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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 Annexes III and IV to the Agreement

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 systems¹ ('the Agreement') was signed on 23 November 2017 in accordance with Council Decision (EU) 2017/2240².
- (2) The Agreement was concluded by Council Decision (EU) 2018/219³ and entered into force on 1 January 2020.
- (3) Pursuant to Article 12(3) 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.
- (5) 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 consistent application of sensitivity markings as set out in Annex III and IV to the Agreement, those Annexes should be amended in accordance with Article 13(2) of the Agreement.

¹ OJ L 322, 7.12.2017, p. 3.

² 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).

³ 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).

- (6) The Joint Committee, 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 Committee¹, is to adopt a Decision as regards the amendment of Annexes III and IV to the Agreement.
- (7) It is appropriate to establish the position to be taken, on behalf of the Union, within the Joint Committee as regards the amendment of Annexes III and IV to the Agreement, as the amended Annexes will be binding on the Union.
- (8) The position of the Union within the Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

¹ 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 and Council Decision (EU) 2018/1279 of 18 September 2018 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 regarding the adoption of its Rules of Procedure (OJ L 239, 24.9.2018, p. 8).

Article 1

The position to be taken, on behalf of the Union, during 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, 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
