

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

2008/0154(COD) - 25/11/2009 - Final act

PURPOSE: to revise the Community Environmental Management and Audit Scheme (EMAS) in order to increase its efficiency and to encourage a greater participation to the system.

LEGISLATIVE ACT: Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC.

CONTENT: the Council adopted a regulation revising the EU's eco-management and audit scheme (EMAS) in order to encourage improvements in the environmental performance of organisations participating in the scheme.

The regulation seeks to **increase the number of organisations (i.e. private companies or public bodies) participating in the scheme**, and to provide them with added value in terms of regulatory control, cost savings and public image if they are able to demonstrate an improvement in their environmental performance. It pays **special attention to the needs of small organisations (SMEs and small public authorities)**, whose participation will be promoted by facilitating access to information and to existing support funds, and by establishing or promoting technical assistance measures.

The new scheme will for the first time allow the participation of organisations not based in the EU whose activities have an environmental impact, providing a means for them to manage and improve their overall environmental performance.

The EMAS scheme, established in 2001, is a voluntary management tool that enables companies and other organisations to evaluate, report and improve their environmental performance.

The new regulation 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 continuous improvements in the environmental performance of organisations**: (i) by the establishment and implementation of environmental management systems by organisations; (ii) by the systematic, objective and periodic evaluation of the performance of such systems; (iii) by the provision of information on environmental performance, an open dialogue with the public and other interested parties and (iv) through the active involvement of employees in organisations and appropriate training.

The regulation also contains measures concerning the registration of organisation, the obligations of registered organisations, rules applicable to competent bodies and accreditation and licensing bodies. It describes the tasks of the environmental verifiers which shall assess whether an organisation's environmental review, environmental policy, management system, audit procedures and their implementation comply with the requirements of this Regulation.

The regulation lays down the following:

- **strengthen the mechanism for establishing an organisation's compliance with all applicable legal requirements relating to the environment** in order to enhance the credibility of EMAS and, in particular, to enable Member States to reduce the administrative burden of registered organisations by way of deregulation or regulatory relief;

- **simplification of rules concerning the use of the EMAS logo** by the use of one single logo and existing restrictions should be removed save for those relating to the product and packaging. There should be no confusion with environmental product labels;
- **specific measures to increase participation in EMAS by organisations, in particular small organisations:** exemptions or reductions of fees should be considered for small organisations;
- **incentives given to registered organisations:** such as access to funding or tax incentives in the framework of schemes supporting environmental performance of industry, provided that organisations are able to demonstrate an improvement of their environmental performance;
- **rules applicable to 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.

Promotion activities: Member States shall carry out promotion activities for EMAS. These activities may include: the promotion of the exchange of knowledge and best practices on EMAS among all concerned parties; the development of effective tools for EMAS promotion and to share them with organisations; the provision of technical support to organisations in the definition and implementation of their EMAS-related marketing activities; the encouragement of partnerships among organisations for EMAS promotion;

Development of reference documents and guides: the Commission shall, in consultation with Member States and other stakeholders, develop sectoral reference documents that shall include: (i) the best environmental management practice; (ii) environmental performance indicators for specific sectors; (iii) where appropriate, benchmarks of excellence and rating systems identifying environmental performance levels. 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 of the institutions of the European Union and online.

Review: the Commission shall review EMAS in the light of the experience gained during its operation and international developments by 11 January 2015.

ENTRY INTO FORCE: 11/01/2010.