation within the one-stop shop for aviation account holders shall be developed and adopted by the Joint Committee after signature of this Agreement, in accordance with Articles 12, 13 and 22 of this Agreement. These modalities shall apply from the date that this Agreement applies.</p>	
19.	Assistance from Eurocontrol	<p>For the aviation part of this Agreement, the European Commission shall include Switzerland within the mandate given to Eurocontrol in relation to the EU ETS.</p>	