

BRAVE: THE CHOICE TO SIMPLIFY, THE COURAGE TO REWARD

Better Regulation Aimed at Valorizing Emas: *Layman's report project*

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What is EMAS?

The main targets of EMAS (Eco-Management and Audit Scheme) - the EU system designed to help organizations (private and public) to effectively manage their environmental performances- are to promote environmental improvement and to reduce the environment impact.

Thanks to the adoption of EMAS, organizations of any kinds and sizes, besides reducing their raw materials consumption and their impact on the environment, can implement managerial and organizational processes that increase know-how, improve efficiency and, in many cases, develop competitive capabilities. The EMAS scheme was adopted for the first time in 1993 by the European Commission and is now in its third version. Regulation (EC) 1221/2009, which governs EMAS scheme, establishes mandatory requirements and criteria to obtain the "voluntary registration" and boosts EU Member States to value the organizations able to achieve it, through the development of incentives and administrative simplification, in order to reward the commitment to sustainability.

SIMPLIFICATION FOR THE BENEFIT OF EMAS-REGISTERED ORGANIZATIONS:

This is the target of BRAVE project!

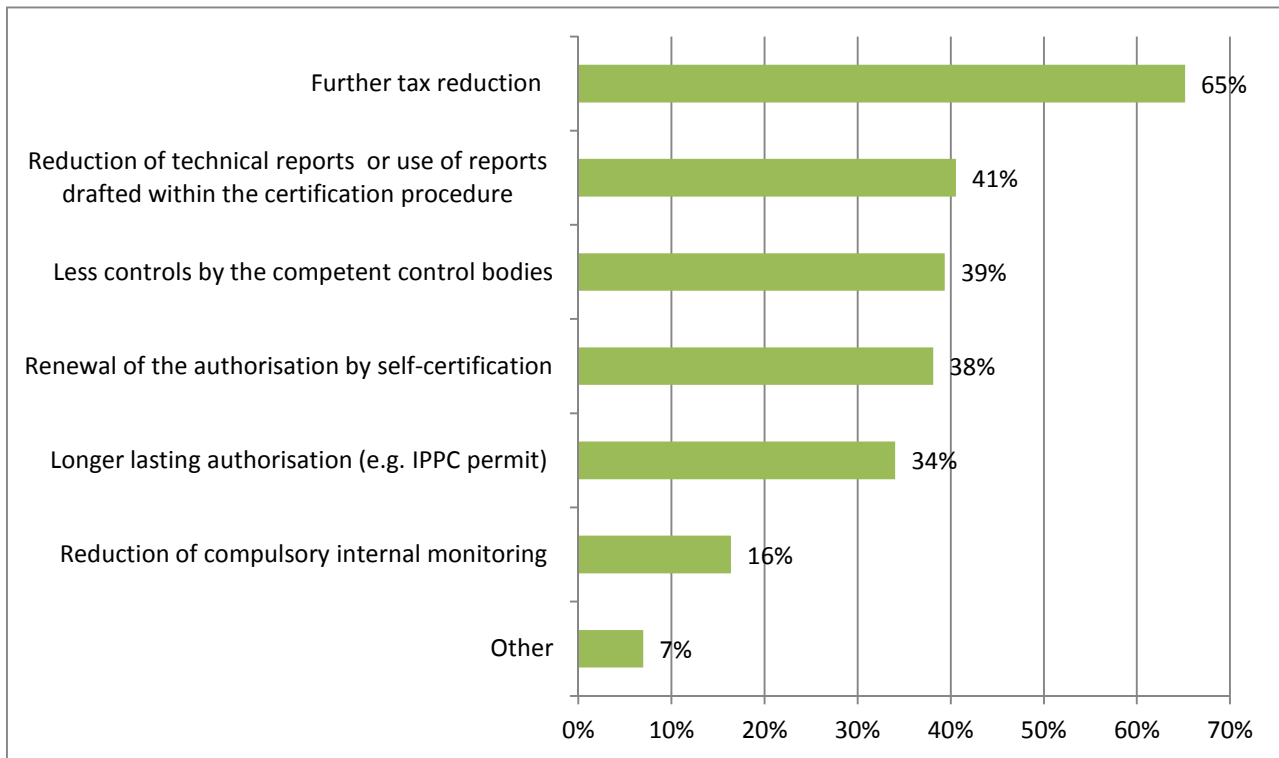
Both in Italy and in many other European countries, regulatory and bureaucratic burdens are some of the main obstacles to the companies competitiveness and internationalization. For this reason, the European Commission undertook, since 2005, a long-lasting regulatory process aimed at improving and simplifying the existing legislation, pivoted on the wish to create tangible benefits for citizens, businesses and public administrations.

Businesses consider Environmental legislation one of the major sources of administrative and bureaucratic restrictions and "bundles". Through plentiful EC projects (such as, for example, the ECAP-the Community

programme for environmental compliance assistance to SMEs), the Commission aimed to reduce the bureaucratic burden and, above all, its "involved costs" to relieve organizations, especially smaller ones.

In many countries (such as Austria, Germany and Italy), simplification has been explicitly and intentionally associated to the companies' ability to demonstrate their environmental performance improvement. According to this approach, a significant reduction of bureaucracy, and its related cost, is carried out foremost to the benefit of those businesses, who can prove their commitment toward environmental sustainability, for example through voluntarily EMAS registration or other kinds of environmental certification. These States have, in fact, showed significant results in the spread of environmental management systems (in Italy and Germany, there are about 1,000 registered EMAS organizations), proving that the environmental simplification (or regulatory relief) can play a significant role in the dissemination of tools for environmental sustainability.

The BRAVE project is part of this approach, which originating in Europe has established itself in many Member States. The main target of the project is the environmental legislation improvement through a more effective regulation and the reduction or the streamlining of costs and administrative burdens for EMAS-registered organizations. The BRAVE project has actually encouraged and supported the full integration of EMAS (and other voluntary certification schemes) into the EU Member States environmental legislation, for the purpose to ease its implementation by all organizations. The significance of BRAVE project objectives is confirmed by the fact that, so far, many companies took advantage of simplifications and existing incentives in support of EMAS. The investigation conducted among approximately 250 EMAS registered businesses, at the beginning of the BRAVE project, revealed that the main reasons for implementing an environmental management system, for 55% of the sample, was the access to forms of simplification. Among the respondents, many claimed they took advantage of controls and reductions in administrative burdens. Finally many organizations wish for an increase of simplifications and incentives for EMAS, such as: further tax reductions (65%), reduction of technical documentation periodically sent to competent authorities (41%), less controls (39%) and much more besides.



The BRAVE project: what have we done.

B.R.A.V.E. project, Better Regulation Aimed at Valorising EMAS, has developed effective solutions for environmental legislation improvement and duties simplification for organizations that have achieved EMAS registration and other forms of environmental certification, providing that, alike EMAS, those certifications demand a strong commitment to evaluate, manage and improve, over time, their own environmental performances. BRAVE has promoted the spread of voluntary environmental policy instruments and allowed to reward of organizations adopting those policies, reducing the weight of regulatory and administrative requirements. BRAVE was founded by European Commission Life plus Programme and its budget was **2.219.679,00 euro**. The project started in **October 2011** and finished in **December 2014**.

The project was co-financed by the European Commission's Directorate-General for the Environment, through the "Life +" programme, and by Regione Lombardia and Regione Basilicata. In addition to Scuola Sant'Anna, were involved in BRAVE: ARPA Regione Lombardia, Confindustria Genoa and Confindustria Liguria, IEFE (Bocconi University Centre for Research on Energy and Environmental Economy), Ambiente Italia and two Spanish institutions (the Chamber of Commerce of Valencia and the IAT, the Andalusian Institute of technology).

In the framework of BRAVE, about 100 simplification proposals were developed affecting both national and regional legislation, engaging policy makers of many regions: Basilicata, Friuli-Venezia Giulia, Liguria, Lombardy, Tuscany, Andalucía and Generalitat Valenciana. A number of measures have been proposed, with reference to Community Directives (approximately 25). Such simplification proposals have been shared with more than 200 stakeholders and experts, who met in about 30 occasions, over the course of the project, in a variety of working groups set up at regional, national and European levels. The proposals have been the subject matter of meetings with regional, national and local administrations as well as with their political parties, in order to promote their adoption.

The significant results, in terms of improved environmental legislation and incentives for EMAS organizations, had been possible thanks to the challenging activities of development, sharing, proposal and implementation of simplification measures in favor of EMAS, carried out during the project.

These are the concrete figures of BRAVE, attained in favor of those who believe in EMAS and in voluntary certification: no less than 23 measures have been adopted throughout the BRAVE program and its activities, 8 of which in Tuscany, 4 in Lombardia, 5 in Liguria (in addition to various announcements that promote the EMAS certification), 1 in Valencia and 5 in the Italian legislation (including the one adopted in the Directive on Integrated Pollution Prevention and Control transposition). Moreover, in order to support the legislation simplification, it was drafted a guideline that introduces the tools needed to create forms of simplification directed to promote EMAS, which can benefit all stakeholders working towards this goal: public administrations, government agencies in the area, in the control authority, etc.

But what are the contents of the adopted measures? We describe below the main measures proposed and adopted in the context of the BRAVE project, in order to set an example for many other public subjects, wishing to use EMAS as an effective leverage for environmental improvement as part of legislation currently in force. We hope that this may rock the boat and make waves that propagate thanks to the interest the project results will originate.

IF THERE IS TRUST, YOU LOOSEN THE RESTRICTIONS.

The authorization process simplifications, in environmental issues, are some of the most important opportunities to lighten administrative bureaucracy for businesses and administrations. In the environmental licenses renewal, updating and/or revision, the operators are required to submit the mandatory documentation to the authorities, and, where applicable, to undergo a control. This process, burdensome both for public administrations and businesses, can be simplified by the legislator, to the good of EMAS organizations, loosening the restrictions and granting greater leeway to those who, being voluntarily certified, benefit from the trust of the institutions.

Measures adopted thanks to the BRAVE project:

- **Regione Toscana, Proposta di legge n. 1 dell' 8 Agosto 2014, "Norme in materia di cave"**
Regione Toscana, legislative draft n. 1 August 8th, 2014, "*extractive industries and quarries legislation*".
Art. 20 clause 5. The duration of the authorization may be increased to two years for EMAS-registered organizations.
Art. 33. The duration of the concession may be increased to two years for EMAS-registered organizations.
- **DECRETO LEGISLATIVO 4 Marzo 2014, n. 46 Attuazione della direttiva 2010/75/UE relativa alle emissioni industriali (prevenzione e riduzione integrate dell'inquinamento).**
LEGISLATIVE DECREE n. 46 March 4th, 2014. Implementation of Directive 75/2010/EU regarding industrial emissions (integrated pollution prevention and control).
Art.7. Extension of the Integrated Environmental Authorization (AIA) duration to 16 years for EMAS registered companies.
- **Regione Lombardia L.R. 3 Aprile 2014 n.14 "Modifiche alla legge regionale 21 novembre 2011, n. 17 (Partecipazione della Regione Lombardia alla formazione e attuazione del diritto dell'Unione europea)".**
Regione Lombardia, Regional law n. 14, April 3rd 2014 "Amendment to regional law n. 17 November 21st 2011 (participation of Regione Lombardia in the development and implementation of EU law)".
Art. 12. (Provisions regarding the accountability to the procedure of environmental impact assessment in accordance with article 4, paragraph 3, of Directive 92/2011/EU). For projects of plant transformation or extension the dimensional thresholds are increased:
a) 30% for EMAS registered plants;
b) 15% for UNI EN ISO 14001 certified plants.

THE LESSER POLLUTER PAYS LESS

The tax benefit is one of the forms of incentive more appreciated by businesses, because it produce an advantage immediately effective and easily quantifiable in terms of monetary savings. Such measures may include tax benefits for those organizations having a certified environmental management system. The basic logic of this simplification is to reward, with a reduction of the tax burden, the companies who already

voluntarily commit their own resources, to improve their environmental performances, grafting this effort within the framework of trustworthy guarantees provided by an independent third party certification (EMAS or ISO 14001). There are different types of tax benefits that can be used for this purpose.

Measures adopted thanks to the BRAVE project:

- ***Delibera Regione Lombardia D.G.R. 4626 del 28/12/2012.***
Regione Lombardia, Deliberation D.G.R. 4626 28th December 2012. Setting of the rates to be used in investigations and controls within the integrated environmental authorization, in accordance with art. 9 c. 4 D.M. April 24th, 2008 (revocation of DGR n. 10124/2009 as amended).
20% cost reduction on emissions permits and renewals for ISO 14001 certified organizations and 30% for EMAS registered organizations. 20% cost reduction on the ARPA Lombardia inspections for ISO 14001 certified organizations and 30% for EMAS registered organizations.
- ***Legge Regione Toscana 79/2013. Riordino degli sgravi fiscali alle imprese a valere sull'imposta regionale sulle attività produttive (IRAP).***
Regione Toscana Law 79/ 2013. Reorganization of tax cuts for businesses affecting the regional tax on productive activities (IRAP).
Art.4 Reduction by 0.60 percentage points of IRAP tax rate for EMAS-registered companies, with effect from the 2014, 2015 and 2016 tax periods.
Art.12 Regulatory interventions in support of the integrated certification processes for micro and small businesses. An IRAP tax credit, not exceeding € 15,000, is granted to micro and small enterprises that, in 2013 – 2015, achieve an integrated management system (two certifications including ISO 14001 and EMAS). Interventions in support of the integrated certification processes of micro and small businesses. Is recognized an IRAP tax credit not exceeding € 15,000 to micro and small enterprises in 2013 – 2015 achieve an integrated management system (two certifications including also EMAS and/or ISO 14001).
- ***Regione Toscana, Proposta di Legge n.1 del 8 Agosto 2014, "Norme in materia di cave"***
Regione Toscana, legislative draft n. 1 August 8th, 2014, "extractive industries and quarries legislation".
Art. 27, 6. The Municipality, sometimes in co-management, assesses the amounts due for quarrying, taking into account: c) businesses accession to environmental and/or safety certification schemes;

FROM RISK TO OPPORTUNITY.

Financial guarantees are regulatory requirements crucial to carry out activities having high environmental risks "(e.g. the construction of waste treatment plants). Financial guarantees are employed to make sure

that the operator has sufficient financial resources to incur all the costs arising from the adoption of measures to prevent, avoid or repair environmental damages. The national legislation include many measures reducing financial guarantees for EMAS registered or ISO 14001 certified companies. This opportunity is granted because the risk is expected to be more limited when the company operates through an environmental management system, regularly checked and monitored.

Measures adopted thanks to the BRAVE project:

- **Regione Toscana, Proposta di Legge n.1 del 8 Agosto 2014, "Norme in materia di cave"**
Regione Toscana, legislative draft n. 1 August 8th, 2014, "*extractive industries and quarries legislation*".
Art. 26 clause 6. Financial guarantees are reduced by 15% for companies registered in accordance with Reg. (EC) 1221/2009, and by 10% for companies in possession of UNI EN ISO 14001 environmental certification.
- **Disposizioni in materia ambientale per promuovere misure di green economy e per il contenimento dell'uso eccessivo di risorse naturali (collegato alla legge di stabilità 2014) Code 2093**
Environmental provisions to promote green economy and measures for the containment of natural resources over-exploitation (Draft Bill linked to the Stability Law 2014) Code 2093 .
Amendment 9.11
ART. 9, clause 1. Financial guarantee reduction in supply services. In contracts relating to works, services or supplies the guarantee amount, and its possible renewal, is reduced by 30%, for EMAS registered economic operators, and by 20% for operators having UNI EN ISO 14001 environmental certification. In services or supplies contracts the guarantee amount, and its possible renewal, is reduced by 20%, if the goods or services constitute at least 50 % of the contract services, own the European Union Ecolabel.

Amendment 9.12
Suggested amendment to legislative decree Dlgs. 152/2006, article 194 "*Reducing financial guarantees for cross-border waste shipments.*". Financial guarantees cuts on the waste shipment, provided for by D.lgs 152/2006 (consolidated environmental law) article 194, shall apply to the EMAS and ISO 14001 companies from the date when the Decree-law, acknowledging the provisions relating to the environment (Draft Bill linked to the Stability Law 2014), will be in force.

MOST EMAS, LESS CONTROLS

All activities, actions or structures having environmental impacts on air, water and/or soil are subject to inspection by the competent authorities, in order to ensure compliance with the environmental requirements. Regional and national regulations require periodic controls on businesses actions. Inspection and control activities make sure that the production takes place in compliance with the laws in force, but are also a cost both for public bodies in charge and for the enterprise that undergoes this monitoring. The EMAS registration gives the control agency the confidence to trust the ability of the registered organization, subject to the regulatory requirements, to constantly check its own compliance by self-monitoring, on the top of the third party verification.

Measures adopted thanks to the BRAVE project:

- **Regione Liguria, Legge regionale n. 50/2012 "Disposizioni collegate alla legge finanziaria 2013".**
Regione Liguria, Regional law n. 50/2012 "Provisions linked to the 2013 budget law".
Modification to the Regional Law 20/06. Reduction of ARPA Liguria controls for EMAS registered and ISO 14001 certified organizations.
- **Regione Liguria Adozione della DGR 18/4/14.**
Regione Liguria, DGR 4/18/14 implementation. ARPA Liguria environmental control plan approval (published on the web 4/29/14). The resolution pass the Arpal (ARPA Liguria) proposed Plan regarding the environmental controls, in which an annual program is included. In this program the Agency is expected to guide the actions, in consideration of the risk incident to the controlled activities (impacts and recidivism) and having regard to the new regulations directives for EMAS registered or ISO 14001 certified companies. Speaking of aspect, starting from 2014, ISO 14001/EMAS certified companies will be subjects to control to the extent of 5%. The IPPC companies under State and Province responsibility are subject to control too.
- **Regione Valencia. Directorate General for environmental quality Resolution of January 1st, 2014.** This Resolution approves the 2014 controls plan for the environmental quality in Valencia. It has been reduced the risk assessment score for EMAS registered companies, and therefore the number of controls to be carried out by the competent authority.
- **Regione Lombardia L.R. 8 Luglio 2014 n.19 "Disposizioni per la razionalizzazione di interventi regionali negli ambiti istituzionale, economico, sanitario e territoriale".**
Regione Lombardia Regional Law n. 19 July 8th 2014 "Provisions for regional actions rationalization in health, economic, institutional and territorial matters".
Art. 21 (Environmental controls simplification of for EMAS-registered companies).

Inspection and control plans for the plants where an EMAS registered environmental management system is in place, should set, on equal risk and environmental significance terms, a lower control frequency, as opposed to unregistered plants.

WHEN THE ENVIRONMENTAL MANAGEMENT SYSTEM AVOIDS DUPLICATION

Companies must often cope with legal obligations, that require periodic disclosure of their environmental performances. The companies communicate these data to the competent bodies in order to ensure compliance with the mandatory legislation. Communication activities can, therefore, represent another area where the administrative burden can be lighten, both for companies and for the Government, allowing, for example, the companies to use for institutional purposes the documentation already drawn up and used as part of the voluntary scheme.

Measures adopted thanks to the BRAVE project:

- **Regione Lombardia L.R. 8 luglio 2014 n. 19 Disposizioni per la razionalizzazione di interventi regionali negli ambiti istituzionale, economico, sanitario e territoriale.**

Regione Lombardia Regional Law n. 19 July 8th 2014 "Provisions for regional actions rationalization in health, economic, institutional and territorial matters".

Art. 21 (Simplification of environmental controls for EMAS-registered companies)

In order to collect updated information regarding the compliance status of plants, falling within the scope of Regulation 1221/2009/EC, the competent authorities may ask EMAS registered organizations for the environmental statement, drawn up in accordance with the requirements, and for other environmental management system documentation. These documents can be a replacement for on-site monitoring and inspections.

REWARD THE BEST, TO INSPIRE EVERYONE ELSE

In some situation, such as in the Italian context, it is appropriate to provide the environmental certificated or registered companies with some "benefits" in their relationships with public administrations, in the cases where these administrations give out funding or serve as goods or services purchasers. It is interesting to point out that, in Italy itself, the commitment toward the adoption of a certified environmental

management system, for example, allowed many companies to get additional points in the assessment procedures for subsidized loans granting. Another promising trend, although largely unexplored so far, is that of so-called Green Public Procurement, namely the adoption of environmental criteria to guide public bodies purchasing. In both these areas, sharing the same wish to reward EMAS organizations, the BRAVE project helped to further develop the ongoing actions.

Measures adopted thanks to the BRAVE project:

- **Regione Liguria DGR 844 del 4/7/14 bando regionale per la raccolta differenziata dei Comuni (Approvazione programma 2014 per gli interventi in materia ambientale, gestione integrata dei rifiuti, modalità presentazione domande). Promozione dei Green Public Procurement.**
Regione Liguria DGR 844 7/4/14, regional call for proposal for Municipal sorted waste collection. (2014 Program Approval for environmental actions, integrated waste management, submission of applications)
The region approved a call for proposal for the enhancement of sorted waste collection, in particular of organic fractions. The municipalities can apply for funding. The final ranking is population-related and depend on the financial participation, but it also takes into account specific requirements related to the environmental sustainability of the territory by assigning points (for instance the obtainment of environmental certification such as ISO 14001 or EMAS registered).
- **Regione Liguria, Atto Giunta regionale n. 16 del 4/7/14. Approvazione del programma operativo POR FESR 2014-2020**
Regione Liguria, Regional Committee deed n. 16, 7/4/14. Approval of the 2014-2020 POR FESR operational program, in investment support actions for ISO 14001 certified or EMAS registered companies which will find place.
- **Regione Liguria and other public administrations (municipality of Genova and the municipality of Pietra ligure) have posted some services call for proposal in which the candidates selection has rewarding criteria for ISO 14001 certification and EMAS registration.**
- **Disposizioni in materia ambientale per promuovere misure di green economy e per il contenimento dell'uso eccessivo di risorse naturali (collegato alla legge di stabilità 2014) C. 2093 Governo.**
Environmental provisions to promote green economy and measures for the containment of natural resources over-exploitation (linked to the 2014 Stability Law) Code 2093
Amendment 9.01
ART. 9 bis "Provisions to facilitate the adoption of the EC eco-management and audit scheme EMAS environmental and EC ECOLABEL eco-labelling".

The ranking for the assignment of grants, benefits and funding in environmental matters, must take into account, as preference selection criteria, public and private organizations EMAS registration and grants request for products and services Ecolabel certification. This provision is a priority in the 2014-2020 Community funds planning.

Amendment 9.02

ART. 9 bis "establishment of regional purchasing group". Amendment to Budget Law 2007 (Law n. 296, December 27th, 2006 Article 1, clause 455) intended to make the creation of regional purchasing group mandatory. These group must be explicitly involved in the National Action Plan for Green Procurement (PAN GPP), also enhancing the value of products and services owning suitable environmental certifications.

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