

EMAS III Briefing note for organisations currently registered to the EMAS Scheme

Introduction

The third revision of the Eco-Management and Audit Scheme (EMAS) Regulation was finalised in late 2009. The new Regulation (EC) No 1221/2009 entered into force on 11 January 2010. This means that all new applicants to the Scheme and those renewing their registration are required to comply with the new Regulation. This briefing note outlines what the new requirements of the Regulation will mean in practice and sets out transitional arrangements for existing registrants.

The full text of the revised Regulation is available on the Institute for Environmental Management and Assessment (IEMA) website <http://www.iema.net/ems/emas/regulation>

Further information on EMAS and the registration process is, also, available from the IEMA website; <http://www.iema.net/ems/emas>

Provisions for Transitional Period

Article 51 of the new Regulation sets out the transitional provisions for the revised Regulation requirements. The transitional period must be completed by 11 January 2011.

Under the new Regulation, IEMA will remain the Competent Body for the UK and the United Kingdom Accreditation Service (UKAS) will remain as the Accreditation Body.

Organisations registered in accordance with the previous Regulation (EC) No 761/2001 will remain on the register. At the time of the next verification of the organisation, the environmental verifier shall check its compliance with the new requirements of the Regulation. If the next verification is to be carried out before 11 July 2010, the date of the next verification may be extended by six months in agreement with the environmental verifier and the Competent Body (IEMA).

Organisations whose next verification is due before 11 July 2010 have the option to be verified within their existing timescale and do not have to apply for an extension, but must still comply with the new Regulation.

Organisations should enter into early dialogue with their verifier to consider the most appropriate course of action. Early notification to IEMA as the Competent Body of the requirement for an extension is required to ensure that registration is maintained during the transitional period.

Organisations that fail to request an extension from IEMA will be required to submit their renewal within three months, of their due date, in line with the previous Regulation requirements. Failure to do so will result in the organisation being suspended from the register.

Key points from the revised Regulation

There are a number of features in the new Regulation that distinguish it from the previous version and that will need to be addressed by those seeking renewed registration to the Scheme up to and including 11 January 2011..

The revised EMAS Regulation requires participants to produce an Environmental Statement, which must, now, document their environmental performance. A new feature introduced by

this revision is that organisations will be required to report as appropriate against a set of core indicators. These core indicators are Energy efficiency, Material efficiency, Water, Waste, Biodiversity and Emissions. The Regulation provides guidance in Annex IV on how the core indicators should be reported.

One of the conditions of EMAS registration is that the organisation must meet legal requirements regarding environmental protection. The revised Regulation expands on the requirements of the previous version, by requiring organisations to:

“provide material or documentary evidence showing that the organisation complies with all applicable legal requirements relating to the environment” (Article 4.4).

This represents a change from the previous Regulation which stated;

“...implement an environmental management system covering all the requirements referred to in Annex I, in particular the compliance with the relevant environmental legislation” (Article 3 (a))

The new Regulation provides some flexibility in the periods for which small organisations are required to publish their environmental statement and the frequency of the renewal process. Further details on the definition of a small organisation and what these allowances are can be found in Articles 2 and 7 respectively of the Regulation.

EMAS Logo

There is now only one version of the EMAS logo for organisations to use under the new Regulation, which is used to add credibility to the efforts of participants to enhance their environmental performance.

Guidance on how the logo may be used by organisations is provided in Article 10 of the Regulation and the associated Annex V.

The Regulation precludes the use of the EMAS logo on products or their packaging, as this might result in confusion with environmental product labels, such as the European Eco-label (which is covered by a separate Regulation). In effect, the EMAS logo is a seal of reliability of the information, whereas the Eco-label indicates an environmentally superior product.

New Guidance

In due course, new guidance will be introduced in the UK covering a number of aspects in relation to the new Regulation including;

- An introductory guide to the new Regulation (EC) No 1221/2009
- Revised guidance on breaches of legal requirements

Further Information

For further general information on the Regulation or registration requirements, please contact IEMA at emas@iema.net

Verifiers with enquiries about the accreditation or supervision requirements of the Regulation should contact UKAS info@ukas.com

Organisations with specific enquiries about verification should contact their environmental verifier.