

Information Note: Implications of EU Exit for the European Eco-Management and Audit Scheme

Much directly-applicable EU legislation (that is, law that currently applies in the UK without any further legislation by our parliament, including EU Regulations and Decisions) will automatically be brought into national law by the EU (Withdrawal) Act 2018 (“EUWA 2018”), as “retained EU law”. In some cases, this is not appropriate. In the unlikely situation where we leave the EU with ‘no deal’, our national body will no longer have the authority to take part in the European Eco-Management and Audit Scheme (EMAS) and therefore the EMAS Regulation (regulation (EC) No 1221/2009) will not be applicable.

The purpose of this notice is to inform organisations registered to the EU EMAS through the UK competent body, plus the Competent Body, Accreditation Body and independent environmental verifiers, of the position in the event of a deal with an Implementation Period or in a no deal scenario.

What is the Eco-Management and Audit Scheme?

EMAS is an organisational management instrument developed by the European Commission for organisations to evaluate, report, and improve their environmental performance.

Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme requires EU Member States to run such a scheme. This includes appointing a Competent Body to administer registrations and an Accreditation Body to certify organisations to carry out independent verification of applicants’ Environmental Statements. It is voluntary for businesses and organisations to sign up.

The Institute of Environmental Management and Assessment (IEMA) is the UK’s Competent Body for EMAS and administers registrations to the scheme. Environmental verification of an organisation’s Environmental Statement must take place before they can be registered with EMAS. This must be carried out by an independent environmental verifier accredited by the UK Accreditation Service (UKAS) as the UK’s EMAS Accreditation Body.

EMAS Global

Article 3(3) of the EMAS Regulation allows organisations from outside the European Union to register to the scheme through EMAS Global.

What happens when the UK leaves the EU?

In a 'no deal' scenario

If the UK leaves the EU in a no deal scenario then as stated in the European Commission's guidance of 7 March 2018 the United Kingdom will become a 'third country' and the EMAS regulation will no longer apply with the following consequences:

- The UK's Competent Body will lose its status and registrations awarded by the UK's Competent Body will no longer be valid;
- The UK's EMAS Accreditation Body will lose its status and the environmental verifiers accredited by the UK Accreditation Body will lose their status;
- Registration will still be possible through EMAS Global.

In a 'deal' scenario

We have agreed the terms of our exit from the European Union, as set out in the withdrawal agreement. This was agreed by the EU member states at the special European Council on Sunday 25 November 2018. During the implementation period, the UK would continue to operate the European Eco-Management and Audit Scheme as it is until the implementation period comes to an end. The future of the European Eco-Management and Audit Scheme after the implementation period will depend on the negotiations for the future economic relationship between the UK and EU.

What does this mean for me?

In a no deal scenario organisations in the UK wanting to join or stay in the EMAS network can apply for EMAS registration through EMAS Global. EMAS Global registration is available to organisations in third countries through the Competent Body of one of the eight Member States offering the service i.e. Austria, Belgium, Denmark, Finland, Germany, Italy, Portugal and Spain.

For registration through EMAS Global, the environmental verifier must be accredited or licenced in the European country where the organisation applies for registration; and have knowledge of the language and legal requirements.

In a deal scenario there would be no need to take action in the short term. The longer term position is dependent on the terms of the future economic relationship.

Further information

The European Commission's Guidance Note is available at:

http://ec.europa.eu/environment/emas/emas_for_you/news/news72_en.htm

In a no deal scenario information on how to register to EMAS through EMAS Global is available at:

http://ec.europa.eu/environment/emas/join_emas/emas_global_en.htm

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