



Council of the
European Union

Brussels, 19 January 2017
(OR. en)

5386/17

ENV 31

COVER NOTE

From:	European Commission
date of receipt:	17 January 2017
To:	General Secretariat of the Council
No. Cion doc.:	D047857/02
Subject:	Commission Regulation (EU) .../... of XXX amending Annexes I, II and III to Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

Delegations will find attached document D047857/02.

Encl.: D047857/02



EUROPEAN
COMMISSION

Brussels, **XXX**
D047857/02
[...](2016) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annexes I, II and III to Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

(Text with EEA relevance)

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Annexes I, II and III to Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC¹, and in particular Article 48 thereof,

Whereas:

- (1) The objective of EMAS is to promote continuous improvements in the environmental performance of organisations by the establishment and implementation of an environmental management system, the evaluation of the performance of such a system, the provision of information on environmental performance, an open dialogue with the public and other interested parties and the active involvement of employees. To achieve this objective the Annexes I to IV to Regulation (EC) No 1221/2009 define specific requirements to be observed by the organisations wishing to implement EMAS and obtain EMAS Registration.
- (2) Part A of Annex II to Regulation (EC) No 1221/2009 includes the requirements set out in the EN ISO 14001:2004 Standard that constitutes the basis of the environmental management system requirements of that Regulation.
- (3) Part B of Annex II to Regulation (EC) No 1221/2009 lists a number of additional issues that organisations registered in the Community eco-management and audit scheme (EMAS) are required to address and that have a direct link to a number of elements of the EN ISO 14001:2004 Standard.
- (4) ISO has since released a new version of the International Standard ISO 14001. The second edition of the standard (EN ISO 14001:2004) has therefore been replaced by the third edition (ISO 14001:2015).

¹ OJ L 342, 22.12.2009, p. 1.

- (5) To assure a consistent approach throughout the different Annexes the relevant new provisions of the International Standard ISO 14001:2015 should also be taken into account in Annex I to Regulation (EC) No 1221/2009 setting out the requirements on the Environmental Review and in Annex III to Regulation (EC) No 1221/2009 setting out the requirements on the Internal Environmental Audit.
- (6) Regulation (EC) No 1221/2009 should therefore be amended accordingly.
- (7) Organisations desiring to obtain or maintain both EMAS registration and ISO 14001 certification often conduct one integrated verification/certification process. To maintain coherence between the requirements of both instruments organisations should not be obliged to implement the revised Annexes to Regulation (EC) No 1221/2009 prior to the new version of the International Standard ISO 14001. Transitional arrangements are therefore needed.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 49 of Regulation (EC) No 1221/2009,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III to Regulation (EC) No 1221/2009 are replaced by the text set out in the Annex to this Regulation.

Article 2

Compliance with the requirements of Regulation (EC) No 1221/2009 as amended by this Regulation shall be checked at the time of the verification of the organisation in accordance with Article 18 of Regulation (EC) No 1221/2009.

In case of renewal of EMAS registration, if the next verification is to be carried out before 14 March 2018, the date of the next verification may be extended by six months in agreement with the environmental verifier and the Competent Bodies.

However, before 14 September 2018, the verification may, in agreement with the environmental verifier, be carried out in accordance with the requirements of Regulation (EC) No 1221/2009, as amended by Council Regulation (EU) No 517/2013². If such a verification takes place, the validity of the statement of the environmental verifier as well as the registration certificate are only valid until 14 September 2018

² Council Regulation (EU) No 517/2013 of 13 May 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, transport policy, energy, taxation, statistics, trans-European networks, judiciary and fundamental rights, justice, freedom and security, environment, customs union, external relations, foreign, security and defence policy and institutions, by reason of the accession of the Republic of Croatia (OJ L 158, 10.6.2013, p. 1).

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission,

Karmenu VELLA
Member of the Commission