

EMAS-Competent Bodies Forum

ANNUAL PEER REVIEW

2005

for the period 2003/2004

Function of Competent Bodies

Eco-Management and Audit Scheme EMAS



Executive Summary

The annual peer review of the Eco-Management and Audit Scheme (EMAS) 2003/2004 aims at assessing the various administrative schemes for the successful implementation of EMAS in the EU Member States and the countries of the European Economic Area (EEA).

The goal of sustainable development, which is now an integral part of the European Union objectives, called for the use of a wider range of tools for environmental policy, such as the Eco-Management and Audit Scheme. Participation in EMAS is voluntary and extends to public and private organisations operating in the European Union and the European Economic Area (EEA), but as EMAS has legal status within the EU Member States, it can take a very pro-active approach to environmental management issues in addition to other regulations and directives in the environmental sector.

A number of actors share responsibility for implementing and promoting EMAS in the European Union. The Commission develops and supervises the scheme at EU level¹, but the participating countries were obliged to create the registration and verification scheme at the national level, including Competent and Accreditation bodies.

The annual peer review is a monitoring report and situational analysis of the current status of EMAS implementation in the participating countries. It will therefore specifically look at how EMAS is administered at national level in the EU Member States and the EEA countries. A detailed questionnaire, sent to the participating European countries on March 30th 2004, was used to assess the various registration schemes of EMAS. As the questionnaire was purely descriptive, this peer review does not attempt to qualitatively evaluate EMAS in terms of impact, effect or efficiency, but gives a mere overview of the various administrative schemes.

From this overview it becomes evident that suspected apparent results - as regards to the patterns evident from the correlation of answers having been given by countries with the same political and administrative style (e.g. due to geographical location) as well as from the correlation between the answers that were given by different countries with the same CB structures - cannot be verified. Irrespective of administrative similarities found in some (or even all) countries, no correlation could be detected between certain types of registration schemes and the handling of e.g. the registration procedures, the understanding of legal compliance or the fee structures.

In conclusion, the overall findings with regard to EMAS are encouraging as the implementation of EMAS is actively pursued by the participating European countries (especially by the new EU Member States), however, further developments should be instigated to improve the performance of EMAS in Europe.

¹ The European Commission coordinates pan-European promotion activities, and has set up an EMAS Help desk for support in particular with requests from companies and the public.

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1. Introduction

1.1. Purpose, focus and objective of the annual peer review on EMAS

The EU Eco-Management and Audit Scheme is a management tool for companies and other organisations to evaluate, report and improve their environmental performances. The scheme has been available for companies since 1995 (Council Regulation (EEC) No. 1863/93 of 29 June 1993) and was originally restricted to the industrial sector, whereas of 2001 EMAS had been opened to all economic sectors including public and private services (Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001).

As stated in the regulation on EMAS from 2001, the purpose of the annual peer reviews on EMAS shall be to [...] *develop a common understanding of their (competent bodies') practical approach towards (EMAS) registration.* For this reason, these reports are not only to be transmitted to the Commission which shall then forward them to the Committee referred to in Article 14 of the EMAS regulation, but the report shall also be made public.

This annual peer review on EMAS will focus on assessing the answered questionnaires - agreed on by the participating countries and sent to them on March 30th, 2004 -, giving all relevant data on the implementation of the EMAS management system on national level, as e.g. the different administrative structures of the various registration schemes. The objective of this peer review on EMAS is therefore to give an overview of the data and information on the different administrative schemes of the participating countries and follow up with conclusions summarizing the various strategies and models.

1.2. Methodology: Analysis of the questionnaire

For acquiring the necessary information on the administrative schemes for EMAS, a descriptive questionnaire² was sent to the participating countries, asking for information and data on their applied schemes. The questionnaire had been conducted by the Netherlands based on a proposal of the Italian Competent Body for the Meeting in Barcelona 2000 and was submitted to the participating countries in March 2004. The questionnaire contains 53 questions which are divided into 11 categories³.

All questions are asked in an open-answer format and the recipients were asked to briefly outline and comment on the following:

² See Annex 1, p.37.

³ Including Part A of the questionnaire -*Contact information* - with 9 items. See Annex 2, p. 40.

- Part A: Contact Information**
- Part B: Background CB or CBs** - 5 questions asked
Example question: What was the way of designation of the CB?
- Part C: Decentralized CB structure** - 4 questions asked
Example question: What is the amount of CBs? How are they coordinated?
- Part D: Registration of new organizations** - 8 questions asked
Example question: Which documents/procedures are available for new registrations?
- Part E: Publication of registered organization** - 3 questions asked
Example question: How and where are registered organizations listed / published?
- Part F: Yearly update of registration** - 3 questions asked
Example question: What is the procedure for acceptance of deviation in the frequency of update in registration?
- Part G: Procedures for objections, appeal, suspension and deletion** - 4 questions asked
Example question: Is there the possibility for appeal on the decisions of the CB?
- Part H: Relation with accreditation body and verifiers** - 2 questions asked
Example question: Does the CB have formal contact with the accreditation bodies (if yes, sort and moment of frequency)?
- Part I: Fees** - 2 questions asked
Example question: Does the CB ask fees?
- Part J: Promotion tasks of CB** - 4 questions asked
Example question: Who is responsible for promotion of EMAS in the Member State - the CB or not?
- Part K: Data previous year and 2003** - 9 items asked
Example: Number of registered organizations until December 31st / Total number of registered sites

The questionnaire on the implementation of EMAS was completed by 24 countries⁴ and returned to the EMAS Working Group for the purpose of peer review. For reasons of a better logic the questionnaire has been taken apart and the different parts of the questionnaire were being assessed and summarized in three parts as follows:

1) Part A-D, H-I, K⁵ describe the organizational structure for the EMAS registration - the CB and its structure in the respective country, the coordination and cooperation of all involved parties, the EMAS

⁴ **EU Member States:** Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Portugal, Poland, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. **EEA countries:** Norway.

From the EU countries Greece and Luxembourg and from the EEA countries Iceland and Liechtenstein did not return the questionnaire.

⁵ In this part the questions will be assessed and summarized according the alphabetical order of the countries (their English names), see Annex 3, p.47.

registration procedures for organizations and companies including the fee structure and, if existing, data on registered companies in the years 2002/2003;

2) Part E, F, J deal with the procedures of updating the EMAS registration and with the publication and promotion of EMAS on national level, and

3) Part G separately assesses the procedures for objection and appeal of EMAS registration in all participating countries.

The description of the registration schemes for EMAS is entirely based on the questionnaires received from the participating countries. As not all questions were answered by some participating countries for unknown reasons the accordant information is missing in the brief summary of the EMAS scheme (Part 1: A-D, H-I and K) in the respected country.

2. Description of the registration and verification schemes for EMAS

2.1. Part A-D, H-I and K of the questionnaire – countries in alphabetical order

Austria

EMAS in Austria is coordinated by the *Umweltbundesamt* (Federal Environment Agency). To fulfil the function of the CB the Federal Minister for the environment avails itself of the Umweltbundesamt which is regulated by law⁶. The federal agency has a considerable financial independence from industry and trade and holds no business contacts with EMAS organizations. Through this, neutrality is meant to be guaranteed. The Ministry of Environment supervises the CB and all decisions are discussed in monthly meetings.

An application form is available of which the last version dates April 2004. After an application for EMAS registration has been handed in, the procedure follows a standardized process: A standard letter is sent to the local authorities to inform them about a new registration of a company and a standard letter is sent to inform the companies about the receipt of their application. Finally, a standard letter is sent to the companies to inform them about their registration while at the same time the local authorities are asked about infringements of environmental law of the same. An EMAS manual exists for internal use only.

In Austria local authorities are responsible for licensing and enforcement. The authorities are being informed by letter about the intention to register the organization/site for EMAS and the authority has six weeks time to give an answer if there are any infringements of environmental law. In addition, the environmental lawyer of each state is involved in the registration process and has the right to raise an objection. In Austria compliance with the EMAS regulation is ensured by checking the environmental statements of the company. If there is no negative reaction from the authorities and the environmental lawyer there is no interference in the registration process. By signing the application form, the management of the company registering with EMAS declares to accept the conditions brought about by the CB and by doing so formalizes their relationship. After registration, the organization gets a certificate of registration including the name of the organization or the site-name and its location and the signature of the Minister of Environmental Affairs. If there is an application by an organization with more than one site, the local authorities of each site are contacted and can react if there are any objections.

Through monthly meetings and permanent contacts, the CB has formalized its contact with the accreditation body and through at least three workshops per year, which are organized by the accreditation body, verifiers are informed by the CB about the result of checking the environmental statement.

⁶ Environmental Management Law (UMG) / Environmental control law (UKG).

The fee system for EMAS registration in Austria is very simple, as each registration costs 508,70 € Until December 31st 2003, 297 organizations were registered of which 19 were newly registered in 2003.

Belgium

Being a decentralized country, Belgium's CB structure is decentralized accordingly. There are five CBs which are responsible for the coordination of EMAS:

- The *Federaal Agentschap voor Nucleair Controle* (FANC)
- The *Federale Overheidsdienst-Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu - Directoraat-generaal Leefmilieu* (HEALTH)
- The *Institut Bruxellois pour le Gestion de l'Environnement / Brussels Institute voor Milieubeheer - Departement Environnement&Entreprise* (IBGE-BIM)
- The *Ministère de la Région Wallone - Direction Générale des ressources naturelles et de l'environnement* (MRW)
- The *Ministerie van de Vlaamse Gemeenschap - Afdeling Milieuvergunningen* (AMINAL)

All five decentralized government authorities have been designated by the Minister of Environment and authorized to act as CBs through a cooperation agreement between the federal government and the regional governments. They guarantee their independence and neutrality by being administrative public services. All five decentralized CBs use the same manual for procedures, have regular meetings and use the same fee system, but they all award different certificates of registration, all have individual websites for publication of registrations and all use different software. All five CBs alter in their function as the coordinating CB once a year⁷.

There are various documents available to guide organizations through the EMAS registration process in Belgium, such as a document on the registration procedures, a document on the registration conditions, the application form as well as a document on the procedure for consultation of the internal services (permits, inspections etc.) and the ISO 9001 form. The authorities responsible for licensing/enforcement are actively involved in the registration process as they receive a letter upon application and are asked for their opinion regarding the adherence of the organization with the environmental rules. A reaction is requested within 14 days. By reading the environmental statements the CB ensures compliance with the EMAS requirements. Compliance is assumed if the environmental statement presents a due validation, if the content follows the regulation prescriptions and if there is no negative advice from the authorities responsible for licensing/enforcement. By signing the application form, the management of the organization accepts the registration conditions and thereby formalises

⁷ Since March 10th 1995 an agreement of cooperation exists between the Federal State, the Flemish region, the Walloon region and the Brussels Metropolitan region to arrange the annual alternation of the coordinating CB.

its relation with the CB. As for an official certificate of registration, such is only delivered to organizations registering with EMAS under IGBE-BIM, MRW and AMINAL. On the registration certificates the name of the organization, its address, the responsible contact person, a registration number, date, scope of activities of the organization and all registered sites can be found as well as who the verification body and enforcement authority are. Applications for organizations with more than one site are handled on the basis of cooperation between the five local CBs – the CB of each site is informed of the candidature and cooperates with the other CB to take a collegial decision if there is any objection.

The relationship between the CBs and the accreditation body and the verifiers is somewhat formalized. The CBs are all members of the advisory board for EMAS-verifiers and contribute (there are about six meetings per year) to the production of the BELAC (La Structure belge d'Accrédiation) guidelines for the verification bodies.

None of the CBs in Belgium charges registration fees.

Cyprus

The *Environment Service* of the *Ministry of Agriculture, Natural Resources and Environment* (government authority) was designated by law⁸ as the CB for EMAS in Cyprus.

To guarantee the neutrality and independence of the CB, the Environment Service of the Ministry was specified as the CB. That way neutrality and independence is fully assured as there is no power to the Minister to change or intervene in the functions of the CB.

For the purpose of new registrations, application forms and registration conditions information are available to the organization. A letter of information is sent to the permitting authorities as well as the local authorities and a procedure is set up for submitting objections. The authorities responsible for licensing and enforcement are actively involved in the registration process as they are being asked for their opinion on the organization to be registered. The authorities have to answer within a period of 15 days from the date of the inquiry. No other parties than the ones mentioned above are involved in the registration process. Through the environmental statement and by the responses of the authorities the CB convinces itself about compliance with the EMAS requirements. By signing the application form, the management of the registered organization declares to accept the form with conditions and formalizes its relationship with the CB. A certificate of registration is given to the certified organizations including information (besides name and address) on the organization's scope of activities, the expiration date, the sites and the Verification body. Upon receipt of applications from organizations with more than one site, the permitting authorities are informed of the various sites by the CB.

⁸ Law No. 122(I)/2004

The CB has formal contacts with the accreditation bodies by informing them about new applications and reviewing the verification procedures. There is no direct contact with the verifiers.

Cyprus currently does not ask for registration fees, but a fee structure is planned for 2006.

Currently there is no data available on EMAS registration in Cyprus.

Czech Republic

The Czech Republic designated the *EMAS Council* by government resolution as the responsible CB, which is directed by the Deputy Minister of the Environment.

To guarantee the neutrality and independence of the EMAS Council, it is comprised (among others) of representatives of industry and NGOs. To supervise the Council's work, representatives of the Ministry of Environment are members of the Council and it is chaired by the Deputy Minister.

Organizations can apply for EMAS registration handing in an application form and providing the EMAS Council with a verified environmental statement. The authorities for licensing/enforcement are actively involved in the registration process as they have to provide the CB with a statement on the applicant including information on legal compliance. As the EMAS Council is not a registration body, it is the EMAS Agency that decides about registration. On the basis of the verified statement and the enforcement authority's standpoint the CB ensures compliance with the EMAS requirements. As soon as the organization applies for registration and the EMAS Agency sends back a letter notifying the organization about registration the relation of CB and registered organization is formalized. There is no certificate of registration given to the organizations. For organizations that have more than one site, the responsible enforcement authority provides its standpoint separately for each site.

In the Czech Republic the CB upholds formal contacts with the Accreditation bodies as a representative of the accreditation body is a member of the EMAS Council and there are occasional contacts if necessary.

The Czech Republic does charge registration fees.

The number of registered organizations in 2002 amounted to 9 of which 5 were newly registered and until Dec. 31st 2003, 1 organization was newly registered. The number of sites equalled the number of registered organizations, until Dec. 31st 2003, 10 in total.

Denmark

The CB for EMAS in Denmark is the central *Danish Environmental Protection Agency* in Copenhagen. Being responsible for the registration of companies with EMAS, this ministerial agency has been designated by statutory order to act as CB.

Companies that newly want to register with EMAS in Denmark can do so by filling out the application form available online.

The licensing and enforcement authority is informed about the application from a new organization and is asked whether they have any objections to the registration – objections are caused by legal non-compliance. As for registration, no other parties are involved and the CB ensures compliance with EMAS-requirements by carefully studying the environmental statements and by talking to the responsible licensing and enforcement authority. All registered organizations are given a certificate which contains the name and address of the organization, the site registered, a registration number, the date of first registration, the date of validation and the date of issue. Applications from organizations with more than one site are checked by looking if the environmental statement includes data and environmental objectives for all sites. If the organization registers for the first time, the local authorities are also consulted. In Denmark the relationship between the CB and the accreditation body is very good and the CB holds dialogues with the verifiers when necessary. If needed, meetings or telephone dialogues are held.

If a company in Denmark has no more than 3 sites, the registration costs are 1000DK (~140€) and for 4 sites or more 2000DK (~280€). In addition an annual fee is charged: 1000DK for 3 sites or less and 2000DK for 4 sites or more – the annual fee is paid when registration is renewed.

Until December 31st 2002, 129 organizations were registered in Denmark, until December 31st 2003, 124. The number of newly registered organizations accounted for 7 in 2002 and 5 in 2003. The total number of sites was 214 in 2002 and 215 in 2003.

Estonia

The *Estonian Environment Information Centre* (EEIC) is a state organization subordinated to the Ministry of Environment. This agency was designated as the CB for EMAS by a regulation of the Ministry of Environment and is therefore supervised by the Ministry.

As of 2004, Estonia had planned to have designed the following procedures and documents: 1) application form, 2) a procedure for registration, 3) a form of certification, 4) a standard letter to inform local authorities and 5) a procedure for submitting and handling objections against registration. The final set of documents and procedures was to be completed by the end of July 2004 (according to the EMAS implementation project led by the Netherlands). The authorities responsible for licensing/enforcement were planned to be actively involved in the registration process, e.g. by informing them about any intention to register an organization/site for EMAS. The organization shall be registered if there is no reaction within 14 days from the authorities. The authorities can ask for an extension of another 14 days for sending an official objection. If there is no objection coming from them, the CB assumes legal compliance with the EMAS requirements and will not refuse from issuing a registration certificate. Already in the registration application, the organization states to be in compliance with the EMAS regulation. The certificate issued for EMAS registration shows the EMAS logo, the name of the organization, the address, the NACE code, the registration number, the date of

registration, the statement that the organization is in compliance with EMAS requirements and can use the logo and the expiration date. Applications of organizations with more than one site have to go through the same application procedure as above for every site.

In Estonia there is no formal contact of the CB with the accreditation body or with the verifiers and there are no registration fees.

Until December 31st 2003, there were no companies registered in Estonia.

Finland

The *Finnish Environment Institute* (SYKE) is a centre for research and development in the environmental field. It is part of the national environmental administration under the Ministry of Environment. The Centre holds the legal position of a government agency and has been designated by law⁹ to act as the CB for EMAS. SYKE operates under the supervision of the Ministry of Environment.

Apart from the regular application form and a standard letter concerning the duties of the enforcement authority for EMAS, there is a written procedure for registration and refusal of registration. The licensing/enforcement authorities are asked about the legal compliance of the organization to be registered and in addition the CB checks the environmental statement and the verifier's report. Upon that the CB assumes legal compliance of the organization with the EMAS requirements. The administrative or formal relation between CB and organization begins when the registration is done. The applicant signs the application form declaring to comply with the EMAS regulation. A certificate of registration (in Finnish, English and German) is given to the organization which is valid for a maximum of three years. On the certificate, the standard information (name and address) can be found, additionally the NACE code, the registration number, the date of the registration and the expiration date. In case of organizations with more than one site, they are handled the same way as organizations with one site – each relevant enforcement authority is contacted.

The CB has no formal contact with the accreditation bodies and there is also no formal contact with the verifiers, only when necessary.

In Finland there is a 3-level fee structure for registration with three categories according to the number of sites included in the registration (1, 2-4 and 5 or more). In each category the fee is then defined according to the number of personnel. In addition each organization in Finland has to pay an annual fee – 250€ for the first site (or only site) in a registered organization and 125€ for every other additional site. The fee for deletion or suspension of registration according to Article 6 of the EMAS-Regulation is the same as the registration fee. There is no fee for canceling the suspension of registration.

⁹ Law 914/2002

Up until December 31st 2002, 41 organizations were registered in Finland, 39 until December 31st 2003. The total number of sites rose from 43 to 47 in the same time period. In 2002, 4 new organizations and 1 new site were registered (grouped to an EMAS organization), in 2003, 1 new organization and 5 new sites were registered (grouped to an EMAS organization).

France

The *Ministère de l'écologie et du développement durable*, a government authority, is the CB in France and is assisted in its work in the French EMAS Committee by the Trade and Industry Chambers Association (ACFCI). The documents/procedures available for registration are standard: application form, registration conditions, a standard letter to inform the local authorities and verify any problem with the applicant and an explanation of the registration procedure. If none of the local authorities responsible for licensing and enforcement have official objections, the organization will be registered. Other than the Ministry, the French EMAS Committee is involved in the registration process. The French EMAS Committee is made up of representatives of the industries, local collectivities, experts and verifiers, associations, consumers and public departments. The relation of the CB with the registered organization is formalized as soon as the organization accepts the conditions for registration by signing the environment declaration certified by the verifiers. The CB then signs the registration decision. The registered organization receives a certificate of registration including the name and address of the organization, possible sites having been registered, the scope of activities of the organization and the expiration date.

The CB upholds formal contact with the accreditation bodies as the CB is part of the public college of the French Accreditation Committee (COFRAC). The CB also holds regular contact with the verifiers as they have representatives in the French EMAS Committee.

France does not charge EMAS registration fees. Twenty-three organizations have been registered until December 31st 2003 in France

Germany

In Germany, the registration of EMAS is decentralized and coordinated by the *Association of German Chambers of Industry and Commerce* (DIHK), which is an association of public self-governing organizations. In total there are 62 CBs (42 Chambers of Industry and Commerce and 20 Chambers of Craftsmen) which have been designated as CBs by law¹⁰. Through this law there is an obligation to create / to have a coordination body and the position was assigned to the DIHK (through written agreement between CBs and DIHK) as it is the umbrella organization of the Chambers of Industry and Commerce. All CBs are public self-governing organizations, acting as authorities and the DIHK is a

¹⁰ Umweltauditgesetz (Environmental Audit Act)

non-profit organization acting as the authority in coordination. By being financially and legally independent from the interests of special enterprises and from enforcement authorities the CBs guarantee their neutrality. The CBs are jointly supervised by the regional Ministries of Economic Affairs and Ministries of Environment on their compliance with the relevant regulation.

All CBs in Germany use the same procedural manuals, the same certificates of registration and the same software. There is one common website for the EMAS registration¹¹ but in addition some CBs have regional websites for those organizations which have been registered by them. There are regular meetings of the CBs and the CBs are coordinated by an annual meeting and monthly emails inform about relevant topics for the registration procedure. Also, a general quality standard for registration has been adopted.

The documents and procedures for registration are standardized. There is a Quality Standard document describing the main steps for registration, an application form, and standardized letters for 1) the confirmation of receipt of application, 2) information to the relevant authorities, 3) decision to register/not to register. The authorities responsible for licensing/enforcement are actively involved in the registration process. All German authorities that are responsible for environmental matters can be found in a list that is available to the CBs on the internet. Upon application for registration the CB has to select the competent (local) authorities and inform them about the application, the authorities then have four weeks time to raise concerns. If relevant concerns are raised the registration process is stopped in which case the CB has to conduct a mediation procedure. The CB assumes legal compliance of the organization with EMAS by checking the decision made by the verifier about the environmental statement, participation of the responsible enforcement authorities, supervision of the verifiers. The relation of the CB with the registered organizations is formalized by public law (esp. the German EMAS-Act). Since 2001 an EMAS certificate is available in German and English for registered organizations, including a registration number, name and address of the organization, if relevant a description of the relevant entity, the name of the registering CB, the date of registration, the NACE code and an explanation of what the organization complies with. Applications from companies with more than one site are dealt with by the CB in which the head quarter is situated. If sites are outside the competence area of the registering CB, the other CBs (in which further sites are located) are informed. The CBs select all competent authorities and send out the inquiries. In the registration all covered sites of an organization are mentioned and if the organization applies for it, certificates for each site can be issued.

The CB keeps formal contact with the accreditation bodies. These participate in the annual meeting of the CBs and they also receive the monthly email being sent to the CBs. The CB has no formal contact with the verifiers, only in special cases concerning specific cases of registration.

In Germany, registration with EMAS costs between 230 and 880€ Follow-up registrations (a revalidation every three years) cost 75-450€ and a deletion of registration after breach of law between

¹¹ www.emas-register.de

150 and 880€ Germany distinguishes between simple, middle and complicated cases and the registration of small, medium sized and large organizations – all this in a matrix leads to the fee for registration. The fee for an organization having several sites across Germany can be raised. It has to be mentioned that not all CBs have the same fees for registration, although in 1995 a general recommendation had been made by the DIHK in its coordinating function. Some CBs in the East of Germany have reduced their fees for organizations by 10%¹².

The number of organizations has dropped from 2002 to 2003 from 2368 to 1799 and the number of newly registered organizations from 238 in 2002 to 205 in 2003. The total number of sites in 2002 added up to 2850 and in 2003 to 2165. The number of organizations with deviations in the frequency of updates has risen from an estimated 430 to an estimated 530 (small entities) from 2002-2003. The number of formal objections of authorities on new registrations amounted to 10 in 2002 and 8 in 2003 and the number of formal objections of authorities on existing registrations amounted to 4 in 2002 and 3 in 2003. In 2002 and 2003 there were each 3 complaints by other parties about EMAS registered companies and the number of suspensions was an estimated 100 in 2002 and 130 in 2003. In both years no organization was rejected for registration upon first application.

Greece

EMAS in Greece is coordinated by the Greek EMAS Committee which was designated as the CB through a Joint Ministerial Decision of the Minister of Environment, Physical Planning and Public Works and the Minister of Development. The Greek EMAS Committee has complete independence from industry and trade and holds no business contacts with EMAS organizations. Through this, neutrality is meant to be guaranteed. The Ministry of Environment supervises the CB and all decisions are discussed in meetings that take place approximately once a month.

A “generic” application form is used by organizations that wish to be considered for inclusion in the Greek EMAS Registry. After receiving the application, a preliminary check is carried out by the secretariat to ensure completeness of the file. A letter is then sent to the “Special Service of Environment Inspectors” and to the local authorities (prefecture) responsible for the environmental oversight of the organization to make sure that there are no pending complaints / legal procedures against the company on environmental matters. The file is then examined by the EMAS Committee which takes the Decision to recommend the inclusion of the organization in the EMAS Registry. Each decision is signed by the Minister of the Environment, Physical Planning and Public Works. A copy of the Decision is sent to the organization, through the Secretariat. A CD with the EMAS logo is also sent to the registered organization.

Registered organizations do not get a certificate of registration from the competent body. They only receive a certificate of verification from their verifier.

¹² E.g. due to lower costs for staff etc.

The CB has been in contact with the accreditation body mainly through informal channels but also through official mailings, trying to resolve issues related to the accreditation of verifiers for EMAS and the quality / requirements of the Environmental Statements.

There is no fee requirement for EMAS registration in Greece. Until December 31st 2003, 297 organizations were registered of which 19 were newly registered in 2003. The total number of sites added up to 264 in April 30th 2004. There was one formal objection about a new registration, one complaint from another party, 12 suspensions and 1-2 rejections of registration by the CB. As data for 2002 is missing, there is no indication on the development in EMAS registration from December 31st 2002 to December 31st 2003.

Hungary

The *National Directorate for Environment, Nature and Water* (NDENW) is a government agency, designated as the CB for EMAS by government decree. The Directorate is working under the supervision of the Ministry of Environment and Water. The supervision by the Member State is meant to be guaranteed by a high representative of the Ministry of Environment being a member of the Advisory Board of the CB which was planned to be set up in 2004.

So far there is an application form available for registration, but no information was provided by Hungary on the available procedures of registration.

In every case, the CB sends the environmental statement of the applying company to the first instance environmental authority which checks and informs the CB whether the organization or site is in compliance with the environmental regulations or not. Besides the licensing/enforcement authorities the Hungarian Accreditation Board as the Hungarian accreditation body gets involved by confirming if the verifier has accreditation in Hungary or in the other Member States. The CB analyses the environmental statement of the organization and waits for the opinion of the competent authority and the accreditation body to guarantee compliance of the organization with EMAS. In addition, the CB bases its conviction on earlier experiences with the company to be registered. By signing the application form, the management of the organization declares to accept the conditions of registration and thereupon upholds a formal relationship with the CB. In Hungary there is no certificate of registration available yet.

According to the government decree the accreditation body will have to send an updated list of verifiers to the CBs on a monthly basis, but with the verifiers themselves there will be no direct contact.

In Hungary there is no fee structure.

For the years 2002 and 2003 no companies have been registered.

Ireland

The *Irish National Accreditation Board* (INAB) was designated by the Department of the Environment as the CB for Ireland. INAB is a division of Forfas, the National Advisory Board to the Department of Trade, Enterprise and Employment. INAB itself is therefore a government agency whose board is made up of representatives from industry and government departments to guarantee its neutrality and independence. There are regular updates and meetings with the Department of Environment.

The documents available for EMAS registration are a standard application form, information regarding EMAS (which is to be found on the INAB website) and letters which inform the local authorities and the Environmental Protection Agency about pending applications. In any case, INAB contacts the enforcement authorities to ensure they have no objections to a particular organization being placed on the EMAS register before the registration process is being completed. If there is no objection from the enforcement authorities and the verifier also states there were no problems, INAB will assume compliance with the EMAS requirements. A relationship between the CB and the organization to be registered is established by signing the application form. A certificate is given to the registered organization with the name of the company, the EMAS registration number, the scope of the activities of the organization and the date of registration. Organizations with more than one site are each treated separately as per request from the company.

In Ireland the accreditation body is also the competent authority and as for the verifiers, there is only contact between them and the CB in case of queries on information sent as part of the application.

Ireland charges registration fees in form of an initial registration fee of 1290€ and annual registration fees of thereafter 640€

In 2002, 9 organizations were registered, in 2003, 8. One organization was newly registered in 2003 and the number of sites added up to 9 in 2002 and 8 in 2003. In 2003 there has been one voluntary suspension from registration.

Italy

The *Comitato per l'Ecolabel e per l'Ecoaudit – Sezione EMAS Italia* in Italy is a non-profit organization. It was designated by law as the CB and holds the legal position of a government authority. Independence criteria established by law for the designation of members in the Committee guarantee its neutrality. It acts under the supervision of the Ministry of Environment.

The procedure for registration with EMAS has been last updated in May 2004. In addition to the CB, the local environmental control authorities are involved in the registration procedure according to Article 6 of the EMAS regulation. To ensure compliance, APAT¹³ performs a technical assessment on

¹³ Agenzia per la protezione dell'ambiente e per i servizi tecnici

the environmental statement according to the the regulation requirements and the CBs guidelines. This technical assessment also includes inquiries to the competent environmental control authority about the organization. Once an organization is registered, the President of the CB sends a letter to the organization stating formally that the EMAS registration has been approved and communicating the assigned registration number. The certificate given to the organization shows the organizational data (name, address etc.), the NACE code, the number of registration, the date of 1st registration, the expiration date of the environmental statement and the date of the certificate. When registering organizations with more than one site, the CB acts the same way, the only difference being that APAT is requested to make inquiries to all territorial competent environmental control authorities. On the registration certificate though, only the name of the organization is reported.

In Italy, the CB acts as the accreditation body and the CB holds meetings with all accredited verifiers at least twice a year

Fees in Italy have to be paid according the size of the organization: Small enterprises pay 50€/year, medium enterprises 500€/year and large enterprises 1500€/year. For public authorities registering with EMAS is free.

In 2002, 126 organizations have been registered of which 43 were newly registered that year, in 2003, 177 organizations were registered of which 51 were newly registered. The total number of sites amounted to 160 in 2002 and 229 in 2003. For organizations with deviation in frequency of updates there is no data available for 2002 and 2003 as an exact counting procedure has not been established. In 2003 there were 5 formal objections of authorities on new registrations, 4 formal objections of authorities on existing registrations and 3 suspensions. There is no comparable data available on this for 2002.

Latvia

Designated through the law on environmental protection, the *Environmental Impact Assessment Bureau* is the CB for EMAS in Latvia. The Bureau is a government authority and is therefore an independent legal entity with decision making rights. The Bureau is overseen by the Ministry of Environment.

The documents/procedures available for new registrations are the 1) Regulations of the Cabinet of Ministers No 320 (“Procedures for the establishment and maintenance of eco-management and audit scheme registrar and organization registration”), 2) The Environmental Impact Assessment Bureau explanation of the registration procedure with a standard application form and, 3) The Environmental Impact Assessment Bureau instructions for submitting and handling objections. All regional environmental boards and other national and local authorities responsible for licensing/enforcement for each site receive a letter with information about an organization and its sites applying for registration under EMAS. Under the standard conditions stipulated by the law on administrative

process an answer by the authorities is required within 14 days – an extension can be requested for up to one month. For evaluating a suspected legal compliance breach, e.g. during a process of suspension or deletion, the Bureau may set up a multi-institutional commission of environmental authority representatives and experts to investigate the case. To ensure legal compliance with EMAS in the first place, the CB evaluates the environmental statement and confirmation letters from the authorities. The relation of the Bureau with the organization is formalized by signing the application form. A certificate of registration is handed out including all organizational data (name and address), registration number, NACE code, EMAS registration number, date of first registration, date of validity, and name of the bureau issuing the certificate). For organizations with more than one site, all involved local authorities are informed and asked to report on the legal compliance.

The formal contact between the CB and the accreditation body is upheld through the maintenance of formal correspondence within the frame of registration and the director of the accreditation body is a member of the EMAS working group. In Latvia there are no accredited verifiers.

There are no registration fees in Latvia.

There is no data available on EMAS registration for the years 2002/2003.

Lithuania

Through the order of the Minister of Environment the *Environmental Protection Agency* has been assigned the role of the CB for EMAS. This government organization is supervised by the Ministry of Environment and its neutrality is to be guaranteed by law.

Lithuania has not given detailed information on the documents/procedures available for registration, except that there is a scheme for registration, refusal of registration and suspension or deletion of the organization from the register. Legal compliance is to be guaranteed by the environmental statement. By signing the agreement form with the registered organization the relationship of the CB with the registered organization is formalized. A certificate of registration is given to the registered organization, including the name of the organization, address, scope of activities, expiration date, sites and the verification body.

Lithuania has no fee system for registration but is planning to charge registration fees in the future.

No data is available on registration in Lithuania for 2002/2003.

Malta

The *Malta Standard Authority* (MSA) is a public autonomous body not for profit, has been designated and holds the legal position of a government authority. Neutrality and independence is meant to be guaranteed by the fact that the Council of MSA is made up of representatives of various public and

private bodies. The MSA is supervised by the Parliament to which it has to submit an annual report including financial statements.

The documents available for registration are the application form (EMAS02/2004) and a document on the guidance to completing the application form. All local authorities in Malta, responsible for enforcement, are requested to provide feedback on the organization/sites to be registered. The organization will be registered if there is no negative feedback. Compliance of organizations in Malta is guaranteed through a legal advisor who ensures that legal compliance is met. If there is no reaction from the regulating authorities, the environmental statement is satisfactory for the assumption of legal compliance. By signing the application form the management accepts to abide by the terms of the regulation and the relation of the CB with the registered organization is formalized. The certificate of registration given to the organization shows the name of the organization, address, scope of activities of the organization, the NACE code and the expiration date. Organizations with more than one site go through the same registration process for each of their sites.

The accreditation body in Malta is part of the MSA (NAB-MSA) but with the verification bodies there is no formal contact.

The fee structure in Malta is based on the size of the organization to be registered: Small and Medium sized Enterprise (SMEs) or large organization / organization with more than one site. However, no information is given on the amounts charged.

In 2003, one organization was registered with EMAS.

The Netherlands

The *Stichting Coördinatie Certificatie Milieuzorgsysteem* (SCCM) is an independent not for profit organization and has been designated as the CB by an agreement with the Ministry of Environment. The SCCM is a foundation and the board of the SCCM includes representatives of industry and local authorities, which is to guarantee its neutrality and independence. A representative of the Ministry of Environment is a member of the supervision board and a yearly financial report has to be validated by an accountant.

The documents and procedures available for new registrations are a standard application form (N02), information on the registration conditions, a standard letter to inform the local authorities about applications, an explanation on the registration procedures of the SCCM, explanations of the latter for the local authorities and information on the procedure for submitting and handling objections against registration. All local authorities responsible for licensing/enforcement for each site receive a letter informing them about the intention to register an organization/site with EMAS. The organization will be registered if there is no reaction within 14 days. The authorities can ask for another 14 days for sending in an official objection. As proof of legal compliance the environmental statement is used and if there is no reaction from the local authorities the registration procedure continues. By signing the

application form the management declares to accept the form with the conditions and upon that formalizes its relationship with the CB. A certificate of registration is given to the organizations with name, address, scope of activities of the organization, expiration date, sites registered and information on the verification body. If an organization has more than one site, the local authorities are informed in advance and can react if there is any objection.

The SCCM holds formal contact with both the accreditation body and the verifiers. The accreditation board used the ISO Guide 66 as basis for the accreditation of verifiers and the SCCM is the advisory board for the EMAS-verifiers; it produces the guidelines for the verification bodies. Also, the SCCM has agreements with each verification body who are obliged to use the SCCM guidelines for verification. There is a meeting with all verifiers three times a year.

The Netherlands does not ask fees for EMAS registration.

For the Netherlands, data is available only for 2003. Until December 31st 2003, 29 organizations were registered. Three of those were newly registered and there were in total 32 sites. One organization has had a deviation in frequency of updates.

Norway

The *BrØnnØysund* (government authority) is responsible for the coordination of EMAS registrations in Norway. It has been designated as the CB by agreement with the Ministry of Environment. In Norway it is possible for the public to forward cases of EMAS registration to a higher authority or courts if wrong-doing is suspected. This is meant to guarantee the neutrality and independence of the CB. The CB is supervised by the Riksrevisjon, an independent inspectorate appointed by the Parliament¹⁴.

Available for new registrations are an application form, the registration conditions and a standard letter to inform the enforcement body (SFT¹⁵) of registration. The central enforcement body (SFT) is given a note about each new site/organization to be registered. This body notifies the local enforcement bodies if necessary. Registration takes place if there is no reaction within 14 days. Legal compliance is sought by checking the environmental statement and if the applicant's verifier has done its control. By signing the application form the management of the company thereafter declares to accept the form and the EMAS regulation conditions and formalizes its relationship with the CB. The certificate given to the organization upon registration includes data on the registration number, place of the organization/site, the ID-number of the Norwegian business register, the NACE code, the expiration date and date of the next registration, the verification body and all organizational data (name, address etc.). Organizations with more than one site are handled as described above.

In Norway there are formal contacts between the CB and the accreditation bodies and the verifiers. Formally, the CB meets three times a year with the accreditation body (together with the enforcement

¹⁴ Parliament controls all Government departments and authorities.

¹⁵ Statens forurensningstilsyn (Norwegian Pollution Authority).

body) and once a year with the verifiers. Informally, there is contact whenever necessary, related to the cases.

Starting in 2004, Norway has introduced fees for EMAS registration: 5000 NOK (~660€) for new registration (or re-validation every three years) and 3000 NOK (~390€) for yearly updates.

As for the data provided by Norway, it was only declared that in 2003, 42 sites were registered under EMAS.

Poland

In Poland the CB for EMAS is the *Ministry of Environment*. By law¹⁶, this Ministry was designated to act as the CB and its neutrality and independence is also to be guaranteed by law. The minister competent for environmental issues is obliged to keep a national register of organizations registered under EMAS and a register of environmental verifiers. Furthermore, Polish scheme also consists of: voivodes (regional competent bodies, who make the entry of organization to the voivodship registers, after the payment of registration fee, and keep voivodship registers of organisations), Polish Centre for Accreditation (accredits environmental verifiers), National Council of Eco-Management (shall be established as an opinion and counselling body of the minister competent for environmental issues).

Entry to the register of environmental verifiers is going to be made on application of a natural person or an organization. Detailed requirements will be prepared at some future date.

As far as the registration of organisation is concerned, it is planned to give a certificate to EMAS registered organizations. Everything mentioned above is laid down in accordance to the law regulations.

The fee system in Poland had been set up already, based on the law on Eco-Management and Audit Scheme and foresees a basic fee of 225€ multiplied by a coefficient dependent on the number of employees a company has: 0,005 for the public sector, for less than 5 employees x 0,10, 6-20 employees x 0,15, 21-50 employees x 0,25, 51-250 employees x 0,35, 251-500 employees x 0,50 and more than 500 employees x 1.

On the numbers of registered companies there is no data available for 2003/2004, as building of the Polish EMAS scheme has begun in November 2004. In that time, Phare project PL2002/000-605.05.01 "Implementation of EMAS in Poland", consisting of five contracts, has started. Project is aimed in strengthening of institutional framework of EMAS, which should effectively assist and promote organisation to register in EMAS scheme. Member State Consultant for Twinning Light is Institute of Environmental Management and Assessment (IEMA) from United Kingdom. In Technical Assistance projects, Polish government has input of specialists from Polish and Nederland consortia. Termination of the project is scheduled on forth quarter of 2005.

¹⁶ The Act of 12 March 2004 on national Eco-Management and Audit Scheme (EMAS), Dz.U.2004 Nr 70, poz. 631.

Portugal

The *Instituto do Ambiente* (Institute for the Environment) is a government authority and has been designated by law¹⁷ to act as the CB in Portugal. The institute guarantees its neutrality by the fact of being a government authority and the fact that involved parties are consulted. When contacted by the interested parties the CB provides all the information on EMAS. In Portugal there is no supervision of the CB due to its government status.

In Portugal there are the standard application form, a registration record, the registration conditions and the registration procedures available for new registration. The CB sends a letter to the General Inspectorate for the Environment, the Waste Institute, the Air Quality Department and the local authorities for environment and industry in the area where the organization is situated in order to verify if there are objections to the registration. In addition, the CB contacts other involved parties. Information about compliance is given to the CB by the consulted authorities, confirming legal compliance. The CB also consults the national accreditation body to get information on the verifiers' qualification. In addition, the CB reads the environmental statement validated by the verifier in order to check the validation adequacy. By signing a responsibility document with obligations and rights, the registered organization formalizes its relationship with the CB. A certificate of registration is given to the company after registration including all organizational data, scope of activities (NACE code), the sites registered, a registration number, the expiration date and information on the verification body. For organizations with more than one site, the local authorities of each site check if there are any objections.

There are both formal contacts with the Accreditation body and the verifiers. The CB also has a periodical relationship with the verifiers. The CB has already organized two workshops (2002/2003) to discuss the application of environmental legislation and to provide EMAS verifiers with competence and knowledge on the legal requirements for their activity.

In Portugal the fees for EMAS registration vary according to the organization's size. Small and medium sized organizations pay up to 744,87€ and large organizations up to 2234,61€ No information has been given on the requirements of size for small, medium or large.

In 2002, 3 organizations were EMAS registered in Portugal, 12 (+2 corporate registrations) in 2003. In 2003, 1 organization (+1 corporate registration) was newly registered. From 2002 to 2003 the number of sites rose from 3 to 16.

Slovakia

Together with the *Slovak environmental agency* (SAZP) – legally a government agency - , which is the registration body and provides the technical assistance, the *Ministry of the Environment* - a

¹⁷ Law on the designation on the national authorities responsible for EMAS in Portugal, definition of tasks and duties.

government authority - is the CB. Both have been designated to coordinate EMAS registration by a regulation of the Ministry of Environment (No.90/2004). The CB itself is governed by a committee of representatives of ministries, industry, verifiers, consultants and academics to guarantee neutrality and independence. It is headed by a representative of the Ministry of Environment for the purpose of supervision.

The procedure in Slovakia for “Registration of organizations in EMAS” includes the application form, a checklist for environmental aspects, a checklist for the environmental statement and a report on registration assessment. Before a registration is approved the Slovak environmental inspection gives a statement (based on thorough inspection) and all interested parties represented in the committee can express their opinion as the committee also has to agree with the registration. To guarantee legal compliance with EMAS requirements the organization has to provide a declaration of legal compliance. The authorities and the public can inform the CB any time about environmental breaches of the registered organizations. By signing the application form the management of the organization declares to accept the form with conditions and formalizes its relationship with the CB. A certificate of registration is given to the organization including all organizational data of the company, the NACE code, the expiration date, the sites registered and information on the verifier. In case an organization attempts to register more than one site, a description and contacts are required for separate sites and the responsible local authorities are asked.

There are regular contacts of the CB with the accreditation bodies as they monthly exchange information, e.g. announcements on new registration applications. Representatives of the CB are also in the committee for the verifiers exams and there is close contact with the verifiers during the registration assessment.

Slovenia has a three-level fee system. The application fee is based at the size of the organization: 2.000Sk (~54€) for small-, 20.000Sk (~538€) for medium- and 50.000Sk (~1345 €) for other organizations. Renewal of registration costs 500Sk (~14€) for small-, 5000Sk (~135€) for medium- and 15.000Sk (~404€) for other organizations. Re-instatement or suspension of registration costs 100Sk (~27€) for small-, 10.000Sk (~269€) for medium- and 25.000Sk (~673€) for other organizations.

In 2002/2003 one organization was registered. The total number of sites was 2, both in 2002 and 2003.

Slovenia

With the Environment Protection Act, Slovenia designated the *Ministry of Environment, Spatial Planning and Energy* as the CB for EMAS. Neutrality and independence of this government authority is guaranteed by the fact that the CB is a Ministry and that the advisory board for EMAS consists of all interested parties in Slovenia (NGOs, Ministries, Industry and Trade, Small and Medium Enterprises, Consumer Associations and local authorities).

In Slovenia an application form is available, whereas it was stated that all the other documentation is underdeveloped (it will be developed depending on the needs). Upon an application for registration the environmental inspectorate is informed about the intention of the CB to register a site/organization and has 14 days to reply in the case of disagreement. For guaranteeing legal compliance with the EMAS requirements the CB asks from the applicant a copy of the verified environmental statement and the report of verification written by the EMAS verifier. A formal decision issued by the Ministry (CB) according to the General Administrative Procedure Act then defines the relation between the CB and the applicant/registered organization. As of March 2004, Slovenia was still in the process of deciding on a certificate for the registered organization.

According to the Environmental Protection Act, the accreditation body is obliged to send the Ministry data on the accredited EMAS verifiers at least once a month or on request. The Ministry has the right to require all the necessary information on accreditation and verification procedures.

Application and registration fees for EMAS in Slovenia are to 18 €

No organizations have been registered with EMAS in 2002 / 2003.

Spain

By Royal Decree (85/1996) the *Dirección General de Calidad y Evaluación Ambiental* was designated as the coordinating CB for EMAS in Spain. By being a government authority the neutrality and independence is meant to be guaranteed.

Spain has a decentralized CB structure. In Spain there are 17 autonomous regions, of which 14 have designated their CB. The total number of CBs therefore added up to 15 in 2004. All CBs use similar manuals, certificates and software. The website of the Ministry includes all the registered organizations in Spain, but the regional CBs also have their own websites for the publication of the registries located in their regions. There are regular meetings of the CBs. Overall, the coordination of the regional CBs is done by the Ministry of Environment and they are assisted by one regional CB¹⁸.

For registration, an application form, the registration conditions, a standard letter to inform local authorities, an explanation of the registration procedure and an explanation for the local authorities are available. There is a procedure for submitting and handling objections to registration. In the registration process the regional enforcement bodies are involved. They are responsible for the environmental enforcement in each region and the CB sends them a letter informing them about the intention to register the organization/site with EMAS and at the same time inquiring about breaches. The organization will be registered if there is no reply within 20 days. Legal compliance is to be guaranteed by the environmental statement signed by the verifier and if there is no word from the enforcement authorities there is no reason for stopping the registration. As soon as the organization sends the signed application, the relationship with the CB is formalized. In Spain a certificate and an

¹⁸ The CBs rotate for his position, each one being appointed for two years.

official resolution paper are given to the registered organization. These documents include information on the organizational data, the expiration date, the registered sites, the verification body and the register number. For applications of organizations with more than one site, the local authorities of each site are informed in advance and can react if there are objections.

The accreditation board in Spain uses the ISO Guide 66 as the basis for accreditation. ENAC (Entidad Nacional de Acreditación) is the accreditation board for the EMAS verifiers and sets guidelines for the verification bodies. The Comité Técnico Asesor de Verificación Medioambiental is the advisory board for the EMAS verifiers and they meet twice a year. The frequency of contact of CB and verifiers depends solely on the CB.

In Spain only one of the regional CBs charges registration fees.

In 2003, 329 organizations were registered in Spain, 38 of those newly registered in 2003. There were 444 sites registered with EMAS and in 2003 there was one complaint about a registered organization by other parties.

Sweden

The *Swedish Environmental Management Council* (SEMCO) is an independent not for profit organization and has been designated as the CB for EMAS in Sweden by agreement with the Ministry of Environment. SEMCO is a company and its board includes representatives from central authorities and the business sector.

In Sweden an application form, information about registration conditions and procedures for submitting compliance with the EMAS requirements from accredited verifiers are in place. Also, the accredited verifier is involved in the registration process, with who the CB has a dialogue prior to registration. By requesting all applicants to sign the application form, which states the conditions to comply with, the relationship between CB and registered organization is formalized. In Sweden certificates are given to EMAS registered companies, including the name of the organization, the scope of its activities and the registration number. Applications from organizations with more than one site are handled differently depending if the applicant wants a registration of just a separate site or a corporate registration including specific sites.

In Sweden the accreditation body (SWEDAC – Styrelsen för ackreditering och teknisk kontroll) is member of the SEMCO board and the CB routinely contacts the accredited verifiers on a large variety of EMAS related issues.

The fees for EMAS registration are relative to the annual net sales of the company/organization with a maximum value and an annual fee in proportion to the registration fee with a minimum value (no further information was given).

In 2003, 113 organizations were registered of which 2 were newly registered and the total number of sites amounted to 115.

United Kingdom

The *Institute of Environmental Management and Assessment* (IEMA) is an independent not for profit organization which was designated to act as CB for EMAS by a Legal Memorandum of Understanding (MOU) with the Department for the Environment, Food and Rural Affairs (DEFRA). The Institute holds the legal position of a not for profit organization limited by guarantee and guarantees its neutrality and independence through having representatives of business, consultancy, education and the public sector on its board. The board is selected by the members of the IEMA. Safeguards for supervision are included in the legal MOU with DEFRA. These include requirements for regular meetings and contact with the Department for the Environment, Food and Rural Affairs.

The documents/procedures available in the UK for registration are an application form (July 1st 2001), a standard letter confirming receipt of an application, a standard letter to inform environmental regulatory authorities of the registration and requesting them to inform the CB if there is a problem, a guidance to regulators on breaches - what to consider and when to notify the CB-, a standard letter to the accreditation body requesting them to inform the CB if there is a problem and a checklist of issues for the CB to consider for processing the application. All applicable national regulators¹⁹ and local authorities responsible for licensing/enforcement for each organization get a letter to inform them about the intention to register an organization for EMAS. The organization will be registered if the regulators do not contact the CB with regarding problems with legal compliance. The regulators may request additional time to make their checks on the organization. The accreditation body is also contacted to ensure that there are no problems with the verifier's accreditation. The CB is convinced about compliance with the EMAS requirements when receiving a validated environmental statement signed on every page by the accredited environmental verifier. For each registration and renewal, the accreditation body is also sent a letter informing them that the organization (with the specific NACE code and verifier details) has applied. The registration will proceed if the competent enforcement authorities and the accreditation body raise no objections. By signing the application form and through the official letter of registration, the relationship of the CB with the registered organization is formalized. A certificate is given to all registered companies with organizational data (name and address), scope of activities and locations of the organization, expiration date and the registration number. In case of applications by organizations with more than one site, all relevant regulatory authorities and local authorities are contacted for each application and for each renewal of registration. The CB in the UK is a member of the accreditation body's (UKAS) Environmental Management System Technical Advisory Committee (EMSTAC). This meets at least twice a year and covers all

¹⁹ Environment Agency in England and Wales, Scottish Environment Protection Agency in Scotland, the Northern Ireland Environment and Heritage Service in Northern Ireland and the Dept. of Trade and Industry Oil and Gas Directorate for offshore applications.

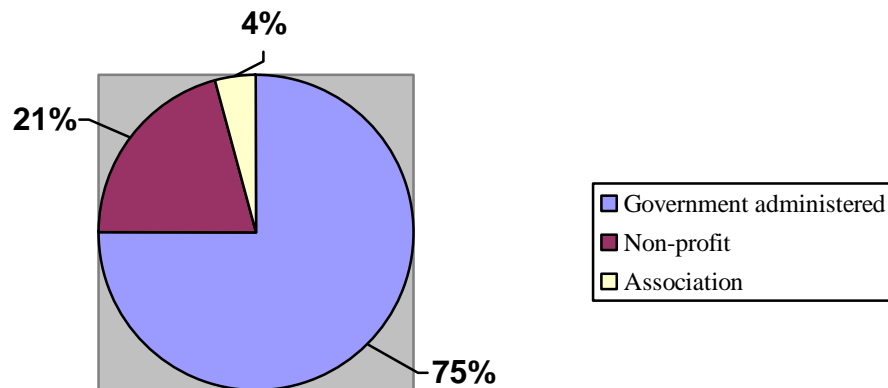
EMS (EMAS, ISO 14001 and Acorn) accreditation issues. With the verifiers, the CB holds contact only on an ad hoc basis.

In the UK fees are paid upon registration, so that the CB can start the registration process. SMEs and local authorities pay 700£ (~1120€) for registration and 350£ (~560€) for renewal, larger companies pay 1350£ (~2160€) for registration and 700£ for renewal and for multi-sites, 1800£ (~2880€) have to be paid for registration and 900£ (~1440€) for renewal.

In 2003, 77 companies were registered in the UK, 7 newly registered that year. The total number of sites amounted to 77 and there has been one formal objection of authorities on existing registrations and one suspension in 2003.

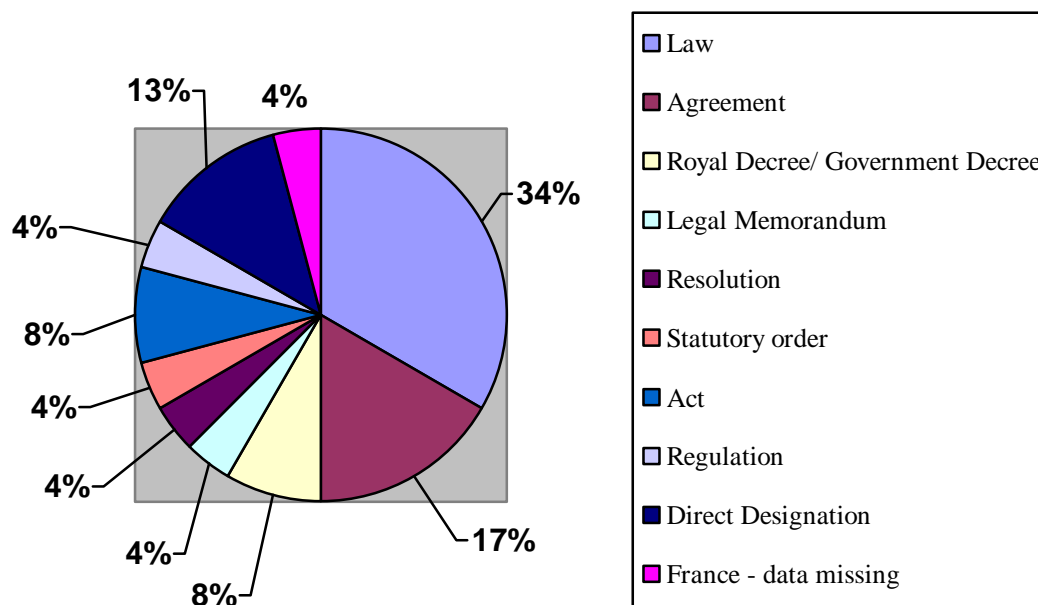
i. Graphical illustration of data

1. Administration of the EMAS registration schemes



In all 24 participating countries, the coordination of EMAS is either in the hands of the government (ministries, state organizations or government authorities/agencies), the non-profit sector or associations. 18/24 countries have a government administered scheme, 5/24 a non-profit sector administered scheme and 1/24 a public association administered scheme.

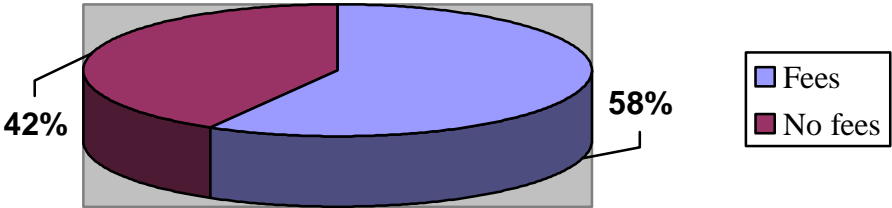
2. Way of designation of the Competent Body



The way of designation of the CB varies in the participating countries. Prominent is the designation of the CB through acts of public law: law (8), decree (2), resolution (1), statutory order (1), act (2), regulation (1) or legal memorandum of understanding (1) - total: 16 countries / 66%. Only 7 countries/

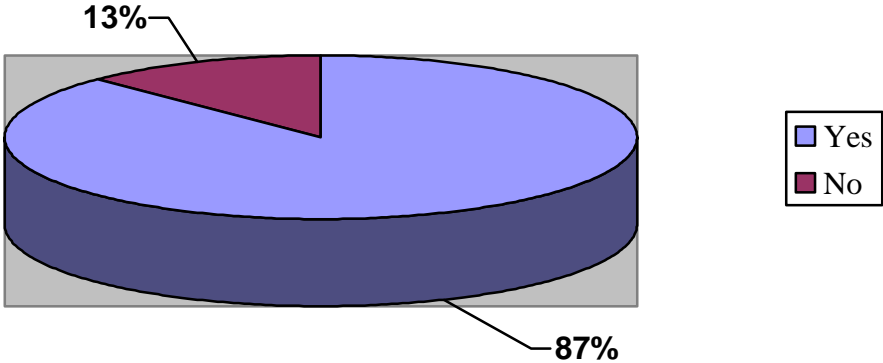
30% appoint the CB per direct designation (3) or by agreement (4). One country did not specify how it designates its CB (France).

3. Fees for EMAS registration



Fourteen of the countries participating in EMAS foresee registration fees, whereas 10 do not. The fee systems vary in structure and amount for registration – there are 7 countries which level the fees according to the size of the company (Slovak Republic, Portugal, Italy, Malta, Finland, Denmark, UK), 5 countries who have a set fee for registration and re-validation²⁰ - Slovenia, Austria, Germany, Ireland, Norway - and two countries which differ from both schemes: Sweden has fees according to the net sales of the organization and Poland charges fees upon the number of employees. Fee systems may contain fees for registration, yearly updates, annual fee, re-validation every three years, deletion, suspension and re-registration after suspension. The Competent Bodies Forum has decided to review the financing of Competent Bodies in an extended way in the Peer Review 2005/2006.

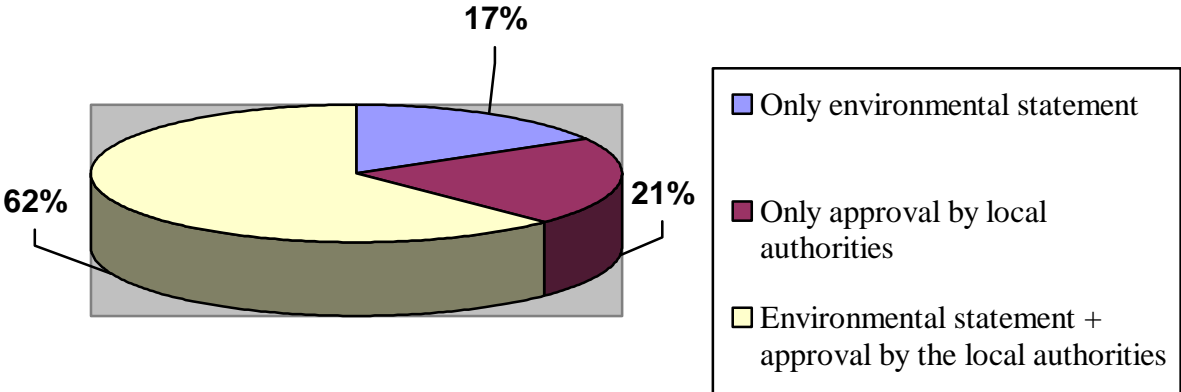
4. Certificate of registration



²⁰ This might differ from the original registration fee.

In all countries that issue certificates of registration (21/24), the information presented on these vary only in minor details. All certificates issued contain e.g. organizational data (name & address of the organization), the scope of activities of the organization and the expiration date of the registration.

5. Guarantee of legal compliance



In all 24 countries, legal compliance is assumed either on the basis of the environmental statement drafted by the applicant organization or the approval of registration by the responsible enforcement/licensing authorities. In most countries (15/24) it is a combination of both measures.

2.2. Part E-F and J of the questionnaire

E1. How / where are registered organizations published?

Twenty-two countries responded. Of the twenty-two respondents, twenty-one confirmed publication of their EMAS register on a website. In addition, six respondents indicated that additional reports are made. All CBs confirmed that they publish their registers of organisations.

E2. How often is the list published?

Twenty-one countries responded. All respondents stated that they update their EMAS registers at least on a monthly basis. Eighteen CBs update their lists after every change.

E3. How are organizations published with more than one site?

Twenty countries responded to this question. Seven CBs do not include site details on their EMAS register, six CBs include the site names in the register and two CBs include the site names and addresses in the register. The responses of four CBs were unclear and did not directly answer the question and one CB did not answer the question.

F1. What is the procedure for acceptance of deviation of frequency update?

Eighteen responses were received on this question. One CB stated that no deviations are allowed, seven CBs stated that it was for the organisation to decide, one CB stated that it was for the CB to decide, two CBs stated that they did not have a procedure, one CB stated that there is dialogue with the verifier in such case and one CB holds dialogue with the verifier and the organisation. Two responses were unclear.

F2. What are the procedures / methods of following yearly updates?

Twenty-two responses were received on this question. Eleven CBs perform monthly checks, five CBs perform checks (frequency not specified) and one CB responded that it does not have a procedure. Four CBs stated that they only send out reminders, but it was unclear what checking is done. One response was unclear.

Five CBs stated that they send out reminders to the organisation *before* the renewal of registration is due.

F3. What is the procedure for acceptance of yearly updates?

Twenty-one responses were received. Seventeen responses confirmed that they check the statement and declaration from the verifier. One response indicated that there was no procedure, two responses were unclear and one CB did not respond.

J1. Who is responsible for promotion in Member State (CB or not)?

Twenty-two responses were received. Eighteen responses identified a government ministry with responsibility for EMAS promotion, two respondents stated that the responsibility is shared between an independent CB and the ministry, one respondent stated that the CB, which is independent of government, is responsible and one respondent stated that the CB is not responsible, but did not indicate who is responsible.

J2. Role of CB in EMAS promotion?

Twenty responses were given. Nineteen respondents indicated that CBs carry out promotional activities, one response was unclear and two CBs provided no response.

J3. Promotional material

Four CBs indicated that they did not have their own promotional material (government might have), fifteen CBs produce information on the web, fourteen produce brochures and leaflets and seven produce guidelines. Four CBs prepare other material, such as drafting press articles.

J4. Promotion activities

Twenty responses were received. Nine confirmed that they answer questions by phone/ email, twelve CBs provide information, guidelines and advice and twelve CBs attend conferences/ exhibitions etc.

2.3. Part G of the questionnaire

G1. Title / number and version of documents / procedures for objections of authorities?

The questionnaire sent to the 24 participating countries asked if the CB's have procedures on objections coming from an authority (accreditation body, enforcement body, a third party or from the CB itself) against a registered organization possibly leading to a decision by the CB of suspension or even further to deletion of the registration.

The majority of CBs, 16 states, have procedures on suspensions in place. In 8 states there are no adequate procedures in place. Of those, some follow the EMAS tool kit, whilst others have their procedures under preparation.

For all the CBs the scenario for deletion seems to be equal to the one of suspension.

Looking at the replies from the CB's, hardly any one has referred to their procedures in detail. Thus, there were problems assessing the procedures for objection, suspension and deletion of registrations.

But it can be summarized that nearly all CB's have procedures for submitting and handling of objections to registration.

There are written procedures by nearly all states with 2 (?) exceptions which have a procedure under preparation. The procedures are (either) laid out as administrative rules (most states), manuals, regulations or law (e.g. Germany and Spain).

G2. Short explanation of the procedure?

Most of the CBs have stated that they have procedures for submitting and handling objections against registration. Hardly any country did however distinguish between new registration or re-validation of registration. Very few countries have described their procedures in detail. Hence, one cannot be sure whether the countries have procedures for both scenarios or if they are the same.

And though the descriptions of the procedures on objection, suspension and deletion vary (in level of detail and clarity), the following general descriptions of the procedures could be set up (a summary of the information the 24 participating countries have delivered):

Procedure of objection before registration of a new organization:

If there is an objection from an authority before the organisation is registered under EMAS (or if the CB itself while performing its quality control finds non-compliance with one or more requirements of the regulation, or a too strong deviation from the standards for registration), the organisation should be given the opportunity to rectify the problem. If the applicant is not able or willing to solve the problems within a given time limit, the CB will refuse registration.

Procedure of suspension:

In case of a request for suspension (temporary removal from register) and deletion from an authority or a third party on a registered organisation, or if the CB otherwise detects a serious non-compliance with the requirements, the CB establishes a hearing procedure with the organisation involved. Depending on the level/scale of the breaches, the CB will decide whether or not the organisation should be suspended for the time that the organisation is not in compliance with the EMAS requirements.

Procedure of deletion:

If the organisation fails to meet the demands of the CB - to prove its compliance with the regulation - the CB may decide to strike the organisation off the register.

G3. Is there a possibility for appeal on the decisions of the CB?

The answers in the questionnaire show that in 18 states²¹ the organizations have the possibility to appeal against the decision of suspension and against that of deletion made by the CB. Two states have appealing procedures under preparation and six countries have no appeal possibility (Belgium, Denmark, Cyprus, Poland and the UK – the Czech Republic is a case in doubt as the questionnaire only states that there is no “documented procedure”).

²¹ Austria, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Norway, Portugal, Slovak Republic, Slovenia, Spain, Sweden.

G4. *How is the appeal procedure organized?*

In the participating countries the appeal is handled by different institutions. Assessing the questionnaire, the following were identified:

- An independent appeal committee (or ad hoc appeal board) - Ireland, Malta, Netherlands, Latvia
- Appeal to the Ministry of Environment – Austria, Hungary, Slovak Republic.
- Appeal to the administration superior to the CB – Norway, Slovenia.
- Appeal to the courts - Germany, Finland
- Never happens (or there is no appeal possibility) – Belgium, Denmark, Cyprus, France, UK
- Uncertain - Czech Republic, Italy, Lithuania, Portugal, Poland, Spain, Sweden

3. Conclusions and analysis of findings

A majority of countries did not answer all of the questions on the questionnaire to the satisfaction of the reviewers (e.g. procedures were not referred to in detail).

Nevertheless, from assessing the information given, some overall conclusions could be drawn.

Of all 24 European countries participating in EMAS, the majority has a centralized approach to the registration scheme (21 countries) and only three have a decentralized registration scheme (Belgium, Germany and Spain).

From the data given on numbers of EMAS registered organizations/companies it could be calculated that overall 3 261 companies/organizations have been registered with EMAS in 2003²² of which 349 had been newly registered²³.

A majority of countries have designated a government authority as the Competent Body (18 countries/ 75%) and have assigned the necessary competences to the CBs by acts of public law (16 countries / 66%). Almost all new Member States to the European Union decided on this combination for their EMAS registration scheme – except for Malta and Lithuania.

In assessing the fee systems it is evident that except for Slovenia and the Slovak Republic, none of the Central and Eastern European Countries new to the EU charge registration fees²⁴, neither do the Benelux countries (Belgium and the Netherlands). It can be discussed if this is coincidental or due to the fact that e.g. the Benelux countries share a common political culture and therefore common administrative approaches or in the case of the CEEC countries due to other circumstances not evident from this first questionnaire on the EMAS registration schemes. As none of the other countries that share common political cultures and administrative approaches do not show commonalities in their registration schemes this is very unlikely though.

Nine out of the 14 countries that charge fees for EMAS registration base their fee system either on the size of the organization (7 countries), the net sales of the company to be registered (1) or the number of employees (1) and only five have a set fee system for registration and re-validation.

²² Seven countries (Estonia, Cyprus, Hungary, Latvia, Lithuania, Poland and Slovenia) did not deliver data on registration numbers, but these were without exception new Member States of the EU were most likely no registration has taken place that year or before.

²³ In addition to the seven countries not delivering data on the overall number of EMAS registered companies/organizations, Norway did not deliver data on this item either.

²⁴ Even in Slovenia and the Slovak Republic the fees are fairly low compared to the average in the rest of the participating countries (e.g. 18€ in Slovenia).

A big majority of countries (21 out of 24) distributes certificates of registration to EMAS registered companies also having in common the information provided on this certificate.

In all countries, the environmental statement and/or approval of local authorities is to give proof of legal compliance of the registered organization (a majority - 62% - only accepts a combination of both as proof of compliance with the EMAS requirements).

Suspected apparent results – e.g. as regards to the patterns evident from the correlation of answers having been given by countries with the same political and administrative style (e.g. due to geographical location) as well as from the correlation between the answers that were given by different countries with the same CB structures – cannot be verified. Irrespective of administrative similarities found in some (or even all) countries, no correlation could be detected between certain types of registration schemes and the handling of e.g. the registration procedures, the understanding of legal compliance or the fee structures and no commonalities were found.

As stated in the beginning, the overall findings with regard to EMAS are encouraging as the implementation of EMAS is actively pursued by the participating European countries (especially by the new EU Member States), however, further developments should be instigated to improve the performance of EMAS in Europe.

4. Annexes

Annex 1: Questionnaire on administrative management of EMAS

EMAS Competent Bodies - Questionnaire Peer Review process
Version 2004 March 30th

A	Contact information	Member State
A1	Member State	
A2	Name CB (or coordinating CB/organization if more than one)	
A3	Address	
A4	Post address	
A5	Phone	
A6	Fax	
A7	Email	
A8	Website	
A9	Contact person(s) + email	

B	Background CB / CB's	Member State
B1	Background organization (ministry/inspection authority/etc.)	
B2	Way of designation of CB (law, agreement etc.)	
B3	Legal position (government authority/agency/not for profit/profit organisation)	
B4	How is neutrality and independence CB guaranteed	
B5	How is supervision Member State organized	

C	Decentralised CB structure	Member State
C1	Amount of CB's (questions C2-C4 alone for more than 1 CB)	
C2	Who is responsible for designation of decentralised CB's	

C3	How is coordination of decentralized CB's organized: a Same manual with procedures b Same certificate of registration c Same software d Same website for publication sites e Regular meetings of CB's f Same fees	a yes/no b yes/no c yes/no d yes/no e yes/no f yes/no
C4	Explanation of coordination	

D	Registration new organizations	Member State
D1	Documents/procedures available for new registrations (number/last version)	
D2	Are authorities responsible for licensing/enforcement actively involved in registration process and how?	
D3	Are other parties involved in registration process and how?	
D4	How is CB convinced about compliance with EMAS-requirements	
D5	Is relation of CB with registered organization formalised and how	
D6	Is a certificate of registration given to registered organisations	
D7	Which information is put on the certificate of registration	
D8	How are applications handled of organisations with more then one site	

E	Publication of registered organisations	Member State
E1	How/where are registered organizations published	
E2	How often is list updated	
E3	How are organizations published with more than one site	

F	Yearly update	Member State
F1	Procedure for acceptance of deviation of frequency update (annex III, 3.4)	
F2	Procedure/method of following yearly updates	
F3	Procedure for acceptance yearly updates	

G	Procedures for objection, appeal, suspension and deletion	Member State

G1	Title/number/version of documents/procedures for objections of authorities or suspension and deletion	
G2	Short explanation of procedure	
G3	Is there possibility for appeal on decisions CB	
G4	If yes: How is this organised	

H	Relation with accreditation body and verifiers	Member State
H1	Has CB formal contact with accreditation bodies (if yes, sort and moment of contact and frequency)	
H2	Has CB contact with verifiers (if yes, sort and moment of contact and frequency)	

I	FEES	Member State
I1	Does CB ask registration fees	
I2	Explanation fee structure	

J	Promotion tasks CB	Member State
J1	Who is responsible for promotion in Member State (CB or not)	
J2	Role CB in EMAS promotion	
J3	Promotion material	
J4	Promotion activities	

K	Data	Member State	
		previous year	2003
K1	Number registered organizations 31 December		
K2	Number new registered		
K3	Total number sites		
K4	Number of organizations with deviation in frequency of updates		
K5	Number of formal objections of authorities about new registrations		
K6	Number of formal objections of authorities about existing registrations		
K7	Number of complaints other parties		
K8	Number suspensions during last year		
K9	Number rejected registrations by CB		

Annex 2: Contact information of the Competent Bodies

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Monika Brom (brom@ubavie.gv.at)

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1000 Brussels, Belgium
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HEALTH - Federale Overheidsdienst-Volksgezondheid, Veiligheid van de Voedseketen en Leefmilieu - Directoraat-generaal Leefmilieu

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Annex 3: The participating countries in EMAS in alphabetical order

- 1. Austria**
- 2. Belgium**
- 3. Cyprus**
- 4. Czech Republic**
- 5. Denmark**
- 6. Estonia**
- 7. Finland**
- 8. France**
- 9. Germany**
- 10. Hungary**
- 11. Ireland**
- 12. Italy**
- 13. Latvia**
- 14. Lithuania**
- 15. Malta**
- 16. Netherlands**
- 17. Norway**
- 18. Poland**
- 19. Portugal**
- 20. Slovakia**
- 21. Slovenia**

22. Spain

23. Sweden

24. United Kingdom