

# EMAS DESK NORTH EAST

## Training course

## EMAS Regulation

IASI

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MINISTERUL REGIONALIZĂRII, PLANURII DE  
DEZVOLTARE ȘI PROIECTELOR DE  
INFRASTRUCTURĂ



FONDUL SOCIAL EUROPEAN  
2007-2013



INSTRUMENTE STRUCTURALE  
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CAMERA DE COMERȚ  
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# Module contents and organisation

**26/11/2009**

- Morning: EMASII Articolul
- Afternoon: stabilirea un sistem de management de mediu din Chamber of Commerce

**27/11/2009**

- Morning: Performanta de mediu (EMASII, EMASIII)
- Afternoon: Performanta de mediu din Chamber of Commerce

**02/12/2009**

- Morning: Environmental policy and Environmental Programme
- Afternoon: Environmental policy and environmental programme of the Chamber of Commerce

**03/12/2009**

- Morning: Internal audit, stakeholder involvement and Environmental statement
- Afternoon: Internal audit, stakeholder involvement and Environmental statement in the Chamber of Commerce

# European legislation

1. Directive
2. Regulamentul
3. Recommendation



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# EU Legislation: Directive

- Addressed to Member States;
- Requires member states to achieve a particular result without dictating the means of achieving that result;
- Need to be transposed into national law;
- Member states have a certain amount of leeway as to the exact rules to be adopted.

# EU Legislation: Regulamentul

- Addressed to everyone;
- General measure that is binding in all its parts;
- Directly applicable, it creates law which takes immediate effect in all the Member States.



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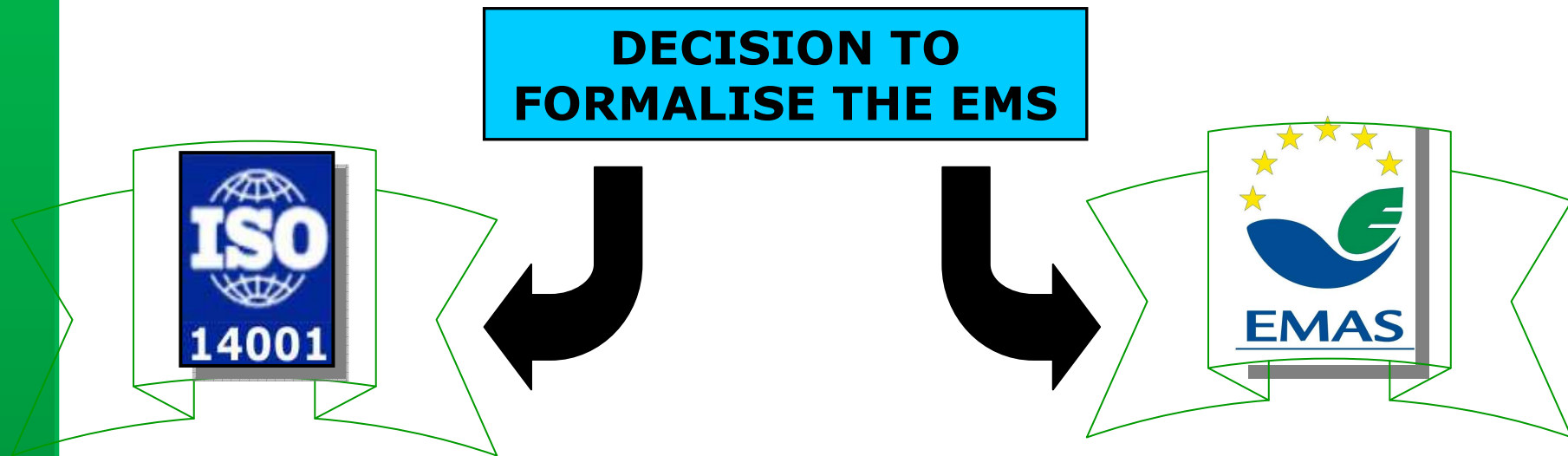
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# EU Legislation: Recommendation

- Describes the views of the EU institutions;
- Suggests a line of action without imposing any legal obligation on those to whom it is addressed (the Member States, other institutions, or in certain cases the citizens of the Union).



# Sistem de management de mediu



An organisation can voluntarily:

- Get the ISO14001 certification;
- Register according to EMAS Regulation;
- Do both at the same time or in different moments.

# ISO and EMAS versions

- ISO14001:2004

EMAS under revision:

1. EMASI: Regulamentul EEC/1836/93
2. EMASII: Regulamentul EC/761/2001
3. EMASIII: text discussed and agreed in April 2009 by the Council, Parliament and the Commission. Should be adopted before 2010.

# EMAS Regulamentul

## EMASII:

- 18 Articolul
- 8 Anexa

## EMASIII:

- 8 Capitolul
- 52 Articolul
- 8 Anexa

# Articolul 1: Schema comunitara de eco-management și audit si obiectivele acesteia

- Participarea voluntară

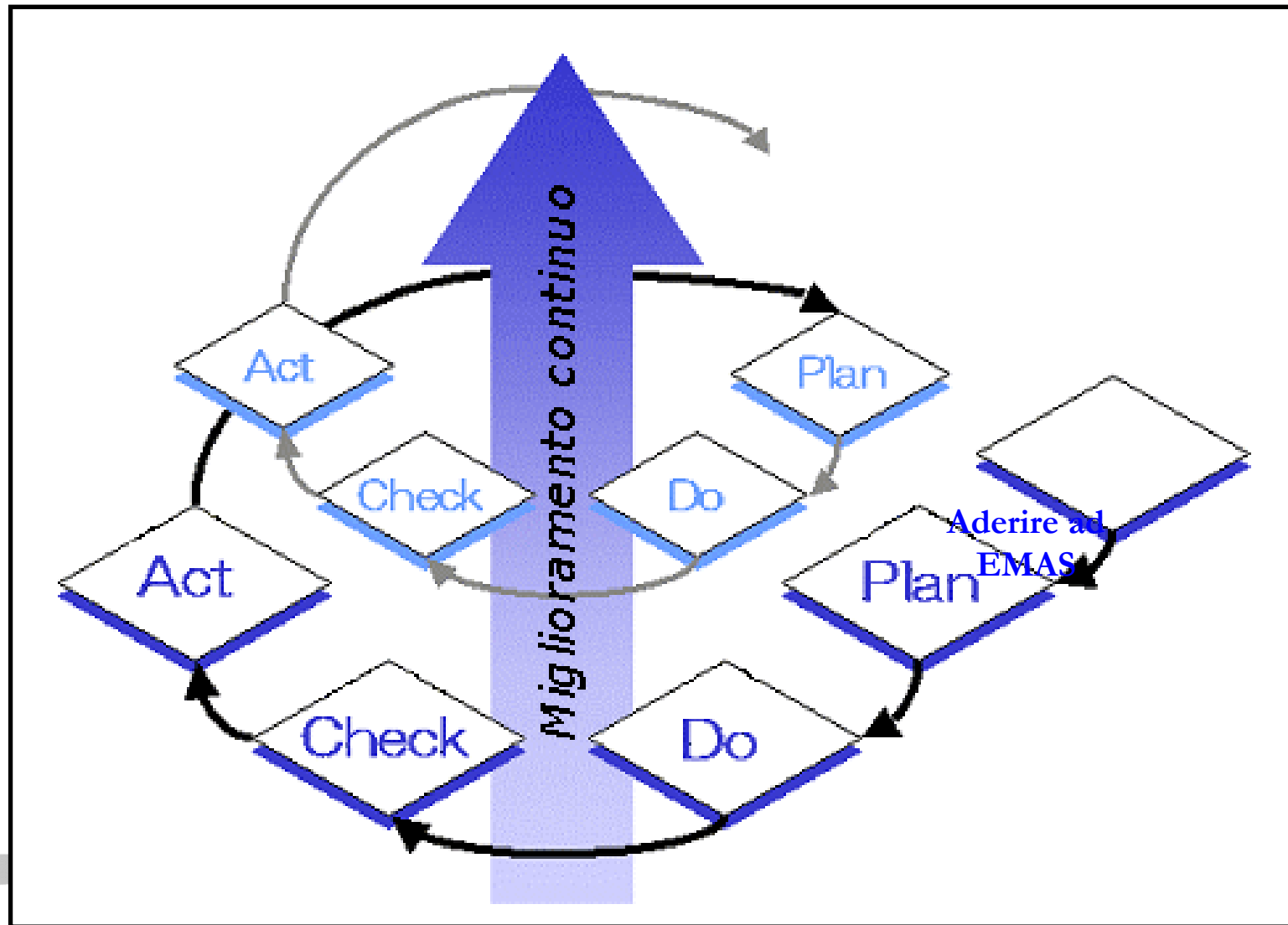
## Objectivs:

in vederea evaluării și îmbunătățirii performantei de mediu a organizațiilor și furnizării de informațiilor relevante publicului și altor părți interesate

## Requirements:

- Stabilirea și implementarea de către organizație a unui sistem de management de mediu;
- Evaluarea a performanței sistemului de management de mediu;
- Furnizarea informațiilor privind performanta de mediu a organizațiilor și menținerea unui dialog deschis cu publicul
- Implicarea activă a angajaților din cadrul organizației

# Deming cycle

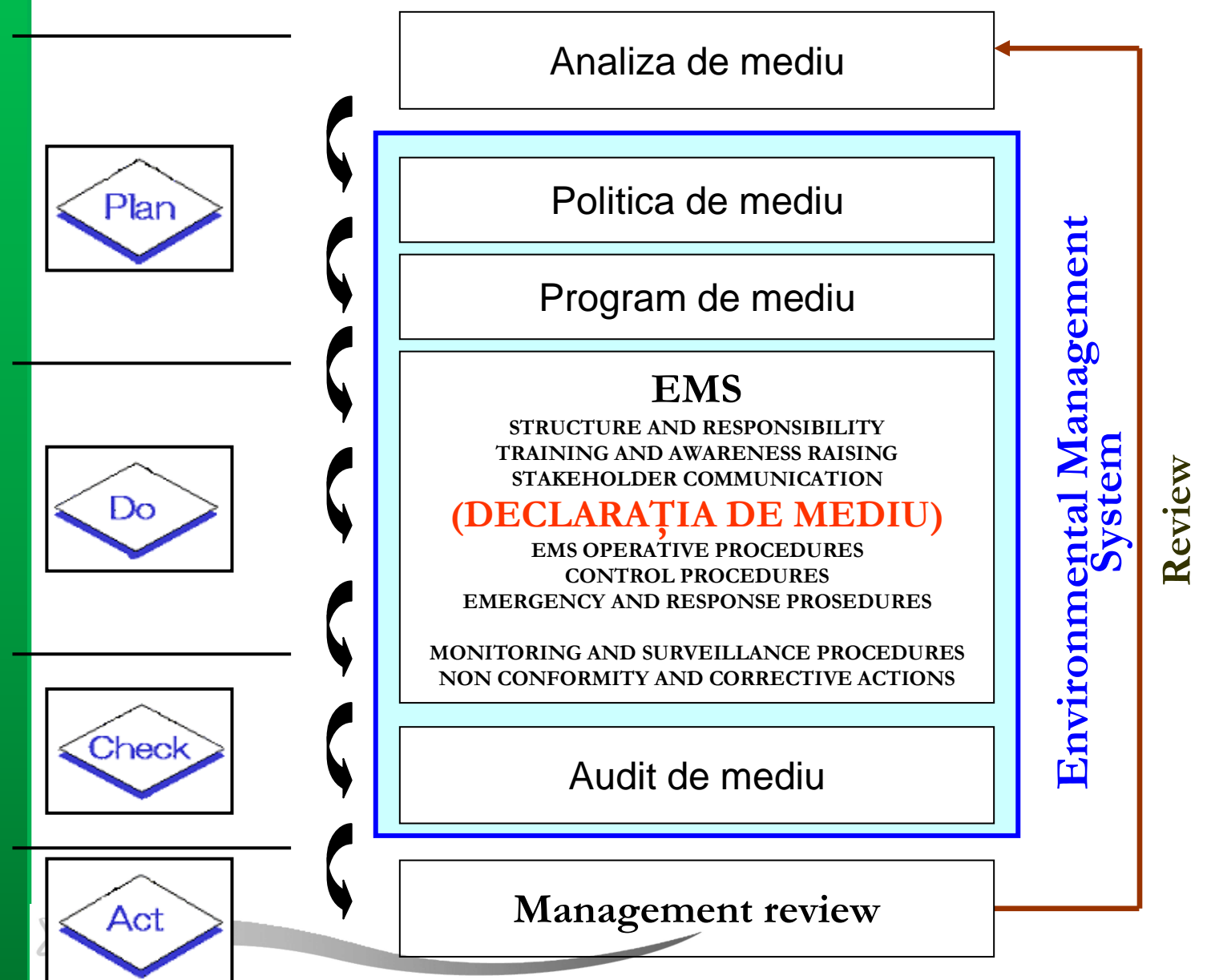


# Elements of an EMS

1. Analiza de mediu (Annex VI)
2. Politica de mediu
3. Program de mediu
4. Sistem de management de mediu (Annex I)
5. Audit de mediu (Annex II)
6. Declarația de mediu (Annex III)

The EMS must be implemented according to  
ISO14001:2004 Section 4

# EMAS STEPS



# Articolul 2: Definiții

- Organizație (EMASII, EMASIII)
- Amplasament (EMASII, EMASIII)
- Cluster (EMASIII)
- Small organisation (EMAS III)

# Cluster

- Means a group of independent organisations related to each other by geographical proximity or business activities jointly implementing the environmental management system

# Small organisation

1. micro, small and medium-sized enterprises as defined in the Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium sized enterprises
2. local authorities governing less than 10 000 inhabitants or other public authorities employing fewer than 250 persons and having an annual budget not exceeding EUR 50 million, or an annual balance sheet not exceeding EUR 43 million.

# Article 3: Part 1

**Who can register:** any organisation dedicated to improving overall environmental performance.

**Organisation:** A company, corporation, firm, enterprise, authority or institution, or part or combination thereof, whether incorporated or not, public or private, that has its own functions and administrations.

- EMASI: only industrial sites
- EMASII: all organisations in Member States
- EMASIII: organisations worldwide

# Article 3: who can register

## Organisation:

A company, corporation, firm, enterprise, authority or institution, or part or combination thereof, whether incorporated or not, public or private, that has its own functions and administrations.

# EMASII: Organisation

- Organisations operating in just one site;
- Organisations operating in different sites;
- Organisations for which a specific site cannot be properly defined;
- Organisations controlling temporary sites;
- Independent organisations registering as one common organisation;
- Small enterprises operating in a given large territory and producing the same or similar products or services;
- Local authorities and governmental institutions

# EMASIII: Organisation

- **Organisation:** company, corporation, firm, enterprise, authority or institution, located inside or outside the Community, or part or combination thereof, whether incorporated or not, public or private, that has its own functions and administration.
- **Cluster:** means a group of independent organisations related to each other by geographical proximity or business activities jointly implementing the environmental management system;
- **Site:** means a distinct geographic location under the management control of an organisation covering activities, products and services, including all infrastructure, equipment and materials; site is the smallest entity to be considered for registration;

# Article 3: Part 2

## Phases necessary for obtaining the EMAS Registration

1. Conduct an **environmental review**
2. Conduct an environmental audit
3. Prepare an environmental statement
4. Verify the environmental review, management system, audit procedure, environmental statement.

Environmental policy is not considered an operative phase but a document of intentions.

# Article 3: Part 3

Maintain the registration:

- Have the EMS and audit programme verified every 3 (4) years, environmental statement every (2) year(s)
- Forward the environmental statement updated to the competent body

# Article 4: Accreditation

- Accreditation Bodies are responsible for accreditation of EMAS verifiers.
- In Romania are:
  - EMAS Consultative Committee
  - EMAS Bureau.
- **EMAS Consultative Committee** functions beside the MEWN and the contact persons is Mrs. Angela Filipas, general director, MEWM.
- **The EMAS Bureau** functions within the National Environmental Protection Agency (NEPA) and the contact person is Mrs. Elena Balica, counselor, NEPA.

# Article 5: Competent bodies

Competent Bodies are responsible for the registration of organisations.

**Ministry of Environment and Water Management (MEWM), General Directorate Impact Assessment, Pollution Control.**

The contact person is Mrs. Felicia Ioana, counselor, MEWM.

# Article 6: Registration of organisations

Documents necessary to apply for registration:

1. Validated environmental statement
2. Description of the internal auditing programme over 3 years;
3. Application form (Annex VIII)
4. Receipt of registration fee;
- ...
5. For enterprises, certification of registration
6. Declaration of the managing director of compliance with legal requirements



# Article 7: List of registered organisations and verifiers

- The MEWM keeps the list of registered organisations and verifiers and forwards it to the Commission monthly.
- [http://ec.europa.eu/environment/emas/tools/contacts/ro\\_en.htm](http://ec.europa.eu/environment/emas/tools/contacts/ro_en.htm)

Romania:

- 2 verifiers
- 3 registered organisations



# Registered organisations

- Asociația Zona Metropolitană Oradea  
[www.oradea.ro](http://www.oradea.ro)
- Biserica Evanghelică, Casa Parohială,  
Centru Parohial  
[www.evang.ro](http://www.evang.ro)
- Casa Luxemburg  
[www.casaluxemburg.ro](http://www.casaluxemburg.ro)

# Article 8: Logo

- 2 versions;
- To be used only when registration is valid;
- Has to indicate always the registration number;
- Not to be used:
  - On products or packaging;
  - In comparative claims concerning other product, services, activities.

# Logo version 1



## To be used on:

- Letterhead;
- Information that promotes participation to EMAS (web site, company plate etc.)
- Under certain circumstances in promotion (the product is realised by an organisation certified according to EMAS)

# Logo version 2



**To be used:**

- **On the environmental statement**
- **Other validated environmental information**
- **Under certain circumstances in the promotion of products, activities, services**  
(promotional message containing validated information on production process or selection and assessment of suppliers)

# Logo in EMAS III

- Only version 1 “Verified environmental management”
- To be used only when registration is valid;
- Always have registration number;
- Any environmental information can bear the EMAS logo but it has to make reference to the environmental statement from which is taken.
- Not to be used:
  - On products or packaging;
  - In comparative claims concerning other product, services, activities.

# Article 9: Relationship with other standards

- An organisation that is certified according to another environmental standard does not need to duplicate procedures and documents but needs to develop the missing parts to comply with EMAS

# Article 10: Relationship with other European environmental law

- EMAS shall not interfere with EU or national law other standards;
- Member states should avoid duplication of efforts for enterprises and should facilitate authorization procedures for companies with EMAS;
- Procurement policy of public authorities should also favor environmental sound organisations.

# Article 11: Promotion of participation

- Addressed to Member States for the promotion especially of SMEs
- Member states should:
  - Facilitate access to information, support funds and public procurement;
  - Provide technical assistance;
  - Ensure reasonable registration fees.
- EMASIII sees the **chambers of commerce** as subject able to provide specific support to SMEs and cluster organisations

# Article 12: Information

- Addressed to Member States
- MS should keep organisations informed on the Regulation
- MS should inform the public on the objectives and main components of EMAS



# Article 13: Infringements

- Procedures to be followed in case of infringements are specified in article n 6.
- Generally a registration can be suspended or deleted if the organisation:
- does not comply with the EMAS Regulation;
- or fails to submit yearly updates and fee when required.

In any case the organisation management is promptly informed and has the possibility of submitting new information and documents not to loose the registration.

The national competent body has to communicate to the commission infringement procedures undertaken.

# Article 14: Committee

- Description of the legal procedure for the definition of the EMAS Regulation.
- The Commission is assisted by a Committee made of representatives of the Member States

# Article 15: Revision

- The EMAS Regulation should be reviewed in 5 years (from 2001).
- EMASIII Regulation similarly will be review in 5 years from its entry into force



# Article 16: Costs and fees

- Member states may charge fees for:
  - Costs incurred in providing information and assistance by designated bodies
  - Costs incurred in connection with accreditation, licesing and supervision of verifiers
  - Costs for firste registratrion, renewal, suspention and delition
- Fees must be reasonable and proportionate to the size of the organisation

# Article 17: Repeal of EMASI Regulation

- Specifies that EMASI Regulation is repealed and describes the procedure for currently accredited environmental verifiers and registered organisations

# Article 18: Entry into force

- This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Communities*.
- EMASII was published in the official journal on 24/04/2001 and entered into force on 27/04/2001.

# EMASII: Annexes

1. EMS requirements
2. Requirements concerning internal environmental auditing
3. Environmental statement
4. Logo
5. Accreditation, supervision and function of environmental verifiers
6. Environmental aspects
7. Environmental review
8. Registration information

# EMASIII: Articles

## CHAPTER I: General provisions

- Article 1: Objective
- Article 2: Definitions

## CHAPTER II: Registration of organisations

- Article 3: Determination of the Competent Body
- Article 4: Preparation for registration
- Article 5: Application for registration

## CHAPTER III: Obligations of registered organisations

- Article 6: Renewal of EMAS registration
- Article 7: Derogation for small organisations
- Article 8: Substantial changes
- Article 9: Environmental audit
- Article 10: Use of the EMAS logo

# EMASIII: Articles

## CHAPTER IV: Rules applicable to Competent Bodies

- Article 11: Designation and role of Competent Bodies
- Article 12: Obligations concerning the registration process
- Article 13: Registration of organisations
- Article 14: Renewal of organisations' registration
- Article 15: Suspension or deletion of organisations from the register
- Article 16: Forum of Competent Bodies
- Article 17: Peer evaluation of Competent Bodies

# EMASIII: Articles

## CHAPTER V: Environmental verifiers

- Article 18: Tasks of Environmental verifiers
- Article 19: Frequency of verification
- Article 20: Requirements for environmental verifiers
- Article 21: Additional requirements for environmental verifiers being natural persons and performing verification and validation activities individually
- Article 22: Additional requirements for environmental verifiers active in third countries
- Article 23: Supervision of environmental verifiers
- Article 24: Additional requirements for supervision of environmental verifiers active in a Member State other than that where accreditation or licence was granted
- Article 25: Conditions for performing verification and validation
- Article 26: Verification and validation of small organisations
- Article 27: Conditions for verification and validation in third countries

# EMASIII: Articles

## CHAPTER VI: Accreditation and Licensing Bodies

- Article 28: Operation of Accreditation and Licensing
- Article 29: Suspension and withdrawal of accreditation and licence
- Article 30: Forum of the Accreditation and Licensing Bodies
- Article 31: Peer evaluation of Accreditation and Licensing Bodies

# EMASIII: Articles

- CHAPTER VII: Rules applicable to Member States
- Article 32: Assistance to organisations relating to compliance with legal requirement relating to the environment
- Article 33: Promotion of EMAS
- Article 34: Information
- Article 35: Promotion activities
- Article 36: Promotion of participation of small organisations
- Article 37: Cluster and step-by-step approach
- Article 38: EMAS and other policies and instruments in the Community
- Article 39: Fees
- Article 40: Non-compliance
- Article 41: Information and reporting to the Commission

# EMASIII: Articles

## CHAPTER VIII: Rules applicable to the European Commission

- Article 42: Information
- Article 43: Collaboration and coordination
- Article 44: Integration of EMAS into other policies and instruments in the Community
- Article 45: Relationship with other environmental management systems
- Article 46: Development of reference documents and guides
- Article 47: Reporting

## CHAPTER IX: Final provisions

- Article 48: Amendment of Annexes
- Article 49: Committee
- Article 50: Revision
- Article 51: Repeal and transitional provisions
- Article 52: Entry into force

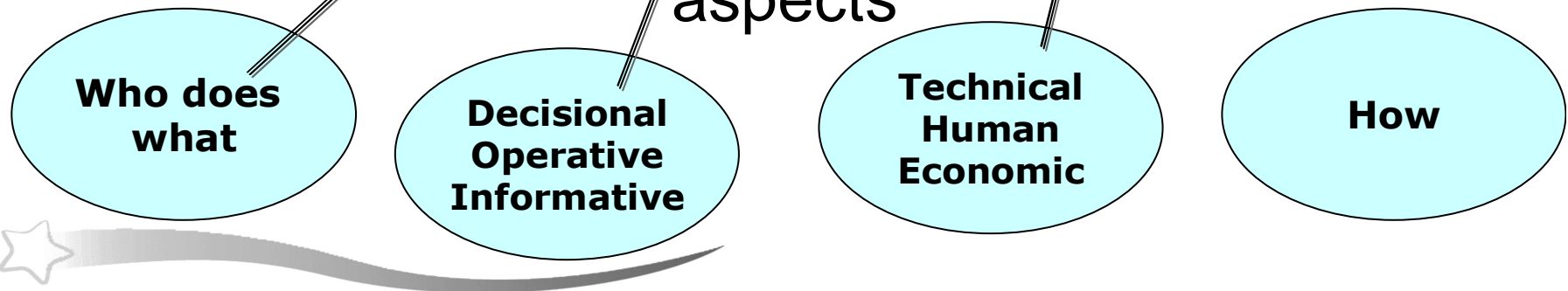


# Planning an EMS

1. Read Regulation: identify relevant elements (Annex I)
2. What organisation are we working on?  
NACE Code  
[http://ec.europa.eu/environment/emas/documents/nace\\_en.htm](http://ec.europa.eu/environment/emas/documents/nace_en.htm)
3. Always see what has been done by others and do better (Registered sites, etc.)!!

# EMS: Definition

Part of the overall management system that includes the organisational structure, planning activities, **responsibilities, practices, procedures, processes** and **resources** for developing, implementing, achieving, reviewing and maintaining the environmental policy and managing the environmental aspects



# EMS: Documentation

- **Management manual:** describes the management system as implemented in general, makes reference to the different activities to be controlled by specific procedures.
- **Procedures manual:** includes procedures that describe how to deliver single activities.
- **Operative instructions:** eventually include detailed instructions on specific operations.

# EMS Index

- From Annex I of EMASII or Annex II of EMAS III

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# Definition of responsibilities

- The EMS has to have a formal structure, personnel needs to be engaged and involved at all levels and across the structure. Avoid an “environmental task force”.
- It is necessary to identify employees that will be responsible for the system, everyone need to know what are the necessary activities.
- First step identify necessary roles! Is it necessary to define who:
  - Coordinates the whole EMS?
  - Controls compliance with environmental law?
  - Coordinates the environmental programme?
  - Stimulates awareness of employees and organises training?
  - Organises documents and internal monitoring?
  - Communicates with all the staff?
  - Facilitates external dialog?
- Everything needs to be formalised.

# Definition of responsibilities

- Who should be involved in defining and implementing the system?
- Which are the criteria for assigning roles and responsibilities?
- In public authorities roles may be already defined.
- In other organisations the choice is more flexible.
- New responsibilities and roles can be introduced by developing an EMS.

# Definition of responsibilities

It could be useful to create an Environmental certification committee including employees from different sectors in order to spread information in the organisation and create interest.



# Elements of an EMS

1. Environmental review (Annex VI)
2. Environmental policy
3. Environmental programme
4. Document EMS (Annex I)
5. Internal audit (Annex II)
6. Environmental statement (Annex III)

Responsibilities  
Procedures  
Operations