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cc:

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**New Approach Regulation on requirements for accreditation and market surveillance/
Revision of EMAS
Accreditation of EMAS Verifiers**

Dear Mr Mäkelä

The Regulation 2007/0029 sets out the requirements for accreditation and market surveillance relating to the marketing of products. While the document originally presented by the Commission on 14 February 2007 excluded EMAS, this exemption was removed in the text as adopted by the European Parliament on 21 February 2008. But, the provisions on accreditation within this new regulation are supposed to be in conflict with the provisions of EMAS in respect of the special accreditation und supervision system for environmental verifiers.

The German Environmental Verification Committee (UGA) is deeply concerned about this situation. It strongly recommends to maintain the high performance accreditation scheme under the EMAS regulation which has been implemented for more than 10 years. It should explicitly be excluded from the new accreditation regulation. In addition, as the Commission is presently preparing a revised text for the EMAS regulation, the new EMAS regulation shall keep its own, well-known and high performing accreditation system for environmental verifiers.

The following arguments support our proposal

1. Regulation 2007/0029 doesn't at all cover the accreditation of individuals, which is a specific feature of EMAS.
2. Regulation (EC) No 761/2001 (EMAS), Article 4 in combination with Annex V outlines the accreditation system requirements. In Germany, based on Regulation (EC) No 761, the Environmental Audit Act (UAG) regulates accreditation of environmental verifiers in detail in Part 2 of the Act. The main difference as compared to the EA-governed accreditation of management system certifiers are the stringent requirements regarding individual verifier competence and similar requirements with respect to verifier organizations, namely that 1/3 of their managing partners or directors must fulfil the criteria for individual verifiers' accreditation. The Environmental Verification Committee (UGA) has been established to follow the system for accreditation and verifier supervision, and again stringent requirements regarding the competence of its members were put in place. In summary, accreditation of environmental verifiers in Germany follows an approach of awarding a professional license rather than the usual management system certifier accreditation approach.
3. The German Environmental Verification Committee (UGA) requests that DG ENV considers the potential problems caused by interpretation of Regulation 2007/0029 when it is being transposed into National legislation, and will clearly specify in the revised EMAS Regulation the requirements for accreditation of verifiers.
4. The present Regulation (EC) No 761/2001 (EMAS) specifies in detail the competence requirements for environmental verifiers. There is no such definition in Regulation 2007/0029. Therefore, the specification needs to be maintained in the revised EMAS regulation.
5. In Germany, environmental verifiers according to Regulation (EC) No 761/2001 (EMAS) are entitled to perform other verification tasks too, e.g. in the context of GHG emission trading, used vehicles directive, packaging regulation, renewable energy act, etc. All of these individual regulations would have to be adapted, if the revised EMAS regulation doesn't specify its proprietary scheme for verifier accreditation.
6. The UGA considers the present, specific accreditation system for EMAS to be one of the cornerstones for the superior quality of the system. Would this be aligned with the ISO 14001 certification system, no reason exists any more for participation in EMAS. The effort would still remain higher (environmental statement, e.g.), but the acceptance ("image") would be identical to ISO 14001. Obviously, any regulatory reliefs given to EMAS registered organizations would have to be withdrawn or to be provided only in the same low grade for ISO 14001 certified organizations.

Yours sincerely



Dr. Michael Schemmer
(Chairman)

Verteiler

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