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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	9699/24 + ADD 1
No. Cion doc.:	8159/24 + ADD 1
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 Annex II to the Agreement, the Common Operational Procedures and the Linking Technical Standards – Adoption

1. On 10 November 2017, the Council adopted 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 ('the Agreement')¹. The Agreement was signed on 23 November 2017.

¹ OJ L 322, 7.12.2017, p. 1.

2. The Agreement was concluded by Council Decision (EU) 2018/219² 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. Pursuant to Article 12(3) of the Agreement, the Joint Committee may adopt decisions that are, upon their entry into force, binding on the Parties. In accordance with Article 13(2) of the Agreement, the Joint Committee may amend the Annexes to the Agreement.
4. Article 3(6) and (7) of the Agreement provide that Common Operational Procedures and Linking Technical Standards developed by the Swiss registry administrator and the Union central administrator take effect when adopted by decision of the Joint Committee. By means of its Decisions No 1/2020³ and 2/2020⁴, the Joint Committee adopted the Common Operational Procedures and the Linking Technical Standards, respectively.
5. On 20 March 2024, the Commission adopted 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 as regards the amendment of Annex II to the Agreement and of the Common Operational Procedures and the Linking Technical Standards.⁵
6. The aim of the proposed Decision is to update Annex II to reflect the evolution of the registry link between the EU Emission Trading System and the Emission Trading System of Switzerland and to streamline the provisions of Annex II in the light of technological developments. The Common Operational Procedures and the Linking Technical Standards should also be amended to ensure their consistency with Annex II to the Agreement.

² OJ L 43, 16.2.2018, p. 1.

³ OJ L 226, 25.6.2021, p. 2.

⁴ OJ L 226, 25.6.2021, p. 16.

⁵ 8159/24 + ADD 1.

7. Following examination of the Commission proposal by the Working Party on the Environment (WPE) at its meeting on 6 May, the Presidency prepared a compromise proposal⁶ which was agreed by the WPE on 14 May 2023.
8. 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 the amendment of Annex II to the Agreement and of the Common Operational Procedures and the Linking Technical Standards, as finalised by the legal-linguistic experts⁷.
9. The text of the Council Decision will be transmitted to the European Parliament for information in accordance with Article 218(10) TFEU.

⁶ 9699/24 + ADD 1.
⁷ 10038/24 + ADD 1.