Environment: Eco-management and audit scheme EMAS, voluntary participation by organisations (amend. regul. 1836/93/EEC)

1998/0303(COD) - 29/01/2010 - Follow-up document

The Commission presents a report on the incentives for EMAS registered organisations in the period 2004-2006.

Regulation (EC) No 761/2001 allowing voluntary participation by organisations in a Community Eco-management and audit scheme (EMAS) establishes a system under which organisations evaluate, manage and continuously improve their environmental performance. It obliges Member States to promote organisations' participation in EMAS, in particular by considering how registration under EMAS may be taken into account when setting criteria for their procurement policies. The Regulation obliges the European Commission to transmit to the European Parliament and the Council information relating to the above described promotional activities received from Member States.

This report describes the types of incentive measures applied in different Member States and provides a resume of the findings for each group of indicators. It main purpose is to inform the European Parliament and the Council and to raise awareness of national authorities about different national practices.

The nature of the incentives provided by national authorities varies and depends on the aims pursued. Two main groups of incentives have been identified:

1) Regulatory flexibility aims at: simplifying and reducing the regulatory framework in cases of redundancy; removing procedural impediments; reducing the need to submit unnecessary and repetitive documents to the regulator; fostering responsible behaviour of operators.

A small increase of the **regulatory flexibility** has been detected. However, only four Member States (Germany, Slovakia, Spain and the United Kingdom) apply incentives related to all three indicators defined and twelve Member States do not provide such incentives at all. Germany developed most legislative texts in this area. Austria, Belgium, Denmark, Italy, Portugal, Netherlands, Slovakia, Slovenia, Spain and United Kingdom developed different documents as well.

Cyprus, Czech Republic, France and Lithuania started developing different texts to give regulatory benefits to EMAS registered organisations.

As regards the application for permits or reduced reporting and monitoring requirements, some Member States foresee specific and limited situations where an EMAS registered organisation will have benefits. In most of these cases, reporting obligations are reduced or simpler procedures are available for permit applications in the fields of IPPC, waste management, landfill permits, water and emissions.

2) Promotional incentives in the framework:

- ***Information Support***: this has increased over the period 2004-2006. The type of support ranged from publication of brochures, leaflets, newspapers and magazine articles to the organisation of events such as conferences or workshops. All Member States have at least one website providing information on EMAS. In general, all information material was specifically designed to inform about and promote EMAS. Information support measures for EMAS focus generally on EMAS registered organisations, but also measures specifically focussing on non EMAS registered organisations are in place. Contact with registered organisations was also frequent. Even though the information support incentives are available for all organisations, including SME's, some Member States provide incentives especially destined for SME's. As regards the budget dedicated to providing information support for EMAS, an increasing trend is apparent in a number of Member States.

- ***Funding Support***: the number of texts related to EMAS funding increased slightly. The budget allocated to EMAS has increased remarkably with almost 400%. It was allocated to EMAS was used mainly for conferences and seminars and different events and for the elaboration of publications such as guide books, brochures, etc. In some cases, the budget also covered costs of the competent body. Special financial support for pilot projects, promotional programmes, environmental agreements, etc, has increased. It should also be noted that funding related incentives for EMAS registration in the form of reduction or absence of registration fees increased. Banks or insurance companies do not give advantages to EMAS registered organisations as a general policy. Lastly, no tax reductions on purchases designed to improve environmental performance were foreseen by Member States.

- ***Technical Support***: technical support has increased in the period 2004-2006. Documents for technical assistance, such as manuals, guidelines, handbooks, etc. and of synergies involving all the actors in environmental management systems were created in the majority of Member States. Even though the majority of these documents and programmes were meant for all industry sectors, some Member States have developed manuals and guides for specific sectors such as hospitals, sports facilities and sports events; public services; the chemistry, food, pharmaceutical, electrical /electronic and other sectors; food and drinks and furniture sector. Specific guidance for local authorities was developed in some countries.

- ***Public Procurement***: the number of documents related with public procurement increased significantly and documents have been developed in the vast majority of Member States. Legislative texts on public procurement have been developed in certain countries, whilst a wider amount of guidelines and documents have been adopted in other countries. In general, the documents reported by Member States relate to the greening of public procurement and despite the significant and increase in the number of documents they do not in all cases constitute a direct or clear benefit for EMAS registered organisations.

Conclusions: **external incentives** provided by national authorities, especially if they are based on targeted policies and programmes, **can have a positive influence on the uptake of EMAS**.

All Member States apply measures which provide external incentives for EMAS registered **organisations**. The fact that the business community still complains about the shortage of substantial measures is an indicator that there is potential for improvement.

In general, incentives are designed for the **benefit of private organisations**. However, EMAS is also available for public organisations and even though these are not mainly guided by economic considerations, it is relevant that Member States provide also incentives in this sector especially to local authorities, who can set the good example for others to follow.

The revision of the second EMAS Regulation in 2007-2009 represents a turning point for the scheme. One of the objectives of the revision is to strengthen the regulation in such a way that incentives are more prominent and Member States more inclined to provide for incentives. By strengthening the system of reporting on environmental performance and the mechanism guaranteeing organisations' compliance, regulators might be inclined to effectively provide for more incentives than is currently the case.

Member States have to develop **policies on incentives together with long-term incentive programmes to encourage the best practices**. The Commission will continue to provide the technical assistance and information support necessary for the implementation of EMAS in private and public organisations.