

Legislative measures and incentives (funding, technical support information) in the EU and Italy to promote & support EMAS and EMAS revision

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Summary

Regulation Requirements for Promotion and legislative measures:

- Regulatory Benefits
- Funding (Direct & Indirect)
- Promotion
- Technical support
- Best Practices

Some examples (Germany, Austria, Spain)

Measures in Italy

Measures in the EU: next goals

The future of EMAS

Measures for promotion of EMAS (art. 11)

- Facilitating access to information, support funds, public institutions and public procurement, without prejudice to the Community rules governing public procurement;
- Establishing or promoting technical assistance measures, especially in conjunction with initiatives from appropriate professional or local points of contact (e.g. local authorities, chambers of commerce, trade or craft association);
- Ensuring that reasonable registration fees encourage higher participation;
-without prejudice to Community law, how registration under EMAS may be taken into account when setting criteria for their procurement policies.

Relationship with environmental legislation (art. 10)

Member States should consider how registration under EMAS in accordance with this Regulation may be taken into account in the implementation and enforcement of environmental legislation in order to avoid unnecessary duplication of effort by both organisations and competent enforcement authorities.

Main measures in the Community (to be communicated to the Commission – *art. 10 & art. 11*)

- Regulatory Benefits
- Funding (Direct & Indirect)
- Promotion
- Technical support
- Best Practices

Measures for promotion of EMAS

Regulatory flexibility by means of legislative text, agreements or other documents giving benefits to EMAS registered organisations related to:

- ✓ Information required for permits: streamlining applications;
- ✓ Reduce reporting and monitoring requirements;
- ✓ Consolidated reporting and monitoring requirements;
- ✓ Reduce inspections.

Promotional incentives for EMAS

1. Public Procurement:

17% of EU GP is spent in public procurement. The Commission recommends members states to introduce “Green” criteria in their procedures for goods and services;

1. Funding support:

- ✓ Subsidies to new EMAS registrations in the form of lumps sums or a percentage of total costs incurred;
- ✓ Tax breaks on purchases designed to improve environmental performance are an indirect way of providing funds;
- ✓ Special funds for technical assistance, staff training and external consulting;
- ✓ Reduced registration fees;
- ✓ Preferable conditions for EMAS-registered companies negotiated with bankers and insurers;

Promotional incentives for EMAS

3. Technical and information support

a. Technical assistance:

- ✓ Educational programmes in co-operation with relevant associations, e.g. Chambers of Industry and Commerce, or under the supervision of the national EMAS body;
- ✓ Phased implementation programmes especially designed for SMEs. These systems are designed to help SMEs reach environmental excellence at different levels depending on their particular needs;
- ✓ Short- and long- term investment by the authorities to educate and train professionals through specialised programmes;
- ✓ Guidelines and toolkits for specific sectors.

Promotional incentives for EMAS

b. Information

- ✓ Specific information programmes customised for economic operators, small industries and craft trades, trade unions, public authorities, and the general public, etc.
- ✓ Information campaigns aimed at specific interest groups and the general public, supported by television campaigns, articles in specialist publications and local newspapers, promotional campaigns or any other means of promotion general awareness;
- ✓ Conferences and workshops to foster active participation, and exchange of experiences and best practices;
- ✓ Information to the public on EMAS (and logo);
- ✓ Conferences and workshops;
- ✓ Brochures and advertising, Web site and helpdesk.

Measures in Spain: some examples

In Spain the high increase is due principally to:

- ✓ the funding support to organisations for registration and also to regulatory incentives: linking EMAS with other legislations, such as the IPPC (prolongation of permits, inspections), GPP, air quality and protection of the atmosphere, and the environmental liability.
- ✓ Other regulatory measures have been implemented that establish simplified controls where companies have implemented EMAS and exempt EMAS registered organisations from financial guarantees.
- ✓ The registration fee has been abolished in all the regions

Measures in other countries: some examples

- ✓ **Germany** presented the “**We Are EMAS**” campaign and its web site www.wir-für-emas.de
- ✓ **Austria**: More public authorities will be funded through the “**with EMAS to the ecological public authority**”

Measures in Italy: examples of national laws

Law n. 152/2006 – *A text including legal requirements for air emissions, water, waste & soil:*

- ✓ Art. 96 – higher score for EMAS registered Co. concerning release of permits for the use of water (rivers, lakes);
- ✓ Art. 209 - EMAS certificate replaces application for renewal of permits for waste management activities (plants & list of authorized Co.);
- ✓ Lower (up to 50%) financial guarantees related to company's liability in the waste treatment field for EMAS (and ISO 14001) registered organizations;

Measures in Italy: examples of national laws

Decree 59/2005 (Directive 96/61/CE) – IPPC:

- ✓ allows EMAS registered Co. to use EMAS certificate for application for renewal of permits;
- ✓ Renewal of permits at 8 years interval (5 years others);

Decree 36/2003 (Directive 99/31/CE) – Landfills:

- ✓ Renewal of permits at 8 years interval (5 years others);

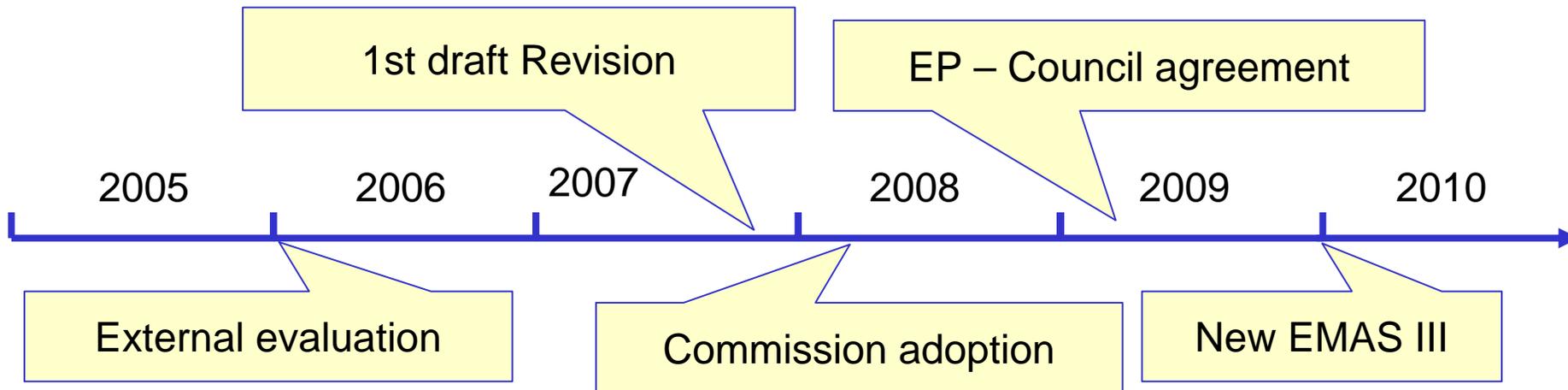
Measures in Italy: examples of Regional laws

- ✓ Reduced time (max 120 days) for releasing permits for EMAS registered Co. (Regione Emilia-Romagna);
- ✓ Reduction of Regional taxes for EMAS registered companied in Regions Toscana, Veneto, Marche from 4,25% to 3,5%;
- ✓ Discount on applicable fares on inspection activities (local enforcement Authority- ARPAM) in Regione Marche for EMAS registered Co;
- ✓ Other local initiatives.

Measures in the EU: next goals

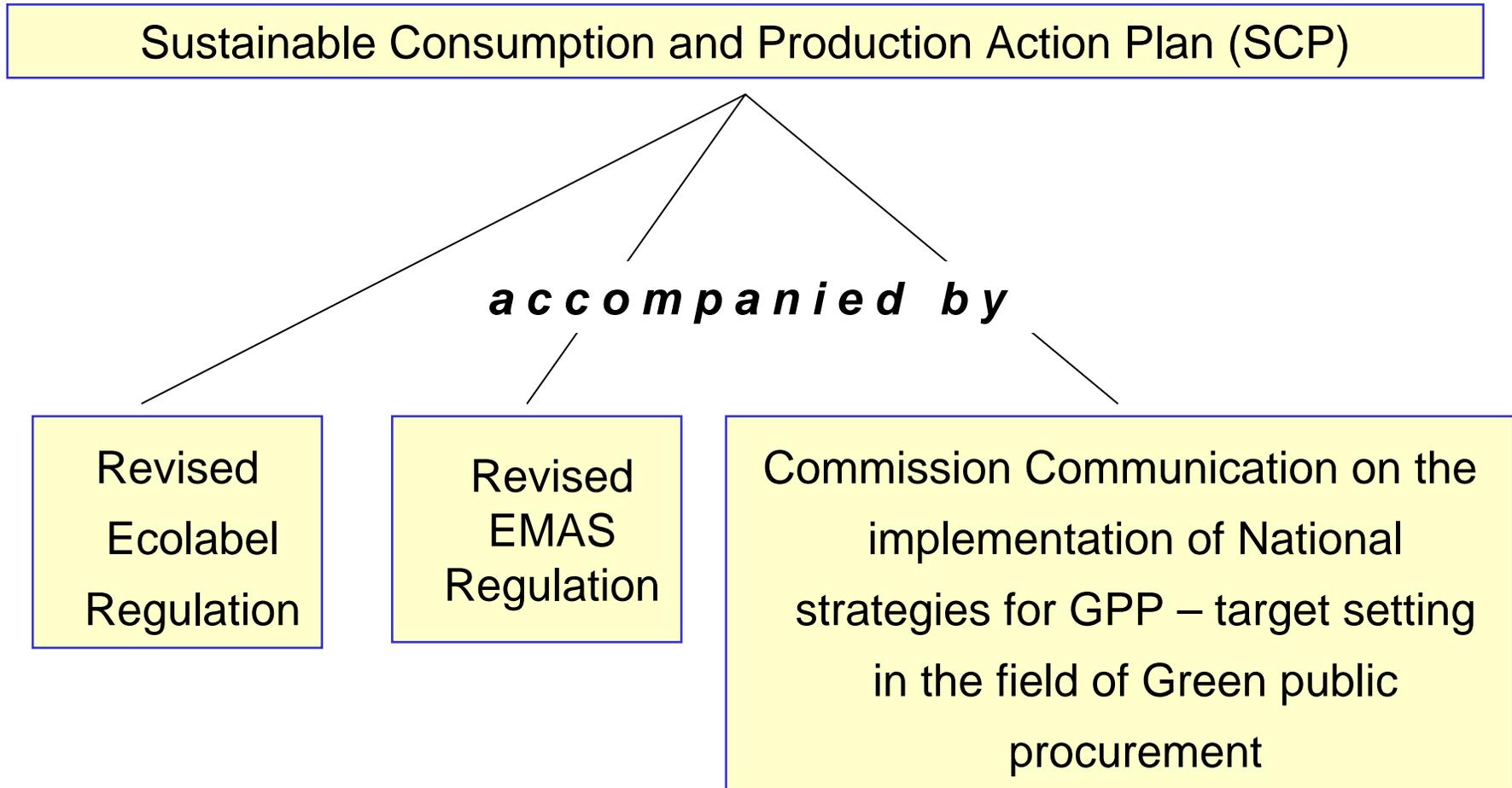
- ✓ The next Communication related to a summary of members states measures will be released beginning 2008;
- ✓ Member States should implement more meaningful incentives;
- ✓ Commission continued efforts:
 - Synergies;
 - Revision: the revision of EMAS represents a turning point for the scheme, and an opportunity to make incentives play a crucial role. It will include, amongst other elements, looking at the legal requirements on incentives in order to strengthen their scope and efficiency.

EMAS revision timescale



- Stakeholder workshop: 11-12 December 2006
- Internet Stakeholders Consultation: December-February 2007
- COM Impact Assessment: June 2007
- 1st Draft text: October 2007
- COM Inter-Service Consultation: October –November 2007
- Commission proposal: December 2007/ 1st quarter 2008

EMAS revision strategy



Pillars for EMAS revision

1. Reinforcement through strengthening rules on:

- ✓ Legal compliance;
- ✓ Performance improvement by introducing use of core performance indicators (KPI);

2. Raise attractiveness for participating organisations:

- ✓ Allow registration outside EU, corporate registration and cluster approach of organisations for registration;
- ✓ Reducing administrative burden;
- ✓ Improve EMAS promotion, technical assistance;
- ✓ Add optional reporting options (product, sustainability);
- ✓ Increase incentives at Member States and EU level;
- ✓ Review rules for use of logo and reporting.

Pillars for EMAS revision

3. Increase its user-friendliness:

- ✓ Completely redraft existing Regulation;
- ✓ Incorporate main elements of the existing non-binding EMAS guidelines in the Regulation, (legal certainty - clarity of requirements);
- ✓ Align harmonisation, verification, registration procedures;

Reinforcement of the scheme

Legal Compliance

Objective:

- ✓ Clearly recognize EMAS added value over other EMS;
- ✓ Increase clarity for organisations and regulators;

Change - clearly define in Regulation:

- ✓ What is Legal compliance;
- ✓ Role of organisation, verifier, competent body;
- ✓ Mechanism to involve MS regulator or enforcement authority(ies).

Reinforcement of the scheme

Environmental performances

Objective:

- ✓ Clearly recognize EMAS added value over other EMS;
- ✓ Better performance comparability and policy issues;

Change - clearly define requirements for:

- ✓ Measuring performances through indicators;
- ✓ Mandatory use of sector-specific core performance indicators (guidelines provided by the Commission);
- ✓ Report on reasons for missing objectives and targets.

Increase attractiveness of the scheme

Make EMAS Global, allow corporate registration and improve cluster approach

Objective:

- ✓ Enhance visibility of the scheme aboard;
- ✓ Allow EMAS communication tools to international customers;
- ✓ Allow the system to meet business need without lowering the applicable requirements;
- ✓ Reduce implementation costs for SMEs

Change - clearly define requirements for:

- ✓ Allow EMAS registration in countries outside EU;
- ✓ Allow EU corporate registration;
- ✓ Incentive cluster approach.

Increase attractiveness of the scheme

Links to other EU legislation and policies

Objective:

- ✓ Reduce burdens to the registered organizations;
- ✓ Better regulation

Change - clearly define links with:

- ✓ EU ETS scheme (verification as part of EMAS);
- ✓ IPPC (reduce permit timing, costs and inspections);
- ✓ GPP;
- ✓ Others (liability Directive; waste, water framework Directives, etc.).

Increase attractiveness of the scheme

Improve incentives & promotion at MS and EU level

Objective:

- ✓ Professionalise and better coordinate promotion efforts;
- ✓ Better use of logo and report as communication tools;
- ✓ Increase visibility of registered organisations;
- ✓ Better regulation, reduce administrative burden on EU organisations;
- ✓ Reward good organisations and enhance attractiveness of scheme

Changes:

- ✓ Increase promotion by MS by introducing stronger obligation for MS in Regulation + reporting mechanism on MS promotion activities;
- ✓ Create pan-EU promotion strategy and actions;
- ✓ Liberalise use of the EMAS Logo;
- ✓ Set mandatory requirements to MS to provide financial/ fiscal/ market-related incentives, to reduce the administrative burden;
- ✓ Provide mechanism for MS to benchmark incentives initiatives

Increase user friendliness

Re-write the Regulation addressing specific requirements to all subjects separately

Objective:

- ✓ Better use of Increase clarity / reduce room for interpretation for all parties involved reduced un-necessary burden and cost for organisations;
- ✓ Strengthen credibility of scheme;
- ✓ Re-write new Regulation in a more user-friendly, logical way;
- ✓ Improve legal certainty & reduce cost for participating organisations

Changes:

- ✓ Clarify & align in Regulation role/tasks/procedures of Accreditation Bodies, Organisations, Verifiers, Competent Bodies, Enforcement Authorities;
- ✓ Re-arrange structure of Regulation with separate specific parts for each subject (AB, verifier, CB, organisation);
- ✓ Discontinue all guidelines and only keep important part in Regulation

Global EMAS

Main issues

Objective:

- ✓ Allow participation of all worldwide organizations to EMAS;
- ✓ Have organizations in the EU Register;
- ✓ Allow registered organizations to use the logo.

Changes:

- ✓ Extra-UE organizations shall apply to one of the UE Competent Bodies for registration;
- ✓ EU accredited verifiers can perform verification and validation activities;
- ✓ Accreditation may be granted to extra-UE verifiers by any UE accreditation body;
- ✓ Local enforcement authorities shall be enquired to ensure legal compliance.