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PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 31 May 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: COM(2018) 359 final - Annex

Subject: ANNEX to the 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 regarding the adoption of its Rules of Procedure

Delegations will find attached document COM(2018) 359 final - Annex.

Encl.: COM(2018) 359 final - Annex



Brussels, 31.5.2018
COM(2018) 359 final

ANNEX

ANNEX

to the

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 regarding the adoption of its Rules of Procedure

Annex

**DECISION No 1/2018 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**

regarding the adoption of its Rules of Procedure

THE JOINT COMMITTEE ESTABLISHED BY THE AGREEMENT BETWEEN THE
EUROPEAN UNION AND THE SWISS CONFEDERATION

Having regard to the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems and in particular Article 12 thereof,

Whereas:

(1) Articles 11 to 13 of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems have been provisionally applied since its signature.

(2) In accordance with Article 12 (1) of the Agreement, a Joint Committee composed of representatives of the Parties is established.

(3) In accordance with Article 12 (4) of the Agreement, the Joint Committee is to establish its rules of procedure.

(4) In accordance with Article 12 (5) of the Agreement, the Joint Committee may decide to set up working groups to assist it in its work.

HAS ADOPTED THIS DECISION:

Sole Article

The Rules of Procedure of the Joint Committee, as set out in the Annex to this Decision, are hereby adopted.

Done in English at Zurich.

For the Joint Committee
The Chair
Secretary for the European Union
Secretary for Switzerland

RULES OF PROCEDURE OF THE EUROPEAN UNION/SWITZERLAND ETS COMMITTEE ('THE JOINT COMMITTEE')

Article 1

Composition of the Joint Committee

1. The Joint Committee shall be composed of representatives of the European Commission ('the Commission') who act on behalf of the "European Union", on the one side, and representatives of the Swiss Confederation ('Switzerland'), on the other side. The two sides shall hereinafter be referred to individually as 'the Party' or jointly as 'the Parties'.
2. The representatives of the Parties may be accompanied by other officials acting on behalf of the Parties.

Article 2

Chairmanship

1. The chairmanship of the Joint Committee shall alternate between the Parties every 12 months. In the first calendar year the chairmanship shall be held by Switzerland.
2. The Party that holds the chairmanship shall appoint the Chair of the Joint Committee, as well as his or her replacement.
3. The Chair directs the work of the Joint Committee.

Article 3

Observers

The Joint Committee may decide by common agreement of the Parties to invite experts or representatives of other bodies to attend meetings of the Joint Committee as observers in order to provide information on specific subjects. The Joint Committee shall agree on the terms and conditions under which such observers may attend the meetings.

Article 4

Secretariat

1. An official of the European Commission and an official of the government of Switzerland shall act jointly as Secretaries of the Joint Committee.
2. The Secretaries of the Joint Committee shall be responsible for the communication between the Parties, including the transmission of documents.
3. The secretarial functions fall within the responsibility of the Party that holds the chairmanship.

Article 5

Meetings of the Joint Committee

1. The Joint Committee shall meet as and when necessary, in principle once a year. The Chair shall convene, after consultation with the Parties, the meeting of the Joint Committee at a mutually agreed time and place. If the Parties so agree, telephone and video conferences may also be held. The Chair shall convene a special session of the Joint Committee at the request

of either the European Union or Switzerland. The Joint Committee shall meet within 30 calendar days of a request under Article 12(2) of the Agreement.

2. The Joint Committee shall meet in Brussels or in Switzerland, depending on the Party that holds the chairmanship, unless the Parties agree otherwise.

3. The Chair shall send the notice regarding the convening of the meeting, together with the draft agenda and the documents for the meeting, to the representatives of the Parties at least 21 calendar days before the meeting. Documents for meetings convened in accordance with Article 12(2) of the Agreement shall be sent at least seven calendar days before the meeting.

4. The Chair may, in agreement with the Parties, shorten the time limits indicated in paragraph 3 in order to take account of the requirements of a particular matter.

5. At least seven calendar days before each meeting, the Chair shall be informed of the composition of the delegation of each Party.

6. Meetings of the Joint Committee shall not be public unless the Parties decide otherwise.

Article 6

Agenda

1. The Chair, assisted by the Secretaries, shall draw up the provisional agenda for each meeting.

2. Each Party may request that additional items be included in the agenda. Any such request shall be duly substantiated and sent in writing to the Chair at least seven calendar days before the meeting.

3. The Joint Committee shall approve the agenda at the beginning of the meeting.

Article 7

Working groups of the Joint Committee

1. The composition and functioning of the working groups or subcommittees to be set up in accordance with Article 12(5) of the Agreement shall be agreed upon by the Joint Committee.

2. The working groups or subcommittees shall apply these Rules of Procedure *mutatis mutandis*.

3. The working groups or subcommittees shall work under the authority of the Joint Committee, to which they shall report after each of their meetings. They shall not be authorised to take decisions, but may make recommendations to the Joint Committee.

4. The Joint Committee may decide, in accordance with Article 8 of these Rules of Procedure, to amend or to terminate the mandate of the working groups or subcommittees.

Article 8

Decisions and recommendations

1. The Joint Committee shall take decisions and draw up recommendations by common agreement of the Parties in accordance with the Agreement. They shall be entitled 'Decision' or 'Recommendation', followed by a sequential number, the date of adoption and a reference to their subject matter.

2. The decisions and recommendations of the Joint Committee shall be signed by the Chair and the Secretaries and shall be circulated to the Parties.
3. Each Party may decide to publish any decision or recommendation adopted by the Joint Committee in its respective official journal. The Parties shall inform each other of their intention to publish a decision or recommendation.
4. The Joint Committee may adopt its decisions or recommendations by written procedure if the Parties so agree. The written procedure shall consist of an exchange of notes between the Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated, within a time-limit of no less than 21 calendar days, within which any reservations or amendments shall be made known. The Chair may reduce that time-limit, in consultation with the Parties, in order to take account of special circumstances. Once the text is agreed, the decision or the recommendation shall be signed by the Chair and the Secretaries.
5. Decisions of the Joint Committee that amend the Annexes to the Agreement shall be adopted in the authentic languages of the Agreement.
6. During the provisional application of Articles 11-13 of the Agreement, the Joint Committee may prepare decisions that are necessary for implementing the Agreement. A formal decision of the Joint Committee with a binding effect will only have effects after the entry into force of the Agreement.

Article 9

Minutes

1. The Secretariat shall draw up draft minutes of each meeting. The draft shall indicate the decisions taken and the recommendations drawn up. The draft minutes shall be submitted to the Joint Committee for adoption. Once they have been adopted by the Joint Committee, the minutes shall be signed by the Chair and the Secretaries.
2. The draft minutes shall be drawn up within 21 calendar days of the meeting and submitted for approval by the Joint Committee either by written procedure or at the following meeting of the Joint Committee.

Article 10

Correspondence

All correspondence to or from the Chairman of the Joint Committee shall be sent to the Secretariat of the Joint Committee.

Article 11

Regular exchange of information and consultation

1. In accordance with Article 10(2) of the Agreement a Party shall notify the other Party about developments of its legislation in an area of relevance to this Agreement.
2. To this end, a regular exchange of information and consultation shall take place between the Parties through the Secretaries of the Joint Committee.

Article 12

Confidentiality

Where a Party submits to the Joint Committee information designated as confidential, the other Party shall treat that information as such.

Article 13

Expenses

Each Party shall bear any expenses it incurs in relation to its participation in the meetings of the Joint Committee and of the working groups or subcommittees.

Article 14

Amendment

These Rules of Procedure may be amended by a decision of the Joint Committee in accordance with Article 8.

Article 15

Provisional Application

During the provisional application of Articles 11-13 of the Agreement, these rules of procedure shall apply mutatis mutandis.