

**Question for written answer E-003972/2016
to the Commission**
Rule 130
Pilar Ayuso (PPE)

Subject: Judgment of the Court of Justice

On 28 April 2016, the Court of Justice of the European Union declared invalid the maximum amount of emissions allowances set by the Commission for the period 2013-2020.

The Court held that the Commission should not have taken into account some of the data communicated by some Member States in relation to greenhouse gas emissions from a number of installations already subject to the emissions trading scheme before 2013. The Court ruled that Article 4 and Annex II of Decision 2013/448/EC concerning national implementation measures for the transitional free allocation of greenhouse gas emission allowances are invalid.

What consequences will the judgment of the Court of Justice have for the overall calculation of emission allowances allocated? What adjustment will have to be made to the cross-sectoral correction factor as a result of this judgment? Will the judgment affect the current proposal amending Directive 2003/87/EC and the corresponding impact assessment?