



Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2008/0154(COD) 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		01/10/2008
		PSE MCAVAN Linda	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
	ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
European Commission	Council configuration	Meeting	Date
	General Affairs	2970	26/10/2009
	Commission DG	Commissioner	
	Environment	DIMAS Stavros	

Key events			
15/07/2008	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	Results of vote in Parliament		
02/04/2009	Debate in Parliament		
02/04/2009	Decision by Parliament, 1st reading	T6-0210/2009	Summary
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
	Repealing Regulation (EC) No 761/2001 1998/0303(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 192-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/66005

Documentation gateway

Legislative proposal	COM(2008)0402	16/07/2008	EC	Summary
Document attached to the procedure	SEC(2008)2121	16/07/2008	EC	
Document attached to the procedure	SEC(2008)2122	16/07/2008	EC	
Committee draft report	PE418.109	19/12/2008	EP	
Amendments tabled in committee	PE419.878	02/02/2009	EP	
Committee of the Regions: opinion	CDR0347/2008	12/02/2009	CofR	
Committee report tabled for plenary, 1st reading/single reading	A6-0084/2009	20/02/2009	EP	
Economic and Social Committee: opinion, report	CES0340/2009	25/02/2009	ESC	
Text adopted by Parliament, 1st reading/single reading	T6-0210/2009	02/04/2009	EP	Summary
Commission response to text adopted in plenary	SP(2009)3507	25/06/2009	EC	
Draft final act	03628/2009/LEX	25/11/2009	CSL	
Follow-up document	COM(2017)0355	30/06/2017	EC	Summary
Follow-up document	SWD(2017)0252	30/06/2017	EC	
Follow-up document	SWD(2017)0253	30/06/2017	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2009/1221](#)

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

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

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.

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

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

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.