

Community eco-management and audit scheme (EMAS): voluntary participation by organisations

2008/0154(COD) - 17/02/2009

The Committee on the Environment, Public Health and Food Safety adopted the report drawn up by Linda MACAVAN (PES, UK) amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).

Definitions: Members amended some of the definitions such as "environmental policy" "environmental performance", and "environmental management system", stating that these should be as closely aligned to ISO 14001 as possible to facilitate the step-up approach. It deleted the definition of "environmental performance report", stating that the Commission has proposed a new reporting mechanism that is not needed. The current system of annual updates of the environmental statement is sufficient, but with new core performance indicators.

Members also clarified that the Regulation maintains the system of procedures and quality provisions for the licensing and supervision of environmental verifiers as adopted in 1993 in the first EMAS Regulation. That means that Member States may keep their licensing and supervision systems, which are in some Member States legally binding environmental law, which give individual persons access to a certain profession, i.e. the environmental verifier. However, Member States may use their accreditation body under Regulation (EC) No 765/2008, in order to fulfil the provisions of this Regulation, whilst ensuring that EMAS provides for the quality of each single person that applies to work as an environmental verifier, and not only of organisations. The licensing of environmental verifiers is considered to be a professional authorisation which is comparable to the authorisation of a civil engineer or a financial auditor. Consequently modifying the licensing procedure and body in line with the new approach is to be rejected. In future the licensing shall remain within the competence of the Member States leaving it up to them how they regulate the procedure for the authorisation and supervision of environmental verifiers. Definitions are amended accordingly.

Obligations of registered organisations: the report deleted the provisions regarding the obligations of a registered organisation on a three-yearly basis. It noted that the introduction of two different reporting and auditing cycles is unnecessary and potentially confusing. Instead, the two cycles should be combined into one annual procedure.

Derogation for small organisations: competent bodies shall, upon request of a small organisation, extend for that organisation, the annual frequency up to two years, provided that all the following conditions are met: a) the initial environmental review showed that the organisation has no significant environmental aspects, and b) the organisation has no substantial changes planned. This is less onerous than the terms of the Commission's proposal. The report notes that obligations relating to maintenance of the EMAS system entail high administrative costs which are difficult to bear for an SME. In order to ease access for European SMEs to the system, such costs should be reduced where the organisation does not plan to make substantial changes to its production system and where there is no reason to expect new environmental dangers or local environmental problems.

Use of the EMAS logo: the report states that the logo shall not be used on products or their packaging. The use of the EMAS logo on product and packaging would lead to confusion with the Eco-label. The proposed wording is taken from the existing regulation.

Obligations concerning the registration process: competent bodies must establish rules for considering observations from the organisations' representative bodies.

Registration of organisations: if the application for registration submitted by an organisation is rejected because the activities of the environmental verifier were not performed adequately enough to ensure that the requirements of this Regulation are met, the Competent Body shall invite the organisation to submit a new application for registration. The Accreditation Body shall conduct a check on the environmental verifier's activities and shall give the environmental verifier concerned an opportunity to express its opinion on the matter. If it does not provide a satisfactory explanation, its accreditation as an assessment body under Regulation (EC) No 765/2008 shall be suspended.

Suspension or deletion of organisations from the register: Members added that the Competent Body may decide to maintain the organisation's registration if it is demonstrated that the non-compliance was committed in good faith and that the causes of the non-compliance itself have been removed.

Requirements for environmental verifiers: the environmental verifier shall be an independent external third party.

Operation of Accreditation: the committee notes that licensing of environmental verifiers is equivalent to the granting of a professional licence, which is comparable to the licensing of a civil engineer or a financial auditor, and the term Accreditation Body shall be replaced by the term Licensing Body. Furthermore, it felt that it is important to take account of the opinions expressed by the organisations' representative bodies when establishing the procedures for accreditation, refusal of accreditation and suspension of verifiers.

Assistance to organisations on compliance: competent enforcement authorities must communicate, as soon as practicable and in any case within two months (rather than one) a failure by registered organisations to comply with applicable legal requirements relating to the environment.

Promotion plan: the committee stated that the introduction of mandatory measures for the promotion of EMAS in Member States cannot be accepted.

Information and reporting to the Commission: Member States shall report every five years to the Commission (rather than annually).

Information: a new clause states that the Commission shall publish a user's guide setting out the steps needed to participate in EMAS. That guide shall be available in all official languages and online.

Development of sectoral reference documents: the report adds that after having consulted all involved stakeholders in the sector or subsector in question such as industry, trade unions, traders, retailers, importers, environmental protection groups and consumer organisations, the Commission shall, not later than 1 January 2010, establish a working plan which shall be made publicly available. The working plan shall set out, for the following three years, an indicative list of sectors and subsectors which will be considered priorities for the adoption of sectoral reference documents to start with and to be completed for all sectors.

Revision: the Commission shall review EMAS, no later than five years after entry into force. The revision shall assess in particular the impact of the scheme on the environment and the trend in terms of number of participants with a view to a decision being taken on the continuation of the scheme.

Lastly, it should be noted that the committee made some amendments to the Annexes.