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*Status: Point in time view as at 24/02/2006.*

**Changes to legislation:** *There are currently no known outstanding effects for the Regulation (EC) No 761/2001 of the European parliament and of the council (repealed). (See end of Document for details)*

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Regulation (EC) No 761/2001 of the European parliament and of the council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (repealed)

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## [<sup>F1</sup>ANNEX I

### Textual Amendments

- F1** Substituted by [Commission Regulation \(EC\) No 196/2006 of 3 February 2006 amending Annex I to Regulation \(EC\) No 761/2001 of the European Parliament and of the Council to take account of the European Standard EN ISO 14001:2004, and repealing Decision 97/265/EC.](#)

## A. ENVIRONMENT MANAGEMENT SYSTEM REQUIREMENTS

Organisations participating in the eco-management and audit scheme (EMAS) shall implement the requirements of EN ISO 14001:2004, which are described in Section 4 of the European Standard<sup>(1)</sup> and are fully reproduced below:

### I-A. Environmental management system requirements

#### I-A.1. General requirements

The organisation shall establish, document, implement, maintain and continually improve an environmental management system in accordance with the requirements of this International Standard and determine how it will fulfil these requirements.

The organisation shall define and document the scope of its environmental management system.

#### I-A.2. Environmental policy

Top management shall define the organisation's environmental policy and ensure that, within the defined scope of its environmental management system, it:

- (a) is appropriate to the nature, scale and environmental impacts of its activities, products and services;
- (b) includes a commitment to continual improvement and prevention of pollution;
- (c) includes a commitment to comply with applicable legal requirements and with other requirements to which the organisation subscribes which relate to its environmental aspects;
- (d) provides the framework for setting and reviewing environmental objectives and targets;
- (e) is documented, implemented and maintained;
- (f) is communicated to all persons working for or on behalf of the organisation; and
- (g) is available to the public.

#### I-A.3. Planning

##### I-A.3.1. Environmental aspects

The organisation shall establish, implement and maintain a procedure(s):

- (a) to identify the environmental aspects of its activities, products and services within the defined scope of the environmental management system that it can control and those that it can influence taking into account planned or new developments, or new or modified activities, products and services; and

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- (b) to determine those aspects that have or can have significant impact(s) on the environment (i.e. significant environmental aspects).

The organisation shall document this information and keep it up to date.

The organisation shall ensure that the significant environmental aspects are taken into account in establishing, implementing and maintaining its environmental management system.

#### I-A.3.2. Legal and other requirements

The organisation shall establish, implement and maintain a procedure(s):

- (a) to identify and have access to the applicable legal requirements and other requirements to which the organisation subscribes related to its environmental aspects; and
- (b) to determine how these requirements apply to its environmental aspects.

The organisation shall ensure that these applicable legal requirements and other requirements to which the organisation subscribes are taken into account in establishing, implementing and maintaining its environmental management system.

#### I-A.3.3. Objectives, targets and programme(s)

The organisation shall establish, implement and maintain documented environmental objectives and targets, at relevant functions and levels within the organisation.

The objectives and targets shall be measurable, where practicable, and consistent with the environmental policy, including the commitments to prevention of pollution, to compliance with applicable legal requirements and with other requirements to which the organisation subscribes, and to continual improvement.

When establishing and reviewing its objectives and targets, an organisation shall take into account the legal requirements and other requirements to which the organisation subscribes, and its significant environmental aspects. It shall also consider its technological options, its financial, operational and business requirements, and the views of interested parties.

The organisation shall establish, implement and maintain a programme(s) for achieving its objectives and targets. Programme(s) shall include:

- (a) designation of responsibility for achieving objectives and targets at relevant functions and levels of the organisation; and
- (b) the means and time-frame by which they are to be achieved.

#### I-A.4. Implementation and operation

##### I-A.4.1. Resources, roles, responsibility and authority

Management shall ensure the availability of resources essential to establish, implement, maintain and improve the environmental management system. Resources include human resources and specialised skills, organisational infrastructure, technology and financial resources.

Roles, responsibilities and authorities shall be defined, documented and communicated in order to facilitate effective environmental management.

The organisation's top management shall appoint a specific management representative(s) who, irrespective of other responsibilities, shall have defined roles, responsibilities and authority for:

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- (a) ensuring that an environmental management system is established, implemented and maintained in accordance with the requirements of this International Standard;
- (b) reporting to top management on the performance of the environmental management system for review, including recommendations for improvement.

#### I-A.4.2. Competence, training and awareness

The organisation shall ensure that any person(s) performing tasks for it or on its behalf that have the potential to cause a significant environmental impact(s) identified by the organisation is (are) competent on the basis of appropriate education, training or experience, and shall retain associated records.

The organisation shall identify training needs associated with its environmental aspects and its environmental management system. It shall provide training or take other action to meet these needs, and shall retain associated records.

The organisation shall establish, implement and maintain a procedure(s) to make persons working for it or on its behalf aware of:

- (a) the importance of conformity with the environmental policy and procedures and with the requirements of the environmental management system;
- (b) the significant environmental aspects and related actual or potential impacts associated with their work, and the environmental benefits of improved personal performance;
- (c) their roles and responsibilities in achieving conformity with the requirements of the environmental management system; and
- (d) the potential consequences of departure from specified procedures.

#### I-A.4.3. Communication

With regard to its environmental aspects and environmental management system, the organisation shall establish, implement and maintain a procedure(s) for:

- (a) internal communication among the various levels and functions of the organisation;
- (b) receiving, documenting and responding to relevant communication from external interested parties.

The organisation shall decide whether to communicate externally about its significant environmental aspects, and shall document its decision. If the decision is to communicate, the organisation shall establish and implement a method(s) for this external communication.

#### I-A.4.4. Documentation

The environmental management system documentation shall include:

- (a) the environmental policy, objectives and targets;
- (b) description of the scope of the environmental management system;
- (c) description of the main elements of the environmental management system and their interaction, and reference to related documents;
- (d) documents, including records, required by this International Standard; and

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- (e) documents, including records, determined by the organisation to be necessary to ensure the effective planning, operation and control of processes that relate to its significant environmental aspects.

#### I-A.4.5. Control of documents

Documents required by the environmental management system and by this International Standard shall be controlled. Records are a special type of document and shall be controlled in accordance with the requirements given in A.5.4.

The organisation shall establish, implement and maintain a procedure(s) to:

- (a) approve documents for adequacy prior to issue;
- (b) review and update as necessary and re-approve documents,
- (c) ensure that changes and the current revision status of documents are identified;
- (d) ensure that relevant versions of applicable documents are available at points of use;
- (e) ensure that documents remain legible and readily identifiable;
- (f) ensure that documents of external origin determined by the organisation to be necessary for the planning and operation of the environmental management system are identified and their distribution controlled; and
- (g) prevent the unintended use of obsolete documents and apply suitable identification to them if they are retained for any purpose.

#### I-A.4.6. Operational control

The organisation shall identify and plan those operations that are associated with the identified significant environmental aspects consistent with its environmental policy, objectives and targets, in order to ensure that they are carried out under specified conditions, by:

- (a) establishing, implementing and maintaining a documented procedure(s) to control situations where their absence could lead to deviation from the environmental policy, objectives and targets; and
- (b) stipulating the operating criteria in the procedure(s); and
- (c) establishing, implementing and maintaining procedures related to the identified significant environmental aspects of goods and services used by the organisation and communicating applicable procedures and requirements to suppliers, including contractors.

#### I-A.4.7. Emergency preparedness and response

The organisation shall establish, implement and maintain a procedure(s) to identify potential emergency situations and potential accidents that can have an impact(s) on the environment and how it will respond to them.

The organisation shall respond to actual emergency situations and accidents and prevent or mitigate associated adverse environmental impacts.

The organisation shall periodically review and, where necessary, revise its emergency preparedness and response procedures, in particular, after the occurrence of accidents or emergency situations.

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The organisation shall also periodically test such procedures where practicable.

#### I-A.5. Checking

##### I-A.5.1. Monitoring and measurement

The organisation shall establish, implement and maintain a procedure(s) to monitor and measure, on a regular basis, the key characteristics of its operations that can have a significant environmental impact. The procedure(s) shall include the documenting of information to monitor performance, applicable operational controls and conformity with the organisation's environmental objectives and targets.

The organisation shall ensure that calibrated or verified monitoring and measurement equipment is used and maintained and shall retain associated records.

##### I-A.5.2. Evaluation of compliance

I-  
A.5.2.1. Consistent with its commitment to compliance, the organisation shall establish, implement and maintain a procedure(s) for periodically evaluating compliance with applicable legal requirements.

The organisation shall keep records of the results of the periodic evaluations.

I-  
A.5.2.2. The organisation shall evaluate compliance with other requirements to which it subscribes. The organisation may wish to combine this evaluation with the evaluation of legal compliance referred to in A.5.2.1 or to establish a separate procedure(s).

The organisation shall keep records of the results of the periodic evaluations.

##### I-A.5.3. Non-conformity, corrective action and preventive action

The organisation shall establish, implement and maintain a procedure(s) for dealing with actual and potential non-conformity(ies) and for taking corrective action and preventive action. The procedure(s) shall define requirements for:

- (a) identifying and correcting non-conformity(ies) and taking action(s) to mitigate their environmental impacts;
- (b) investigating non-conformity(ies), determining their cause(s) and taking actions in order to avoid their recurrence;
- (c) evaluating the need for action(s) to prevent non-conformity(ies) and implementing appropriate actions designed to avoid their occurrence;
- (d) recording the results of corrective action(s) and preventive action(s) taken; and
- (e) reviewing the effectiveness of corrective action(s) and preventive action(s) taken. Actions taken shall be appropriate to the magnitude of the problems and the environmental impacts encountered.

The organisation shall ensure that any necessary changes are made to environmental management system documentation.

##### I-A.5.4. Control of records

The organisation shall establish and maintain records as necessary to demonstrate conformity to the requirements of its environmental management system and of this International Standard, and the results achieved.

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The organisation shall establish, implement and maintain a procedure(s) for the identification, storage, protection, retrieval, retention and disposal of records.

Records shall be and remain legible, identifiable and traceable.

#### I-A.5.5. Internal audit

The organisation shall ensure that internal audits of the environmental management system are conducted at planned intervals to:

- (a) determine whether the environmental management system:
  - conforms to planned arrangements for environmental management including the requirements of this International Standard, and
  - has been properly implemented and is maintained; and
- (b) provide information on the results of audits to management.

Audit programme(s) shall be planned, established, implemented and maintained by the organisation, taking into consideration the environmental importance of the operation(s) concerned and the results of previous audits.

Audit procedure(s) shall be established, implemented and maintained that address:

- the responsibilities and requirements for planning and conducting audits, reporting results and retaining associated records,
- the determination of audit criteria, scope, frequency and methods.

Selection of auditors and conduct of audits shall ensure objectivity and the impartiality of the audit process.

#### I-A.6. Management review

Top management shall review the organisation's environmental management system, at planned intervals, to ensure its continuing suitability, adequacy and effectiveness. Reviews shall include assessing opportunities for improvement and the need for changes to the environmental management system, including the environmental policy and environmental objectives and targets.

Records of the management reviews shall be retained.

Input to management reviews shall include:

- (a) results of internal audits and evaluations of compliance with legal requirements and with other requirements to which the organisation subscribes;
- (b) communication(s) from external interested parties, including complaints;
- (c) the environmental performance of the organisation;
- (d) the extent to which objectives and targets have been met;
- (e) status of corrective and preventive actions;
- (f) follow-up actions from previous management reviews;
- (g) changing circumstances, including developments in legal and other requirements related to its environmental aspects; and
- (h) recommendations for improvement.

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The outputs from management reviews shall include any decisions and actions related to possible changes to environmental policy, objectives, targets and other elements of the environmental management system, consistent with the commitment to continual improvement.

#### LIST OF NATIONAL STANDARD BODIES

BE	: IBN/BIN (Institut belge de normalisation/Belgisch Instituut voor Normalisatie)
CZ	: ČNI (Český normalizační institut)
DK	: DS (Dansk Standard)
DE	: DIN (Deutsches Institut für Normung e.V.)
EE	: EVS (Eesti Standardikeskus)
EL	: ELOT (Ελληνικός Οργανισμός Τυποποίησης)
ES	: AENOR (Asociación Española de Normalización y Certificación)
FR	: AFNOR (Association française de normalisation)
IEL	: NSAI (National Standards Authority of Ireland)
IT	: UNI (Ente Nazionale Italiano di Unificazione)
CY	: Κυπριακός Οργανισμός Προώθησης Ποιότητας
LV	: LVS (Latvijas Standarts)
LT	: LST (Lietuvos standartizacijos departamentas)
LU	: SEE (Service de l'Energie de l'Etat) (Luxembourg)
HU	: MSZT (Magyar Szabványügyi Testület)
MT	: MSA (Awtorità Maltija dwar l-Istandards/Malta Standards Authority)
NL	: NEN (Nederlands Normalisatie-Instituut)
AT	: ON (Österreichisches Normungsinstitut)
PL	: PKN (Polski Komitet Normalizacyjny)
PT	: IPQ (Instituto Português da Qualidade)
SI	: SIST (Slovenski inštitut za standardizacijo)
SK	: SÚTN (Slovenský ústav technickej normalizácie)
FI	: SFS (Suomen Standardisoimisliitto ry.)
SE	: SIS (Swedish Standards Institute)
UK	: BSI (British Standards Institution).]

#### B. ISSUES TO BE ADDRESSED BY ORGANISATIONS IMPLEMENTING EMAS

##### 1. Legal compliance

Organisations shall be able to demonstrate that they:

- (a) have identified, and know the implications to the organisation of, all relevant environmental legislation;
- (b) provide for legal compliance with environmental legislation; and
- (c) have procedures in place that enable the organisation to meet these requirements on an ongoing basis.

##### 2. Performance

Organisations shall be able to demonstrate that the management system and the audit procedures address the actual environmental performance of the organisation with respect to the aspects identified from Annex VI. The performance of the organisation against its objectives and targets shall be evaluated as part of the management review process. The organisation shall also commit itself to the continual improvement of its environmental performance. In doing so, the organisation may base its action on local, regional and national environmental programmes.



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The means to achieve the objectives and targets cannot be environmental objectives. 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).

### 3. External communication and relations

Organisations shall be able to demonstrate an open dialogue with the public and other interested parties including local communities and customers with regard to the environmental impact of their activities, products and services in order to identify the public's and other interested parties' concerns.

### 4. Employee involvement

In addition to the requirements in Annex I — Section A employees shall be involved in the process aimed at continually improving the organisation's environmental performance. Appropriate forms of participation such as the suggestion-book system or project-based group works or environmental committees should be used for this purpose. Organisations shall take note of Commission guidance on best practice in this field. Where they so request, any employee representatives shall also be involved.

## ANNEX II

### REQUIREMENTS CONCERNING INTERNAL ENVIRONMENTAL AUDITING

#### 2.1. General requirements

Internal audits ensure that the activities carried out by an organisation are being conducted in accordance with established procedures. The audit may also identify any problems with those established procedures or any opportunities for improving those procedures. The scope of audits carried out within an organisation may vary from the audit of a simple procedure to the audit of complex activities. Over a period of time all activities in a particular organisation shall be subject to an audit. The period of time taken to complete audits of all activities is known as the audit cycle. For small non-complex organisations, it may be possible to audit all activities at one time. For these organisations the audit cycle is the interval between these audits.

Internal audits shall be carried out by persons sufficiently independent of the activity being audited to ensure an impartial view. They may be carried out by employees of the organisation or by external parties (employees from other organisations, employees from other parts of the same organisation or consultants).

#### 2.2. Objectives

The organisation's environmental auditing programme shall define in writing the objectives of each audit or audit cycle including the audit frequency for each activity.

The objectives shall include, in particular, assessing the management systems in place, and determining conformity with the organisation's policy and programme, which shall include compliance with relevant environmental regulatory requirements.

#### 2.3. Scope

The overall scope of the individual audits, or of each stage of an audit cycle where appropriate, shall be clearly defined and shall explicitly specify the:

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1. subject areas covered;
2. activities to be audited;
3. environmental criteria to be considered;
4. period covered by the audit.

Environmental audit includes assessment of the factual data necessary to evaluate performance.

#### 2.4. Organisation and resources

Environmental audits shall be performed by persons or groups of persons with appropriate knowledge of the sectors and fields audited, including knowledge and experience on the relevant environmental, management, technical and regulatory issues, and sufficient training and proficiency in the specific skills of auditing to achieve the stated objectives. The resources and time allocated to the audit shall be commensurate with the scope and objectives of the audit.

The top organisation management shall support the auditing.

The auditors shall be sufficiently independent of the activities they audit to make an objective and impartial judgment.

#### 2.5. Planning and preparation for an audit

Each audit shall be planned and prepared with the objectives, in particular, of:

- ensuring the appropriate resources are allocated,
- ensuring that each individual involved in the audit process (including auditors, management, and staff) understands his or her role and responsibilities.

Preparation shall include familiarisation with activities of the organisation and with the environmental management system established there and review of the findings and conclusions of previous audits.

#### 2.6. Audit activities

Audit activities shall include discussions with personnel, inspection of operating conditions and equipment and reviewing of records, written procedures and other relevant documentation, with the objective of evaluating the environmental performance of the activity being audited to determine whether it meets the applicable standards, regulations or objectives and targets set and whether the system in place to manage environmental responsibilities is effective and appropriate. Inter alia, spot-checking of compliance with these criteria should be used to determine the effectiveness of the entire management system.

The following steps, in particular, shall be included in the audit process:

- (a) understanding of the management systems;
- (b) assessing strengths and weaknesses of the management systems;
- (c) gathering relevant evidence;
- (d) evaluating audit findings;
- (e) preparing audit conclusions;
- (f) reporting audit findings and conclusions.

#### 2.7. Reporting audit findings and conclusions

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1. A written audit report of the appropriate form and content shall be prepared by the auditors to ensure full, formal submission of the findings and conclusions of the audit, at the end of each audit and audit cycle.

The findings and conclusions of the audit shall be formally communicated to the top organisation management.

2. The fundamental objectives of a written audit report are:
  - (a) to document the scope of the audit;
  - (b) to provide management with information on the state of compliance with the organisations' environmental policy and the environmental progress at the organisation;
  - (c) to provide management with information on the effectiveness and reliability of the arrangements for monitoring environmental impacts of the organisation;
  - (d) to demonstrate the need for corrective action, where appropriate.

#### 2.8. Audit follow-up

The audit process shall culminate in the preparation and implementation of a plan of appropriate corrective action.

Appropriate mechanisms shall be in place and in operation to ensure that the audit results are followed up.

#### 2.9. Audit frequency

The audit or audit cycle shall be completed, as appropriate, at intervals no longer than 3 years. The frequency with which any activity is audited will vary depending upon the

- (a) nature, scale and complexity of the activities;
- (b) significance of associated environmental impacts;
- (c) importance and urgency of the problems detected by previous audits;
- (d) history of environmental problems.

more complex activities with a more significant environmental impact shall be audited more frequently.

An organisation shall define its own audit programme and audit frequency taking account of Commission guidance adopted in accordance with the procedure laid down in Article 14(2).

## ANNEX III

### ENVIRONMENTAL STATEMENT

#### 3.1. Introduction

The aim of the environmental statement is to provide environmental information to the public and other interested parties regarding the environmental impact and performance and the continual improvement of environmental performance of the organisation. It is also a vehicle to

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address the concerns of interested parties identified as a result of Annex I — Section B.3 and considered as significant by the organisation (Annex VI, point 6.4). Environmental information shall be presented in a clear and coherent manner in printed form for those who have no other means of obtaining this information. Upon its first registration and every three years thereafter, the organisation is required to make available the information detailed under point 3.2 in a consolidated printed version.

The Commission shall adopt guidance about the environmental statement in accordance with the procedure laid down in Article 14(2).

### 3.2. Environmental statement

Upon its first registration an organisation shall produce environmental information, taking into account the criteria of point 3.5 to be referred to as the environmental statement, to be validated by the environmental verifier. This information shall be submitted to the competent body following validation, and then be made publicly available. The environmental statement is a tool for communication and dialogue with the public and other interested parties regarding environmental performance. The organisation shall consider the information needs of the public and other interested parties when writing and designing the environmental statement.

The minimum requirements for this information shall be as follows:

- (a) 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 organisations as appropriate;
- (b) the environmental policy and a brief description of the environmental management system of the organisation;
- (c) a description of all the significant direct and indirect environmental aspects which result in significant environmental impacts of the organisation and an explanation of the nature of the impacts as related to these aspects (Annex VI);
- (d) a description of the environmental objectives and targets in relation to the significant environmental aspects and impacts;
- (e) a summary of the data available on the performance of the organisation against its environmental objectives and targets with respect to its significant environmental impacts. The summary may include figures on pollutant emissions, waste generation, consumption of raw material, energy and water, noise as well as other aspects indicated in Annex VI. The data should allow for year-by-year comparison to assess the development of the environmental performance of the organisation;
- (f) other factors regarding environmental performance including performance against legal provisions with respect to their significant environmental impacts;
- (g) the name and accreditation number of the environmental verifier and the date of validation.

### 3.3. Criteria for environmental performance reporting

The raw data generated by an environmental management system will be used in a number of different ways to show the environmental performance of an organisation. For this purpose organisations may use relevant existing environmental performance indicators, making sure that the indicators chosen:

- (a) give an accurate appraisal of the organisations performance;

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- (b) are understandable and unambiguous;
- (c) allow for year on year comparison to assess the development of the environmental performance of the organisation;
- (d) allow for comparison with sector, national or regional benchmarks as appropriate;
- (e) allow for comparison with regulatory requirements as appropriate.

#### 3.4. Maintenance of publicly available information

The organisation shall update the information detailed in point 3.2 and shall have any changes validated by an environmental verifier, on a yearly basis. Deviations from the frequency with which updates shall be performed may be made under circumstances laid down in Commission guidance adopted in accordance with the procedure laid down in Article 14(2). After validation changes shall also be submitted to the competent body and be made publicly available.

#### 3.5. Publication of information

Organisations may wish to address different audiences or interested parties with the information generated by its environmental management system and use only selected information from the environmental statement. Any environmental information published by an organisation may bear the EMAS logo provided it has been validated by an environmental verifier as being:

- (a) accurate and non deceptive;
- (b) substantiated and verifiable;
- (c) relevant and used in an appropriate context or setting;
- (d) representative of the overall environmental performance of the organisation;
- (e) unlikely to result in misinterpretation;
- (f) significant in relation to the overall environmental impact,

and makes reference to the organisation's latest environmental statement from which it was drawn.

#### 3.6. Public availability

The information generated in point 3.2(a) to (g) which forms the environmental statement for an organisation and the updated information specified in point 3.4 shall be available to the public and other interested parties. The environmental statement shall be made accessible to the public. To this end, organisations are encouraged to use all methods available (electronic publication, libraries etc.) The organisation shall be able to demonstrate to the environmental verifier that anybody interested in the organisation's environmental performance can easily and freely be given access to the information required in point 3.2(a) to (g) and point 3.4.

#### 3.7. Local accountability



Organisations registering under EMAS may wish to produce one corporate environmental statement covering a number of different geographic locations. The intention of EMAS is to ensure local accountability and thus organisations shall ensure that the significant environmental impacts of each site are clearly identified and reported within the corporate statement.

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## ANNEX IV

## Logo

Version 1	Version 2
 <p data-bbox="331 1160 794 1265"><b>EMAS</b></p> <p data-bbox="389 1294 746 1422"><b>VERIFIED ENVIRONMENTAL MANAGEMENT</b></p> <p data-bbox="300 1435 424 1464">REG.NO.</p>	 <p data-bbox="858 1160 1321 1265"><b>EMAS</b></p> <p data-bbox="826 1294 1353 1384"><b>VALIDATED INFORMATION</b> REG.NO.</p>

[<sup>F2</sup>The logo may be used by an EMAS registered organisation in any of the 20 languages provided the following wording is used:

**Textual Amendments**

- F2** Substituted by Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded.

	Version 1	Version 2
<b>Spanish:</b>	‘Gestión ambiental verificada’	‘información validada’

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<b>Czech:</b>	‘ověřený systém environmentálního řízení’	‘platná informace’
<b>Danish:</b>	‘verificeret miljøledelse’	‘bekræftede oplysninger’
<b>German:</b>	‘geprüftes Umweltmanagement’	‘geprüfte Information’
<b>Estonian:</b>	‘tõestatud keskkonnajuhtimine’	‘kinnitatud informatsioon’
<b>Greek:</b>	‘επιθεωρημένη περιβαλλοντική διαχείριση’	‘επικυρωμένες πληροφορίες’
<b>French:</b>	‘Management environnemental vérifié’	‘information validée’
<b>Italian:</b>	‘Gestione ambientale verificata’	‘informazione convalidata’
<b>Latvian:</b>	‘verificēta vides vadība’	‘apstiprināta informācija’
<b>Lithuanian:</b>	‘įvertinta aplinkosaugos vadyba’	‘patvirtinta informacija’
<b>Hungarian:</b>	‘hitelesített környezetvédelmi vezetési rendszer’	‘hitelesített információ’
<b>Maltese:</b>	‘Immaniġġjar Ambjentali Verifikat’	‘Informazzjoni Konvalidata’
<b>Dutch:</b>	‘Geverifieerd milieuzorgsysteem’	‘gevalideerde informatie’
<b>Polish:</b>	‘zweryfikowany system zarządzania środowiskowego’	‘informacja potwierdzona’
<b>Portuguese:</b>	‘Gestão ambiental verificada’	‘informação validada’
<b>Slovak:</b>	‘overený systém environmentálneho riadenia’	‘platná informácia’
<b>Slovenian:</b>	‘Preverjen sistem ravnanja z okoljem’	‘preverjene informacije’
<b>Finnish:</b>	‘vahvistettu ympäristöasioiden hallinta’	‘vahvistettua tietoa’
<b>Swedish:</b>	‘Kontrollerat miljöledningssystem’	‘godkänd information’

Both versions of the logo shall always bear the registration number of the organisation.

The logo shall be used either:

- in three colours (Pantone No 355 Green; Pantone No 109 Yellow; Pantone No 286 Blue)
- in black on white or
- in white on black.]

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*Status: Point in time view as at 24/02/2006.*

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## ANNEX V

### ACCREDITATION, SUPERVISION AND FUNCTION OF THE ENVIRONMENTAL VERIFIERS

#### 5.1. General

The accreditation of environmental verifiers shall be based on the general principles of competence set out in this Annex. Accreditation bodies may choose to accredit individuals, organisations or both, as environmental verifiers. The procedural requirements and detailed criteria for accrediting environmental verifiers are defined pursuant to Article 4 by national accreditation systems in accordance with these principles. Conformity with these principles shall be ensured through the peer review process established by Article 4.

#### 5.2. Requirements for the accreditation of environmental verifiers

5.2.1. The following competence constitutes the minimum requirements with which an environmental verifier, individual or organisation, shall comply:

- (a) knowledge and understanding of the Regulation, the general functioning of environmental management systems, relevant standards and guidance issued by the Commission, under Article 4 and 14(2), for the use of this Regulation;
- (b) knowledge and understanding of the legislative, regulatory and administrative requirements relevant to the activity subject to verification;
- (c) knowledge and understanding of environmental issues, including the environmental dimension of sustainable development;
- (d) knowledge and understanding of the technical aspects, relevant to environmental issues, of the activity subject to verification;
- (e) understanding of the general functioning of the activity subject to verification in order to assess the appropriateness of the management system;
- (f) knowledge and understanding of environmental auditing requirements and methodology;
- (g) knowledge of information audit (Environmental Statement).

Appropriate evidence of the verifier's knowledge and of his/her/its relevant experience and technical capacities in the abovementioned fields should be provided to the accreditation body to which the candidate verifier has applied for accreditation

In addition, the environmental verifier shall be independent, in particular of the organisation's auditor or consultant, impartial and objective in performing his or her activities.

The individual environmental verifier or verification organisation shall ensure that he or she or the organisation and its staff is free of any commercial, financial or other pressures which might influence their judgment or endanger trust in their independence of judgment and integrity in relation to their activities, and that they comply with any rules applicable in this respect.

The environmental verifier shall have documented methodologies and procedures, including quality control mechanisms and confidentiality provisions, for the verification requirements of this Regulation.



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In case the environmental verifier is an organisation, the environmental verifier shall have and make available on request an organisation chart detailing structures and responsibilities within the organisation and a statement of legal status, ownership and funding sources.

#### 5.2.2. Scope of accreditation

The scope of accreditation of environmental verifiers shall be defined according to the classification of economic activities (NACE codes) as established by Council Regulation (EEC) 3037/90<sup>(2)</sup>. The scope of accreditation shall be limited by the competence of the environmental verifier. The scope of accreditation shall also take into account the size and complexity of the activity, where appropriate; this will be assured through supervision.

#### 5.2.3. Additional requirements for the accreditation of individual environmental verifiers performing verifications on their own

Individual environmental verifiers performing verification on their own, in addition to complying with the requirements of point 5.2.1 and 5.2.2 shall have:

- all the necessary competence to perform verifications, in their accredited fields,
- a limited scope of accreditation dependant on their personal competence.

Compliance with these requirements shall be ensured through the assessment carried out prior to the accreditation and through the supervisory role of the accreditation body.

### 5.3. Supervision of environmental verifiers

#### 5.3.1. Supervision of environmental verifiers carried out by the accreditation body which granted their accreditation

The environmental verifier shall immediately inform the accreditation body of all changes which have a bearing on the accreditation or its scope.

Provision shall be made, at regular intervals not exceeding 24 months, to ensure that the environmental verifier continues to comply with the accreditation requirements and to monitor the quality of the verifications undertaken. Supervision may consist of office audit, witnessing in organisations, questionnaires, review of environmental statements validated by the environmental verifiers and review of verification report. It should be proportionate with the activity undertaken by the environmental verifier.

Any decision taken by the accreditation body to terminate or suspend accreditation or curtail the scope of accreditation shall be taken only after the environmental verifier has had the possibility of a hearing.

#### 5.3.2. Supervision of environmental verifiers performing verification activities in a Member State other than that where their accreditation was granted

An environmental verifier accredited in one Member State, before performing verification activities in another Member State, shall provide to the accreditation body of the latter Member State, at least four weeks in advance, notification of:

- his or her accreditation details, competences and team composition if appropriate,
- when and where the verification will occur: address and contact details of the organisation, measures taken to deal with legal and language knowledge if necessary.

The accreditation body may request further clarification of the necessary legal and language knowledge as detailed above.

This notification shall be communicated before each new verification.

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 761/2001 of the European parliament and of the council (repealed). (See end of Document for details)*

The accreditation body shall not require other conditions which would prejudice the right of the environmental verifier to provide services in a Member State other than the one where accreditation was granted. In particular, discriminatory fees for notification shall not be charged. The accreditation body shall also not use the notification procedure to delay the arrival of the environmental verifier. Any difficulty to supervise the environmental verifier on the date communicated shall be adequately justified. If costs for supervision arise, the accreditation body is allowed to charge appropriate fees.

If the supervising accreditation body is not satisfied with the quality of the work done by the environmental verifier, the supervision report shall be transmitted to the environmental verifier concerned, the accreditation body which granted the accreditation, to the competent body where the organisation being verified is located and, in case of any further dispute, to the forum of accreditation body.

Organisations may not refuse the right of accreditation bodies to supervise the environmental verifier through witnessed assessments during the verification process.

#### 5.4. The function of environmental verifiers

##### 5.4.1. The function of the environmental verifier is to check, without prejudice to the enforcement powers of Member States in respect of regulatory requirements:

- (a) compliance with all the requirements of this Regulation: initial environmental review if appropriate, environmental management system, environmental audit and its results and the environmental statement;
- (b) the reliability, credibility and correctness of the data and information in:
  - the environmental statement (Annex III, point 3.2 and point 3.3),
  - [<sup>XI</sup>environmental information to be validated (Annex III, point 3.5).]

#### **Editorial Information**

- XI** Substituted by [Corrigendum to Regulation \(EC\) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisation in a Community eco-management and audit scheme \(EMAS\) \(Official Journal of the European Communities L 114 of 24 April 2001\)](#).

The environmental verifier shall, in particular, investigate in a sound professional manner, the technical validity of the initial environmental review, if appropriate, or audit or other procedures carried out by the organisation, without unnecessarily duplicating those procedures. Inter alia, the environmental verifier should use spot-checks to determine whether the results of the internal audit are reliable.

##### 5.4.2. At the time of the first verification, the environmental verifier shall, in particular, check that the following requirements are met by the organisation:

- (a) a fully operational environmental management system in accordance with Annex I;
- (b) a fully planned audit programme, which had already begun in accordance with Annex II so that at least areas with the most significant environmental impact have been covered;
- (c) completion of one management review;
- (d) the preparation of an environmental statement in accordance with Annex III, point 3.2.

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*Status: Point in time view as at 24/02/2006.*

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#### 5.4.3. Legal compliance

The environmental verifier shall ensure that an organisation has procedures in place to control those aspects of its operations subject to relevant Community or national laws and that these procedures are capable of delivering compliance. The checks of the audit, shall in particular, provide for evidence of the capability of the procedures in place to deliver legal compliance.

The environmental verifier shall not validate the environmental statement, if during the verification process he observes, for example through spot-checks, that the organisation is not in legal compliance.

#### 5.4.4. Organisation definition

When verifying the environmental management system and validating the environmental statement, the environmental verifier shall ensure that the components of the organisation are unambiguously defined and corresponds to a real division of the activities. The content of the statement shall clearly cover the different parts of the organisation to which EMAS applies.

#### 5.5. Conditions for the environmental verifier to perform his/her activities

5.5.1. The environmental verifier shall operate within his/her scope of accreditation, on the basis of a written agreement with the organisation which defines the scope of the work, enables the environmental verifier to operate in an independent professional manner and commits the organisation to providing the necessary cooperation.

5.5.2. The verification shall involve examination of documentation, a visit to the organisation including, in particular, interviews with personnel, preparation of a report to the organisations' management and the organisations' solution of the issues raised by the report.

5.5.3. The documentation to be examined in advance of the visit shall include basic information about the organisation and activities there, the environmental policy and programme, the description of the environmental management system in operation in the organisation, details of the environmental review or audit carried out, the report on that review or audit and on any corrective action taken afterwards, and the draft environmental statement.

5.5.4. The environmental verifier shall prepare a report for the organisation's management. This report shall specify:

- (a) all issues relevant to the work carried out by the environmental verifier;
- (b) the starting point of the organisation towards implementation of an environmental management system;
- (c) in general, cases of nonconformity with the provisions of this Regulation, and in particular:
  - technical defects in the environmental review, or audit method, or environmental management system, or any other relevant process,
  - points of disagreement with the draft environmental statement, together with details of the amendments or additions that should be made to the environmental statement,
- (d) the comparison with the previous statements and the performance assessment of the organisation.

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*Status: Point in time view as at 24/02/2006.*

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## 5.6. Verification frequency

In consultation with the organisation the environmental verifier shall design a programme to ensure that all elements required for registration with EMAS are verified in a period not exceeding 36 months. In addition the environmental verifier shall at intervals not exceeding 12 months validate any updated information in the environmental statement. Deviations from the frequency with which updates shall be performed may be made under circumstances laid down in Commission guidance adopted in accordance with the procedure laid down in Article 14(2).

## ANNEX VI

### ENVIRONMENTAL ASPECTS

#### 6.1. General

An organisation shall consider all environmental aspects of its activities, products and services and decide, on the basis of criteria taking into account the Community legislation, which of its environmental aspects have a significant impact, as a basis for setting its environmental objectives and targets. These criteria shall be publicly available.

An organisation shall consider both direct and indirect environmental aspects of its activities, products and services.

#### 6.2. Direct environmental aspects

These cover the activities of an organisation over which it has management control and may include, but is not limited to:

- (a) emissions to air;
- (b) releases to water;
- (c) avoidance, recycling, reuse, transportation and disposal of solid and other wastes, particularly hazardous wastes;
- (d) use and contamination of land;
- (e) use of natural resources and raw materials (including energy);
- (f) local issues (noise, vibration, odour, dust, visual appearance, etc.);
- (g) transport issues (both for goods and services and employees);
- (h) risks of environmental accidents and impacts arising, or likely to arise, as consequences of incidents, accidents and potential emergency situations;
- (i) effects on biodiversity.

#### 6.3. Indirect environmental aspects

As a result of the activities, products and services of an organisation there may be significant environmental aspects over which it may not have full management control.

These may include, but are not limited to:

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- (a) product related issues (design, development, packaging, transportation, use and waste recovery/disposal);
- (b) capital investments, granting loans and insurance services;
- (c) new markets;
- (d) choice and composition of services (e.g. transport or the catering trade);
- (e) administrative and planning decisions;
- (f) product range compositions;
- (g) the environmental performance and practices of contractors, subcontractors and suppliers.

Organisations must be able to demonstrate that the significant environmental aspects associated with their procurement procedures have been identified and that significant impacts associated with these aspects are addressed within the management system. The organisation should endeavour to ensure that the suppliers and those acting on the organisation's behalf comply with the organisation's environmental policy within the remit of the activities carried out for the contract.

In the case of these indirect environmental aspects, an organisation shall consider how much influence it can have over these aspects, and what measures can be taken to reduce the impact.

#### 6.4. Significance

It is the responsibility of the organisation to define criteria for assessing the significance of the environmental aspects of its activities, products and services, to determine which have a significant environmental impact. The criteria developed by an organisation shall be comprehensive, capable of independent checking, reproducible and made publicly available.

Considerations in establishing the criteria for assessing the significance of an organisation's environmental aspects may include, but are not limited to:

- (a) information about the condition of the environment to identify activities, products and services of the organisation that may have an environmental impact;
- (b) the organisation's existing data on material and energy inputs, discharges, wastes and emissions in terms of risk;
- (c) views of interested parties;
- (d) environmental activities of the organisation that are regulated;
- (e) procurement activities;
- (f) design, development, manufacturing, distribution, servicing, use, re-use, recycling and disposal of the organisation's products;
- (g) those activities of the organisation with the most significant environmental costs, and environmental benefits.

In assessing the significance of the environmental impacts of the organisation's activities the organisation shall think not only of normal operating conditions but also of start-up and shutdown conditions and of reasonably foreseeable emergency conditions. Account shall be taken of past, present and planned activities.

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## ANNEX VII

### ENVIRONMENTAL REVIEW

#### 7.1. General

An organisation that has not supplied the necessary information needed to identify and assess the significant environmental aspects according to Annex VI must establish its current position with regard to the environment by means of a review. The aim should be to consider all environmental aspects of the organisation as a basis for establishing the environmental management system.

#### 7.2. Requirements

The review should cover five key areas:

- (a) legislative, regulatory and other requirements to which the organisation subscribes;
- (b) an identification of all environmental aspects with a significant environmental impact in accordance with Annex VI, qualified and quantified as appropriate, and compiling a register of those identified as significant;
- (c) a description of the criteria for assessing the significance of the environmental impact in accordance with Annex VI, point 6.4;
- (d) an examination of all existing environmental management practices and procedures;
- (e) an evaluation of feedback from the investigation of previous incidents.

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*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 761/2001 of the European parliament and of the council (repealed). (See end of Document for details)*

## ANNEX VIII

### REGISTRATION INFORMATION

#### Minimum Requirements

Name of the organisation:
Address of the organisation:
Contact person:
NACE code of activity:
Number of employees:

Name of the environmental verifier:
Accreditation number:
Scope of accreditation:
Date of the next environmental statement:
Name and contact details of the competent enforcement authority, or authorities, for the organisation

Done at ..... on .../.../2000

Signature of the representative of the organisation

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**Changes to legislation:** There are currently no known outstanding effects for the Regulation (EC) No 761/2001 of the European parliament and of the council (repealed). (See end of Document for details)

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- (1) [<sup>F1</sup>The use of the text reproduced in this Annex is made with the permission of CEN. The full text can be purchased from the national standard bodies, the list of which is given in this Annex. Any reproduction of this Annex for commercial reason is not permitted.]
- (2) [OJ L 293, 24.10.1990, p. 1](#). Regulation as amended by Regulation (EEC) No 761/93 ([OJ L 83, 3.4.1993, p. 1](#)).

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**Textual Amendments**

- F1** Substituted by [Commission Regulation \(EC\) No 196/2006 of 3 February 2006 amending Annex I to Regulation \(EC\) No 761/2001 of the European Parliament and of the Council to take account of the European Standard EN ISO 14001:2004, and repealing Decision 97/265/EC](#).



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