

# EUROPEAN PARLIAMENT

1999



2004

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*Session document*

FINAL  
**A5-0033/2001**

29 January 2001

## **\*\*\*III REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (C5-0661/2000 – 1998/0303(COD))

European Parliament delegation to the Conciliation Committee

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).

At the sitting of 6 July 2000 Parliament adopted amendments to the common position.

By letter of 26 September 2000 the Council stated that it was unable to approve all Parliament's amendments.

By letter of 31 October 2000 the President of the Council informed Parliament that it was necessary to extend the deadline for convening the Conciliation Committee, as laid down in Article 251(7) of the EC Treaty.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 22 November 2000.

By letter of 14 December 2000 the President of Parliament informed the Council that it was necessary to extend the deadline for adopting the act, as laid down in Article 251(7) of the EC Treaty.

At the meeting of 22 November 2000 the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

At the same meeting it reached agreement on a joint text.

On 20 December 2000 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the joint declaration on practical arrangements for the new codecision procedure,<sup>1</sup> and forwarded it to Parliament and the Council in all the official languages.

On 26 January 2001 Parliament's delegation to the Conciliation Committee adopted the draft legislative resolution unanimously.

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<sup>1</sup> OJ C 148, 28.5.1999, p. 1

The following took part in the vote: Ingo Friedrich, Vice-President and chairman of the delegation; Renzo Imbeni and James L.C. Provan, Vice-Presidents; Caroline F. Jackson, chairman of the Committee on the Environment, Public Health and Consumer Policy; Cristina García Orcoyen Tormo, rapporteur; David Robert Bowe, Laura González Álvarez, Françoise Grossetête, Bernd Lange, Guido Sacconi, Karin Scheele and Horst Schnellhardt.

The report was tabled on 29 January 2001.

## DRAFT LEGISLATIVE RESOLUTION

**European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (C5-0661/2000 – 1998/0303(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee (C5-0661/2000),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(1998) 622<sup>2</sup>),
  - having regard to the amended Commission proposal (COM(1999) 313<sup>3</sup>),
  - having regard to its position at second reading on the Council common position<sup>4</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2000) 512 - C5-0413/2000<sup>5</sup>),
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 83 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A5-0033/2001),
1. Approves the joint text;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 219, 30.7.1999, p. 385

<sup>2</sup> OJ C 400, 22.12.1998, p. 7

<sup>3</sup> OJ C 212E, 25.7.2000, p. 1

<sup>4</sup> OJ C (not yet published)

<sup>5</sup> OJ C (not yet published)

# **EXPLANATORY STATEMENT**

## **Introduction**

Regulation 1836/93 (which the present Regulation supersedes), allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme, has demonstrated its effectiveness in promoting improvements of the environmental performance of industry.

The experience gathered from the implementation of the above regulation should be used to enhance the ability of this Community scheme (henceforth referred to as EMAS) to bring about an improvement in the overall environmental performance of organisations. EMAS should be made available to all organisations having environmental impacts.

As far as the formal aspect is concerned, the present regulation confines itself to guaranteeing that this system will be applied uniformly throughout the Community, by laying down common rules, procedures and basic requisites (analysis of the management systems, audit programmes and environmental statements of organisations; environmental statements and their subsequent updates will be validated by accredited environmental verifiers).

Concerning the substance, the objective of EMAS is to promote continual improvements in the environmental performance of organisations by means of: the establishment and implementation of environmental management systems by those organisations, the systematic and periodic evaluation of the performance of such systems, the provision of information on environmental performance, open dialogue with the public, and the active involvement and training of employees.

In order to achieve these objectives, organisations, especially SMEs, should be encouraged to participate in EMAS on a voluntary basis. They may thus gain added value in terms of regulatory control, cost savings and public image.

## **The Regulation: first and second readings**

On 15 April 1999 Parliament adopted the first-reading report by Mr José Valverde López (PPE, E). The amendments in this report stressed the need for higher qualification levels on the part of the environmental verifiers, the importance of encouraging cooperation between the national accreditation bodies, and the option for Member States of creating incentives for organisations to participate in EMAS. This report was confirmed following the entry into force of the Treaty of Amsterdam.

On 23 June 1999 the Commission amended its proposal, taking account of the majority of Parliament's amendments. The Council adopted its common position on 28 February 2000. This document incorporated a number of Parliament's amendments and introduced further changes, concerning, in particular: definitions, the frequency of the validated updates of the environmental statement, the registry of organisations, logotypes, the relationship with environmental legislation, employee participation, and the provisions for review of the

regulation.

The second-reading report, by Cristina García Orcoyen Tormo (PPE-DE, E), was adopted by Parliament on 6 July 2000. It included 27 amendments, concerning: organisations' environmental performance, the intervals required (with exceptions) for updates, access to public tenders, the publicity to be given to the environmental statement, the European ISO standard applicable, the participation of workers and their representatives, the provision of information to the European Parliament, the powers of the environmental verifiers, and compliance by organisations with environmental legislation, notably in the context of establishing the criteria determining the degree of significant impact of their activities.

### **The Regulation: conciliation stage**

The delegation of Parliament was constituted under the written procedure on 11 September 2000. On 26 September the Council officially informed Parliament that it was unable to approve all of Parliament's amendments. In fact, at its second reading the Council approved only three of the 27 amendments adopted by Parliament.

The trialogue meetings took place on 19 October and 14 November, and Parliament's delegation met to examine their results on 24 October and 9 and 21 November. Following the last-named meeting, a global agreement was reached with the Council by which it proved possible to adopt the text as finally agreed, as an 'A' item (without discussion) at the meeting of the Conciliation Committee held on 22 November 2000 and dedicated to rail liberalisation.

Concerning the substance, the joint draft submitted for this third reading incorporates the following results in respect of the second-reading amendments:

- a) Four amendments were accepted by the Council without further change. These concerned: the ongoing training of the environmental verifiers; incentives for organisations to take part in EMAS; support for the applicant countries; and notification of the beginning of the verification process to the Member State in which it is carried out.
- b) Three amendments were withdrawn during the negotiations. These concerned: a protocol for an agreement on guidelines regarding penalties; determination of the recipients of notification of audit results; and the nature of the committee responsible for implementation. Concerning the last aspect, and in view of the criteria laid down in the recent decision on commitology and its provisions relating to Parliament, it was felt that the regulatory procedure was the right one.
- c) The remaining 20 amendments were accepted on the basis of compromise formulations. This may serve to give some idea of the detailed - and successful - nature of the negotiations. The main aspects concerned here were:
  - establishment and implementation on the part of organisations of eco-management systems, pursuant to Annex I (with particular reference to the need to respect existing law);
  - the active participation of workers and their representatives;
  - inclusion in the environmental statement of the results achieved and the organisation's



- performance, with the added provision that the statement must be made available to the public;
- compliance with the relevant environmental legislation as a precondition for the acceptance and registration of an organisation in EMAS;
  - the obligation to submit (allowing for a number of exceptions) annual validated updates of the environmental statement as a condition for continued registration in EMAS;
  - creation of information exchange arrangements within a network of local delegated bodies;
  - forwarding of information received from the Member States to the European Parliament and the Council;
  - measures to encourage organisations to take part in EMAS: facilitation of access to public contracts and bodies;
  - insertion into the body of the Regulation of the complete text of section 4 of the European standard EN/ISO 14001:1996 (on environmental management systems);
  - a list of the requisites to be fulfilled by all environmental verifiers, especially as regards experience and technical qualifications;
  - the principle that Community legislation shall be taken into account in the process of determining the environmental aspects having a significant impact for the purpose of establishing an organisation's objectives and goals.

## **Conclusions**

Parliament may consider the final outcome of the conciliation to be highly satisfactory. The great majority of Parliament's amendments have been incorporated either in full or in revised form in the joint text. We accordingly propose that it be adopted in plenary at third reading.