

Amendment

Council position

Recital 9

Council position

(9) In order to avoid duplication of regulation, the permit for an installation covered by Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community **should not** include an emission limit value for direct emissions of the greenhouse gases specified in Annex I to that Directive except where it is necessary to ensure that no significant local pollution is caused or where an installation is excluded from that scheme.

Amendment

(9) In order to avoid duplication of regulation, the permit for an installation covered by Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community **is not required to** include an emission limit value for direct emissions of the greenhouse gases specified in Annex I to that Directive except where it is necessary to ensure that no significant local pollution is caused or where an installation is excluded from that scheme.

Amendment

Council position

Article 9 - paragraph 1

Council position

1. Where emissions of a greenhouse gas from an installation are specified in Annex I to Directive 2003/87/EC in relation to an activity carried out in that installation, **the permit shall not include** an emission limit value for direct emissions of that gas, unless necessary to ensure that no significant local pollution is caused.

Amendment

1. Where emissions of a greenhouse gas from an installation are specified in Annex I to Directive 2003/87/EC in relation to an activity carried out in that installation, **Member States may choose not to impose** an emission limit value for direct emissions of that gas, unless necessary to ensure that no significant local pollution is caused.

Justification

Amendment based on Rule 66.2d (i) for legal clarity as in accordance with Article 193 TFEU, Union laws do not preclude member states from applying more stringent national greenhouse gas requirements, and (ii) to enable those member states that choose to apply such requirements to do so within the integrated permit issued under this directive. Since EP first reading, UK, NL and Commission have indicated different legal interpretations of the Article 9.1 provision.