

Public consultation on the revision of the EU Eco-Management and Audit Scheme (EMAS) Regulation EC No 761 2001

A) Stakeholder profile

Please specify the location of your organisation's headquarters

AT - Austria
BE - Belgium
CY - Cyprus
CZ - Czech Republic
DE - Germany
DK - Denmark
EE - Estonia
EL - Greece
ES - Spain
FI - Finland
FR - France
HU - Hungary
IE - Ireland
IT - Italy
LT - Lithuania
LU - Luxembourg
LV - Latvia
MT - Malta
NL - Netherlands
PL - Poland
PT - Portugal
SE - Sweden
SI - Slovenia
SK - Slovakia
UK - United Kingdom
BG - Bulgaria
RO - Romania
HR - Croatia
OTHER - Other countries

Please specify your primary field of activity

Organisation registered to EMAS
Organisation previously registered to EMAS
Organisation (including private and publicly listed company) not registered to EMAS.
Member State Accreditation Body
Member State Competent Body
Public institution
Consultant
Verification / certification organisation
NGO
Member of the public

Please enter your contact details, e.g. name, company/organisation, address, phone number etc.

Confidentiality statement: Please state if your identity may be presented on the Commission's website for public access.

Yes

No

B) Your opinion on EMAS

Do you know EMAS?

Not at all

Somewhat

Fairly well

Very well

Do you see EMAS as:

Not a useful tool

A fairly useful tool, but which needs to be improved

A useful tool

The current system of reference

Please explain reasons for your position

What do you think are the main benefits of EMAS?

What do you think are the main shortcomings of EMAS?

What is in your view needed to improve the current EMAS scheme?

C) Options for EMAS revision

1) Make EMAS Mandatory for specific sectors / types of organisations

The evaluation study points to some cases in which Member States have enacted laws to make EMAS compulsory for specific highly polluting companies / sectors or companies located in high environmental risk areas. It also points out to some EU legislation already introducing mandatory requirements to companies to implement environmental management systems (e.g. Seveso II Directive).

Although interviewees agreed that all organisations from certain specific sectors (with high environmental risk/ high emissions/ high resource consumption) should implement environmental management systems, they did not welcome the idea of making EMAS compulsory for all these organisations, as this would run counter to the current voluntary character of the scheme. The study proposed options that would not make EMAS compulsory for all, but would be based on an approach to: 1) introduce a mandatory requirement to municipalities over a certain size to run an environmental management system and promote EMAS as the best tool to achieve this, and 2) make EMAS compulsory for all those in receipt of EU grants.

The Commission agrees that making EMAS compulsory for all organisations in a specific sector would run counter to the current voluntary character of the system. However, it also acknowledges that the existing compulsory applications of EMAS in Member States have not, in practice, caused major problems to the scheme or affected organisations. It also believes that public institutions and local authorities, especially the larger ones, should be strongly encouraged to participate in EMAS, as they set an example to others and have significant influence on the environmental performance of their citizens and organisations.

Do you support the option of introducing a mandatory requirement to public organisations and municipalities over a certain size, to operate an environmental management system and promote EMAS as the best tool to achieve this?

Strongly agree

Agree

No opinion

Disagree

Strongly disagree

Please explain reasons for your position:

Do you support the option of introducing a mandatory requirement to specific types of highly polluting companies / sectors or companies located in high environmental risk areas to operate an environmental management system and promote EMAS as the best tool to achieve this?

Strongly agree
Agree
No opinion
Disagree
Strongly disagree

Please explain reasons for your position:

Do you support the option of introducing a mandatory requirement to organisations receiving EU funds to operate an environmental management system and promote EMAS as the best tool to achieve this?

Strongly agree
Agree
No opinion
Disagree
Strongly disagree

Please explain reasons for your position:

2) Further strengthen EMAS and create a clear image for the scheme as the 'only one' that credibly guarantees compliance with environmental legislation and continuous environmental performance improvements.

The evaluation study highlights that although EMAS participants perceive their performance as being better than others, the scheme is still not considered as a "best practice" instrument for environmental management among industrial sectors or other types of organisation. This is particularly so for non-participants, mainly because the scheme and its advantages are not sufficiently well known in the market place. This perception, according to the study, can be enhanced by making EMAS a real 'standard of excellence' in environmental management.

The Commission broadly supports this conclusion. The results of the REMAS project -a major recent project funded by LIFE and among others the Environment Agency in the UK- confirm and go beyond the conclusions of the evaluation study. Following a detailed statistical analysis of the environmental performance of over 300 sites across Europe, the REMAS project concludes that out of all existing voluntary environmental management approaches, EMAS leads participating organisations to the best site environmental management activities and performances, making the scheme the best available on the market. The perception from the market, however, seems to be different.

In order to reconcile fact-based reality with perception, the Commission is considering the option of significantly 'raising the bar' to make EMAS the most robust and credible scheme of them all, so that it is clear to everyone that EMAS organisations not only comply with all relevant environmental legislation but that they are working harder than any others to continuously improve their environmental performance.

Do you support the idea that further strengthening EMAS to create a clear image as the very best scheme in the market will increase its uptake and profile?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

2.1) Strengthen Legal Compliance requirements

In order to enhance the perception of the scheme as the 'very best' in the market, the Commission considers revising the EMAS Regulation to strengthen and clarify further its existing requirements that EMAS organisations must demonstrate compliance with all relevant environmental legislation.

This would also help in positioning EMAS the only scheme providing credible evidence of compliance with environmental legislation to Member State regulators, thus opening the door for them to provide meaningful reductions in the administrative burden of EMAS organisations.

Do you support the proposed changes aimed at reinforcing Legal Compliance requirement in order to create a clear image for the scheme as the very 'best' in the market?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

2.2) Strengthen performance improvement requirements

In order to enhance the perception of the scheme as the 'very best' in the market, the Commission is also considering to strengthen and clarify further the existing EMAS requirement that participating organisations must publicly 'report' on their environmental performance, with the use of a mandatory set of Key Performance Indicators.

This would also help to better focus the scheme on the current EU political priorities (e.g. climate change, energy, etc) and position it more as a performance-based scheme, as opposed to a procedures implementation based schemes such as e.g. ISO14001.

Do you support the proposed change aimed at reinforcing Environmental Performance Improvement requirements in order to create a clear image for the scheme as the very 'best' in the market?

- Strongly agree
- Agree
- Disagree
- No opinion
- Strongly disagree

Please explain reasons for your position:

2.3) Strengthen indirect environmental aspects requirements

Although the evaluation study does not specifically cover this point, many Local Authorities consulted by the Commission have stressed the importance of improving the indirect environmental aspects (e.g. land-use planning) of their activities under EMAS, as the best way to bring important benefits to the environment.

The Commission acknowledges this point and is considering to strengthen the EMAS requirements that participating organisations must improve indirect environmental aspects, as well as direct ones.

Do you support the proposed change aimed at reinforcing the requirements to manage and improve indirect environmental aspects, in order to create a clear image for the scheme as the very 'best' in the market?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

3) Raise EMAS attractiveness for candidate and participating organisations

The evaluation study clearly highlights that participating in EMAS brings benefits: improved image, improved environmental performance and innovation capabilities, cost optimisation, improved capacity to meet regulatory requirements, etc.

However, the study also shows that the main barriers for participating organisations to remain in the scheme are the lack of external feedback and incentives. In addition, competitive advantages and better stakeholder-relations have been identified as the main motivations that would drive potential new applicants to participate in the scheme. These are therefore the aspects that need to be enhanced in a revised EMAS regulation in order to encourage much wider take-up.

The Commission broadly supports this conclusion. Although EMAS achieves the EU policy objective of significantly improving the environmental performance of participating organisations, it does not sufficiently meet the needs of EU organisations, which want public recognition, incentives and market benefits as a reward for their voluntary efforts. One of the important aims of the revision of EMAS should therefore be to seek to increase the attractiveness of the scheme for both candidate and participating organisations.

Do you support the idea that raising the attractiveness of EMAS to participating organisations will increase its uptake and profile?

Strongly agree

Agree

No opinion

Disagree

Strongly disagree

Please explain reasons for your position:

3.1) Reduce EU and Member State administrative burden for EMAS organisations

The evaluation study highlights the request by virtually all stakeholders consulted to better integrate EMAS with other legislation at EU and national level. This would allow candidate and participating organisations an easier and more effective implementation of these other pieces of legislation (e.g. IPPC permits), hereby providing them with incentives to join the scheme.

3.1.a) Create closer operational links between EMAS and other environmental legislation at EU level.

The Commission is considering the following options to better link EMAS and other EU legislation. For example:

- Amend Public Procurement rules to favour "green" companies
- Link EMAS and Emission Trading Scheme 3rd party verification activities

- Use EMAS as a the management system to cover environment-related issues in cross-compliance requirements in the agriculture and fisheries sector
- Integrated Pollution Prevention Control (IPPC) revision to contain a reduction in the administrative burden for EMAS companies.

Do you believe that the above changes aimed at better integrating EMAS with other EU legislation will increase the attractiveness of the scheme to candidate and participating organisations?

Strongly agree
Agree
No opinion
Disagree
Strongly disagree

Please explain reasons for your position:

3.1.b) Create closer operational links between EMAS and other environmental legislation at Member State level

The evaluation study also highlights that a better link between EMAS and national legislation is one of the most crucial changes needed to increase the uptake of the scheme. In order to achieve this, the Commission considers the option of revising the EMAS Regulation to oblige Member States to reduce the administrative burden of EMAS organisations, and to regularly report on what type of administrative burden reductions they provide to EMAS organisations.

Do you believe that the above changes aimed at better integrating EMAS with national legislation will increase the attractiveness of the scheme to candidate and participating organisations?

Strongly agree
Agree
No opinion
disagree
Strongly disagree

Please explain reasons for your position:

Do you believe that the above changes aimed at better integrating EMAS with national legislation will be enough to trigger Member States to provide these types of incentives to EMAS organisations?

Strongly agree
Agree
No opinion
Disagree
Strongly disagree

Please explain reasons for your position:

3.2) Intensify Member States efforts to provide financial, fiscal, market related incentives for registered organisations.

Along with the lack of recognition by public institutions and the lack of competitive reward from the market, the evaluation study highlights that one of the highest barriers perceived by organisations to enter or remain in the scheme, is the lack of external incentives provided to them. In order to overcome these barriers, the study suggests that Member States provide fiscal incentives (e.g. company tax abatements), incentives related to green public procurement, or support funding.

The Commission agrees that the current situation, which is characterised by only a few Member States providing a few incentives to EMAS organisations is not enough, and that all Member States should strive to provide more incentives to organisations which proactively go beyond what they are required to do, i.e. meeting legal environmental requirements. This is one of the most crucial changes needed to increase the uptake of the scheme and in order to achieve this, the Commission considers the option of revising the EMAS Regulation to oblige Member States to provide incentives, and regularly report on what type of incentives they have provided to EMAS organisations.

Do you support the idea that the above changes aimed at providing more Member State incentives to candidate and participating organisations will increase the attractiveness of the scheme to them?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

Do you support the idea that the above changes will be enough to trigger Member States to provide these types of incentives to EMAS organisations?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

3.3) Improve the use of the EMAS logo and the environmental report as more attractive communication tools for participating organisations.

The evaluation study suggests that the name 'EMAS' and the logo are still not well known in the market, and that the environmental report EMAS organisations must produce, is not well enough used as a communication tool in its current form. In order to make EMAS an EU 'brand' for organisations representing high environmental performance, the study proposes to

simplify the current very restrictive framework for the use of the EMAS logo and for the use of information extracted from the validated environmental report, as a way to increase their use by participating organisations and hence the visibility of the scheme in the market place.

The Commission agrees with the above conclusions and is considering drastically simplifying the use of the scheme's logo (e.g. allowing its use on products with a clear disclaimer to avoid confusion with product labels) and the design of the environmental report that EMAS organisations must produce, in order to make them more attractive communication tools.

Do you believe that the above changes aimed at providing attractive communication tools to participating organisations will increase the attractiveness of the scheme to them?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

3.4) Provide EMAS organisations with the possibility to create product information sheets externally verified under EMAS.

Regarding the specific point of the design of the environmental statement, the evaluation study suggests providing EMAS organisations with the opportunity to create product information sheets externally verified under EMAS, which could be used in purchasing calls for tender launched by their private customers in the supply-chain, or by public authorities. The Commission agrees that this proposal could increase the attractiveness of the scheme to candidate and participating organisations, and contribute positively to the Commission's current initiative of promoting green procurement.

Do you believe that this change aimed at providing innovative communication tools to participating organisations will increase the attractiveness of the scheme to them? innovative product sheets

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

3.5) Intensify EMAS promotion by Member States and the EU to highlight potential and achievements and give more recognition to EMAS organisations.

The evaluation study reports that when EMAS was introduced, it had been promoted heavily by only a few Member States and that over time this has been reduced to the current point

where some Member States spend little time or resource informing interested parties about the scheme. Many observers identify the resulting lack of political support and / or knowledge of EMAS (and subsequently the lack of reward by the market, stakeholders and public institutions) as one of the main barriers for the development of the scheme. The study proposes different means to increase the visibility of the scheme, e.g. targeted information campaigns jointly promoted by the Commission and Member States, introduction of mandatory EMAS promotion by Member States, increased European Commission promotion activities.

The Commission broadly agrees with the above findings and is giving consideration to improving and intensifying EMAS promotion efforts made by Member States and the EU in order to better explain and promote the scheme and give more recognition and visibility to registered organisations.

In order to increase EMAS promotion efforts at Member State level, the Commission is considering the option of revising the EMAS Regulation to strengthen the mandatory requirements for Member States to actively promote the scheme and regularly report on what type of promotion activities they undertake.

Do you believe that the above changes will increase the attractiveness of the scheme to participating organisations?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

Do you believe that the above changes will be enough to trigger Member States to actively promote EMAS?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

3.6) Professionalise the promotion of EMAS

In order to increase EMAS promotional efforts at EU level, the Commission is considering the option of:

- Professionalising and regrouping the EU marketing and promotional efforts for EMAS and the EU Eco-label within the separate agency / bureau planned under the Eco-label revision proposal.

- Creating an annual European EMAS awards event to reward frontrunners and increase the visibility of participants in the scheme.

Do you believe that the above changes will increase the attractiveness of the scheme to participating organisations?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

3.7) Open EMAS registration to organisations with operations in more than one Member State, or outside of the EU.

The evaluation study reports that many companies criticise EMAS for not being applicable, known, or useful at the international level, in particular for business relations outside the EU. All categories of interviewees believe that upgrading EMAS to an internationally recognised scheme would be a powerful incentive to candidate and participating organisations, as this would increase the competitiveness effect of the scheme and therefore, its development.

The Commission agrees with the above findings and, in order to enhance the visibility of the scheme and raise its attractiveness for organisations wishing to use EMAS as a communication tool to their international customers, is considering the option of revising the EMAS Regulation to:

- Allow for one single corporate level EMAS registration to cover different sites and subsidiaries in different Member States.
- Allow registration of organisations outside the EU.

Do you believe that the above changes will increase the attractiveness of the scheme to participating organisations?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

3.8) Gradual extension of EMAS towards sustainability

The evaluation study is positive about moving EMAS towards sustainability, but proposes a very cautious approach to doing so. Sustainability issues, such as 'fair trade' and child labour, are of interest to stakeholders but to add these to EMAS implies considerable modifications to the current scheme and is not recommended for this revision. In the short term, the study

recommends that EMAS should allow participating organisations to have the option, if they wish to do so, to report on additional topics, as well as their environmental achievements and improvement plans.

The Commission broadly supports the recommendation that extending EMAS towards a fully integrated sustainability scheme should not be pursued for this revision. 60% of EMAS organisations are currently SMEs and they may not be able to bear the additional costs and constraints related to an extension of the scheme.

Do you think that EMAS mandatory requirements should include sustainability issues?

Strongly agree

Agree

No opinion

Disagree

Strongly disagree

Please explain reasons for your position:

3.8.a) Offer the option of reporting on sustainability issues.

The Commission acknowledges the recommendation to provide EMAS organisations with the optional possibility to report on social / sustainable information and not to fully manage it with a sustainable management system).

However, the Commission also recognises that external verification of sustainability issues is still problematic, and that allowing the reporting of information not backed-up by a strong management system would go against the core value of EMAS being the most credible scheme on the market.

The Commission considers the option of adding to the Regulation a clear statement that EMAS is to be considered as meeting the environmental pillar of CSR.

**Do you think EMAS should include optional reporting on sustainability issues?
reporting on sustainability issues?**

Strongly agree

Agree

No opinion

Disagree

Strongly disagree

Please explain reasons for your position:

4) Increase EMAS user-friendliness and affordability for participating organisations

Although the evaluation study does not cover the issue of the user-friendliness of the scheme as a way to improve its attractiveness to candidate and participating organisations, it

highlights that one of the main barriers for organisations wishing to register to EMAS for the 1st time -especially for smaller organisations- is the cost of implementation, verification and registration to the scheme.

The Commission recognises the issue of the user-friendliness of the scheme as one important point to be improved in the next EMAS Regulation. It also agrees with the conclusions of the evaluation study regarding the various costs involved in putting in place, implementing and externally verifying the requirements of EMAS, and suggests that these should be reduced as much as possible in the future.

Do you agree that the above aims will increase the attractiveness of the scheme to candidate and participating organisations?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

4.1) Facilitate ISO14001 implementation for EMAS organisations.

In order to achieve the above aims, the Commission is considering to keep ISO14001 as the basic environmental management system that EMAS organisations must put in place, but to facilitate its implementation, by requesting Member States accreditation bodies and external verifiers to reduce their procedural requirements to EMAS organisations.

Although the evaluation study does not consider this issue, many stakeholders and interested parties consulted separately by the Commission confirmed that the way ISO14001 is currently assessed by verification / certification bodies means it is sometimes more procedural and costly than strictly needed for participating organisations, especially smaller ones.

The Commission has already published guidance recommendations to EMAS verifiers on the verification of SMEs, which deal with this issue. However, as these recommendations are not legally binding, they have largely not been followed.

The Commission is considering the option of extending these guidelines for SMEs to all EMAS organisations and re-writing the EMAS Regulation with the aim to request that Member States' accreditation bodies and external verifiers / certifiers take the necessary actions in order to reduce the procedural requirements for EMAS participating organisations.

Do you agree with this approach to re-writing the text of the EMAS Regulation?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

4.2) Re-draft the Regulation in a more logical and easier-to-understand way to make it easier for candidate organisations to apply

Although the evaluation study does not consider this issue, many stakeholders and interested parties consulted separately by the Commission confirmed that the current Regulation and its guidance documents are written in a way which is not always logical and easy-to-understand and that this is detrimental to the uptake of the scheme.

The Commission is therefore considering the option of re-writing the current Regulation with the aim to:

- 1) clearly identify the requirements of participating organisations and other actors,
- 2) explain the entire process of registration for each actor in a logical, step-by-step approach,
- 3) include the useful content of the current guidance documents in the Regulation to increase legal certainty and repeal all guidance documents.

Do you agree with this approach to re-writing the text of the EMAS Regulation?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position

4.3) Align and harmonise accreditation, external verification and registration procedures for EMAS organisations across all countries.

Although the evaluation study does not consider this issue, many stakeholders and interested parties consulted separately by the Commission confirmed that the different accreditation systems in Europe, using different procedures for accrediting EMAS external verifiers, as well as the EMAS competent bodies of each Member States using different validation and registration procedures for EMAS organisations, sometimes cause confusion and implementation problems for candidate as well as participating organisations.

While it is crucial to fully retain the subsidiarity principle when revising EMAS, the Commission recognises this as an issue that needs to be solved in order to reduce the 'bureaucracy' of the scheme and help organisations to concentrate as much as possible on what is important when implementing EMAS, i.e. improving their environmental performance, as well as providing further assurance to external stakeholders and interested parties that a robust external verification has been consistently applied to all EMAS organisations across Europe, hence also reinforcing the credibility of the scheme.

To achieve this, the Commission is considering the option of re-writing the text of the Regulation to clarify the role and requirements that Member States Accreditation and Competent Bodies have to fulfil at each stage of the EMAS process.

Do you agree with this approach to re-writing the text of the EMAS Regulation?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

4.4) Cut the red tape in the EMAS Regulation

In order to reduce the cost of running EMAS at EU level, and in order to maximise synergies and share best practices between EMAS and other schemes run at EU level, the Commission is considering regrouping the EMAS and Eco-label Committees into one single Committee, regrouping the EMAS and Eco-label helpdesk function, and regrouping and professionalising the marketing and communication functions of both schemes within the separate agency / bureau planned under the Eco-label revision proposal.

Do you support this approach?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

4.5) Introduce the possibility to register 'clusters' of organisations with EMAS.

The evaluation study reports that networking is one of the most important factors for fostering the diffusion of EMAS, especially among SMEs, and especially among organisations working in the same sector, or from different sectors working in the same geographic area, or both. Networking helps them reduce the cost and time of EMAS implementation, as well as share best practices. The study suggests allowing the registration of clusters of organisations to EMAS in the new Regulation, as a way to increase the number of organisations participating in the scheme.

Because SMEs often suffer from a lack time, resources and expertise in environmental matters, the Commission recognises that a simplified EMAS implementation procedure for small and very small organisations in connection to a cluster-based application of the scheme, especially when they operate in a homogeneous cluster such as an industrial district, a supply chain or a tourist area, may be beneficial to the uptake of the scheme. It is therefore

considering the option of introducing a specific article in the new EMAS Regulation allowing for 'cluster' registrations to EMAS.

Do you agree with this approach aimed at facilitating the implementation of the EMAS scheme for SMEs?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position:

4.6) Reduce EMAS registration fees

The evaluation study points out to the fact that one important difficulty met by small EMAS organisations in obtaining their first registration was the cost of implementation of the scheme. Micro-companies, in particular, indicated that lowering the cost of registration and verification would be important incentives to them.

Member States charge different fees for the registration of EMAS organisations: some do not charge any, some charge a fee according to the turnover of the company, which can sometimes be high.

Whereas the Commission recognises that registration fees do not represent the biggest cost out of the entire implementation cost of the scheme, they are the most visible, and also the only costs which are internal to the scheme and which the Commission could directly influence. The Commission is therefore considering the option of requiring Member States not to charge registration fees to EMAS organisations.

Do you support this approach to Member States EMAS Competent Bodies fees?

- Strongly agree
- Agree
- No opinion
- Disagree
- Strongly disagree

Please explain reasons for your position: