

## The new EMAS III regulation

The Regulation (EC) No 1221/2009 (EMAS III) was published on 22 December 2009 in the Official Journal of the European Union (OJ L 342/1). The regulation entered into force on 11 January 2010 and replaced Regulation (EC) No 761/2001.

### Structure of the Regulation

Former EMAS II was complemented by several explanatory guidelines (commission's decisions and recommendations). Established parts were considered during the revision and directly adopted to EMAS III. The regulation text itself may have increased from 18 to 52 articles but all relevant procedures are consolidated within one document now. That should simplify the handling.

The Commission Decision of 7 September 2001 (guidance on entities suitable for registration to EMAS, guidance on verification, validation and audit frequency and guidance on the use of the EMAS logo) was repealed. The procedures regarding the accreditation, licensing, supervision and functions of the environmental verifiers were transferred from Annex V (EMAS II) into the regulation's text itself (chapter V and VI, articles 18 – 31).

As before the requirements of ISO 14001 are the core components of the environmental management system. These are adopted in Annex II (Annex I so far), bringing face to face the additional requirements of EMAS in a clear chart with the respective ISO 14001 parts.

In the annexes you can find detailed descriptions of the following topics:

- **Annex I: environmental review**, includes identification and assessment of environmental aspects (so far separated in Annex VI and VII)
- **Annex II: EMS requirements (ISO 14001) and additional issues to be addressed by organisations implementing EMAS**
- **Annex III: internal environmental audit** (so far Annex II)
- **Annex IV: environmental reporting**, includes environmental statement (so far Annex III) and the new core indicators of environmental performance
- **Annex V: EMAS logo** (so far Annex IV)
- **Annex VI: information requirements for registration**
- **Annex VII: environmental verifier's declaration on verification and validation activities**
- **Annex VIII: correlation table EMAS II / EMAS III**



Picture: German Federal Ministry for the Environment, Nature Conservation, and Nuclear Safety (BMU) / H.-G. Oed

### New verifications

Since coming into force on 11 January 2010, new verifications had to be carried out according to the new EMAS regulation.

### Derogation for small organisations

According to article 7 micro, small and medium-sized enterprises (EU Commission definition, among others, up to 250 employees) as well as local authorities which i.a. have less than 250 employees and are responsible for less than 10,000 residents) may request an extension of the renewal frequency of EMAS registration to the Competent Bodies. The environmental verifier has to confirm that the specific requirements are met.

- Full verification of the EMS and the audit programme and validation of the environmental statement up to four years (instead of three) and
- Have the updated environmental statement validated every two years (instead of annually).

However, the organisation shall forward the non-validated updated environmental statement to the Competent Body each year.

### Core Indicators for Environmental Performance

With the new regulation defined core indicators have to be reported in the environmental statement "insofar as these relate to the direct environmental aspects of the organisation"(Annex IV, C. No. 1).

The core indicators focus on performance in the following key environmental areas:

- **Energy efficiency:** total annual energy consumption with percentage of renewable energy use
- **Material efficiency:** annual mass-flow of different materials used
- **Water:** total annual consumption
- **Waste:** total annual generation of waste and total annual generation of hazardous waste
- **Biodiversity:** use of land
- **Emissions:** total annual emission of greenhouse gases and total annual air emission

### Sectoral Reference Documents

The EU Commission will develop sectoral reference documents (Article 46). These documents shall help to simplify the implementation of the new requirements into practice, and include, among others, references for suitable performance indicators and best environmental management practice for specific sectors.

The development of these reference documents has already begun by starting with the sectors public authorities and retail industry. Documents for the construction sector and tourism are under preparation as well.

### EMAS-Logo

There will be only one logo with the addition of “verified environmental management” for simplification. The version “validated information” was cancelled.

It is still not allowed to use the logo on products or their packaging (article 10).



### Global EMAS

In the future, EMAS will be applicable worldwide (article 1 “inside or outside the Community”). The EU Member States may establish rules (e.g. registration process or practice and supervision of verifications) but are not obligated to do so.

Member states shall ensure that the system implementing this procedure is operational by January 2011. By then, organisations from outside Europe should be able to become EMAS registered.

### Single Corporate Registration

Organisations with several sites (even in different countries) may apply for one single corporate registration of all or some of those sites. This should be possible starting 2011 too (Article 3 No 2).

### Rules applicable to EU Member States and the Commission

EU Member States shall promote EMAS and especially encourage the participation of small organisations (Article 36). They shall give assistance to organisations relating to legal compliance and carry out promotion and information activities for the public (Articles 33 to 35).

The EU Commission shall, among others, develop databases of environmental statements, best practices on EMAS as well as a list of European Community resources for the funding of EMAS implementation (article 42).

Furthermore the Commission shall consider how EMAS can be taken into account in the development of new legislation and revision of existing legislation. Aims are regulatory relief and better regulation (Article 44).

**You may find the new EMAS regulation in any official language here:**

[Regulation \(EC\) No 1221/2009](#)

**Further EMAS-Information:**

[www.emas.de/service/pdf-downloads/](http://www.emas.de/service/pdf-downloads/)

The German EMAS Advisory Board is the committee for supporting and implementation of EMAS in Germany. It consults the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety.