

Basic information	
2008/0154(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Community eco-management and audit scheme (EMAS): voluntary participation by organisations Repealing Regulation (EC) No 761/2001 1998/0303(COD) Subject 3.70 Environmental policy 3.70.20 Sustainable development	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	ENVI Environment, Public Health and Food Safety		MCAVAN Linda (PSE)	01/10/2008
	Committee for opinion		Rapporteur for opinion	Appointed
	ITRE Industry, Research and Energy		The committee decided not to give an opinion.	
	IMCO Internal Market and Consumer Protection		The committee decided not to give an opinion.	
Council of the European Union	Council configuration		Meetings	Date
	General Affairs		2970	2009-10-26
European Commission	Commission DG		Commissioner	
	Environment		DIMAS Stavros	

Key events			
Date	Event	Reference	Summary
16/07/2008	Legislative proposal published	COM(2008)0402 	Summary
02/09/2008	Committee referral announced in Parliament, 1st reading		
17/02/2009	Vote in committee, 1st reading		Summary

20/02/2009	Committee report tabled for plenary, 1st reading	A6-0084/2009	
02/04/2009	Decision by Parliament, 1st reading	T6-0210/2009	Summary
02/04/2009	Results of vote in Parliament		
02/04/2009	Debate in Parliament		
26/10/2009	Act adopted by Council after Parliament's 1st reading		
25/11/2009	Final act signed		
25/11/2009	End of procedure in Parliament		
22/12/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0154(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 761/2001 1998/0303(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 192-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/66005

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE418.109	19/12/2008	
Amendments tabled in committee		PE419.878	02/02/2009	
Committee report tabled for plenary, 1st reading/single reading		A6-0084/2009	20/02/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0210/2009	02/04/2009	Summary
Council of the EU				
Document type		Reference	Date	Summary
Draft final act		03628/2009/LEX	25/11/2009	
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(2008)0402 	16/07/2008	Summary

Document attached to the procedure	SEC(2008)2121 	16/07/2008	
Document attached to the procedure	SEC(2008)2122 	16/07/2008	
Commission response to text adopted in plenary	SP(2009)3507	25/06/2009	
Follow-up document	COM(2017)0355 	30/06/2017	Summary
Follow-up document	SWD(2017)0252 	30/06/2017	
Follow-up document	SWD(2017)0253 	30/06/2017	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0347/2008	12/02/2009	
EESC	Economic and Social Committee: opinion, report	CES0340/2009	25/02/2009	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Regulation 2009/1221 OJ L 342 22.12.2009, p. 0001	Summary
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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.

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

2008/0154(COD) - 16/07/2008 - Legislative proposal

PURPOSE: to increase the efficiency and attractiveness of the Community Environmental Management and Audit Scheme (EMAS).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: a large scale evaluation study has been carried out by the Commission which, together with input from the various stakeholders in the scheme, identified both the strengths and weaknesses of EMAS and proposed new options on how to improve the effectiveness of the EMAS Regulation.

CONTENT: the purpose of this proposal is four-fold:

- to increase the number of organisation that apply EMAS;
- to have EMAS recognised as a benchmark for environmental management systems;
- to allow organisation applying other environmental managements systems to upgrade their system to EMAS;
- to create an impact beyond the EMAS registered organisations by requiring these organisations to take environmental consideration into account when selecting their suppliers and service providers.

In order to achieve these objectives, revision of the EMAS Regulation will focus on the political profile of the scheme and hence the number of organisations that apply the scheme. Fundamental changes include focusing on the needs of SMEs and small public authorities, the institutional set up and links to other policy instruments – Green Public Procurement in particular.

In brief the main modifications include:

- maintaining EMAS in the ISO 14001 standard;
- reinforcing compliance mechanisms;
- reinforcing environmental reporting;
- offering guidance on best practice in environmental management;
- harmonising rules and procedures for accreditation and verification;
- extending the geographical scope of EMAS;
- reducing the administrative burden and creating incentives; and
- promoting EMAS activities including the EMAS award and information campaigns at both a Community and a national level.

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.

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

2008/0154(COD) - 30/06/2017

The Commission presents a report on the review of implementation of Regulation (EC) No 122/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) and Regulation (EC) No 66/2010 of the European Parliament and of the Council on the EU Ecolabel.

EMAS (established in 1995) and the **EU Ecolabel** (created in 1992) are integrated parts of the product policy framework regarding sustainable consumption and production.

In 2013, the Commission committed to undertaking a **fitness check** (evaluation study and stakeholder consultation) of the EU Ecolabel and EMAS examining the two schemes in terms of their relevance, effectiveness, efficiency, coherence and their EU value added.

1) Evaluation of the two systems: the fitness check confirms the **useful role** of the schemes as voluntary instruments for businesses that facilitate transition to a circular economy and provide information on environmental performance of products and organisations to consumers and in business-to-business transactions.

However, it identifies **clear limitations of the two instruments** given their voluntary nature and the limited level of uptake for a number of product groups and the low awareness of the two schemes.

The limited use of the instruments reduces their overall efficacy:

the uptake of EMAS and the EU Ecolabel is not sufficient to achieve significant changes in overall consumption and production patterns;

for EMAS additional barriers are a: lack of integration into public policy in the form of incentives and relief from other regulatory requirements and the existence of a globally recognized and less demanding environmental management system (ISO 14001).

A full quantitative cost/benefit assessment has not been possible. However, 79% of the EU Ecolabel stakeholders found that the EU Ecolabel was a valuable tool and 95 % wanted to keep it either as it is or with changes. At the same time more than 70 % of all EMAS organisations surveyed found that they had improved or significantly improved performance on energy efficiency, use of materials, water consumption and waste production.

Since the schemes have not achieved major uptake across **Europe it is difficult to demonstrate full EU added value.**

2) Improving the effectiveness of the systems: the Commission considers it necessary to adopt a more focused approach to maximize impacts on the ground.

EMAS scheme: in 2017, the Commission will seek **confirmation of Member States' commitment** to the continuation of the scheme and the implementation of measures supporting a better take-up.

Depending on the support of Member States, the Commission will develop actions to further increase the added value of the scheme, these actions being based on:

additional opportunities to use EMAS as a tool for decreasing administrative burden and regulatory relief;

using the compliance required by EMAS to facilitate the implementation of environmental policies under energy, emissions to air, biodiversity, water or waste management;

EMAS's better integration into the implementation of the green action plan for SMEs;

taking into account the evolution of ISO Standard 14001 in 2015 and interaction between the revised standard and EMAS;

the replication of the measures implemented by Member States that achieved a significant number of EMAS registrations and recognized as best practices;

ensure efficient reporting channels from organisations to authorities so that EMAS verified environmental performance might be used to facilitate the implementation of other environmental policies.