

FALB Decision on the implication of entry into force of COMMISSION REGULATION (EU) 2017/1505 (amending the Annexes I, II and III of EMAS Regulation) on EMAS registered organisations.

EMAS registered organisations willing to maintain their registration shall take into account the amended Annexes as from their entry into force. They shall implement the additional requirements brought into the Annexes I, II and III to ensure a continued compliance with the EMAS Regulation.

When should the verification of compliance with these requirements take place?

The REGULATION (EU) 2017/1505 determines when compliance with these new requirements shall be checked with reference to the Article 18 of the EMAS Regulation.

Compliance with the requirements of Regulation (EC) No 1221/2009 as amended by this Regulation shall be checked at the time of the verification of the organisation in accordance with Article 18 of Regulation (EC) No 1221/2009.

The Article 18 determines in its paragraph 6 and 7 different occurrences of verification and determines which elements shall be checked for each of these verifications. A verification program shall also be established between the verifier and the organisation in accordance with Article 19. In any case verification shall be planned to ensure that the organisation complies with the obligations defined in the Article 6 (1) and 6 (2) which determine requirements for renewal of registration.

Compliance with the new requirements should therefore be checked as part of the next verification as established into the verification program of the company based on the requirements of these articles.

However, it should be noted that the Regulation 2017/1505 also includes a transition mechanism allowing organisations to delay their next verification by 6 months:

In case of renewal of EMAS registration, if the next verification is to be carried out before 14 March 2018, the date of the next verification may be extended by six months in agreement with the environmental verifier and the Competent Bodies.

This means that in the case of an organisation registered in 30 September 2016, the next verification should have taken place before 30 September 2017. However the organisation has the possibility to delay this verification until 30 March 2018.

In the case of SME's that take benefit from the exemption proposed by the Article 7 the frequency of verification based on this exemption shall be respected. This means that in the case of a small organisation registered for the first time in July 2017 (before the entry into force of the amendment on 18 September 2017), the next verification should take place in July 2019.

What should be checked on the next verification?

In case of verification to be conducted within three years following registration based on the requirement of article 18 (6) the verifier shall check, among other elements, that the organisation has a fully operational environmental system in place complying with all requirements of the EMAS Regulation (including the amended annexes).

In case of verification on intervening years based on the requirements of article 18 (7) the verifier shall check, among other elements, the ongoing compliance of the organisation with the legal requirements related to the environment. As part of this check the verifier shall verify the compliance of the organisation with the additional requirements brought by the amended annexes. These additional requirements mainly include but are not limited to: the analysis of the context and stakeholders of the organisation, the risk analysis and the fact that the organisation shall determine significant aspects with a life cycle perspective. To do so the verifier shall ask for the appropriate proof of compliance of the organisation with these new requirements.

When the verifier is satisfied with this verification he should sign the Annex 7 of the EMAS Regulation and mention on this annex that the organisation complies with the EMAS Regulation as amended by COMMISSION REGULATION (EU) 2017/1505.