Council of the European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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 the amendment of Annex I to the Agreement

COUNCIL DECISION (EU) 2025/…

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 Annex I 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 signed on 23 November 2017 in accordance with Council Decision (EU) 2017/2240[1].

(2) The Agreement was concluded by Council Decision (EU) 2018/219[2] and entered into force on 1 January 2020.

(3) Pursuant to Article 12(3) of the Agreement, the Joint Committee established pursuant to Article 12(1) of the Agreement ('the Joint Committee') may adopt decisions that are to, upon their entry into force, be binding on the Parties.

(4) Article 13(2) of the Agreement provides that the Joint Committee may amend the Annexes to the Agreement.

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1 Council Decision (EU) 2017/2240 of 10 November 2017 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 (OJ L 322, 7.12.2017, p. 1, ELI: http://data.europa.eu/eli/dec/2017/2240/oj).

2 Council Decision (EU) 2018/219 of 23 January 2018 on the conclusion of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems (OJ L 43, 16.2.2018, p. 1, ELI: http://data.europa.eu/eli/dec/2018/219/oj).

(5) It is appropriate to restore consistency with legal provisions applicable to the emissions trading systems of the Union and the Swiss Confederation following the revision of Directive 2003/87/EC of the European Parliament and of the Council[3] by means of Directives (EU) 2023/958[4] and (EU) 2023/959[5] of the European Parliament and of the Council.

(6) The Joint Committee, during its ninth meeting, or earlier by means of the written procedure ppursuant to Article 8(4) of the Rules of Procedure of the Joint Committee, is expected to adopt a Decision amending Annex I to the Agreement. That Decision will be binding on the Union.

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[3] Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union 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).

[4] 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).

[5] 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).

(7) It is therefore appropriate to establish the position to be taken on the Union's behalf within the Joint Committee with regard to the amendment of Annex I to the Agreement.

(8) The position of the Union within the Joint Committee should be based on the attached draft Decision, in order to maintain compatibility and market integrity of the two linked emissions trading systems and to avoid distortion of competition and carbon leakage,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf 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 during its ninth meeting, or earlier by means of the written procedure pursuant to Article 8(4) of the Rules of Procedure of the Joint Committee, as regards the amendment of Annex I to that Agreement, shall be based on the draft Decision of the Joint Committee attached to this Decision.

Minor changes to the draft Decision may be agreed to by the representatives of the Union in the Joint Committee without further decision of the Council.

Article 2

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

Done at …, …

For the Council
The President