

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/EC

## CHAPTER VI

### ACCREDITATION AND LICENSING BODIES

#### *Article 28*

#### **Operation of Accreditation and Licensing**

1 Accreditation Bodies appointed by the Member States pursuant to Article 4 of Regulation (EC) No 765/2008 shall be responsible for the accreditation of environmental verifiers and the supervision of the activities carried out by environmental verifiers in accordance with this Regulation.

2 Member States may appoint a Licensing Body, in accordance with Article 5(2) of Regulation (EC) No 765/2008, which shall be responsible for issuing licences to and supervising environmental verifiers.

3 Member States may decide not to allow the accreditation or licensing of natural persons as environmental verifiers.

4 Accreditation and Licensing Bodies shall assess an environmental verifier's competence in the light of the elements set out in Articles 20, 21 and 22 relevant to the scope of the requested accreditation or licence.

5 The scope of accreditation or the licence of environmental verifiers shall be determined according to the classification of economic activities as set out in Regulation (EC) No 1893/2006. That scope shall be limited by the competence of the environmental verifier and, where appropriate, it shall take into account the size and complexity of the activity.

6 Accreditation and Licensing Bodies shall establish appropriate procedures on accreditation or licensing, refusal of accreditation or a licence, suspension and withdrawal of accreditation or a licence of environmental verifiers and on supervision of environmental verifiers.

Those procedures shall include mechanisms for considering observations from concerned parties, including Competent Bodies and the representative bodies of organisations, concerning applicants and accredited or licensed environmental verifiers.

7 In the case of a refusal of accreditation or licence, the Accreditation or Licensing Body shall inform the environmental verifier of the reasons for the decision.

8 Accreditation or Licensing Bodies shall establish, revise and update a list of environmental verifiers and their scope of accreditation or licence in their Member States and shall communicate each month, directly or via the national authorities as decided by the Member State concerned, changes in that list to the Commission and to the Competent Body of the Member State where the Accreditation or Licensing Body is located.

---

*Status: Point in time view as at 25/11/2009.*

*Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 1221/2009 of the European Parliament and of the Council, CHAPTER VI. (See end of Document for details)*

---

9 Within the framework of the rules and procedures regarding monitoring of activities as laid down in Article 5(3) of Regulation (EC) No 765/2008, Accreditation and Licensing Bodies shall draw up a supervision report where they decide, after consultation with the environmental verifier concerned, either of the following:

- a that the activities of the environmental verifier were not performed adequately enough to ensure that the requirements of this Regulation are met by the organisation;
- b that the verification and the validation by the environmental verifier were carried out in violation of one or more of the requirements of this Regulation.

This report shall be transmitted to the Competent Body in the Member State where the organisation is registered or applies for registration and, if applicable, to the Accreditation or Licensing Body that granted the accreditation or licence.

#### *Article 29*

### **Suspension and withdrawal of accreditation or licence**

1 Suspension or withdrawal of the accreditation or licence shall require the consultation of concerned parties including the environmental verifier, in order to provide the Accreditation or Licensing Body with the necessary evidence for taking its decision.

2 The Accreditation or Licensing Body shall inform the environmental verifier of the reasons for the measures taken and, if applicable, of the process of discussion with the competent enforcement authority.

3 The accreditation or licence shall be suspended or withdrawn until assurance of the environmental verifier's compliance with this Regulation is obtained, as appropriate, depending on the nature and scope of the failure or violation of legal requirements.

4 Suspension of the accreditation or licence shall be lifted where the Accreditation or Licensing Body has received satisfactory information that the environmental verifier complies with this Regulation.

#### *Article 30*

### **Forum of the Accreditation and Licensing Bodies**

1 A forum constituted of all the Accreditation and Licensing Bodies from all Member States, hereinafter referred to as 'the Forum of the Accreditation and Licensing Bodies', shall be set up and meet at least once per year in the presence of a representative of the Commission.

2 The task of the Forum of the Accreditation and Licensing Bodies shall be to ensure the consistency of procedures relating to the following:

- a the accreditation or licensing of environmental verifiers under this Regulation, including refusal, suspension and withdrawal of accreditation or licence;
- b the supervision of activities carried out by accredited or licensed environmental verifiers.

3 The Forum of the Accreditation and Licensing Bodies shall develop guidance on issues in the field of the competence of Accreditation and Licensing Bodies.

4 The Forum of the Accreditation and Licensing Bodies shall adopt its rules of procedure.

5 The guidance documents referred to in paragraph 3 and the rules of procedure referred to in paragraph 4 shall be transmitted to the Commission.

6 Guidance documents referring to harmonisation procedures approved by the Forum of the Accreditation and Licensing Bodies shall be proposed as appropriate by the Commission for adoption in accordance with the regulatory procedure with scrutiny referred to in Article 49(3).

These documents shall be made publicly available.

### *Article 31*

#### **Peer evaluation of Accreditation and Licensing Bodies**

1 The peer evaluation with regard to accreditation and licensing of environmental verifiers under this Regulation to be organised by the Forum of Accreditation and Licensing Bodies, shall be carried out on a regular basis, at least every four years, and shall include an assessment of the rules and procedures set out in Articles 28 and 29.

All Accreditation and Licensing Bodies shall participate in the peer evaluation.

2 The Forum of Accreditation and Licensing Bodies shall transmit a regular report of the peer evaluation to the Commission and the Committee established under Article 49(1).

That report shall be made publicly available after approval by the Forum of Accreditation and Licensing Bodies and the Committee referred to in the first subparagraph.

**Status:**

Point in time view as at 25/11/2009.

**Changes to legislation:**

There are currently no known outstanding effects for the Regulation (EC) No 1221/2009 of the European Parliament and of the Council, CHAPTER VI.