



GUIDANCE ON ENTITY SUITABLE FOR REGISTRATION TO EMAS

OBJECTIVE OF THE GUIDANCE

| The expansion of EMAS from its traditional coverage of the industrial/manufacturing sectors to all organisations having environmental impacts means that entities with many different organisational structures will be able to register to EMAS. This guidance has been prepared on the basis of Article 2(s), second and fourth sentences and of Article 2(t) of Regulation (EC) No 761/2001 to assist organisations, environmental verifiers and competent bodies in deciding on the appropriate entity for registration as organisation to EMAS.

| The choice of the entity to be registered will be a combination of management control and geographic location.

| The entity to be registered as an organisation under EMAS shall not exceed the boundaries of one Member State. If the organisation comprises one or more sites, each of the sites to which EMAS applies shall comply with all the requirements of EMAS including the continual improvement of environmental performance as defined in Article 2(b) of Regulation (EC) No 761/2001.

| Entities with the following organisational structures have been identified and will be considered in detail in the different paragraphs of this document:

- Transparency
- Management control
- No selection of good areas only
- Public accountability
- Local accountability

1. organisations operating in just one site;
2. organisations which could, under exceptional circumstances, register an entity smaller than one site;
3. organisations operating in different sites:
 - (a) with same or similar products or services,
 - (b) with different products or services;
4. organisations for which a specific site cannot be properly defined;
5. organisations controlling temporary sites;
6. independent organisations registering as one common organisation;
7. small enterprises operating in a given large territory and producing the same or similar products or services;
8. local authorities and governmental institutions.

| At the outset participants in EMAS ought to bear in mind that environmental verifiers, and where appropriate, the competent bodies, can exert an influence in agreeing the entity to be registered (see Article 2(s) and (t) of Regulation (EC) No 761/2001). Equally all participants are required to produce an environmental statement which, amongst other things, must include a clear and unambiguous description of the organisation registering under EMAS and a summary of its activities, products and services and its relationship to any parent organisation (see Annex III, point 3.2(a)). These requirements link with others relating to the management control and influence over the organisation's environmental aspects (see Annex I.A, and in particular point 4.3.1, and Annex I.B).

| The purpose of these requirements is to ensure that the organisation has management control and influence over its environmental aspects that have significant environmental impacts at all sites. Therefore participants are advised to



→ have a clear and reasoned justification for selecting the sites or parts of sites of the organisation to be registered. By doing so they will be anticipating the requirements of the environmental statement and will be well placed to respond to possible queries notably from verifiers and competent bodies but also additionally from other interested parties. The competent body shall refuse registration if the chosen entity to be registered does not correspond with the definitions given in Article 2(s) and (t) of Regulation (EC) No 761/2001 and explained in this guidance document. Therefore in case of doubt an organisation should consult the competent body already in the starting phase of implementing an environmental management system (EMS).

DEFINITIONS

'Organisation' shall mean, according to Article 2(s) of Regulation (EC) No 761/2001, 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.

'Site' shall mean, according to Article 2(t) of Regulation (EC) No 761/2001, all land at a distinct geographic location under the management control of an organisation covering activities, products and services. This includes all infrastructure, equipment and materials.

'Entity' Site or subdivision, organisation, part or group of organisations, seeking to register under one registration number.

1. ORGANISATIONS OPERATING IN JUST ONE SITE

| An organisation operating in just one site is the simplest case because the range of management and the geographic location correspond with each other. Sites registered to EMAS I will fall into this category according to Article 17(4) of Regulation (EC) No 761/2001.

Positive examples

- ▶ A company, operating in one site where it both produces pipes and radios, may register only one of these branches
- ▶ Cafeteria of a clothing manufacturer site may be registered separately

Negative example

Pharmaceutical company may not register only the part of the plant producing the final product going to the consumer separately, leaving out the basic industry production process regarding the intermediate substances at the same site.

2. EXCEPTIONAL CIRCUMSTANCES FOR REGISTERING AN ENTITY SMALLER THAN ONE SITE

| If an organisation considers to register an entity smaller than a site, the following principles must be made the basis of its decision. Firstly, the exception may not be used for the purpose of 'cherry picking'. It is therefore not allowed to register parts of a unique production process with the intent to exclude parts of the site which could not be registered according to EMAS. An organisation must be able to give evidence of its capability to monitor and control all its significant environmental aspects and prove that the entity intended to be registered has not been especially separated from other poor performing parts of the larger site.

| Secondly, the principles of 'local accountability' and 'public accountability' expressed in Annex III, point 3.7 and Annex I, point B.2 and point B.3 must be followed. Communication with the public is a key element of EMAS. In its own interest an organisation should inform the public in a transparent and understandable manner on the environmental performance of a specific site. If a subdivision has an own market it might be important for it to be able to use the logo for its own communication. However, if an entity smaller than the respective site intends to register

under EMAS, it must be clearly communicated to the public that only parts of the organisation's operations at the site are managed under EMAS since, normally, the operations at one site are being perceived by the public as one unseparable whole. An organisation shall be responsible for a clear communication with the surrounding and appropriate actions shall be taken to avoid misleading of the public.

| On the basis of these principles an entity smaller than a site can be separately registered if:

- the subdivision has clearly defined own products, services or activities and the environmental aspects and impacts of the subdivision can be clearly identified and distinguished from those of other non registered parts of the site,
- the subdivision has an own management and administrative functions with the competences to ensure that the subdivision is empowered to organise and control its EMS, its environmental impacts and take corrective actions on its responsibilities. Evidence can be found in the legal status, own registration at the chamber of commerce, organisation charts, reports from the mother organisation, own writing papers,
- there are clear responsibilities allocated to the subdivision for compliance with requirements in permits/environmental licences which are issued to the subdivision.

| The site cannot be subdivided if:

- the separated entity only covers parts of the operations at the site which are not representative for the environmental aspects and impacts of the whole operations at the site,
- it is not understandable from an external view point which part of the operations at the site is managed by the EMS and why exactly this part has been separated from the operations at the site.

| Particularly in this case it is essential to clearly define the boundaries to the responsibilities for inputs and outputs to and from the organisation. In its EMS the organisation shall also take account of interfaces with services and activities which are not completely within the scope of the EMS. For example, it shall assess the environmental aspects and impacts of common infrastructure at the site such as a common waste management or effluent treatment plant and include these in its environmental programme and the continual improvement process.

3. ORGANISATION OPERATING IN DIFFERENT SITES

| Under Regulation (EC) No 761/2001 participants can still continue to register individual sites or as 'an organisation' (defined in Article 2(s)) or part or combination thereof. Either way, all participants are required to demonstrate continual improvement in performance of their significant aspects and impacts in accordance with their policy, pro-

gramme and targets. Those registering several sites as one organisation need also to take account of the requirements of Article 2(b), Annex I.B(2) and Annex III, point 3.7 and to be able to justify why improved performance may not be evident at each of its sites.

| As well as clarifying and justifying their selection of a site or combination of sites, organisations seeking registration under EMAS, whether in the private or public sectors, should also be prepared to clarify and justify to their stakeholders what are their intentions regarding sites not yet registered.

3.1. With the same or similar products or services

| In order to achieve one 'registration number', the organisation should be able to demonstrate to the verifier the consistent application of its environmental management procedures and policy at all sites. Organisations falling into this category are often characterised by common management procedures for their operations at different sites, for example, a common environmental management handbook. Due to this, it may be possible to reduce the verification-depth at the individual sites if the organisation can demonstrate full management control over all of its sites.



- ▶ Banks
- ▶ Travel agencies
- ▶ Retail chains
- ▶ Consultants

| If the activities at the site are of similar environmental aspects and impacts, subject to a similar environmental management system, and operated within the same structures, such as branches, business offices or operational and workshop installations, it may then be possible to verify some of the various sites on a selective basis. The samples must be selected so as to ensure that the verifier has a representative and comprehensive insight into the environmental performance of the organisation and that he is able to check the reliability of data and the local accountability.

| Good practice on the selection of sampling techniques⁽¹⁾ should be used and verifiers shall take into account the following factors while choosing the sites to be included in the verification programme:

⁽¹⁾ – ISO/IEC Guide 66.
– EA – 7/02.
– Other international and national legislation and guidance.



- the environmental policy and programme;
- the complexity of the EMS, the significance of direct and indirect environmental aspects and impacts and the potential interaction with sensitive environments;
- the maturity of the EMS at the site;
- views of interested parties (complaints, public interest in a site);
- the spread of the organisation's staff over the sites;
- any shift working;
- the history of environmental problems;
- results from previous verifications and internal audits.

| Over a period of verification cycles, all sites should be covered. In the first verification and in each following verification cycle, the headquarter must be included into the verification programme.

| Organisations and verifiers must remember that if there are significant environmental impacts associated with distinct geographic locations all these sites shall be individually verified and the related environmental data associated with the significant environmental impacts shall be reported in the environmental statement in accordance to the principles of the *local accountability*.

| A site must be verified individually if:

- the size, scale and nature of its activities/operations at the site have been recognised as being significant;
- the internal audits and the management review have shown need for corrective action;
- substantial changes in the environmental management system or in the operations at the site have occurred since the last verification;
- or if the site is significantly different from the other sites of the organisation in:
 - size and working practices,
 - direct and indirect environmental aspects/impacts (type and significance),
 - the sensitivity of its environments,
 - the legal requirements applicable,
 - the structure of its local EMS and/or the local management system,
 - the size, scale and nature of its activities/operations at the site.

| Organisations should consider the risk of losing the common registration for all sites in case of a breach of regulatory requirements at only one site. Taking into account such a risk, organisations may in addition register these specific locations individually. As opposed to verification, sampling techniques may, as a general rule, not be applied in the internal audit according to Annex II.

3.2. With different products or services

| In these cases it is not possible for the verifier to use sampling techniques since the operating procedures and impacts at each site will be different. It is the choice of the organisation whether it wants to register each site separately or it wants to register its sites under one common registration number.

| Irrespective of whether an organisation wishes to have one or separate registrations of each singular site, several issues must be considered including:

- ▶ Power generation
- ▶ Mechanical components manufacture
- ▶ Chemical companies
- ▶ Waste disposal

- Compatibility of corporate and site environmental policy
- Significant local impacts shall be reported in the environmental statement
- Interaction of environmental aspects between different sites
- Corporate control of the local EMS
- Each site can be registered separately
- Loss of common registration for a breach at one site

- the need for analysis of environmental aspects and impacts associated to all the different locations,
- the related management control of those,
- existence of environmental policy and programmes taking account of the principle of local accountability.

| In this case all of the sites shall be individually verified and the related environmental data shall be reported separately in the environmental statement. (See Annex III, point 3.7 and 'Guidance on the EMAS environmental statement').

| Even in this case, an organisation wanting to register some or all of its sites under a common registration number has to be aware of the risk of loss of the common registration in case of a breach at a single site (location).

| It might be that a company will start by registering its single sites and later on to unify them under one registration number as one organisation.

4. ORGANISATION FOR WHICH A SPECIFIC SITE CANNOT BE PROPERLY DEFINED

| For organisations for which a site cannot easily be determined, it is particularly important in case of doubt that both organisation and verifiers consult the competent body on whether the chosen entity is suitable to be registered in accordance with the principles of EMAS.

| In this case the sphere of operation and infrastructure must be clearly defined, comprehensively integrated in the management system and precisely described in the environmental statement. In these organisations, in particular, it is important that the responsibilities for significant environmental aspects are clearly defined and that the verifier has evidence that the organisation has a proper procedure to control such aspects. Due to the fact that these organisations operate generally in large areas, including towns or metropolitan territory, the organisation should give evidence, as appropriate, that it has:

- ▶ Service distribution (heat, water, gas, electricity, etc.)
- ▶ Telecommunications
- ▶ Transport
- ▶ Waste collection

- considered risks for environment and population,
- adopted appropriate plans for informing people how to behave in case of emergency,
- prepared systematic information on the pollution level,
- considered the infrastructure under its control.

| There are cases in which an organisation, despite controlling different sites in a defined area, cannot operate each site separately and the environmental impacts of the separate sites are linked. In this case, the separate sites should be considered as a single organisation for registration to EMAS.

5. ORGANISATIONS CONTROLLING TEMPORARY SITES

| In the case organisations perform operations on sites not owned by themselves for defined periods of time, the verifier will check the organisation's management system and its environmental performances at selected temporary sites which shall be representative of the organisation's environmental management capability. The verifier must use good practice auditing sampling techniques to verify the effectiveness of the procedures at the chosen sites.

- ▶ Construction companies
- ▶ Cleaning companies
- ▶ Service providers
- ▶ Contamination remediators
- ▶ Circuses

| The organisation shall give evidence that adopted procedures and technologies, suitable to the specific sites in which it has to temporarily operate, are in place.

| Where applicable, these procedures should include at least the following items:

- appropriate technology and training;
- proper environmental analysis of the sites prior to the start of the activity;
- analysis of the environmental consequences out coming from future planned activities;
- communication to the public living in the area and to the local authorities concerning the relevant environmental aspects associated to the working plan, and the related identified solutions;
- formulation of recovering plans or solutions for improving the involved area's environmental conditions at the end of the operations.

| Temporary sites will, on a spot-checking basis, be part of the verification process. It is their activities that are being registered, not just their location.

6. INDEPENDENT ORGANISATIONS OPERATING IN A LIMITED AREA REGISTERED AS ONE COMMON ORGANISATION

| It should be considered that people living in the neighbourhood of a large site, local authorities and environmental enforcement bodies have a great interest to face a common responsibility and unique environmental programme for the whole area. Independent companies may wish to pool resources to achieve a common registration to EMAS. This is allowed under the regulation since the definition reads '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.

- ▶ Small industrial area
- ▶ Holiday complex
- ▶ Business parks

→ | In these cases the participating organisations, in order to get a common registration as one organisation, must be able to demonstrate a common responsibility (policy, procedures, etc.) for the management of significant environmental aspects and impacts including, in particular, the setting of objectives and targets and corrective actions. Those organising their EMS together and getting a common registration are all required to demonstrate continual improvement in performance of their significant aspects and impacts in accordance with their policy, targets and programme. As several sites are getting registered as one organisation, it is also necessary to take into account requirements of Article 2(b) of Regulation (EC) No 761/2001, Annex I.B(2) and Annex III, point 3.7 and to be able to justify why improved performance may not be evident at each of its sites.

- Common environmental policy and programme
- Common management responsibilities
- The loss of common registration for a breach at a single site

| It should be noted that the logo can only be used by the organisation registered to EMAS and hence in the case of a business park the logo could only be used in conjunction with the name of the business park. In any case, a single organisation could register itself individually in addition to the registration of the business park.

7. SMALL ENTERPRISES OPERATING IN A GIVEN LARGE TERRITORY AND PRODUCING THE SAME OR SIMILAR PRODUCT OR SERVICES, SEEKING INDIVIDUAL REGISTRATION

| Article 11(1) of Regulation (EC) No 761/2001 reads ‘... *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 these geographical areas the SMEs (which very often may share a common technological level, the same production methods and approximately the same organisational and management systems) shall necessarily:

- ▶ Industrial districts
- ▶ Touristic areas
- ▶ Shopping malls

- consider the cumulative effects resulting from their production processes,
- interact with the same community, the same institutions, the same environmental control bodies at local level, with respect to their environmental problems. Indeed they face identical needs regarding the quality of environment,
- consider the interaction between their environmental impacts and those produced by the other industrial operators existing in the geographical area as well as by public services enterprises and civil residences.

| On the other hand they have the possibility of:

- searching common solutions for solving their environmental problems (to increase efficiency of plants for reduction of pollutants, to overcome their cultural restrictions or their inadequacy for environmental management, and so on);
- supporting each other, for example, by:
 - exchanging experiences on the identification of environmental aspects and impacts,
 - drafting an environmental policy and programme together,
 - performing internal audits vice versa in the partner's organisation to easier identify environmental aspects and impacts,
 - hiring a common environmental consultant,
 - using the same infrastructures for the management of various environmental impacts such as wastewater treatment plants, waste incinerators, dumps etc. and creating specific organisations, like consortia, for that,
 - and, on the basis of their common efforts to implement EMS, hiring the same verifier which may, due to the similarities within EMSs, facilitate the verification and validation process and lower the related costs;
- participating in local environmental projects, such as Agenda 21 processes (local or regional authorities or industrial organisations may support such activities by helping build up networks).

| Taking into account the previous considerations the definition of a general programme, implemented by local authorities, industrial associations, chambers of commerce on the basis of an initial environmental analysis of the whole territory, represents a very useful preliminary step for SMEs approaching EMAS.

| The territorial environmental programme should then be clearly identified, published and accepted by all concerned parties, and seek for significant improvement of the environment of the whole area.

| Once environmental objectives and targets have been adopted and recognised, each organisation (SMEs, public services, local authorities, etc.) could then, on a voluntary basis according to the EMAS procedure, set out the necessary steps to individually comply to Regulation (EC) No 761/2001 and seek for registration on an individual basis.

| The verifier, in such a case, would have to assess that the environmental management system is capable to deliver the specific objectives and targets of each single organisation according to the general programme, objectives and targets of the whole area. The environmental statement should then, beside its content required by EMAS, clearly identify the specific organisation's contribution to the targets of the whole environmental programme.



- Setting a promotion body
- Approval of feasibility study
- Independent assessment of the environmental overall objectives and targets
- Involvement in local Agenda 21 programme

8. LOCAL AUTHORITIES AND GOVERNMENTAL INSTITUTIONS

| When the organisation seeking an EMAS registration is a public institution, it is important to state that the indirect environmental aspects, such as those that are a consequence of the authority's policies, can be the most important and, therefore, the problems to be considered cannot be restricted only to the management's organisational structure and to the associated direct environmental aspects.



- ▶ Local authorities
- ▶ Ministries
- ▶ Governmental agencies
- ▶ Local Agenda 21

| Indeed, the political responsibilities of a public administration are connected to the management of the territory and the quality of the life, present and future, of the citizens that fall under its responsibility.

| For some local authorities or governmental institutions, due to the complexity of the management and of the aspects to be considered, it can be possible to accept a separate registration of parts of such organisations. In this case the communication to the public and use of the logo shall be unambiguous and clearly referred only to the specific branch or unit registered.



- Consultation and consensus of the citizens
- Economic development and environment compatibility
- Evaluation of alternative strategic choices and related priorities
- Territorial plans and related measurable objectives and related responsibilities
- Continuous verification and monitoring of the environmental plan
- Right balance between free private initiatives and social needs
- Education of citizens and economic operators

| It is advisable for these organisations to establish a reference environmental policy to which each part of the organisation could comply.

