

# INFORMATIVE NOTE



## ENVIRONMENTAL LAW

# EMAS – NEW REGULATION

The EU Eco-Management and Audit Scheme (EMAS) is a voluntary scheme which is designed to recognise and reward proactive companies and organisations that undertake to evaluate, manage and improve their environmental performance. When an organisation proves that its environmental performance has been improved according to previously set objectives, as verified by an independent body, it can begin using the EMAS logo. The logo is not only proof that the organisation has set up a strict programme of environmental performance improvement, but also that it respects existing environmental legislation and that its employees play an important role in the process.

The scheme has been available for participation by companies since 1995<sup>1</sup> and was originally restricted to companies in industrial sectors. Since 2001<sup>2</sup> it has been open to all economic sectors including public and private services. However, and in spite of the success of the system, amendments

were considered to be necessary in order to encourage organisations to participate.

To this effect, Regulation (EC) No 1221/2009 of the European Parliament and of the Council was published on 22 December 2010<sup>3</sup>, introducing changes to EMAS and repealing Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001.

With the new rules, the scheme remains essentially voluntary and continues to be based on a standard environmental management system, as embodied in the ISO 14001 standard. The new regulation seeks to make the scheme more attractive and to make its benefits for the environment and the organisations clearer. The aim is to increase the participation of companies and reduce the administrative burden and costs to SMEs. The measures taken in order to improve EMAS foresee a greater promotion and support for EMAS by Member States and EU institutions, which may include: access to funding or tax incentives in the framework of

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“Portuguese Law Firm of the Year”  
*Chambers Europe Excellence 2009, IFLR Awards 2006 & Who’s Who legal Awards 2006, 2008, 2009*

“Corporate Law Firm of the Year - Southern Europe”  
*ACQ Finance Magazine, 2009*

“Best Portuguese Law Firm for Client Service”  
*Clients Choice Award - International Law Office, 2008*

“Best Portuguese Tax Firm of the Year”  
*International Tax Review - Tax Awards 2006, 2008*

Mind Leaders Awards™  
*Human Resources Suppliers 2007*

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<sup>1</sup> Council Regulation (EEC) No 1836/93 of 29 June 1993 allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme. OJ L 168, 10/07/1993, pages 1-18.

<sup>2</sup> 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). OJ L114, 24/04/2001, pages 1-29.

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<sup>3</sup> 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. OJ L 342 of 22.12.2009, pages 1-45.

Member States shall now modify the procedures followed by accreditation bodies and competent bodies in accordance with the new regulation and shall ensure that those systems are fully operational by 11 January 2011.

schemes supporting environmental performance of industry, technical assistance measures, reasonableness of registration costs, etc.

The new Regulation also ensures: (i) access to EMAS by all organisations, in or outside the European Union, whose activities have an environmental impact; (ii) harmonisation of the registration systems throughout the European Union; (iii) the possibility for an organisation with sites located

in several Member States or third countries to apply for one single corporate registration of all or some of those sites; (iv) simplification of the rules on the EMAS logo, through the use of one single logo.

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