

April 2007

## **Report on the Public Consultation**

### **Revision of the EU Eco-Management and Audit Scheme (EMAS) Regulation (EC) No 761/2001**

**In line with the Commission's commitment to transparent and interactive policy-making, this document sets out to provide an overview and general impression of the feedback received by the Commission in the context of a public consultation. The statements and opinions expressed in the document do not therefore necessarily reflect those of the Commission.**

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## **1. Introduction**

### **1.1 Structure of the report**

This report presents an overview of the results of the Commission's public consultation on the revision of Regulation (EC) No 761/2001 (EMAS Regulation). The first part includes background information, as well as representativeness and limitations issues. The second section concerns the respondents involved in the consultation process. The main body of the report is the analysis of responses received from the internet questionnaire. The last part contains final conclusions. The Annex includes the standard questionnaire, the statistics on consultation outcomes and individual responses.

### **1.2 Background**

The Eco-Management and Audit Scheme (EMAS) is a voluntary EU instrument which acknowledges private and public organisations that improve their environmental performance on a continuous basis. EMAS-registered organisations must comply with environmental legislation, run an environment management system and report on their continuous environmental performance improvements through the publication of an independently verified environmental statement. They are recognised by the EMAS logo, which guarantees the reliability of the information provided.

The scheme was originally established by a Council Regulation in 1993 (Regulation (EEC) No 1836/93). It was revised for the first time in 2001 (Regulation (EC) No 761/2001). Article 15 of the EMAS Regulation states that the Commission should review the EMAS scheme in the light of the experience gained during its operation and propose appropriate amendments to the European Parliament and the Council.

The Commission began the current revision process in 2005 with an external evaluation study on the EMAS and Eco-label schemes.

This external evaluation shows that:

- at micro level, EMAS achieves its objective of significantly improving the environmental performance of participating organisations;
- at macro level, the scheme has not reached its full potential in terms of utilisation (5 000 registrations in Europe, which is only a very small proportion of the number of organisations that could potentially use the scheme);
- a radical overhaul is needed in order to increase its relatively low uptake in the market.

The next stage of the current EMAS updating process was the public consultation on the revision of the EMAS Regulation. This consultation was conducted between 22 December 2006 and 26 February 2007 in the form of a questionnaire, available on-line for anyone to fill in.

The report presents an overview of the outcomes of the public consultation.

### 1.3 Representativeness and limitations

The results of the consultation should not be seen as the opinions of the EU population as a whole, but as a representation of the views of those who are interested in the EMAS revision, aware of the consultation and able to fill in the questionnaire. The respondents had to have internet access and to know English due to the fact that questionnaire was only available in English. Responses were not received from all Member States.

The number of questionnaires completed was 214. The feedback was collected directly from different types of organisations, public and private institutions, NGOs, professional bodies involved in environmental management and certification, individual consultants and members of the public.

This report considers each questionnaire to be one vote despite the different kinds of respondent profile. This means that the responses of public institutions, organisations and companies carry the same weight as responses given by individual consultants or members of the public.

## 2. Respondents

The respondents were not evenly spread across EU Member States.

### 2.1 Respondents by country

Reactions were received from 23 countries. Around one-third came from Germany and over one-third from Italy, the United Kingdom, Spain and Romania. There were no answers from Lithuania, Luxembourg, Slovenia, Bulgaria or Croatia. There were also 3.3% of answers from non-EU countries.

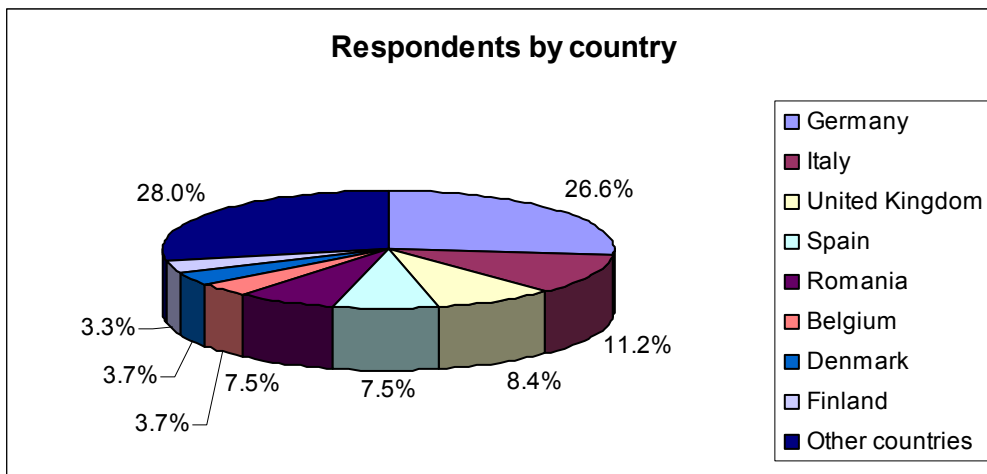


Figure 1

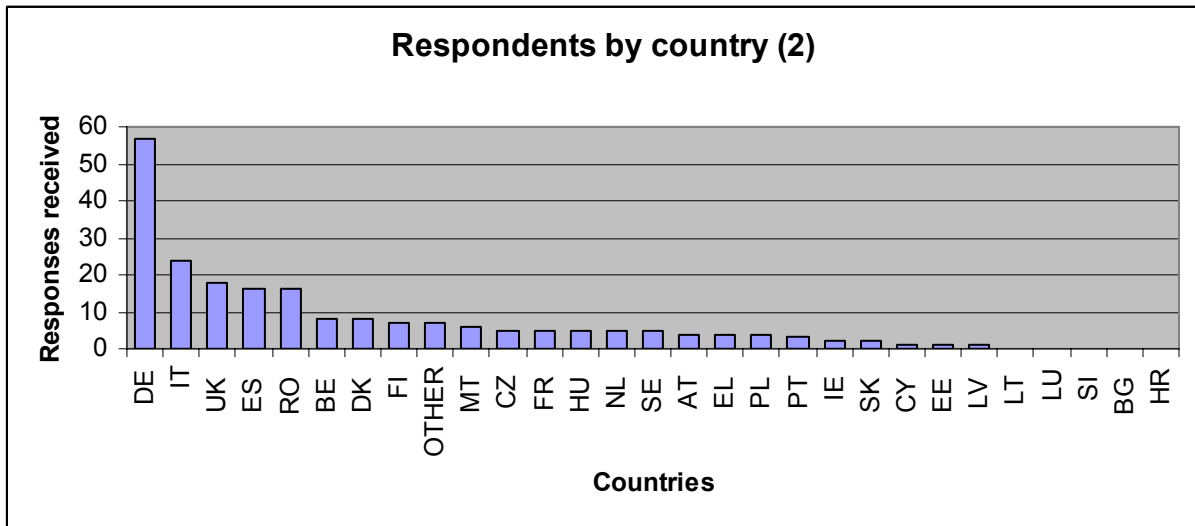


Figure 2

## 2.2 Respondents by field of activity

Most respondents (28.5%) were organisations registered with EMAS, 15.8% - public institutions, 14% - organisations (including private and publicly listed companies) not registered with EMAS and 11.8% - individual consultants.

Although the total number of respondents was relatively low, the spread between the different types of respondents adequately covers the major stakeholders involved in the EMAS scheme.

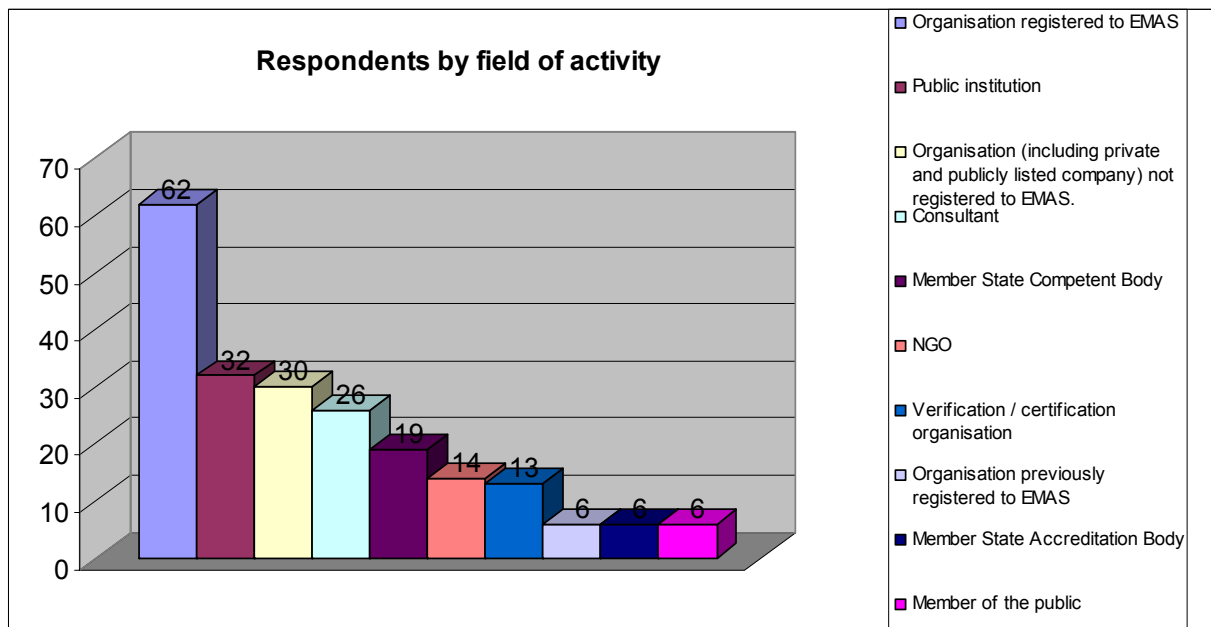


Figure 3

### 2.3 Breakdown of knowledge and opinions by respondent profile

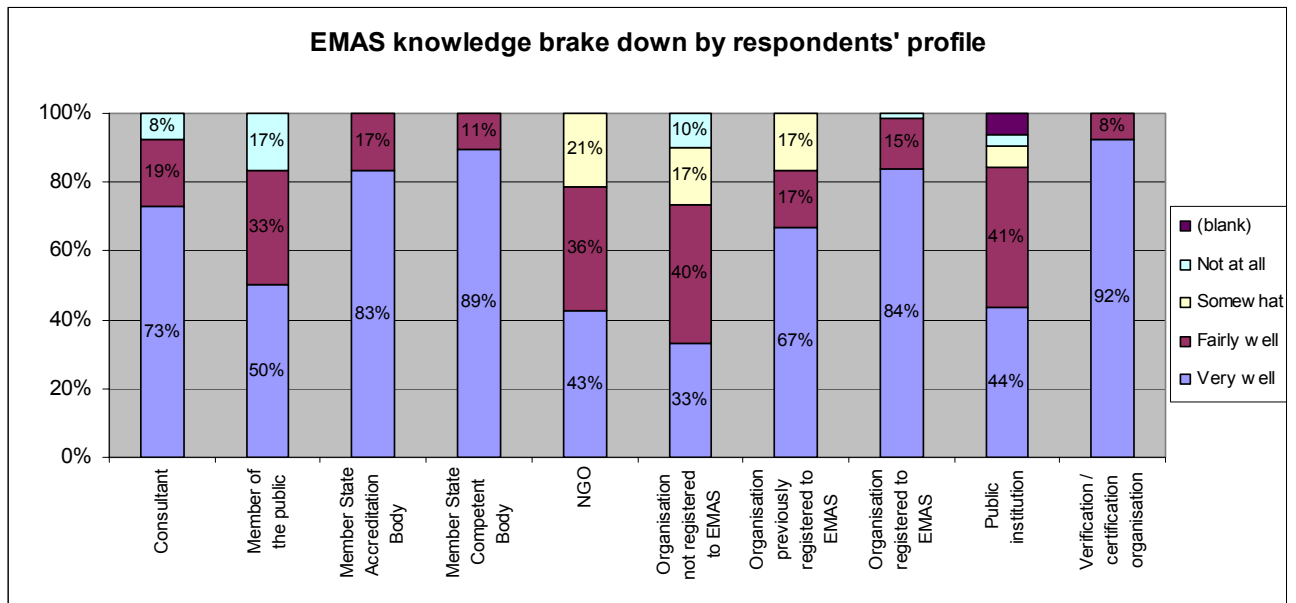


Figure 4

The highest level of knowledge on EMAS issues was declared by members of: verification and certification organisations (92%), MS competent bodies (89%), organisations registered with EMAS (84%) and MS accreditation bodies (83%).

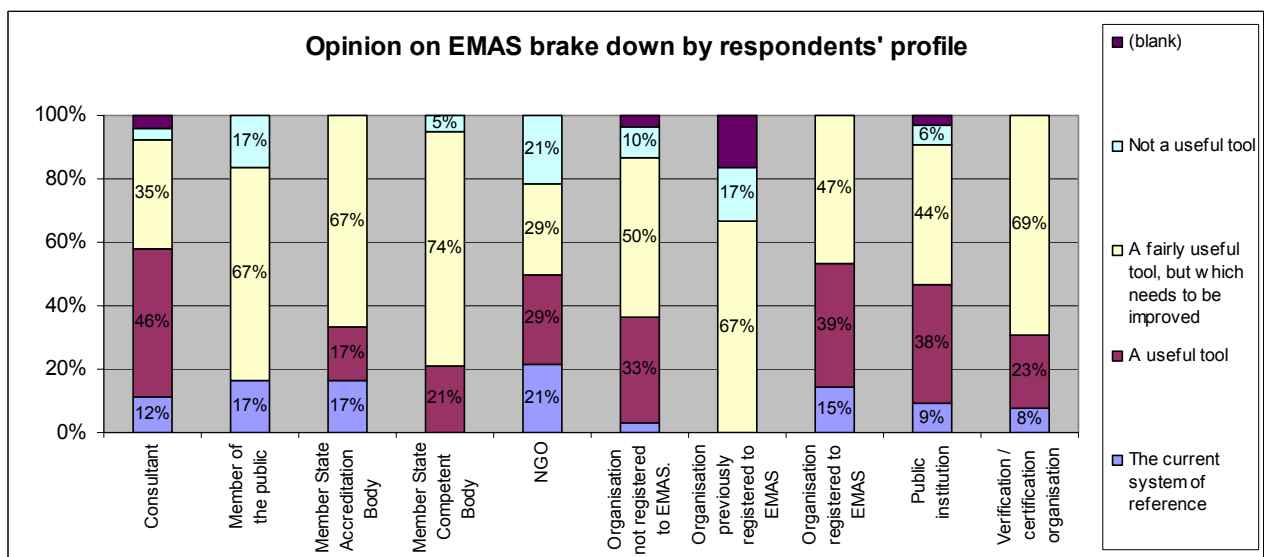


Figure 5

EMAS was cited as being a useful tool mainly by consultants (46%). Around 70% of MS competent bodies, verification and certification organisations, organisations previously registered with EMAS, MS accreditation bodies and members of the public regard EMAS as a fairly useful tool, but that it needs to be improved.

### 3. Responses per issue

#### 3.1 Opinions on EMAS

About 91.1% of respondents declared that they know EMAS very well or fairly well and 83.8% of them see EMAS as a useful or fairly useful tool. The reason for this seems to be the stakeholder profile - the questionnaire was addressed to professionals interested in EMAS issues.

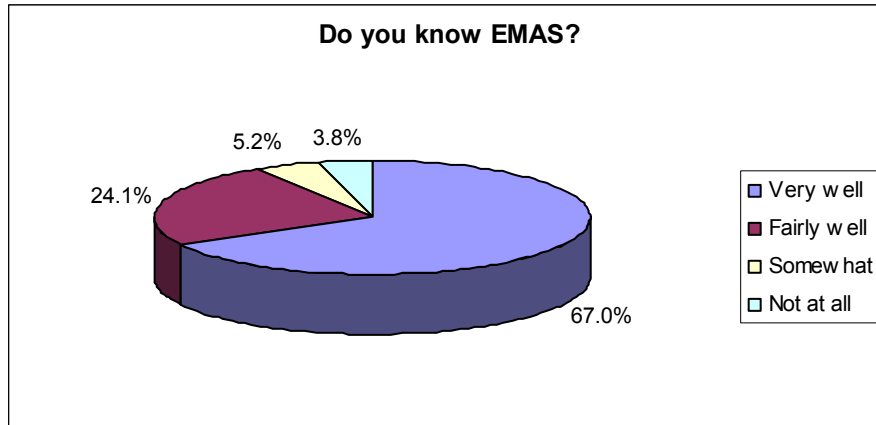


Figure 6

EMAS is considered to be a useful tool, but it needs to be improved. Respondents cited the main areas for improvement as:

- complicated structure of EMAS and its verification system,
- high costs of participation (implementation, validation, registration, verification costs), especially for SMEs,
- small number of registrations and small external impact due to low recognition,
- not enough promotion and consequently poor dissemination in and outside the EU.

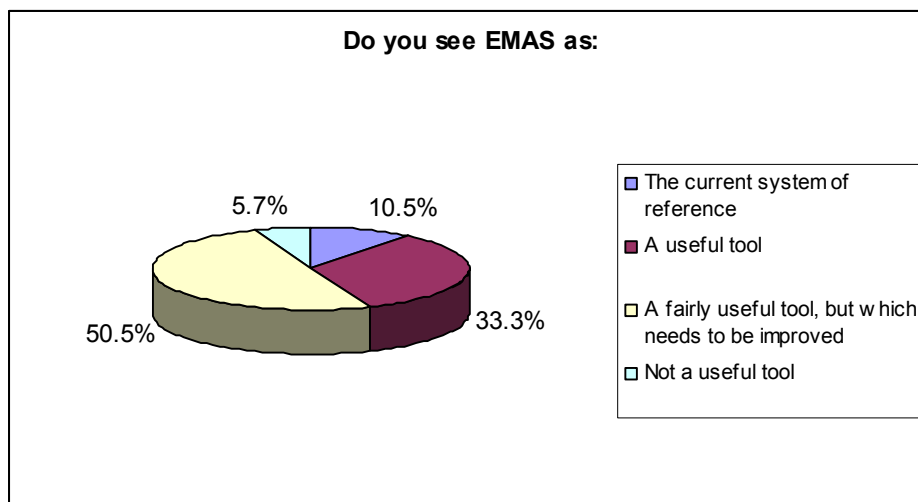


Figure 7

**3.2 Opinions on EMAS revision: make EMAS mandatory for specific sectors/types of organisations**

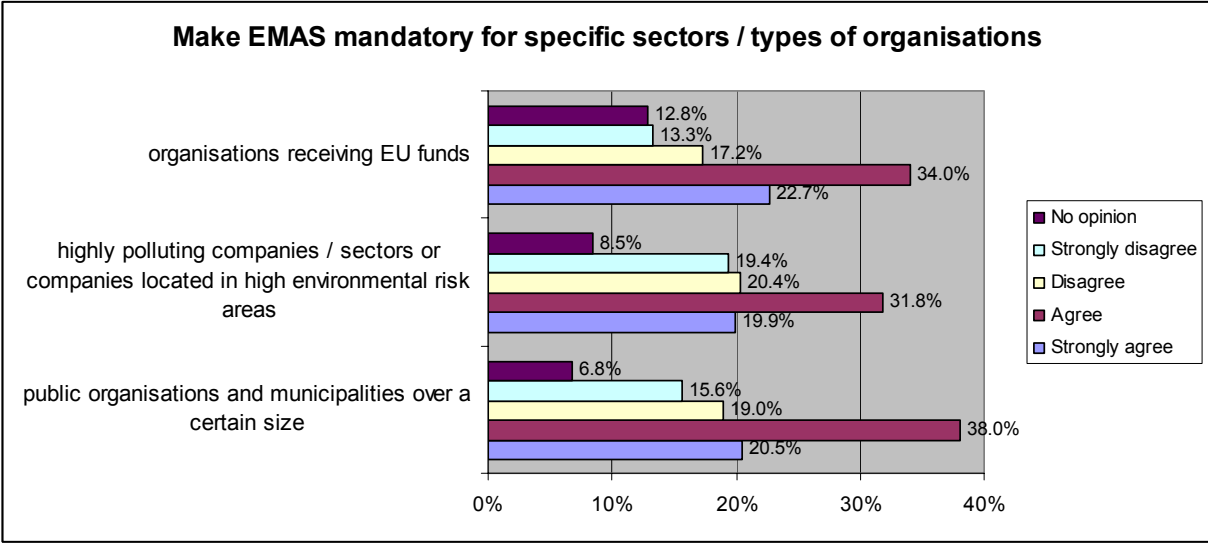


Figure 8

It emerges quite clearly from individual responses that EMAS is expected still to be a voluntary system. Generally, around half of interviewees agreed that organisations from certain specific sectors (public organisations and municipalities over a certain size, specific types of highly polluting companies, sectors or companies located in high environmental risk areas, organisations receiving EU funds) could be bound by a mandatory requirement to operate an environmental management system and promote EMAS as the best tool to achieve this.

In answers posted in open questions, public administrations were cited as the ones that should be required in particular to lead the way in environmental protection and to set examples and best practices by means of EMAS to encourage other organisations.

**3.3 Opinions on EMAS revision: further consolidation of EMAS and creating a clear image for the scheme as the 'only one' that credibly guarantees compliance with environmental legislation and continuous environmental performance improvements**

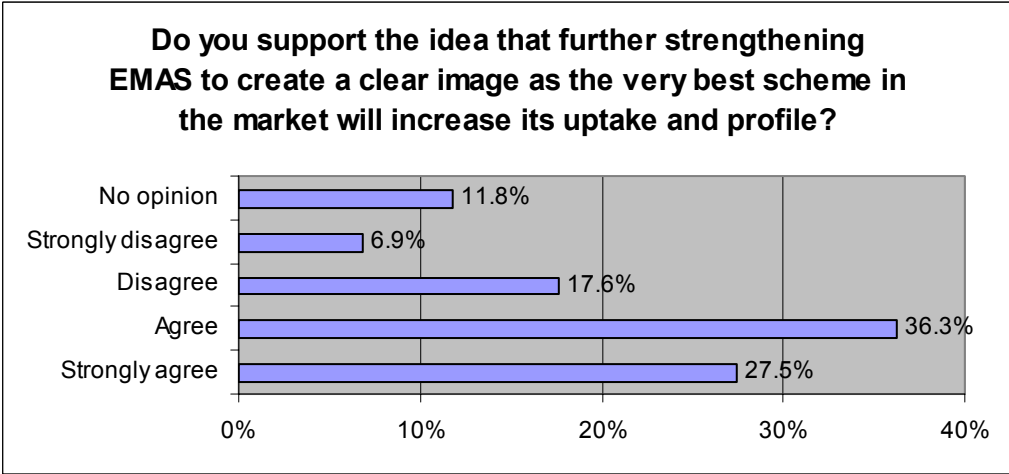


Figure 9

63.8% of respondents agree and strongly agree with the idea of further consolidating EMAS to create a clear image of EMAS as the very best scheme on the market will have the effect of increasing its uptake and profile. 29.5% of respondents do not share this view. However, in the opinion of respondents, further consolidating EMAS should not cause more restrictions and red tape and should concentrate on marketing and promoting the scheme.

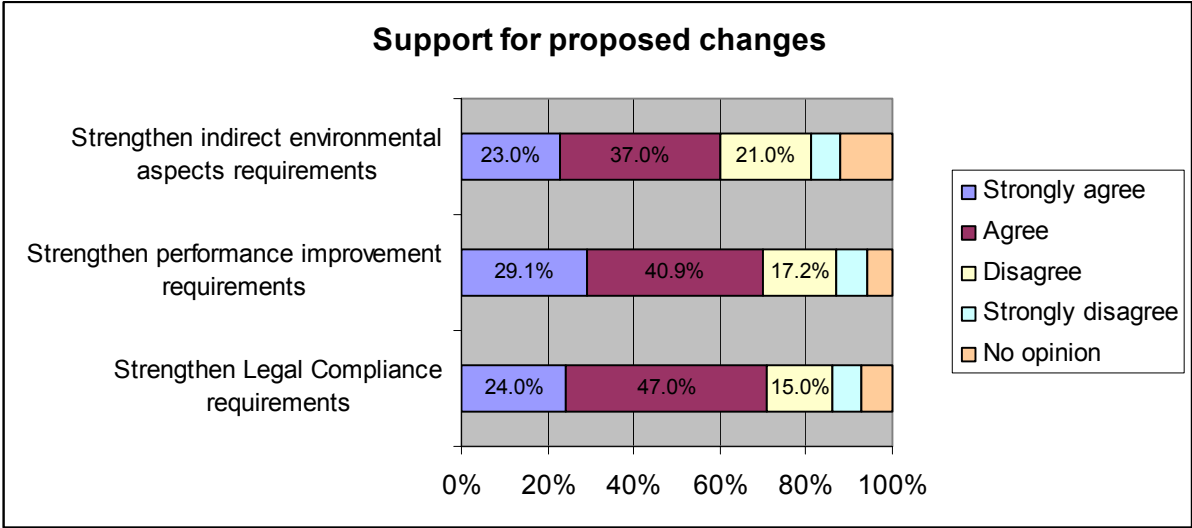


Figure 10

Respondents were in favour of increasing the profile of EMAS mainly by means of sharpening the legal compliance (71% agree and strongly agree) and performance improvement requirements (70% agree and strongly agree).

**3.4 Opinions on EMAS revision: raise the attractiveness of EMAS for candidate and participating organisations**

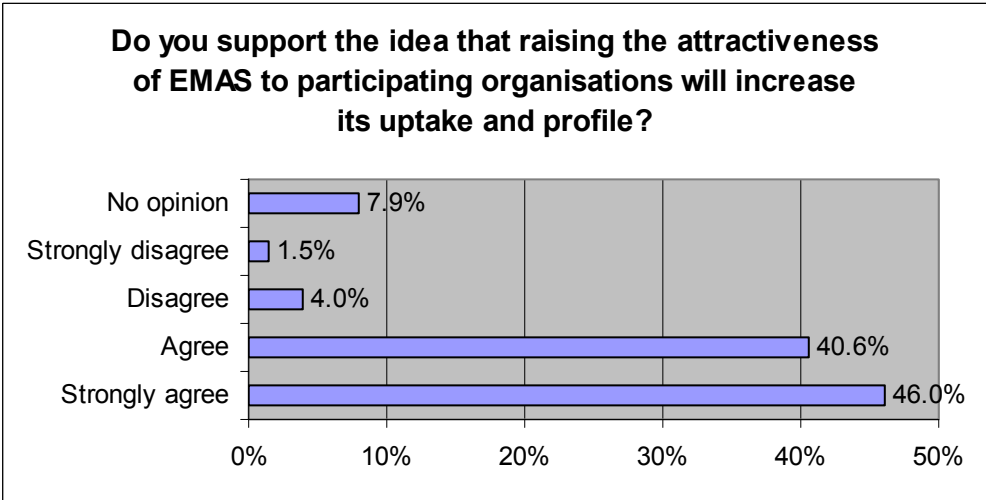


Figure 11

86.6% of the respondents support the idea that different measures aimed at raising the attractiveness of EMAS to participating organisations will increase its uptake and profile.

**3.4.1 Create closer operational links between EMAS and other environmental legislation at both EU level and Member State level**

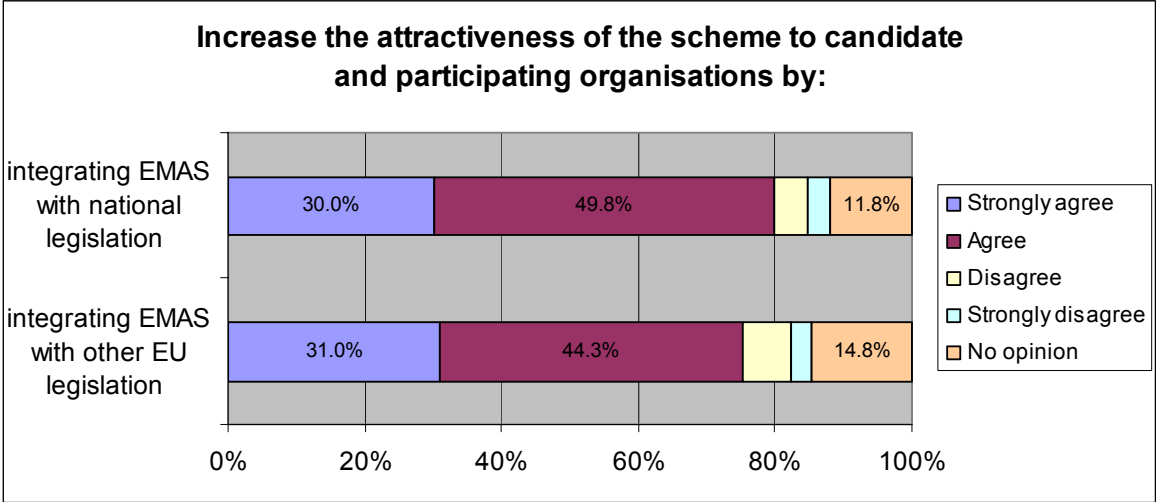


Figure 12

Interviewees see the need for EMAS to be integrated with other EU legislation and even more so with national legislations. 79.8% agree and strongly agree that integrating EMAS with national legislation will increase the attractiveness of the scheme to candidate and participating organisations while 75.3% take the view that the attractiveness of EMAS will increase through being integrated with other EU legislation.

**3.4.2 Intensify Member State's efforts to provide financial, fiscal and market-related incentives for registered organisations**

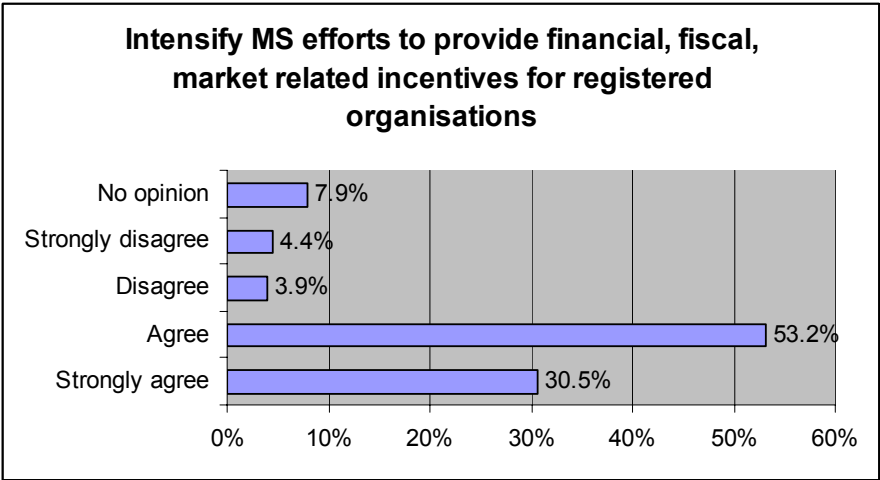


Figure 13

83.7% of interviewees agree or strongly agree that Member States should intensify their efforts to provide financial, fiscal and market-related incentives for registered organisations.

Active promotion and publicity campaigns were also cited as being useful in increasing the use of EMAS. Examples from Germany, Ireland and Portugal posted in open questions indicate that incentives of this kind would very much help to develop the EMAS scheme.

**3.4.3 Improve the use of the EMAS logo and the environmental reports to make them more attractive communication tools for participating organisations**

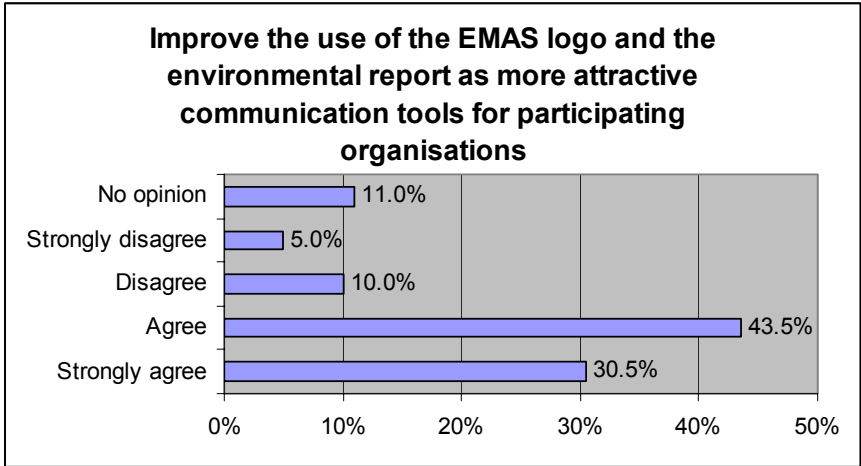


Figure 14

As regards the EMAS logo and the environmental reports, 74% of respondents back the idea that better use of the EMAS logo and the environmental reports would make them more attractive communication tools for participating organisations. In the opinion of respondents, marketing campaigns concerning the EMAS logo should stress that the EMAS logo is a management system label and not a product label, since, in their opinion, consumers often confuse the two.

**3.4.4 Provide EMAS organisations with the possibility of creating product information sheets externally verified under EMAS**

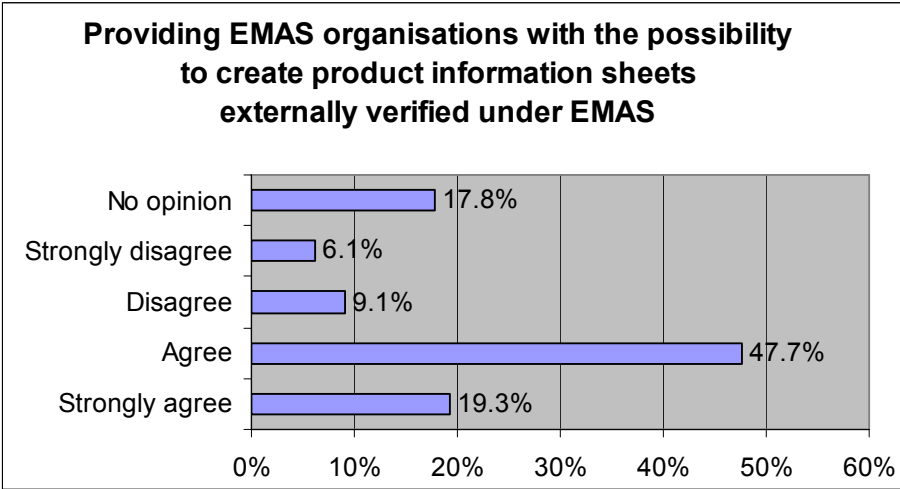


Figure 15

Most respondents (67%) said they believe that providing innovative communication tools such as product information sheets would increase the attractiveness of the scheme, while 17.8% had no opinion on this issue.

**3.4.5 Intensify EMAS promotion by Member States and the EU and professionalise the promotion of EMAS**

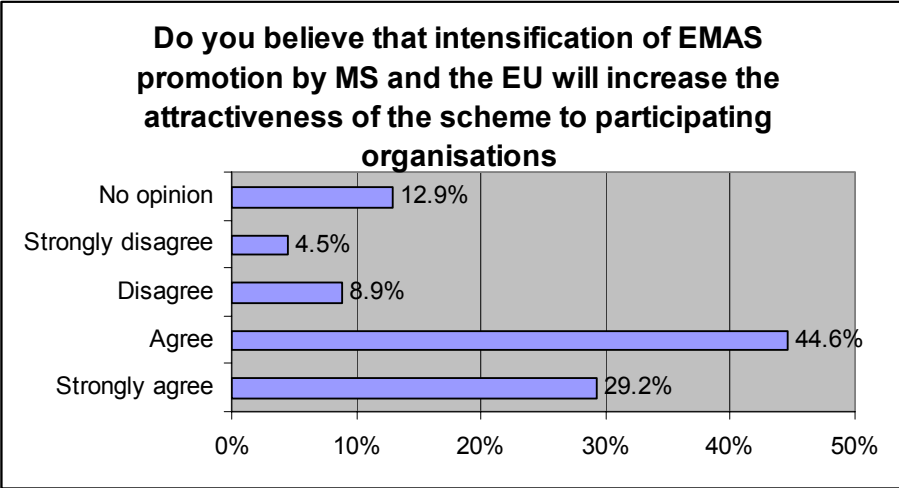


Figure 16

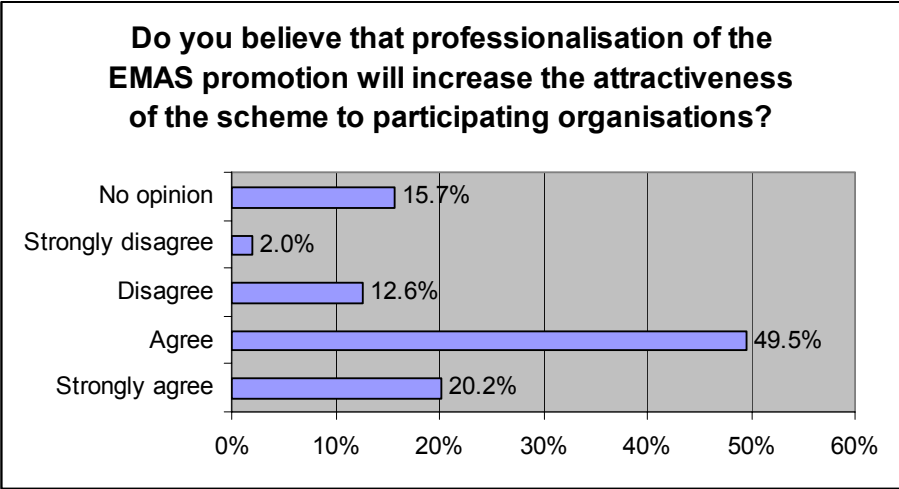


Figure 17

A wide majority of respondents strongly agree or agree that intensifying and professionalising the promotion efforts of Member States and the Commission, including by creating an annual European EMAS awards event, would increase the attractiveness of the scheme to participating organisations.

**3.4.6 Open EMAS registration to organisations with operations in more than one Member State or outside of EU**

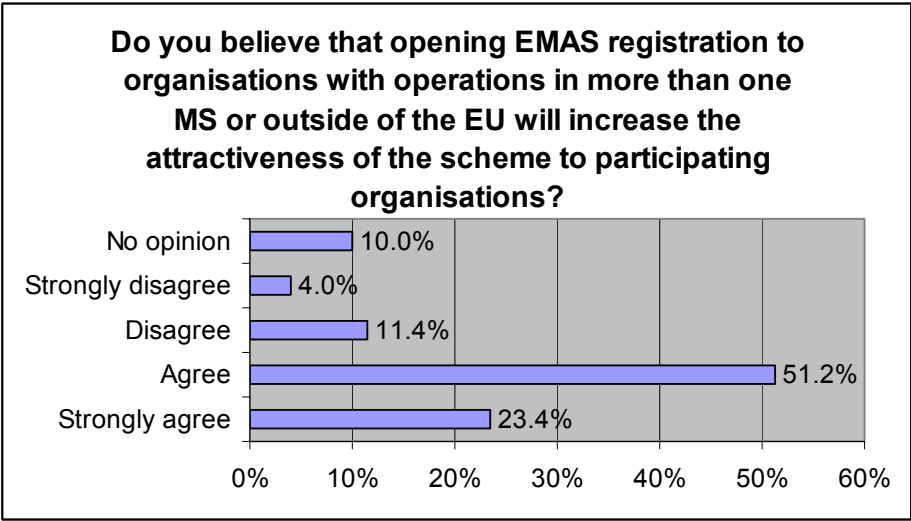


Figure 18

74.6% of the replies confirm that the revision should include the EMAS scheme being extended to cover corporate registration or registration of organisations outside the EU.

**3.4.7 Gradual extension of EMAS towards sustainability; option of reporting on sustainability issues**

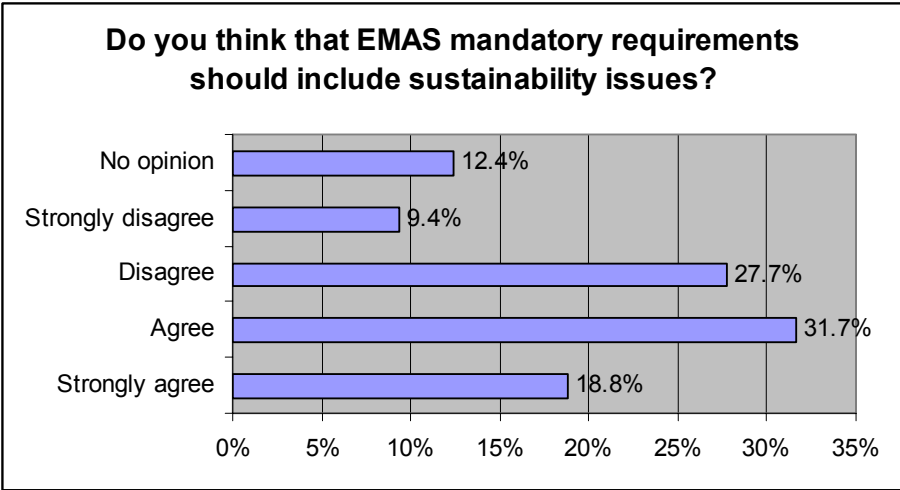


Figure 19

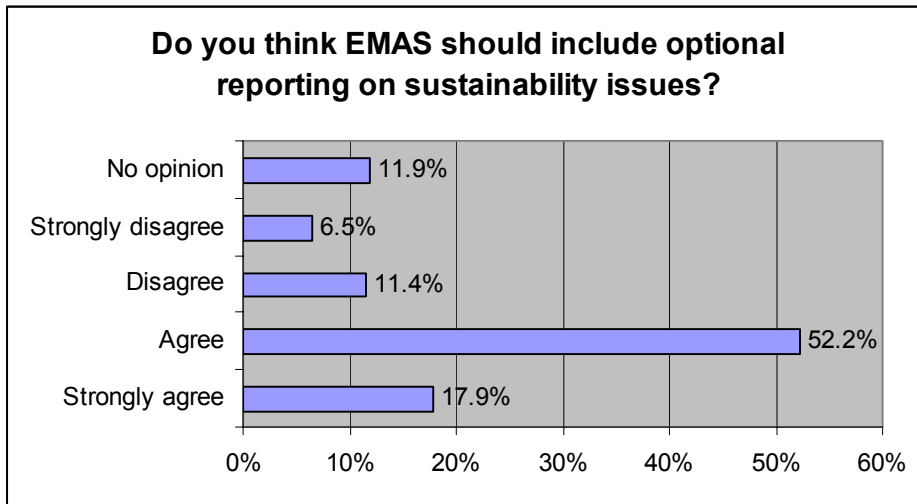


Figure 20

Only half of the respondents were in favour of introducing mandatory requirements on sustainability issues, such as "fair trade" or child labour issues, under the EMAS scheme, whilst 37.1% disagree or strongly disagree.

On the other hand, more than 70% agree or strongly agree that EMAS should allow participating organisations to have the option, if they so wish, to report on additional social/sustainable topics over and above core environmental aspects.

### 3.5 Opinions on EMAS revision: increase EMAS user-friendliness and affordability for participating organisations

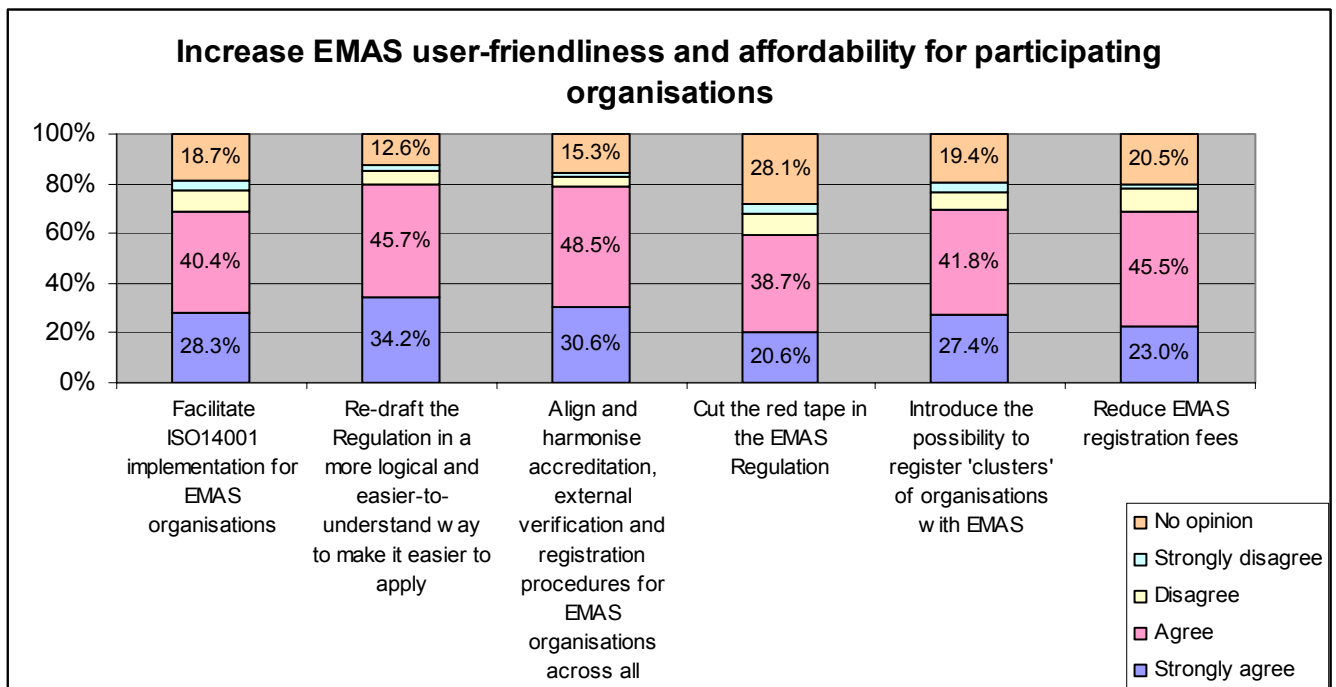


Figure 21

In the opinion of interviewees, the best way of increasing user-friendliness and affordability for participating organisations is to redraft the EMAS Regulation in a more logical and easier-to-understand way to make it easier for candidate organisations to apply (79.9%) and to align and harmonise the accreditation, external verification and registration procedures for EMAS organisations across all countries (79.1%).

Some of the respondents would like to have guidance documents included.

The order of the Regulation was cited as being in need of improvement, in accordance with the specific target groups. The national procedures were expected to be fairly similar in all Member States.

Independence and objectivity of auditors and verifiers was mentioned as an important factor of user-friendliness and affordability of the EMAS system.

#### **4. Conclusions**

Several key findings can be drawn from the consultation.

About **91.1%** of respondents declared that they know EMAS very well or fairly well and **83.8%** of them regard EMAS as a useful or fairly useful tool.

Around **half** of all respondents would like to make EMAS mandatory for public organisations (58.5%), polluting companies or companies located in high environmental risk areas (51.7%) and organisations receiving EU funds (56.7%).

Other general observations are that over half of respondents:

- support the idea of further consolidating EMAS (63.8%);
- support changes aimed at sharpening legal compliance requirements (71%);
- support changes aimed at sharpening performance improvement requirements (70%);
- support changes aimed at sharpening the requirements concerning indirect environmental aspects (60%).

Respondents consider that revision of the EMAS Regulation will raise the attractiveness of EMAS for candidate and participating organisations, mainly by way of links between EMAS and other environmental legislation at national level (79.8%).

Respondents take the view that revision of the EMAS Regulation will increase the user-friendliness and affordability of the EMAS scheme for candidate and participating organisations, mainly by:

- redrafting the Regulation in a more logical and easier-to-understand way (79.9%);
- aligning and harmonising accreditation, external verification and registration procedures for EMAS organisations across all countries (79.1%).

#### **5. Annexes**

**5.1** Annex 1 Standard questionnaire

**5.2** Annex 2 EMAS statistics

**5.3** Annex 3 Individual responses