

**Guideline**  
**of the Environmental Verification Committee**  
**pursuant to the Environmental Audit Act (UAG)**  
**for Oral Examinations to Ascertain the Competence**  
**of Environmental Verifiers and of Holders of**  
**Certificates of Specialised Knowledge**  
**(UAG Competence Guideline – UAG-FkR)**  
**of 22 June 2004**

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**I. Preliminary Remarks**

The course and contents of the oral examination in which the applicant is to demonstrate his or her competence are described in Article 11 (2), Article 7 (2), No. 2 and Article 12 of the currently applicable version of the Environmental Audit Act (UAG) and in Articles 4 to 7 of the UAG Accreditation Procedures Ordinance (UAGZVV) as amended and promulgated on 12 September 2002 (UAGZVV) (Federal Law Gazette Part I, p. 3654). The Regulation (EC) No. 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (subsequently referred to as EMAS Regulation) provides in Annex V section 5.2.1 the minimum requirements for technical qualification of environmental verifiers. This Guideline outlines the above-mentioned stipulations contained in the UAG, collates the minimum requirements of Appendix V, Section 5.2.1 of the EMAS Regulation on individual examination sections and establishes more detailed stipulations about the content of the oral examination, as part of the UAG and UAGZVV.

The oral examination is a non-independent part of the accreditation procedure, and its function is to ascertain the competence of the applicant. It consists of a brief exposé and an examination interview. (cf. Art. 5, Paragraph 3a UAGZVV). The examination interview is composed of:

- individual examination sections on the subject areas mentioned in Article 7 Paragraph 2, No. 2 of the UAG and

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- questions on practical problems from the professional activities of the environmental verifier

(Article 5, Paragraph 2, Sentence 3 UAGZVV).

Each individual examination section corresponds to a subject area.

Questions on practical problems will frequently touch on more than one subject area.

For example, an examination of practical problems of environmental management may also cover legal foundations of the company organisation or the status of the company officer. The examination committee may ask questions on practical problems of a cross-sectoral nature, i.e. on all subject areas mentioned in Article 7, Paragraph 2, No. 2, Letters (a) to (d) of the Environmental Audit Act.

When assessing the performance in each subject area it must take account of performance in other examination sections, insofar as the examination questions are also attributable to this subject area.

The knowledge demonstrated in the subject areas of Article 7, Paragraph 2, No. 2 Letters (a), (b) and (d) of the UAG is assessed as cross-sectoral (subsequently referred to as examination sections II, Nos. 1, 2 and 4). This is to be given expression in the accreditation certificate. In the subject areas in Article 7, Paragraph 2, No. 2, Letter (c) of the UAG, specific knowledge must be demonstrated in the accreditation field applied for (subsequently referred to as examination section II, No. 3). The examination committee should form a picture of whether the applicant can demonstrate sufficient knowledge in this accreditation field applied for. Attention is drawn to the possibility of extending the duration of the examination of the subject areas pursuant to Article 7, Paragraph 2, No. 2, Letters (c) of the UAG for this purpose by up to 30 minutes (Article 5, Paragraph 3, Sentence 2 UAGZVV).

## II. Competence Requirements

### 1. Methods for and conduct and assessment of the environmental audit

(attributed to Art. 7, Paragraph 2, No. 2, Letter (a) of the Environmental Audit Act (UAG))

The competence requirements in this examination section reflect the minimum requirements of the EMAS Regulation, Annex V, Section 5.2.1, Letter (f), “knowledge and understanding of environmental auditing requirements and methodology”.

In this examination section, both knowledge of general implementation and methodology of the environmental examination and the environmental verifier’s course of action in investigating the technical validity of the environmental audit are examined.

The EMAS Regulation defines “environmental audit” as: a management tool comprising a systematic, documented, periodic and objective evaluation of the environmental performance

of the organisation, of the management system and of the processes designed to protect the environment with the aim of:

- facilitating management control of practices which may have an impact on the environment;
- assessing compliance with the environmental policy, including environmental objectives and targets of the organisation (Annex II)“.

The requirements concerning environmental auditing are set out in detail in Annex II of EMAS Regulation. The knowledge required by environmental verifiers regarding “Methods for and Conduct of Environmental Audit” must therefore comprise the following aspects of environmental audit:

- A) General requirements
- B) Objectives
- C) Scope [of environmental audit]
- D) Organisation and resources
- E) Planning and preparation for an environmental audit
- F) Environmental Audit activities
- G) Reporting environmental audit findings and conclusions
- H) Audit follow-up
- I) Audit frequency.

The applicant must demonstrate in this examination section a knowledge of the links between and application of specialist aspects in accordance with Annexes I, II and VI of EMAS Regulation, including related Guidances of the European Commission. The environmental verifier has to demonstrate being familiar with the relationships between the following elements:

- A) Environmental management systems requirements
- B) Issues to be addressed by organisations implementing EMAS
- C) Requirements concerning internal environmental auditing
- D) Environmental aspects.

According to Annex V, Section 5.4.1 of EMAS Regulation, the function of the environmental verifier is, in particular, to investigate in a sound professional manner the technical validity of the initial environmental review.

The environmental verifier therefore determines, whether the results of the internal audit are reliable. Consequently, as part of this examination section, knowledge of general procedures in the investigation of the technical validity of the environmental audit is expected, in particular, regarding the reliability of results from spot checks.

## **2. Environmental management and assessment of environmental information (Environmental Statement and extracted environmental information)**

(attributed to Art. 7, Paragraph 2, No. 2, Letter (b) of the Environmental Audit Act (UAG))

The competence requirements in this examination section reflect the minimum requirements of EMAS Regulation Annex V, Section 5.2.1, Letter (a) part concerning „knowledge and understanding of the general functioning of environmental management systems,“ and letter (g) „knowledge of information audit (Environmental Statement)“.

In this examination section, the applicant must prove that he or she knows and understands both the tasks and functioning of the environmental management system, including associated Standards and European Commission Guidances, and the basics of validating the environmental statement and environmental information, pursuant to Annex III, Section 3.5 of the EMAS Regulation.

The specific requirements regarding the structure and functioning of the environmental management system according to the EMAS Regulation are laid down in Annex I in conjunction with Annex VI and VII of the Regulation and must be mastered (cf. also Annex V, Section 5.4.1 of EMAS Regulation). The candidate must be able to apply the provisions laid down in the EMAS Regulation regarding resources for, application and maintenance of the environmental management system. In particular, this refers to the following elements outlined in Standard DIN EN ISO 14001:[2005]

- environmental policy,
- planning,
- implementation and operation,
- checking and corrective action and
- management review.

In order to ensure correct application, the applicant must know the definitions of these elements as contained in the Standard and be proficient in the special characteristics of these elements as defined in the EMAS Regulation.

The environmental verifier must be able to examine the correct implementation of the system in the organisation, also in respect of fulfilling the relevant requirements contained in Annex I, B of the EMAS Regulation. This also includes the ability to assess whether the organisation's management system is able to meet requirements in terms of

- legal compliance,
- environmental performance,
- external communication and relations and
- pro-active employee involvement.

To this end, the environmental verifier must also be able to determine and assess the validity and appropriateness of the environmental management system in terms of the activities, products and services of the organisation.

Furthermore, knowledge about an consistent operative organisation with the transfer of tasks and obligations and in-house documentation is required; in particular, knowledge about the general functioning of an environmental management system. This includes the basic features of

- planning and control methods
- the function of controlling
- company organisation forms and development
- operational and organisational structure and
- interconnections between the environmental management system to other management systems.

Knowledge is also required of personnel management, communication, training and upgrading including the following elements

- personnel selection and appointment, management structures,
- internal communication and information and motivation and in-centive systems,
- training and instruction measures (determining requirements and implementation).

In this examination section, knowledge about environmental statements as stipulated in the EMAS Regulation is required. The applicant must be proficient in the requirements of environmental statements, pursuant to Annex III of the EMAS Regulation, and the conditions for the validation of environmental statements. Also, the applicant must be fully proficient in the criteria for the validation of selected information to which the EMAS logo can be attached, pursuant to Section 3.5 of Annex III of the EMAS Regulation, and the conditions for use of the EMAS logo.

The corresponding Guidances of the European Commission are also part of the examination material for this examination section.

### 3. Environmental issues specific to the accreditation field, also regarding the environmental dimension of sustainable development and including their legal and published administrative provisions

(attributed to Art. 7, Paragraph 2, No. 2, Letter (c) of the Environmental Audit Act (UAG))

The competence requirements in this examination section reflect the minimum requirements of EMAS Regulation Annex V, Section 5.2.1, Letter (b) „knowledge and understanding of the legislative, regulatory and administrative requirements relevant to the activity subject to verification“, Letter (c) „knowledge and understanding of environmental issues, including the environmental dimension of sustainable development“, Letter (d) „knowledge and understanding of the technical aspects, relevant to environmental issues, of the activity subject to verification“ and Letter (e) „understanding of the general functioning of the activity subject to verification in order to assess the appropriateness of the management system“.

In this examination section, specific knowledge of all the areas of environmental protection relevant to the requested accreditation fields shall be examined, pursuant to Annex V, Section 5.2.1, Letters (b), (c), (d) and (e) of the EMAS Regulation.

Special requirements in respect of activities which environmental verifiers or environmental verification organisations are also authorised to perform on the basis of other legal regulations, for example, verifying emission reports and data in applications for the allocation of allowances, pursuant to Articles 5 and 10 of the Greenhouse Gas Emissions Trading Act (TEHG), are specified in the Annex to this Guideline.

The scope and selection of examination questions specific to accreditation fields shall be oriented to the accreditation fields (Art. 7, Paragraph 3 of the UAG) for which the applicant is seeking accreditation as an environmental verifier. These accreditation fields are described in Commission Regulation (EEC) No. 761/93 (OJ 1993, No. L 83), amending Council Regulation (EEC) No. 3037/90 on the statistical classification of economic activities in the European Community (NACE-Codes) (OJ 1990, No. L 293, p. 1); cf. Annex V, Section 5.2.2 of the EMAS Regulation and Art. 2 Paragraph 4 of the Environmental Audit Act (UAG). Knowledge is required about the general functioning of the activities subject to verification, environmental issues specific to accreditation fields and, where relevant, environment-oriented technical aspects and those relating to environmental law in the requested accreditation fields.

Knowledge about the general functioning of the activities subject to verification includes typical operational and workflow procedures, applied (production) procedures and organisational structures specific to the accreditation fields.

In respect of environmental issues specific to the accreditation fields, knowledge shall be examined about the direct and indirect environmental aspects of activities, products or services and associated environmental impacts in the requested accreditation fields, and

about the organisational structure of operational environmental protection, including associated Commission Guidances.

In particular, this includes knowledge of:

- sector specific direct and indirect environmental aspects of activities, products and services and correlated environmental impacts,
- possible methods of ascertaining the direct and indirect environmental aspects and correlated environmental impacts and assessing their significance (Annex VI of EMAS Regulation and corresponding Guidance of EU Commission),
- assessment of substance, material and energy flows, *inter alia* on the basis of environmental performance indicators,
- organisational (non technical) ways and means of preventing, avoiding and minimising environmental pollution caused by direct and indirect environmental aspects,
- function and possible contents of company instructions for environmental protection

and, as far as relevant:

- organisational precautions against major accidents,
- legal status and functions of company officers.

In the examination of environmental protection issues specific to accreditation fields, knowledge of environmental issues regarding the environmental dimension of sustainable development is also expected. This refers to, for example, the advantages and opportunities of resource preservation through rotation management, residue minimisation, rational energy use and regenerative energy production, sustainable product design, production-integrated environmental protection and environmentally compatible disposal.

Insofar as they are relevant to the accreditation fields requested by the applicant, knowledge of typical environment-oriented technical aspects is expected. Here, knowledge of production-integrated, subsequent and other technical options to prevent and reduce environmental impacts associated with typical production workflows and other operational activities must be shown.

In particular, the examination shall focus on the following topics:

- Technical and organisational options for resource conservation (raw materials, water, energy, soil),

- Immission control techniques (technical measures to reduce emissions, active and passive noise control, preventing adverse effects from odour, light, radiation, ground motion),
- Techniques for protecting bodies of water (treatment, prevention and purification of waste water),
- Techniques for soil protection (prevention, investigation and remediation of soil contamination),
- Technical and organisational options for waste prevention, reduction, recycling and disposal,
- Environmental protection during storage and transport,
- Dealing with substances hazardous to water and hazardous materials,
- Prevention of accidents damaging to the environment,
- Systems for ascertaining, assessing and registering the impacts on the environment (Analysis, measurement methods, statistics, cost-benefit aspects).

Applicants are expected to have knowledge of legal areas which are of particular importance to their requested accreditation fields because they refer to direct or indirect environmental aspects of the organisation's activity to be verified or could be significant to the organisation's environmental management system. Thus, for example, knowledge is also expected about

- Fertilizer and plant protection law or animal protection law for examinations in the accreditation field of 'Agriculture',
- Mining law for examinations in the accreditation field of 'Mining',
- Planning law, municipal law and further regulations on the organisation of public administration, for examinations in the accreditation field, 'Public Administration', and
- Immission control legislation, in particular operator's duties relating to approvals, documentation, examination, monitoring of installations, reporting and organisation, as well as work-safety approval requirements, for examinations in accreditation fields regularly concerning installations requiring approval according to the Federal Immission Control Act.

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#### 4. General environmental law, Guidance issued by the EU Commission under Article 4 and Article 14 (2) of the Regulation (EC) No. 761/2001 and relevant standards on environmental management

(attributed to Art. 7 (2), No. 2, letter d of the Environmental Audit Act (UAG))

The competence requirements in this examination section reflect the minimum requirements of EMAS Regulation Annex V, Section 5.2.1, Letter (a) „knowledge and understanding of the Regulation, ... relevant standards and guidance issued by the Commission under Article 4 and 14, Paragraph 2, for the use of this Regulation;“ without the part „the general functioning of environmental management systems,“ (this part see above Section II, No. 2 of this Guideline).

In this examination section questions are to be asked about knowledge of the essential features of statutory provisions, ordinances and administrative provisions insofar as they relate to environmental performance. In addition, knowledge of relevant standards on environmental management is expected.

The examination shall in particular focus on the following topics:

- Systematics of environmental legislation and its connection with neighbouring fields of legislation,
- EU environmental legislation in relation to national environmental legislation and Laender environmental legislation,
- EMAS Regulation and Guidance issued by the EU Commission under Article 4 and Article 14 of the Regulation for the use of EMAS Regulation (in particular Guidance according to Article 2 letter s, Article 3 No. 2 in conjunction with Annex III section 3.4 and Annex V section 5.6, according to Article 8 No. 2 letters a and e and No. 3 and Annex I B section 4 of EMAS Regulation),
- Basic principles of legislation on Immission Control, Water, Waste, Soil Protection, Technical Safety and Hazardous Substances,
- Overarching provisions of environmental legislation,
  - Organisation duties in environmental criminal law and environmental liability law,
  - Connections with environmental impact assessment legislation,
- Structure of public authorities,
- Administrative procedures law,

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- Standard DIN EN ISO 14001 and basic principles from other relevant standards in the ISO 14000 series,
- UAG Guideline on Certification procedures of 8 December 1997 (Federal Gazette, BAnz. 1998, p. 7942).

### III. Entry into force

This Guideline shall enter into force on the day following its publication in the Federal Gazette. The UAG Competence Guideline of 20 September 2002 (German Federal Gazette p. 25 532) shall become invalidated at the same time.

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Annex

## **Specifying requirements relating to accreditation fields for activities concerning other legal regulations**

### **I. Activities relating to the Greenhouse Gas Emissions Trading Act (TEHG)**

Pursuant to Art. 5, Paragraph 3, Sentence 3, No. 1 and Art. 10, Paragraph 1, Sentence 4, No. 1 of the TEHG, independent individual environmental verifiers or environmental verification organisations with accreditation in their respective accreditation fields, pursuant to the UAG, shall be accredited and publicly announced as Emission Trading Scheme (ETS) verifiers (designated operational entity according to TEHG) with no further substantial examinations of competence. As announced ETS verifiers, they are entitled to carry out an examination of the emission report and to verify details in applications for the allocation of emissions allowances. In the examination of issues specific to accreditation fields (Section II, No. 3 of this Guideline) and after the TEHG has come into force, for such accreditation fields in which installations are operated subject to trade with greenhouse gas emissions allowances, pursuant to Annex I of Directive 2003/87/EC (OJ 2003, No. L 275, p. 32), knowledge and competence of the following issues is expected:

- The effect of greenhouse gases, terms and requirements of emissions trading in accordance with the Kyoto Protocol,
- The Greenhouse Gas Emission Trading Directive (Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emissions allowance trading within the Community and amending Council Directive 96/61/EC) and the ‚Linking Directive‘ on the Clean Development Mechanism (CDM) and Joint Implementation (JI) instruments, in particular, special methodology of verification (strategic analysis, process analysis, risk analysis),
- Guidelines for the monitoring and reporting on greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council - Commission Decision C (2004) 130 of 29 January 2004 (OJ 2004, No. L 29, p. 1), in particular

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- principles for monitoring and reporting (consistency, transparency, accuracy, cost-effectiveness, materiality, faithfulness, improvement of performance),
- collecting and processing source data, measuring and calculation procedures, conversion factors and calculation methods, also in connection with special regulations, such as the one regarding 'early action', combined heat and power generation and process-related emissions,
- greenhouse gas related processes, sources and impacts and the ability to calculate CO<sub>2</sub> emissions from data on consumption (determining processes, procedures, installations, [accuracy] levels, calculation and plausibility parameters) for the respective accreditation field,
- TEHG, the National Allocation Plan and law on the National Allocation Plan,
- German and international standards on determining emissions,
- Requirements from other relevant regulations, administrative directives, standards and agreements, in particular, details about determining emissions to be calculated and data capture.

## II. Other Activities

Requirements for other activities derived from Article 15, Paragraph 9 of the UAG have not been specified to date.

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