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COMMISSION OF THE EUROPEAN COMMUNITIES

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COMMISSION STAFF WORKING DOCUMENT

accompanying 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)**

SUMMARY OF THE IMPACT ASSESSMENT

{COM(2008) 402 final}
{SEC(2008) 2121}

EXECUTIVE SUMMARY

Regulation (EC) N° 761/2001 of the European Parliament and of the Council of 19 March 2001 allows voluntary participation by organisations in a Community Eco-management and audit scheme (EMAS). EMAS should be the highest standard for environmental management especially by setting the following requirements:

- compliance with environmental Regulations,
- environmental statement (= performance report),
- employee involvement and
- setting up and maintaining a validation procedure.

These requirements can provide guarantees of continuous improvement in environmental performance by participating organisations. They also offer the possibility to use participation to demonstrate compliance with environmental legislation.

Regulation (EC) N° 761/2001 requires the Commission to review the scheme in the light of the experience gained during its 12 years of operation and propose appropriate amendments to the Regulations.

The EMAS regulation is revised with a view to meeting the objectives of the Better Regulation initiative, developed in the context of the renewed Lisbon strategy aiming at simplifying and improving existing Regulation, to better design new Regulation and to reinforce the respect and the effectiveness of the rules while reducing administrative burdens.

The revision process began in 2005, with the launching of a large-scale external evaluation study on EMAS and Eco-label including a broad stakeholder consultation.

The evaluation shows that at micro-level, EMAS is currently already achieving its objectives as it improves the environmental performance of participating organisations.

However, at macro-level, the scheme has not reached its full potential in terms of diffusion. Even though EMAS continues to grow steadily and has, at the beginning of 2008, almost 6,000 registered sites in the EU, it is still covering a relatively limited number of organisations. This is partially due to the scheme's unclear legislation, and its lack of focus on its real 'added-value' over and above similar schemes.

Three general policy options have been identified and analysed:

- (1) continuing with the present approach,
- (2) phasing out the scheme, and
- (3) substantially modifying the scheme.

In the option of **continuing with the present approach**, no substantive changes will be introduced to the scheme's content and level of ambition. The changes considered could only be of administrative / institutional nature, in order to make the current scheme run better. In

this option, only minor improvements can be expected because the underlying drivers of the low uptake of the scheme will not be remedied.

The option of **phasing out the scheme** aims at abolishing EMAS in the medium term. As with the option of keeping the system as it is, the overall environmental impact of this option will be negative.

The fact that the underlying drivers of the low uptake of the scheme are identified by the studies and the stakeholder and public consultation, offers the possibility to remedy these. A **substantial modification of the scheme** through the introduction of substantive changes is the only possible way to realise this. Because the original ideas behind EMAS remain valid from an environmental, economic, and EU policy perspective, it is proposed that this option should be pursued, and that the revised EMAS scheme should be strongly reinforced and developed, in order to significantly increase its up-take and make it become a true, sizeable alternative to traditional "command-and-control"-type legislation. EMAS should be more business-friendly and help the EU achieve its overall environmental objectives.

Even though a number of the measures imply budgetary implications for Member States or the European Commission, it is decided to introduce these measures because it is felt that there is a clear net over-all benefit.

To achieve these objectives, the revision of the EMAS Regulation should aim at essentially:

- (a) ensuring that it will be the best indication of environmental performance for external stakeholders and national enforcement authorities
- (b) raising its attractiveness for participating organisations and
- (c) increasing its user-friendliness, particularly for small organisations (SMEs and small public authorities).

The table below shows the causes that have been identified as contributing to the low uptake of the scheme as well as the options for improvement that are considered in this document.

<i>underlying drivers of the problem</i>	<i>options for improvement</i>
Lack of clarity with regard to the applicable legal environmental requirements	<p><i>Measures aimed at ensuring that the scheme is the best indication for external stakeholders and national enforcement authorities as regards performance improvement and legal compliance.</i></p> <p>strengthening and ameliorating the rules on legal compliance</p> <p>harmonising and strengthening reporting by the introduction of:</p> <ul style="list-style-type: none"> - core performance indicators and - sectoral reference documents <p>harmonising procedures for accreditation and supervision of verifiers</p> <p><i>Measures aimed at raising the attractiveness of the scheme for participating organisations, particularly for small organisations, by reducing the administrative burden for participating</i></p>
The system of reporting is not harmonised or uniform	
Procedures for accreditation and supervision of verifiers are not harmonised	

<p>Uneven promotion and marketing of the scheme in Member States</p> <p>Uneven support in the Member States of EMAS by way of financial, fiscal and market-related measures</p> <p>Organisational and financial barriers for implementation of EMAS</p> <p>Lack of clarity about the benefits of EMAS</p> <p>Coexistence of other environment management systems</p> <p>Insufficient integration with other community policies / instruments</p> <p>Limited geographical scope of EMAS</p> <p>Lack of clarity on how the system works</p>	<p><i>organisations and by increasing the visibility of participation in EMAS.</i></p> <p>increasing promotion and support for the scheme</p> <p>reducing burdens and creating incentives</p> <p>clarifying links and complementarities with other schemes</p> <p>creating possibilities for operational links and synergies with other EU legislation/instruments</p> <p>making EMAS global</p> <p><i>Measures aimed at making the scheme more user-friendly</i></p> <p>re-writing text Regulation</p>
	<p>integration of Guidelines in the Regulation</p>