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20 June 2000

*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and Council regulation allowing voluntary participation by organisations in a Community Eco-Management and Audit Scheme (EMAS)
(10677/2/1999 – C5-0098/2000 – 1998/0303(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Cristina García Orcoyen Tormo

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

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PROCEDURAL PAGE

At the sitting of 15 April 1999 Parliament adopted its position at first reading on the proposal for a European Parliament and Council regulation allowing voluntary participation by organisations in a Community Eco-Management and Audit Scheme (EMAS) (COM(1998) 622 - 1998/0303 (COD)).

At the sitting of 16 March 2000 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (10677/2/1999 - C5-0098/2000).

The committee had appointed Cristina García Orcoyen Tormo rapporteur at its meeting of 2 September 1999.

It considered the common position and the draft recommendation for second reading at its meetings of 24 May and 20 June 2000.

At the latter meeting it adopted the draft legislative resolution by 45 votes to 0, with 2 abstentions.

The following took part in the vote: Caroline F. Jackson, chairman; Carlos Lage, Alexander de Roo and Ria G.H.C. Oomen-Ruijten, vice-chairmen; Cristina García Orcoyen Tormo, rapporteur; Per-Arne Arvidsson, María del Pilar Ayuso González, Hans Blokland, John Bowis, Hiltrud Breyer, Philip Rodway Bushill-Matthews (for Marielle de Sarnez), Dorette Corbey, Chris Davies, Avril Doyle, Carlo Fatuzzo (for Françoise D. Grossetête), Marialiese Flemming, Karl-Heinz Florenz, Laura González Álvarez, Robert Goodwill, Cristina Gutiérrez-Cortines, Roger Helmer, Mary Honeyball (for David Robert Bowe), Anneli Hulthén, Marie Anne Isler Béguin, Hedwig Keppelhoff-Wiechert (for Eija-Riitta Anneli Korhola), Christa Klaß, Bernd Lange, Peter Liese, Torben Lund, Patricia McKenna, Jorge Moreira Da Silva, Emilia Franziska Müller, Riitta Myller, Giuseppe Nisticò, Karl Erik Olsson, Marit Paulsen, Dagmar Roth-Behrendt, Guido Sacconi, Karin Scheele, Horst Schnellhardt, Inger Schörling, Jonas Sjöstedt, María Sornosa Martínez, Catherine Stihler, Antonios Trakatellis, Joaquim Vairinhos (for Marie-Noëlle Lienemann) and Phillip Whitehead.

The recommendation for second reading was tabled on 20 June 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the Council common position for adopting a European Parliament and Council regulation allowing voluntary participation by organisations in a Community Eco-Management and Audit Scheme (EMAS) (10677/2/1999 – C5-0098/2000 – 1998/0303(COD))

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (10677/2/1999 – C5-0098/2000),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(1998) 622²),
 - having regard to the Commission's amended proposal (COM(1999) 313³),
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 80 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0165/2000),
1. Amends the common position as follows;
 2. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 219, 30.7.1999, p. 385.

² OJ C 400, 22.12.1998, p. 7.

³ Awaiting publication in the Official Journal.

(Amendment 1)
Recital 13

(13) Whereas it is therefore necessary to ensure the competence of the environmental verifiers by providing for an independent and neutral accreditation system and an appropriate supervision of their activities in order to ensure the overall credibility of EMAS; close cooperation between the national accreditation bodies should accordingly be set up;

(13) Whereas it is therefore necessary to ensure ***and steadily improve*** the competence of the environmental verifiers by providing for an independent and neutral accreditation system, ***retraining*** and an appropriate supervision of their activities in order to ensure the overall credibility of EMAS; close cooperation between the national accreditation bodies should accordingly be set up;

Justification:

Reinstates EP position at first reading.

(Amendment 2)
Recital 14a (new)

(14a) Whereas the Member States should create incentives to encourage organisations to participate in EMAS;

Justification:

Reinstates EP position at first reading.

(Amendment 3)
Recital 14b (new)

(14b) Whereas the Commission shall support the candidate countries for EU membership to provide the necessary structures for the application of EMAS;

Justification:

Reinstates EP position at first reading.

(Amendment 4)
Article 1(2)(d)

(d) the active involvement, ***including appropriate training, of employees.***

(d) the ***more*** active involvement of ***workers, and proper training and retraining to enable them to take an active part in the tasks described in (a) above;***

Justification:

Reinstates EP position at first reading.

(Amendment 5)
Article 1(2)(da) (new)

(da) applying best available technologies (BATs) with the aim of using suitable techniques to reduce environmental impacts, taking preventive measures against pollution, using clean technologies, replacing dangerous and polluted substances, products or modes of transport and assessing the environmental impact of services, especially financial services.

Justification:

Reinstates EP position at first reading.

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(Amendment 6)
Article 1(2)(db)(new)

(db) If no technology is applicable for a given area, subparagraph da shall apply mutatis mutandis.

Justification:

Reinstatement of EP's position at first reading.

(Amendment 7)
Article 2(c)

(c) "Environmental performance" shall mean the results of an organisation's **management** of its environmental aspects

(c) "Environmental performance" shall mean the **measurable** results of an organisation's **direct and indirect** environmental aspects

Justification:

The Council definition lacks focus: there are results of the management of environmental aspects which cannot be measured in terms of emissions or resources use or product design.

(Amendment 8)
Article 2 (p)

(p) "interested party" shall mean **an individual or group, including authorities, concerned with or affected by the environmental performance of an organisation;**

(p) "interested party" shall mean **all people, organisations, and groups which have a specific and legitimate interest in the organisation which wants to be registered under EMAS. The groups clearly recognised as interested parties are: (1) the people working in the organisation itself, (2) the people living around the physical basis of the organisation, (3) the financial relations of the organisation (banks, insurance companies, private and institutional shareholders), (4) business-to-business partners, and (5) society groups (like consumer and environmental organisations and trade unions).**

Justification:

The concept of an interested party should be clearly defined.

(Amendment 9)
Article 2(s)

(s) "organisation" shall mean 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. The entity to be registered as an organisation under EMAS shall be agreed with the environmental verifier, taking account of Commission guidance, established in accordance with the procedure laid down in Article 14, but shall not exceed the boundaries of one Member State. The smallest entity to be considered shall be a site. ***Under exceptional circumstances identified by the Commission in accordance with the procedure laid down in Article 14, the entity to be considered for registration under EMAS may be smaller than a site.***

(s) "organisation" shall mean 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. The entity to be registered as an organisation under EMAS shall be agreed with the environmental verifier ***and the competent bodies***, taking account of Commission guidance, established in accordance with the procedure laid down in Article 14, but shall not exceed the boundaries of one Member State. The smallest entity to be considered shall be a site.

Justification:

Partially reinstates EP position at first reading.

(Amendment 10)
Article 3(2)(a), first paragraph

(a) conduct an environmental review of its activities, products and services in accordance with Annex VII addressing the issues contained in Annex VI and, in the light of the results of that review, implement an environmental management system covering all the requirements referred to in Annex I.

(a) conduct an environmental review of its activities, products and services in accordance with Annex VII addressing the issues contained in Annex VI and, in the light of the results of that review, implement an environmental management system covering all the requirements referred to in Annex I ***on the basis of best available technology (BATs).***

Justification:

Reinstatement of EP's position at first reading.

(Amendment 11)

Article 3(2)(c)

(c) prepare, in accordance with Annex III, point 3.2, an environmental statement. The statement shall pay particular attention to the ***performance*** of an organisation against its environmental objectives and targets;

(c) prepare, in accordance with Annex III, point 3.2, an environmental statement. The statement shall pay particular attention to the ***results achieved by*** an organisation against its environmental objectives and targets ***and the requirements of continuing to improve its protection of the environment, and shall consider the information needs of relevant interested parties and the public at large;***

Justification:

Reinstates EP position at first reading.

(Amendment 12)

Article 3(2) (new subparagraph)

The centres or activities reviewed may be entered in the Commission's EMAS Register only if they comply with the environmental law concerned.

Justification:

Reinstates EP position at first reading.

(Amendment 13)

Article 3(3)(b)

(b) forward the yearly validated updates of its environmental statement to the competent body and make them publicly available. Deviations from the frequency

(b) forward the regularly validated updates of its environmental statement, in accordance with the requirements of Annex V, point 5.6, to the competent body and

with which updates shall be performed can be made under circumstances laid down in Commission guidance adopted in accordance with the procedure laid down in Article 14(2).

make them publicly available.

Justification:

An annual validation would impose too heavy a burden on many organisations; it is prejudicial to small and medium-sized enterprises and would have a psychologically discouraging effect. A flexible approach is advisable here, for example for cases where the environmental impact and legal requirements are constant and not complex and the public therefore has less need of information about changes over a period. Annex V, point 5.6, sets out the substantive criteria, on the basis of which validation periods can be set at intervals of between 12 and 36 months.

(Amendment 14)
Article 3(3a)(new)

3a. The environmental statement shall be validated within an appropriate period of up to three years. The frequency of validation shall depend particularly on the following aspects:

- experience with environmental management systems,***
- the organisation's environmental impact,***
- the nature, scale and complexity of its activities,***
- the nature and scale of the expected changes in the management system and environmental impact.***

Justification:

This amendment sets out the criteria that may be relevant when determining the frequency of validation.

(Amendment 15)
Article 4(5)

5. Environmental verifiers accredited in one Member State may perform verification activities in any other Member State in accordance with the requirements laid down in Annex V.

5. Environmental verifiers accredited in one Member State may perform verification activities in any other Member State in accordance with the requirements laid down in Annex V. ***The start of the verification activity shall be notified to the Member State in which it is being performed and the activity shall be subject to the supervision of the latter's accreditation system.***

Justification:

Reflects the thinking behind the EP's position at first reading.

(Amendment 16)
Article 7(2)

2. The competent bodies shall establish and maintain a list of registered organisations in their Member State and update this list on a monthly basis. The competent bodies shall directly, or via the national authorities as decided by the Member State concerned, communicate changes in this list each month to the Commission.

2. The competent bodies shall establish and maintain a list of registered organisations in their Member State and update this list on a monthly basis. The competent bodies shall directly, or via the national authorities as decided by the Member State concerned, communicate changes in this list each month to the Commission ***and may organise a system of data exchanges by economic sector and area of competence in the network of delegated local bodies.***

Justification:

Reinstates EP position at first reading.

(Amendment 17)
Article 9(2)

2. To enable such organisations to be

2. To enable such organisations to be

registered to EMAS, the organisation concerned must demonstrate to the verifier **only** compliance with requirements not covered by the recognised standards.

registered to EMAS, the organisation concerned must demonstrate to the verifier compliance with requirements not covered by the recognised standards, **and hence that they comply in practice with the requirements of continuing improvement of environmental protection and the application of best available technology (BATs).**

Justification:

Reinstatement of EP's position at first reading.

(Amendment 18)
Article 10(2)

2. Member States should consider how registration under EMAS in accordance with this Regulation may be taken into account in the implementation and enforcement of environmental legislation in order to avoid unnecessary duplication of effort by both organisations and competent enforcement authorities.

Member States shall inform the Commission of the measures taken in this regard.

2. Member States should consider how registration under EMAS in accordance with this Regulation may be taken into account in the implementation and enforcement of environmental legislation in order to avoid unnecessary duplication of effort by both organisations and competent enforcement authorities.

Member States shall inform the Commission of the measures taken in this regard. ***The Commission shall submit such information to the European Parliament in a report two years after entry into force of this Regulation.***

Justification:

Reflects the thinking behind the EP's position by introducing monitoring of the measures to be adopted over a period of time.

(Amendment 19)
Article 11(1)

Promotion of organisations' participation, in particular of small and medium-sized enterprises.

1. Member States shall promote

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organisations' participation in EMAS and shall, in particular, consider the need to ensure the participation of small and medium-sized enterprises (SMEs) by

- facilitating the access to information, ***existing*** support funds ***and public institutions***,
- establishing or promoting technical assistance measures, especially in conjunction with initiatives from appropriate professional or local points of contact (e.g. local authorities, chambers of commerce, trade or craft associations).

In order to promote participation of SMEs, including those concentrated in well defined geographical areas, local authorities, in participation with industrial associations, chambers of commerce and interested parties may provide assistance in the identification of significant environmental impacts. SMEs may then use this in defining their environmental programme and setting the objectives and targets of their EMAS management system. In addition, programmes designed to encourage the participation of SMEs, such as a step by step approach which will eventually lead to EMAS registration, may be developed at regional or national level.

organisations' participation in EMAS and shall, in particular, consider the need to ensure the participation of small and medium-sized enterprises (SMEs) by

- facilitating the access to information, support funds, ***public structures and public contracts***,
- ***giving them priority access to public facilities, including those co-financed by the European Community***,
- establishing or promoting technical assistance measures, especially in conjunction with initiatives from appropriate professional or local points of contact (e.g. local authorities, chambers of commerce, trade or craft associations).
- ***ensuring that reasonable registration fees encourage higher participation.***

In order to promote participation of SMEs, including those concentrated in well defined geographical areas, local authorities, in participation with industrial associations, chambers of commerce and interested parties may provide assistance in the identification of significant environmental impacts. SMEs may then use this in defining their environmental programme and setting the objectives and targets of their EMAS management system. In addition, programmes designed to encourage the participation of SMEs, such as a step by step approach which will eventually lead to EMAS registration, may be developed at regional or national level.

The system shall operate so as to reduce the administrative burden for businesses in general and small businesses in particular.

Justification:

Reinstates EP position at first reading.

(Amendment 20)
Article 11(3)

3. Member States shall inform the Commission of the measures taken under this Article.

3. Member States shall inform the Commission of the measures taken under this Article. ***The Commission shall submit such information to the European Parliament in a report two years after entry into force of this Regulation.***

Justification:

Reflects the thinking behind the EP's first reading, while changing the deadline.

(Amendment 21)

Article 12(1), second subparagraph

Member States shall in particular use professional publications, local journals, promotion campaigns or any other functional means to promote general awareness of EMAS.

Member States shall, ***in collaboration with contracting and consumer organisations, trade unions and local institutions,*** in particular use professional publications, local journals, promotion campaigns or any other functional means to promote general awareness of EMAS.

Justification:

Reinstates EP position at first reading.

(Amendment 22)

Article 12(3a) (new)

3a. The Council, the Commission and the European Parliament shall ensure that their physical assets participate in the Community eco-management and audit scheme within the next four years.

Justification:

Reflects the thinking behind the EP's first reading, while changing the deadline.

(Amendment 23)

Article 13, second paragraph (new)

The Commission shall encourage the Member States to draw up a protocol of intent on the common guidelines on penalties.

Justification:

Reinstates EP position at first reading.

(Amendment 24)

Article 14(2)

2. Where reference is made to this paragraph, Articles **5** and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period referred to in Article **5(6)** of Decision 1999/468/EC shall be set at three months.

2. Where reference is made to this paragraph, Articles **4** and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period referred to in Article **4(3)** of Decision 1999/468/EC shall be set at three months.

Justification:

This amendment changes the regulatory committee proposed by the Council and restores the management committee as proposed by the Commission in its initial proposal, which was not amended by Parliament at first reading since it was in line with the approach taken by Parliament in matters of commitment.

(Amendment 25)

Annex I, A.

A. Environmental management system requirements

The environmental management system shall be implemented according to section 4 of the EN/ISO 14001:1996 European standard for environmental management systems

A. Environmental management system requirements

Insertion of the full text of section 4 of the EN/ISO 14001:1996 European standard for environmental management systems

Justification:

As the Commission has concluded the relevant negotiations and the agreement will be signed shortly, the text of Section 4 of the EN/ISO standard should be inserted in this Regulation.

(Amendment 26)

Annex I, B.1(b)

provide for legal compliance with environmental legislation; and

ensure legal compliance with environmental legislation; and

Justification:

Reinstatement of EP's position at first reading.

(Amendment 27)
Annex I, B.4

4. Employee involvement

In addition to the requirements in Annex I – Section A employees shall be involved in the process aimed at continually improving the organisation's environmental performance. Appropriate forms of participation such as the suggestion-book system or project-based group works or environmental committees **could** be used for this purpose. Organisations shall take note of Commission guidance on best practice in this field.

4. Employee involvement

In addition to the requirements in Annex I – Section A employees **and their representatives** shall be involved in the process aimed at continually improving the organisation's environmental performance. Appropriate forms of participation such as the suggestion-book system or project-based group works or environmental committees **should** be used for this purpose. Organisations shall take note of Commission guidance on best practice in this field.

Justification:

Reinstatement of EP's position at first reading.

(Amendment 28)
Annex II.2.1, first paragraph

Internal audits ensure that the activities carried out by an organisation are being conducted in accordance with established procedures. The audit **may** also identify any problems with those established procedures or any opportunities for improving those procedures. The scope of audits carried out within an organisation may vary from the audit of a simple procedure to the audit of complex activities.

Internal audits ensure that the activities carried out by an organisation are being conducted in accordance with established procedures **and takes account of the views of employees and their representatives**. The audit **shall** also identify any problems with those established procedures or any opportunities for improving those procedures. The scope of audits carried out within an organisation may vary from the

Over a period of time all activities in a particular organisation shall be subject to an audit. The period of time taken to complete audits of all activities is known as the audit cycle. For small non-complex organisations, it may be possible to audit all activities at one time. For these organisations the audit cycle is the interval between these audits.

audit of a simple procedure to the audit of complex activities. Over a period of time all activities in a particular organisation shall be subject to an audit. The period of time taken to complete audits of all activities is known as the audit cycle. For small non-complex organisations, it may be possible to audit all activities at one time. For these organisations the audit cycle is the interval between these audits.

Justification:

Reinstatement of EP's position at first reading.

(Amendment 29)
Annex II.2.6(f)

(f) reporting audit findings and conclusions.

(f) reporting audit findings and conclusions ***in cooperation with employees and their representatives.***

Justification:

Reinstatement of EP's position at first reading.

(Amendment 30)
Annex III, 3.1

3.1 Introduction

The aim of the environmental statement is to provide environmental information to the public and other interested parties regarding the environmental impact and performance of the organisation. It is also a vehicle to address the stakeholder requirements identified as a result of Annex I – Section B.3 and considered as significant by the organisation (Annex VI, point 6.4(d)). ***Environmental information shall be presented in a clear and coherent manner in printed form for those who have no other means of obtaining this information. Upon its first registration and every three years thereafter, the organisation is required to make available the information detailed under point 3.2 in a consolidated printed version.***

The Commission shall ***adopt guidance about the environmental statement*** in accordance with the procedure laid down in Article 14.

3.1 Introduction

The aim of the environmental statement is to provide environmental information to the public and other interested parties regarding the environmental impact and performance ***and the continuing improvement of environmental protection*** of the organisation. It is also a vehicle to address the stakeholder requirements identified as a result of Annex I – Section B.3 and considered as significant by the organisation (Annex VI, point 6.4(d)).

The Commission shall ***lay down guidelines concerning form and minimum content in order to improve the clarity and uniformity of environmental statements,*** in accordance with the procedure laid down in Article 14.

Justification:

Reinstates EP position at first reading.

(Amendment 31)
Annex III.3.2.(e)

- (e) A summary of the data available on the performance of the organisation against its environmental objectives and targets with respect to its **significant** environmental impacts. The summary may include figures on pollutant emissions, waste generation, consumption of raw material, energy and water, noise as well as other aspects indicated in Annex VI. The data should allow for year-by-year comparison to assess the development of the environmental performance of the organisation;

- (e) A summary of the data available on the performance of the organisation against its environmental objectives and targets with respect to its environmental impacts. The summary may include figures on pollutant emissions, waste generation, consumption of raw material, energy and water, noise as well as other aspects indicated in Annex VI. The data should allow for year-by-year comparison to assess the development of the environmental performance of the organisation;

Justification:

Reinstatement of EP's position at first reading.

(Amendment 32)
Annex III, 3.3

3.3. Criteria for environmental performance reporting
The raw data generated by an environmental management system will be used in a number of different ways to show the environmental performance of an organisation. **Organisations are encouraged to use environmental performance indicators where appropriate. If an organisation uses environmental performance indicators, (e.g. energy usage per tonne of product), it shall ensure that any performance indicators it selects:**

- (a) give an accurate appraisal of the organisation's performance;
- (b) are understandable and unambiguous;
- (c) allow for year on year comparison to assess the development of the environmental performance of the

3.3. Criteria for environmental performance reporting
The raw data generated by an environmental management system will be used in a number of different ways to show the environmental performance of an organisation. **For this purpose organisations shall use the existing environmental performance indicators, making sure that the indicators chosen:**

- (a) give an accurate appraisal of the organisation's performance;
- (b) are understandable and unambiguous;
- (c) allow for year on year comparison to assess the development of the environmental performance of the organisation;
- (d) allow for comparison with sector, national or regional benchmarks as

- organisation;
(d) allow for comparison with sector, national or regional benchmarks as appropriate;
(e) allow for comparison with regulatory requirements as appropriate.

- appropriate;
(e) allow for comparison with regulatory requirements as appropriate.

Justification:

Reinstates EP position at first reading.

(Amendment 33)
Annex III, 3.6

3.6. Public availability

The information generated in point 3.2(a) to (g) which forms the environmental statement for an organisation and the updated information specified in point 3.4 shall be available to the public and other interested parties. To this end, organisations are encouraged to use all methods available (electronic publication, libraries etc.) The organisation shall be able to demonstrate to the environmental verifier that anybody interested in the organisations (*sic*) environmental performance can easily and freely **gain** access to the information required in point 3.2(a) to (g) and point 3.4.

3.6. Public availability

The information generated in point 3.2(a) to (g) which forms the environmental statement for an organisation and the updated information specified in point 3.4 shall be available to the public and other interested parties. ***The environmental statement shall be laid before the public.*** To this end, organisations are encouraged to use all methods available (electronic publication, libraries etc.) The organisation shall be able to demonstrate to the environmental verifier that anybody interested in the organisations (*sic*) environmental performance can easily and freely ***be guaranteed*** access to the information required in point 3.2(a) to (g) and point 3.4.

Justification:

Reinstates EP position at first reading.

(Amendment 34)
Annex III.3.7

Organisations registering under EMAS may wish to produce one corporate environmental statement covering a number of different geographic locations. The intention of EMAS is to ensure local accountability and thus organisations shall ensure that the **significant** environmental impacts of each site are clearly identified and reported within the corporate statement.

Organisations registering under EMAS may wish to produce one corporate environmental statement covering a number of different geographic locations. The intention of EMAS is to ensure local accountability and thus organisations shall ensure that the environmental impacts of each site are clearly identified and reported within the corporate statement.

Or. de

Justification:

Reinstatement of EP's position at first reading.

(Amendment 35)
Annex V, 5.2.1 (b), (c) and (d)

(b) Knowledge and understanding of the legislative **and** regulatory requirements of the activity subject to verification;

(c) Knowledge and understanding of environmental issues;

(d) Knowledge and understanding of the technical aspects, **relevant to environmental issues**, of the activity subject to verification;

(b) knowledge and understanding of the legislative, regulatory, **and other categories of** requirements relevant to the activity subject to verification;

(c) Knowledge and understanding of environmental issues, **and of the environmental implications for sustainable development**;

(d) Knowledge and understanding of the technical aspects of the activity subject to verification;

(d)a Knowledge and understanding of industrial implications;

(d)b Appropriate proof of all the verifier's knowledge. Such proof also includes the admission requirements for persons entrusted with the statutory audit of accounting records within the scope of the eighth Council Directive based on Article 54(3)(g) of the Treaty on the approval of persons responsible for carrying out the statutory audits of accounting documents (84/253/EEC);

(d)c Completion of at least three environmental audits under the

supervision of a verifier with three years' experience, of which one such audit should be carried out in a country other than the new verifier's country of origin.

Justification:

Reinstates EP position at first reading.

(Amendment 36)

Annex V, 5.6

5.6. Verification frequency

In consultation with the organisation the environmental verifier shall design a programme to ensure that all elements required for registration with EMAS are verified *in a period not exceeding 36 months*. In addition the environmental verifier shall *at intervals not exceeding 12 months validate any updated information in the environmental statement.*

Deviations from the frequency with which updates shall be performed may be made under circumstances laid down in Commission guidance adopted in accordance with the procedure laid down in Article 14(2).

5.6. Verification frequency

In addition the environmental verifier shall *at regular intervals within a period of from 12 to 36 months validate any updated information in the environmental statement. In establishing the interval for verification pursuant to the first sentence and for the submission and validation of an environmental statement pursuant to the second sentence, the environmental verifier shall take into account, in conjunction with the organisation:*

(a) the nature, scale and complexity of the activities,

(b) the significance of the associated environmental impact;

(c) the organisation's experience of applying environmental management;

(d) any external verification based on other management systems used by the organisation that may be required.

** Small and medium-sized enterprises and craft businesses shall be exempted from the above provision. In their case, environmental statements shall be verified every three years.*

Justification:

This amendment sets out the criteria which may be relevant when determining the frequency of validation. It is based on the criteria listed in Annex II.2.9 of the Regulation for determining the audit frequency.

(Amendment 37)
Annex VI, 6.1, first paragraph

Environmental aspects

6.1 General

An organisation shall consider all environmental aspects of its activities, products and services and decide on the basis of criteria, ***defined by the organisation***, which of its environmental aspects have a significant impact, as a basis for setting its environmental objectives and targets. These criteria shall be publicly available.

Environmental aspects

6.1 General

An organisation shall consider all environmental aspects of its activities, products and services and decide on the basis of criteria ***that are in line with the current state of environmental law, environmental programmes, quality objectives, the Community's environmental action programme and international environment programmes***, which of its environmental aspects have a significant impact, as a basis for setting its environmental objectives and targets. These criteria shall be publicly available.

Justification:

Reinstates EP position at first reading.

EXPLANATORY STATEMENT

On 28 February 2000 the Council adopted its common position pursuant to Article 251 of the Treaty.

The aim of this Regulation is to improve and strengthen the original EMAS scheme established by Council Regulation (EEC) No 1836/93 of 29 June 1993 on voluntary participation by industry in a Community eco-management and audit scheme.

The new Regulation introduces important elements designed to produce a valuable environmental policy tool for improving the environmental performance of organisations, by building on the substantial progress made since the introduction of Regulation 1836/93.

In its second reading the Council has incorporated fully or partly many of Parliament's amendments, although your rapporteur believes that the text should spell out more clearly a number of questions which are particularly important to the success of this environmental policy instrument. These include in particular:

1. Creating genuine incentives to encourage European undertakings to take part in the scheme

The success of the scheme depends on its acceptance by the business world and it should therefore encourage the Member States to introduce genuine incentives for organisations to take part in EMAS.

Amendments 2 and 9 provide a framework to encourage participation by organisations in EMAS by facilitating access to information, support funds, public structures and public contracts, while preserving the fairness and transparency of award procedures.

The structure of the business fabric in Europe makes it vital to promote the involvement of small and medium-sized enterprises. With this in view, there is a need for a system of charges which will encourage higher participation (Amendments 19, 20 and 36). The system should also operate so as to reduce the administrative burden on businesses in general and small businesses in particular. The Commission and the Member States should take care to ensure that this is successful by promoting measures to boost participation by small businesses.

2. Cooperation by Union institutions

For their part, Union organisations should also encourage dissemination of the scheme as far as possible. For example, Amendment 22 calls for the Union institutions to join the scheme within a reasonable period of four years, while Amendment 19 gives priority with regard to public aid to organisations participating in EMAS.

Amendment 3 encourages the involvement of organisations from the countries applying for EU membership by giving support for the provision of the structures necessary for achieving this goal.

3. Strengthening the scheme's reliability vis-à-vis third parties

It must be made explicit in the text of the Regulation that the centres or activities reviewed may be entered in the EMAS register only if they comply with the environmental law concerned (Amendment 12). In addition, the environmental aspects of an organisation's activities, products and services must be in line with existing legal provisions, as well as other voluntary undertakings it has given (Amendment 37).

4. Participation of interested parties

Environmental management systems must be part of the daily management of organisations and environmental factors must therefore be taken into account when organisations belonging to the scheme take decisions. With this in view, the involvement of workers via training and information will facilitate the active participation of the various levels of the organisation in achieving its environmental objectives (Amendment 4).

5. Monitoring the professional competence of verifiers

The credibility of the scheme is another key factor in the success of its development. To ensure this, there is a need for greater transparency and constant monitoring by the competent bodies. The performance of the verifiers needs to be continually monitored and with this in view two kinds of provision are introduced:

- (a) Supervision. Amendments 5 and 15 introduce supervision of the activities of verifiers in the different Member States, and approval of their inclusion in the EMAS register;
- (b) Knowledge and understanding of environmental issues. Amendment 1 and in particular Amendment 35 bolster this principle. The latter amendment spells out the various matters which should fall within the responsibility of verifiers so as to make it easier to assess their performance.

6. Increase in transparency and information

The scheme must guarantee transparency and coordination and, with this in view, mechanisms must be introduced to formally ensure:

- public access to information (Amendments 11, 21 and 33), taking into account in the statement the request for information by the interested parties;
- clarity of the information provided, both as regards information given in statements relating to more than one centre, and that relating to:
- uniformity of statements, with the drawing-up of rules on form and content (Amendment 30);
- coordination between the competent bodies so as to prevent differences in the way criteria are applied through the organisation of a network for the exchange of data (Amendment 16) and common guidelines on penalties (Amendment 23).

7. Performance indicators

The scheme will not fully achieve its objective unless mechanisms are introduced to quantify the environmental improvements introduced by organisations belonging to the scheme. With this in view, efforts must be made to ensure that the organisations introduce a system of indicators making it possible to quantify clearly and unambiguously the effects of the measures they have taken (Amendment 32).