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TRANS 505  
AELE 62  
CH 59

#### 'I/A' ITEM NOTE

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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No. prev. doc.: 13177/18 + ADD 1  
No. Cion doc.: 12508/19 + ADD 1

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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 to the amendment of Annexes I and II to the Agreement

– Adoption

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1. The aim of the Agreement between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems ('the Agreement') is to connect the Emissions Trading Systems of the EU and Switzerland, thereby allowing that allowances issued in one system can be traded and used for compliance in the other one.
2. On 10 November 2017, the Council adopted Decision (EU) 2017/2240 on the signing, on behalf of the Union, and provisional application of the Agreement<sup>1</sup>. The Agreement was signed on 23 November 2017.

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<sup>1</sup> OJ L 322, 7.12.2017, p. 1.

3. On 23 January 2018, the Council adopted Decision (EU) 2018/219 on the conclusion of the Agreement<sup>2</sup>. It will enter into force on 1 January of the year following the exchange of the instruments of ratification or approval by the Parties. The instrument of approval of the EU will be notified when the Swiss Confederation has brought into force the requisite rules extending its emission trading system to aviation and Annex I of the Agreement has been amended accordingly.
4. Article 12 of the Agreement establishes a Joint Committee, which is responsible for the implementation of the Agreement. The provisions of the Agreement in relation to the Joint Committee have been provisionally applied from its date of signature. Pursuant to Article 13(2) of the Agreement, the Joint Committee may amend the Annexes to the Agreement. The first meeting of the Joint Committee took place on 25 January 2019.
5. On 25 September 2019, the Commission submitted 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 between the European Union and the Swiss Confederation on the linking of their greenhouse gas emissions trading systems, as regards the amendment of Annexes I and II to the Agreement<sup>3</sup>.
6. On 7 October 2019, The Working Party on the Environment (WPE) examined the Commission proposal. Based on the discussions in the WPE and delegations' comments, the Presidency prepared a Presidency compromise proposal<sup>4</sup> which was agreed by the WPE on 18 October following an informal silence procedure.

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<sup>2</sup> OJ L 43, 16.2.2018, p. 1.

<sup>3</sup> Doc. 12508/19 + ADD 1

<sup>4</sup> Doc. 13177/19 + ADD 1

7. 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 set out in doc. 13327/19, as finalised by the legal-linguistic experts, 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 I and II to the Agreement. Once the Joint Committee has amended the said Annexes, it will be considered that the necessary conditions are fulfilled for the notification of the Union's instrument of approval.

The text of the Council Decision will be transmitted to the European Parliament for information in accordance with Article 218(10) TFEU.

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