

Guideline for the extension of the licence of Austrian environmental verifiers ("EMAS Global Licensing Guideline")

I. Introduction

With Article 11 para. 1 of 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 (subsequently called EMAS Regulation) Member States have been offered the possibility to register also organisations from outside the Community/from third countries and to admit environmental verifiers for an activity in third countries.

Austria makes use of this option. The fundamental provisions for the registration of organisations from third countries and for the licensing of environmental verifiers for an activity in third countries are regulated in the Articles 11, 22 and 27 of the EMAS Regulation.

On the basis of Section 9 Environmental Management Act (UMG Umweltmanagementgesetz) Federal Law Gazette I No 96/2001 as amended by Federal Act Federal Law Gazette I No 98/2013 in connection with Article 22 of the EMAS Regulation as well as with Commission Decision of 7 December 2011 concerning a guide on EU corporate registration, third country and global registration according to EMAS the licensing of environmental verifiers for an activity in third countries can be extended by decree.

In the present Guideline it is specified how the licensing authority has to proceed in practice in this context.

II. Extension of the licence of environmental verifiers licensed in Austria for an activity in third countries

II. 1 Extension of a licence of an individual environmental verifier

The extension of a licence of an individual environmental verifier for working as environmental verifier in a third country can be granted under one of the following two conditions:

II 1 a) He has knowledge and understanding of the legal and administrative provisions in the environmental sector applicable in the respective third country.

He has knowledge and understanding of the official language of the respective third country.

II 1 b) Cooperation with a qualified person or a qualified organisation in the third country takes place on the basis of a contractual agreement with this qualified person or qualified organisation.

The qualified person furnishes proof of his/her knowledge and understanding of the legal and administrative provisions in the environmental sector in the respective third country and proof of his/her knowledge and understanding of the official language of the respective third country.

In the case of a qualified organisation information has to be provided on the person who is becoming active for the organisation according to the contractual agreement and this person must meet the requirements of a qualified person for the purposes of this Guideline.

II. 1 Extension of the licence of an environmental verifier organisation

The extension of the licence of an environmental verifier organisation for becoming active as environmental verifier in a third country can be granted under one of the following two conditions:

The application of an environmental organisation authorized according to Section 5 para. 2 Environmental Management Act (Umweltmanagementgesetz UMG) for carrying out environmental audits in a third country shall indicate at least the name of one leading environmental verifier who should become active as an environmental verifier in a third country.

II.2.a)

The leading environmental verifier has knowledge and understanding of the legal and administrative provisions in the environmental sector applicable in the respective third country.

He has knowledge and understanding of the official language of the respective third country.

II.2 b)

Cooperation with a qualified person or a qualified organisation in the third country takes place on the basis of a contractual agreement with this qualified person or qualified organisation.

The qualified person furnishes proof of his/her knowledge and understanding of the legal and administrative provisions in the environmental sector applicable in the respective third country and proof of his/her knowledge and understanding of the official language of the respective third country.

In the case of a qualified organisation information has to be provided on the person who is becoming active for the organisation according to the contractual agreement and this person must meet the requirements of a qualified person for the purposes of this Guideline.

III Scope of licence

The environmental verifier can only become active within the framework of his existing sectoral scope of licence according to NACE-Code (Regulation EC No 1893/2006).

The extension of the licence takes place for a certain or several third countries, in which the auditing activity(ies) may be carried out then.

IV Independence

Independence from the organisation subject to verification must be ensured all the time.

Interaction between the Austrian environmental verifier and the qualified person or organisation in the third country.

The qualified person or the representative of the qualified organisation must participate in the audit by the Austrian environmental verifier. "Stand alone" audits on legal compliance are not permissible.

VI Evidence

Qualified person and/or representative of the qualified organisation:

Proof of identity, certificates of study, training certificates or evidence of formal qualifications, evidence of respective vocational experience. The documents are to be submitted in the official language of the Member State where the leading competent authority has its headquarters, - thus in German. Alternatively evidence in English is accepted as well.

VII Supervision

For the supervision of activities in third countries the following evidence has to be furnished:

Audit plans, evaluation reports