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

2008/0154(COD) - 02/04/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 633 votes to 13, with 6 abstentions, a legislative resolution 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).

The amendments adopted in plenary were the result of a compromise negotiated with the Council:

Objective: the compromise states that the objective of EMAS - as an important instrument of the Sustainable Consumption and Production and Sustainable Industrial Policy Action Plan - is to promote continual improvements in the environmental performance of organisations by: (i) the establishment and implementation of environmental management systems by organisations; (ii) the systematic, objective and periodic evaluation of the performance of such systems; (iii) the provision of information on environmental performance, an open dialogue with the public and other interested parties; and (iv) the active involvement of employees in the organisation and appropriate training.

Determination of the Competent Body: an organisation with sites located in one or more Member States, or third countries, may apply for one single corporate registration of all or some of these sites. Applications for registration from organisations outside the Community, including corporate registration consisting only of sites located outside the Community, shall be made to any Competent Body in those Member States that provide for the registration of organisations from outside the Community. These organisations have to ensure that the environmental verifier who will carry out the verification and who will validate the environmental management system of the organisation is accredited or licensed in the Member State where the organisation applies for registration.

Preparation for registration: organisations wishing to be registered for the first time shall: (i) carry out an environmental review of all environmental aspects of the organisation in accordance with the requirements set out in point A.3.1 of Annex II and Annex I; (ii) in the light of the results of the environmental review, develop and implement an environmental management system covering all the requirements referred to in Annex II, and, where available, taking into account the best environmental management practice for the relevant sector; (iii) carry out an internal audit in accordance with the requirements set out in point A.5.5 of Annex II and Annex III; (iv) prepare an environmental statement, in accordance with Annex IV.

Application for registration: this shall be written in (one of) the official language(s) of the Member State in which the organisation applies for registration.

Renewal of EMAS registration: a registered organisation shall, at least on a three-yearly basis, as well as in the intervening years, prepare an updated environmental statement and have it validated by an environmental verifier and forward the validated updated environmental statement to the Competent Body.

Derogation for small organisations: Competent Bodies shall, upon request of a small organisation, extend for that organisation, the three-yearly frequency **up to four years** for the audit, report on environmental performance and environmental statement, provided that the environmental verifier that has

verified the organisation confirms that all the following conditions are met: (i) no significant environmental risks are present; (ii) the organisation has no substantial changes to its production system planned; (iii) there exist no significant local environmental problems to which the organisation contributes.

Use of the EMAS logo: the logos shall not be used on products or their packaging.

Designation and role of Competent Bodies: Member States shall designate Competent Bodies, which shall be responsible for the registration of organisations located in the Community. They may provide that the Competent Bodies they designate, provide for and shall be responsible for the registration of organisations located outside the Community in accordance with the regulation.

Renewal of organisations' registration: a new article stipulates that a Competent Body shall renew the registration of the organisation if all the following conditions are fulfilled, among other: (i) the Competent Body has received a validated updated environmental statement; (ii) the Competent Body has received a completed form; (iii) the Competent Body has no evidence of non-compliance of the organisation with applicable legal requirements relating to the environment; (iv) there are no relevant complaints from interested parties or complaints have been positively solved; (v) the Competent Body has received a fee for renewal of the registration, if applicable.

Supervision of environmental verifiers: organisations must allow the Accreditation or Licensing Bodies to supervise the environmental verifier during the verification and validation process. Environmental verifiers accredited or licensed in one Member State may perform verification and validation activities in any other Member State in accordance with the requirements set out in the regulation.

Promotion of EMAS: Member States shall, in conjunction with Competent Bodies, enforcement authorities and other relevant stakeholders, promote the EMAS scheme. To this end, Member states may establish a promotion strategy, which shall be revised on a regular basis.

Member States may cooperate, in particular, with industrial associations, consumer organisations, environmental organisations, trade unions, local institutions and other relevant stakeholders.

The logo without a registration number may be used by Competent Bodies, Accreditation and Licensing Bodies, national authorities and other stakeholders for EMAS-related marketing and promotional purposes. In such cases, use of the EMAS logo set out in Annex V shall not suggest that the user is registered where this is not the case.

Information: the Commission shall provide information to organisations about the content of the regulation and shall maintain and make publicly available database of best practices on EMAS and a list of Community resources for the funding of EMAS implementation and related projects and activities.

Reference documents and guides: the Commission shall, in consultation with Member States and other stakeholders, develop sectoral reference documents that shall include, inter alia, benchmarks of excellence and rating systems identifying performance levels. The Commission may also develop reference documents for cross-sectoral use.

The Commission shall establish, by the end of 2010, a working plan setting out an indicative list of sectors, which will be considered priorities for the adoption of sectoral and cross-sectoral reference documents. The working plan shall be made publicly available and regularly updated.

The Commission shall develop a guide on registration of organisations outside the Community. It 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.