COMMISSION OF THE EUROPEAN COMMUNITIES

COM(93) 97 final

Brussels, 16 March 1993

Amended proposal for a

COUNCIL REGULATION (EEC)

allowing voluntary participation by companies in the industrial sector in a Community Eco-Management and Audit Scheme

(presented by the Commission pursuant to Article 149(3) of the EEC-Treaty)

Explanatory Memorandum

In March 1992 the Commission put forward a proposal for a Council Regulation allowing voluntary participation by companies in the industrial sector in a Community Eco-Audit Scheme.

The new Regulation would create a Community-wide Scheme to promote the introduction by companies in the industrial sector of environmental policies and objectives, the establishment of site specific environmental programmes and management systems and the provision of validated environmental statements to the public.

At its 300th Plenary Session on 21 and 22 October 1992, the Economic and Social Committee adopted the opinion of its Section for Protection of the Environment, Public Health and Consumer efforts, approving the aims and principles of the Commission's proposal.

At its Plenary Session on 19 January 1993 the European Parliament approved the proposal with a total of 75 amendements. The aims and principles of 51 amendments have been accepted by the Commission. The others are considered to be incompatible with the objectives or with the approach of the proposal, or to involve major practical, technical or legal problems.

The acceptable amendments help to reinforce or clarify some aspects of the proposal, in particular to:

- better reflect the objectives and contents of the scheme in the terminology used (in particular the name of the Scheme);
- specify the relationships of this scheme with the standardization and certification in the field of environmental management systems and audit;
- introduce the requirement of an annual environmental statement;
- specify in more detail the information to be provided to the public;
- specify the criteria for the accreditation of environmental verifiers;
- introduce a Committee to assist the Commission in its tasks under this Regulation.

The majority of the unacceptable amendments would, in effect, require substantial changes in the nature of the proposed Regulation. This is the case, in particular, of those amendments requiring the enlargement of the scope of this scheme beyond the industrial sector.

Some unacceptable amendments involve major practical, technical or legal problems. This is e.g., the case of amendments requiring derogations from regulatory requirements applicable or the granting of financial aids to companies.

The amendments accepted need, in most cases, to be incorporated into the proposal in a form, language and places different than those suggested by the Parliament, in order to safeguard the coherence of the overall architecture of the proposed scheme, and to take into account various relevant legal, technical and practical constraints.

The complete text of the proposed Regulation follows, with amendments accepted by the Commission alongside the original text.

ORIGINAL TEXT	AMENDED TEXT
Proposal for a Council regulation (EEC) allowing voluntary participation by companies in the industrial sector in a Community Eco-Audit Scheme	**Proposal for a Council regulation (EEC) allowing voluntary participation by companies in the industrial sector in a Community Eco-Management and Audit Scheme**
	(Consequently, in the following sections the words "Eco-audit scheme" are replaced by "Eco-Management and Audit scheme":
	Art. 1(1); Art. 1(2) first subpara.; Art. 3, title and para 1; Art. 3(2); Art. 5(1); Art. 9, title and para 1; Art. 9 (2); Art. 11, title and para 1; Art.12, title and para 1; Art. 12(1)(c); Art.12 (2); Art. 13, para 1; Annex I(C), second para and last para; Annex I(E); Annex II(B)(a); Annex III, title and para 1; and, Annex III, first, second and third indent. (Ref. EP Amendment No. 1)
THE COUNCIL OF THE EUROPEAN COMMUNITIES,	
Having regard to the Treaty establishing the European Economic Community, and in particular Article 130s thereof,	
Having regard to the proposal from the Commission,	
Having regard to the opinion of the European Parliament,	
Having regard to the opinion of the Economic and Social Committee,	
	1. Whereas the Treaty on European Union states, in Article 2, that the Community shall have among its tasks to promote sustainable growth and the Fifth Action Programme "Towards Sustainability" stresses the importance of such sustainable growth; (Ref. EP Amendment No. 3)

ORIGINAL TEXT	AMENDED TEXT
Whereas the objectives of the Community's environment policy, as set out in the Treaty and detailed in the European Community's action programmes on the environment for 1973 (*), for 1977 (*), for 1983 (*) and for 1987 (*), are, in particular, to prevent, reduce and as far as possible eliminate pollution, particularly at source, and ensure sound management of raw material resources, on the basis of the polluter pays principle;	Numbered as 2. (Ref. EP Amendment No. 2)
Whereas, in particular, the fourth Community action programme on the environment highlights the need to develop a more integrated policy on pollution control;	Numbered as 3. (Ref. EP Amendment No. 2)
	4. Whereas in the Fifth Action Programme "Towards Sustainability" the role and responsibilities of companies are underlined, both to reinforce the economy and to protect the environment throughout the Community; (Ref. EP Amendment No. 4)
Whereas the Council declared, in its resolution of 19 October 1987 concerning the fourth action programme on the environment (*), that it was important, while observing the respective powers of the Community and the Member States, for Community action to concentrate on certain priority areas, particularly improved access to information on the environment; whereas the European Parliament stressed, in its opinion on the same action programme (*), that access to information for all must be made possible by a specific Community programme;	Numbered as 5. (Ref. EP Amendment No. 2)
Whereas the Council adopted Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment (*);	Numbered as 6. (Ref. EP Amendment No. 2)

ORIGINAL TEXT	AMENDED TEXT
	7. Whereas industry, in particular, has its own responsibility to manage the environmental aspects of its activities and it should therefore adopt a proactive approach in this field, in particular by assessing the environmental and health effects of its activities and identifying ways to drastically reduce those effects in the short, medium and longer term as appropriate; (Ref. EP Amendment No. 5)
Whereas companies, in particular industrial companies, are faced with constantly growing, far-reaching and complex tasks and responsibilities related to the assessment, control, prevention or reduction of the environmental impact of their activities;	Numbered as 8. (Ref. EP Amendment No. 2)
Whereas these tasks and responsibilities call for companies to establish effective environmental protection systems;	Numbered as 9. (Ref. EP Amendment No. 2)
Whereas the application of environmental protection systems by companies cannot be separated from the need to ensure appropriate participation by workers in the establishment and implementation of such systems and from the need to promote greater protection of the safety and health of workers;	10. Whereas the application of environmental protection systems by companies cannot be separated from the need to ensure the widest involvement of the company's personnel in the establishment and implementation of such systems and from the need to promote greater protection of the safety and health of workers; (Ref. EP Amendment No. 6)
Whereas the use of environmental auditing techniques, within the framework of such environmental protection systems, is particularly important for the systematic, regular and objective evaluation of environmental performances and facilitates improvement of such performances;	Numbered as 11. (Ref. EP Amendment No. 2)

ORIGINAL TEXT	AMENDED TEXT
Whereas the establishment of environmental protection systems and the use of environmental auditing in this context are more advanced in the industrial sector;	12. Whereas the establishment of environmental management systems and the use of environmental auditing in this context are already more advanced in the industrial sector which is therefore the immediate priority for this Regulation and whereas it is highly desirable to promote by pilot experiences similar practices also in non-industrial activities, such as services, administration, transport etc; (Ref. EP Amendment No. 7)
	13. Whereas the diffusion of environmental management systems, including auditing techniques, must in particular be encouraged in the transport sector in order to prevent or limit the growth of its impact on the environment, in particular as a possible consequence of the single market, and in public administrations, which should set an example, so that these sectors represent priorities for the future development of this scheme; (Ref. EP Amendment No. 8)
Whereas the public is showing growing interest in information about the environmental performances of companies;	Numbered as 14. (Ref. EP Amendment No. 2)
	15. Whereas the provision of information to the public by companies is an essential element of good environmental management; (Ref. EP Amendment No. 9)

ORIGINAL TEXT	AMENDED TEXT
Whereas environmental auditing, implemented within an appropriate framework, can provide both an effective tool to improve the environmental performances of companies and a solid basis for company policy on information for, and collaboration with, the public;	Numbered as 16. (Ref. EP Amendment No. 2)
Whereas the introduction of a flexible Community scheme for the evaluation and improvement of the environmental performance of certain activities would also stimulate further developments in areas such as standardization and certification of internal environmental management systems;	17. Whereas a flexible Community scheme for the evaluation and improvement of environmental performance would also stimulate further developments in areas such as standardization and future certification of internal environmental management systems; (Ref. EP Amendment No. 11)
	18. Whereas standardization of environmental management systems would help industry to bear its own responsibility and facilitate comparisons of the environmental performance of different companies; (Ref. EP Amendment No. 12)
Whereas it is therefore necessary and appropriate to encourage companies to introduce environmental protection systems including audit programmes and to promote systematic, sound information for the public on companies' environmental policy, programmes, management and performance and, in particular, on the link between health and the environment;	Numbered as 19. (Ref. EP Amendment No. 2)
Whereas the best means of achieving this end is to establish a Community scheme allowing voluntary participation by companies;	20. Whereas a means of achieving this end is to establish a Community scheme encouraging participation by companies; (Ref. EP Amendment No. 13)

ORIGINAL TEXT	AMENDED TEXT
Whereas the aims of such a scheme should be to promote the introduction of effective protection systems, in the light of initial comprehensive and detailed environmental reviews, to lay down the essential requirements for environmental auditing, within the framework of such protection systems, and to inform the public on the basis, in particular, of the audit findings, about the environmental performances of companies;	21. Whereas, by establishing an environmental policy, environmental programmes and objectives and a management system, in accordance to the requirements of this scheme, a company will be in a better position to demonstrate its commitment to the environment, assess and reduce the impact of its activities on the environment, implement more effectively the environmental regulatory requirements applicable, reduce environmental risks, communicate effectively in the field of the environment with the authorities and the local and general public, and improve company's image; **(Ref. EP Amendment No. 14)**
	22. Whereas, in order to achieve sustainable development, the "command and control" approach is no longer sufficient and should be gradually replaced by an approach under which regulatory constraints and controls are complemented by cooperation among companies, the authorities and the public, and participation and joint responsibility of the various actors concerned; (Ref. EP Amendment No. 15)
Whereas it is necessary to provide for independent validation, by accredited environmental auditors, of the environmental statements for the public, in order to guarantee the reliability and representativeness of such information;	Numbered as 23. (Ref. EP Amendment No. 2)
Whereas it is necessary to establish the conditions and procedures for the accreditation of environmental auditors and procedures for preventing any distortion of the validation activities within the framework of this Regulation;	Numbered as 24. (Ref. EP Amendment No. 2)

...GINAL TEXT	AMENDED TEXT
Whereas this Regulation could need revision, particularly of its scope, in the light of the experience gained in the first years of its implementation; whereas, therefore, an effective procedure is necessary for such revision,	25. Whereas this Regulation could need revision, particularly in respect of the extension of its scope to non-industrial activities, in the light of the experience gained in the first years of its implementation; whereas, therefore, an effective procedure is necessary for such revision; (Ref. EP Amendment No. 16)
HAS ADOPTED THIS REGULATION:	
Article 1	
The Eco-audit scheme and its objectives	The Eco-Management and Audit scheme and its objectives
1. A Community scheme allowing voluntary participation by industrial companies, hereinafter referred to as the 'Eco-audit scheme', is hereby established for the evaluation and improvement of the environmental performance of industrial activities and the provision of the relevant information to the public.	1. A Community scheme allowing voluntary participation by companies performing industrial activities, hereinafter referred to as the "Eco-Management and Audit scheme", is established for the evaluation and improvement of environmental performance of industrial activities and the provision of the relevant information to the public. (Ref. EP Amendment No. 18)
2. The objective of the Eco-audit scheme shall be to promote improvements in the environmental performance of industrial activities by:	
(a) the establishment and implementation of environmental protection systems by companies;	

ORIGINAL TEXT	AMENDED TEXT
(b) the systematic, objective and periodic evaluation of the environmental performance of such systems;	(b) the systematic, objective and periodic evaluation of the performance of such systems, including assessment and record of relevant data such as, in particular, those on the natural resources and energy used, the releases of pollutants into the air, waters and soils, noise levels with the aim of reducing the environmental impact to a minimum. (Ref. EP Amendment No. 20)
(c) the provision of information on environmental performance to the public.	
Article 2 Definitions For the purposes of this Regulation:	
(a) 'environmental review' means an initial comprehensive analysis of the environmental issues, impact and performance related to activities at a site, including in particular the aspects referred to in Annex I;	
(b) 'environmental protection system' means a coordinated set of measures of various kinds aimed at protecting the environment;	
(c) 'environmental policy' means a statement of a company's overall aims and principles of action with respect to the environment;	
(d) 'environmental management' means the aspects of the overall management function that determine and implement the environmental policy;	

ORIGINAL TEXT	AMENDED TEXT
'environmental management system' means the organizational structure, responsibilities, practices, procedures, processes and resources for implementing environmental management;	(e) "environmental management system" means that part of the overall management system which includes the organizational structure, responsibilities, practices, procedures, processes and resources for determining and implementing the environmental policy; (Ref. EP Amendment No. 22)
(f) 'environmental objectives' means the detailed goals, in terms of environmental performance, which a company sets itself;	
(g) 'environmental programme' means a description of the company's specific objectives and activities to ensure greater protection of the environment at a given site, including a description of the measures taken to achieve such objectives and the deadlines set for implementation of such measures;	
(h) 'environmental audit' means a management tool comprising a systematic, documented, periodic and objective evaluation of the performance of the organization, management system and equipment designed to protect the environment with the aim of: (i) facilitating management control of environmental practices; (ii) assessing compliance with company policies, including observance of the existing regulatory requirements. Environmental audit includes determination of the factual data necessary to evaluate performance;	
(i) 'environmental statement' means a statement prepared by the company in line with the requirements of this Regulation and, in particular, of Article 5;	
(j) 'industrial activity' means any activity listed under sections C and D of the classification of economic activities in the European Community (NACE rev. 1), as established by Council Regulation (EEC) No 3037/90 (1), with the addition of electricity, gas, steam and hot water production, and the recycling, treatment, destruction or disposal of solid or liquid waste,	

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(k) 'company' means any organization which has direct operational control over activities at a given site;

(l) 'site' means all land on which the industrial activities under the control of a company at a given location are carried out, including any connected or associated storage of raw materials, by-products, intermediate products, end-products and waste material, and any equipment and infrastructure involved in the activities, whether or not fixed;

(m) 'accredited environmental auditor' means any person or organization who has obtained accreditation, in line with the conditions and procedures referred to in Article 7;

(n) 'competent bodies' means the bodies designated by Member States, in line with Article 10, to perform the tasks mentioned in this Regulation.

Article 3

Participation in the Eco-audit scheme, commitments by companies participating, participation procedure

1. Companies operating any industrial activity may participate in the Eco-audit scheme at any of the sites where such activities are performed by undertaking to comply with all the rules and conditions and to observe all the procedures set out in this Regulation at each site involved, and in particular:

RIGINAL TEXT	AMENDED TEXT
— to establish and implement, in the light of the results of an initial environmental review, in line with the criteria in Annex I and ensuring appropriate participation by workers and their representatives, an environmental protection system applicable to all activities at the site,	- to establish and implement, in the light of the results of an initial environmental review and, where appropriate, of its subsequent repetitions, in line with criteria in Annex I and ensuring the widest participation of workers and their representatives, as appropriate on the basis of rules and practices in force in the Member States, an environmental protection system applicable to all activities at the site, that complies with the relevant requirements set out in Annex I of this regulation or, as far as the management system is concerned, is certified according to an appropriate certification procedure, as complying with a standard referred to in Article 6.2. (Ref. EP Amendment No. 27)
— to carry out, or have carried out, in compliance with the criteria in Annex I, environmental audits at the sites concerned,	
— to examine, at the highest management level, all the findings of the audit and, in the light thereof and within the framework of their environmental programme, set objectives and measures aimed at continuous improvement of their environmental performance,	- to examine, at the highest appropriate management level, all the findings of the audit and, in the light thereof and within the framework of their environmental programme, set objectives and measures aimed at continuous improvement of their environmental performance, (Ref. EP Amendment No. 28)

ORIGINAL TEXT	AMENDED TEXT
— to prepare an environmental statement specific to each site audited with the same frequency as the environmental audit,	- to prepare annually an environmental statement specific to each site audited, (Ref. EP Amendment No. 29)
— to have the environmental statement validated by accredited environmental auditors to confirm that the data and information contained therein are reliable and that all the significant environmental issues of relevance to the site are covered in sufficient detail,	- to have the environmental statements validated by accredited environmental verifiers, at the time when the audit related to the period covered by the statements concerned is completed, to confirm that the data and information contained therein are reliable and that all the significant environmental issues of relevance to the site are covered in sufficient detail, (Ref. EP Amendment No. 30)
— to submit the environmental statements validated by accredited environmental auditors to the competent body and keep them at the disposal of the public.	- to submit each environmental statement to the competent body, keep them at the disposal of the public and, if the company provides an annual activity report to shareholders, include them in, or attach them to, such a report. (Ref. EP Amendment No. 31)
2. Companies which decide to participate in the Eco-audit scheme for a given site shall, after having carried out an initial environmental review of the site, established an environmental protection system, and prepared an environmental statement, submit the first environmental statement validated by an environmental auditor, including the information referred to in Annex IV, to the competent body referred to in Article 10.	
3. The commitments defined in this Article shall apply without prejudice to the action decided upon by the Member States within the framework of point (a) of Article 12 (1)	

RIGINAL TEXT	AMENDED TEXT
Article 4	
tandardization of environmental management systems	
he Commission shall request the appropriate European andardization bodies to develop and adopt standards or environmental management systems based on the riteria in Annex I, taking into account the objectives, rinciples and provisions of this Regulation.	**The Commission shall request the European Committee for Standardization (CEN) to develop and adopt a standard for environmental management systems which should take account of the objectives, principles and provisions of this Regulation and be in conformity with the relevant requirements in Annexes I and II. (Ref. EP Amendment No. 32)**
Article 5	
Environmental statement	
1. **An environmental statement shall be prepared for each site participating in the Eco-audit scheme, under the control of company management and on the basis, in particular, of each environmental audit or, for the first statement, of the initial environmental review. It shall be written specifically for the public in a concise, non-technical form.**	**1. An environmental statement shall be prepared for each site participating in the Eco-Management and Audit scheme, under the control of company management and on the basis, in particular, of each environmental audit or, for the first statement, of the initial environmental review and thereafter annually. It shall be written specifically for the public in a concise, non-technical form. (Ref. EP Amendment No. 33)**
2. The environmental statement shall include, in particular, the following contents:	
— a description of the company's activities at the site considered,	
— a detailed assessment of all the significant environmental issues of relevance to the activities concerned,	- an assessment of all the significant environmental issues of relevance to the activities concerned; (Ref. EP Amendment No. 34)

ORIGINAL TEXT	AMENDED TEXT
— a summary of the figures on pollutant emissions, waste generation, raw material, energy and water consumption and other significant environmental aspects, as appropriate,	- a summary of the figures on pollutant emissions, waste generation, consumption of raw materials, energy and water, and a qualitative assessment of non-quantifiable aspects like odour nuisance, damage to the landscape, loss of visual amenity, and other significant environmental aspects, as appropriate. The figures will be compared with the licence conditions and regulatory requirements, as far as applicable. (Ref. EP Amendment No. 35)
— a presentation of the company's environmental policy, programme and specific objectives for the site considered,	- a presentation of the company's environmental policy, programme and specific objectives, as eventually adjusted, including environmental protection investments, for the site considered; (Ref. EP Amendment No. 36)
— an evaluation of the environmental performance of the protection system implemented at the site considered,	
— the deadline set for submission of the next statement.	
The statement shall be validated under the conditions set out in Annex II.	The statement shall be validated under the conditions set out in Article 6(2) at the time when a full environmental audit of the site is completed. (Ref. EP Amendment No. 38)

ORIGINAL TEXT	AMENDED TEXT
Article 6	
Organization of auditing and validation activities	**Organisation of auditing activities**
1. The environmental audit of a site may be conducted either by the company's auditors, if the company has set up its own appropriate system, for example within the framework of the EN 29000 standard, or by external auditors accredited for this purpose by a body recognized by the Member State. In both cases the audit shall be performed in line with the criteria set out in Annex I and, in particular, taking account of the ISO 10011 standards on auditors' qualifications (part 2) and on audit procedures (part 1).	1. The internal environmental audit of a site may be conducted by either auditors belonging to the company or external persons or organisations acting on its behalf. In both cases the audit shall be performed in line with the criteria set out in Annex I and, in particular, taking account of the ISO 10011 standards on auditors' qualifications (part 2) and audit procedures (part 1).
	Organisation of validation activities
2. The Environmental statements shall be validated by accredited environmental auditors, in line with the criteria set out in Annex II.	**2. The environmental policies, programmes, management systems, reviews or audit procedures and the environmental statements shall be examined to verify that they meet the requirements of the Regulation, and the environmental statements shall be validated by the independent accredited environmental verifier, on the basis of the relevant provisions in the Annexes of this Regulation.**
Accredited environmental auditors shall not divulge, without authorization from the company management, any information or data obtained in the course of their validation activities.	
	2a. Relationship with standards
	i. Companies certified as complying, at given sites, with:

ORIGINAL TEXT	AMENDED TEXT
	- national standards transposing European Standards for environmental management systems and/or audits, established by CEN, following a mandate in accordance with Council Directive 83/189/ECC of 28 March 1983 laying down a procedure for the provision of information in the field of technical standards and regulations, as amended by Directive 88/182/EEC, and the references of which are published in the Official Journal of the EC, or
	- national standards for environmental management systems and/or audits recognized by the Commission, acting in accordance with the procedure laid down in Article 13 to be in conformity with the relevant requirements of this Regulation.
	shall be considered as meeting the corresponding requirements of this Regulation at those sites, provided that the certification is delivered by a body whose accreditation is in accordance with the relevant requirements in the Annexes of this Regulation, or with criteria which are recognized to be equivalent to those requirements by the Commission, acting in accordance with the procedure laid down in Article 13.

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	The Commission shall publish in the Official Journal of the European Communities the references of the European standards referred to above as well as of the national standards recognised to be in conformity with the relevant requirements of this Regulation. Member States shall publish the references of these national standards and of national standards transposing European standards.
	ii. To enable such sites to be registered under the scheme, the companies concerned must in all cases meet the requirements of this Regulation regarding the environmental statement including validation and the other applicable requirements concerning registration. (Ref. EP Amendment No. 41)
	2b. The accredited environmental verifier must be independent from the site's auditor. (Ref. EP Amendment No. 42)
3. The Commission shall request the European Organization for Testing and Certification (EOTC) to establish the conditions and procedures for certification of compliance with the standards mentioned in Article 4, based on the criteria set out in Annex II, and to ensure coordination of the bodies designated by the Member States within the framework of Article 7 (1).	
Article 7 Accreditation of environmental auditors	
1. Member States shall ensure, within 12 months of the entry into force of this Regulation, that accreditation systems responsible for laying down and implementing appropriate conditions and procedures for the accreditation of environmental auditors and for supervising their activities are fully operational. To this end, Member States may either use existing certification institutions or designate or set up other appropriate bodies	

ORIGINAL TEXT	AMENDED TEXT
In establishing the abovementioned conditions and procedures, the accreditation systems in the Member States shall take account of the criteria set out in Annex II. Member States shall inform the Commission in advance of the measures they intend to adopt on this subject. These measures must be approved by the Commission before they can be adopted by an accreditation system.	(Refer to Annex II.A) (Ref. EP Amendment No. 44)
Member States shall adopt the rules and procedures necessary to enable the accreditation systems to perform their role.	
Member States shall inform the Commission without delay of the measures taken within the framework of this paragraph.	
2. The competent bodies, the industrial confederations concerned, non-governmental environmental and consumer organizations and trade unions shall be entitled to participate in setting up and directing, in line with the rules and procedures established by the Member States, the accreditation systems referred to in paragraph 1. The Commission shall be informed of these rules and procedures without delay.	
3. The accreditation systems shall collaborate, in particular in supervising the activities of accredited environmental auditors. The Commission shall take appropriate action to facilitate such collaboration.	
4. Auditors accredited in one Member State may perform validation activities in any other Member State.	
Article 8 List of accredited environmental auditors	
The accreditation systems shall establish, update and revise a list of accredited environmental auditors in each Member State and shall communicate this list to the Commission.	
The Commission shall publish an overall Community list in the *Official Journal of the European Communities*.	The Commission shall publish annually an overall Community list in the Official Journal of the European Communities. (Ref. EP Amendment No. 49)

ORIGINAL TEXT	AMENDED TEXT
Article 9	
List of sites participating in the Eco-audit scheme	
1. The bodies designated for this purpose by the Member States shall establish a list of sites participating in the Eco-audit scheme and shall update this list regularly.	
If a company fails to submit the validated environmental statements for a site to the competent body within the deadline announced, the site shall be deleted from the list.	
2. The competent bodies shall communicate the lists and their updates to the Commission each year.	
	2a. The competent body shall only register a site if it is satisfied that the site meets all the conditions of this Regulation. (Ref. EP Amendment No. 50)
Each year the Commission shall publish in the *Official Journal of the European Communities* a list of all the sites participating in the Eco-audit scheme in the Community.	
Article 10	
Competent bodies	
Member States shall designate, within 12 months of the entry into force of this Regulation, the competent bodies and shall inform the Commission thereof immediately.	
Article 11	
The Eco-audit logo	
1. The logo illustrated in Annex III may be used in relation to sites participating in the Eco-audit scheme. The logo shall always be accompanied by a statement of which sites are participating.	
The logo may be used:	
— on the company's environmental statements,	

ORIGINAL TEXT	AMENDED TEXT

— on the company's brochures, reports and information documentation,

— on the company's headed paper,

— for the company's advertisements, on condition that such advertisements contain no reference to specific products or services.

The logo may not be used on products, product packages or for product advertisement.

The logo shall always be accompanied by one of the phrases in Annex III, as appropriate.

2. The use of the logo shall be forbidden in the case of sites which fail to comply with the requirements of the Community and national environmental regulations.

Member States shall take the necessary measures to empower the competent bodies to supervise use of the logo and shall inform the Commission of these measures immediately.

Article 12

Promotion of the Eco-audit scheme

1. Member States may take action to promote the Eco-audit scheme, provided such action is in compliance with Community law, in particular by:

(a) in the case of small and medium-sized enterprises, establishing or promoting assistance measures and, possibly, structures, aimed at providing such firms with the expertise and support needed in order to comply with the rules, conditions and procedures defined by this Regulation and, in particular, to set up environmental protection systems, conduct audits and prepare and validate statements;

ORIGINAL TEXT	AMENDED TEXT
(b) simplifying and/or reducing the practical verification and inspection formalities under certain conditions, in particular for small and medium-sized enterprises;	(b) simplifying and/or reducing the practical verification and inspection formalities under certain conditions, in particular by the use of validated data gathered as a result of the implementation of the environmental management system, in particular for small and medium-sized enterprises; (Ref. EP Amendment No. 55)
(c) advertising and informing the public of the Eco-audit scheme.	(d) encouraging industrial associations in their activities to promote the introduction by companies of environmental management systems. (Ref. EP Amendment No. 56)
	When drawing up promotion measures, Member States may use the relevant experience acquired by regional and local authorities, especially in areas with a high concentration of small and medium-sized enterprises with resulting problems of cumulative environmental impact. In such cases promotion measures may take the form of experiments involving groups of companies in collective technical assistance schemes. (Ref. EP Amendment No. 58)

ORIGINAL TEXT	AMENDED TEXT
Member States shall inform the Commission immediately of the measures they take within the framework of this Article.	
2. The Commission, having consulted the two sides of industry, shall present proposals to the Council aiming at greater participation in the Eco-audit scheme by small and medium-sized enterprises, in particular by providing information, training and technical assistance.	2. The Commission, having consulted the organisations representing at community level the interest groups more directly concerned, shall present proposals to the Council and the European Parliament aiming at greater participation in the Eco-Management and Audit scheme by small and medium-sized enterprises, in particular by providing information, training and technical assistance. (Ref. EP Amendment No. 59)
	Article 13
	COMMITTEE
	1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.
	2. The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148(2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

TEXT

Article 13

Revision

Four years after the entry into force of this Regulation, the Commission shall review the Eco-audit scheme in the light of the experience gained during its operation and shall, if necessary, propose to the Council the appropriate amendments, particularly to the scope and nature of the scheme.

Within the framework of this revision, the Council shall adopt the amendments proposed by a qualified majority, as provided for by the second paragraph of Article 130s of the Treaty.

Article 14

Entry into force

This Regulation shall enter into force on 1 January 1993.

It shall apply with effect from 1 July 1994.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

AMENDED TEXT

3. The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the committee.

4. If the measures envisaged are not in accordance with the opinion of the committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

5. If the Council has not acted within three months from the date of referral to it, the proposed measures shall be adopted by the Commission.
(Ref. EP Amendment No. 60 & 64)

Article 14

Revision

Four years after entry into force of this Regulation, the Commission shall review the Eco-Management and Audit scheme in the light of the experience gained during its operation and shall, if necessary, propose to the Council the appropriate amendments, particularly concerning the extension of the scope of the scheme.
(Ref. EP Amendment No. 63)

Article 15

ORIGINAL TEXT | **AMENDED TEXT**

ANNEX I

Issues, criteria and requirements concerning environmental protection systems and environmental auditing

A. Environmental protection systems must be established taking account of the EN 29000 series of standards and, as soon as they are adopted, of any specific standards set in the future within the framework of the provisions of Article 4.

Such systems will include, in particular, the following elements, formally stated in writing: an environmental policy, environmental objectives, an environmental programme and an environmental management system, including an audit programme.

The corresponding documents will explain how the environmental policy and the environmental management system for the site relate to the policy and systems of the company as a whole and will include a statement of the environmental policy conducted by the company.

The environmental protection system will include technical and organizational measures and procedures aiming at generating the information and data necessary to evaluate the environmental performance of activities at the site considered, with reference to the company's environmental policies, objectives and programmes.

B. Issues to be covered

The following issues will be covered within the framework of environmental protection systems and environmental auditing:

- assessment, control and prevention of the impact of the activity concerned on the various sectors of the environment,

- assessment, control and prevention of the impact of the activity concerned on the various sectors of the environment, in particular air, water, soils and biotypes; (Ref. EP Amendment No. 65)

— energy management, savings and choice,

— raw materials managment, savings, choice and transportation; water management and savings,

— waste avoidance, recycling, reuse, transportation and disposal,

— selection of production processes,

— product planning (design, packaging, transportation, use and disposal);

...L TEXT	AMENDED TEXT
- prevention and limitation of accidents,	- prevention and limitation of environmental accidents; (Ref. EP Amendment No. 66)
— staff information, training and participation on environmental issues,	
— external information and public participation, including dealing with public complaints.	
C. Environmental performance will be assessed by reference to the Community and national standards applicable to this field and to the best available pollution abatement technologies, as defined within the framework of Community legislation.	C. Environmental performance will be assessed by reference to company's environmental policy which must include compliance with all relevant regulatory requirements regarding the environment and take account of possible clean technologies. (Ref. EP Amendment No. 67)

As regards environmental management, the following 'good management practices' will be taken as the reference, where appropriate, for the protection systems and environmental auditing under the Eco-audit scheme.

1. Management shall prepare and regularly review at the highest level the company's environmental policy, objectives and programmes. These policies, objectives and programmes shall be stated in writing.

2. Management, in cooperation with staff representatives, shall foster a sense of responsibility for the environment amongst employees at all levels.

3. Management shall assess in advance the environmental impact of all new activities, products and processes.

4. Management shall assess and monitor the impact of current activities on the local environment and examine any significant impact of these activities on the environment in general.

5 Management shall ensure that the environmental impact of all the activities is reduced to the minimum.

6. Management shall ensure that the arrangements necessary to reduce waste generation to the minimum and to conserve resources are introduced and applied.

7. Management shall take the necessary measures to prevent accidental emissions of materials or energy.

ORIGINAL TEXT **AMENDED TEXT**

8. The company shall establish and apply verification procedures to check compliance with the environmental policy and, where these procedures require measurement and testing, to establish and update records of the results.

9. The company shall establish and update the procedures and action to be pursued in the event of detection of non-compliance with its environmental policy, objectives or targets.

10. Management shall cooperate with the public authorities to establish and update contingency procedures to minimize the impact of any accidents that nevertheless occur.

11. Management shall provide the public with the information necessary to understand the potential environmental impact of the company's activities and shall be prepared to respond positively to expressions of public concern.

11a Management shall provide the public with information on the measures taken to minimize the site's impact on the environment and on public health. (Ref. EP Amendment No. 69)

12. Management shall provide appropriate advice to customers on the prevention of accidents and pollution during the handling, use and disposal of the products made by the company.

13. Management shall ensure that contractors working on the company's behalf apply environmental standards equivalent to the company's own.

D. The issues and requirements mentioned in sections B and C will apply in so far as they are under the control of the site management.

E. Environmental auditing

The audit method and procedure will be established in the light of the relevant guidelines in the ISO 10011 international standards and within the framework of the specific principles and requirements of this Regulation.

In particular:

Objectives

The company's environmental auditing programmes will define, in writing, the specific objectives of auditing of the site considered.

ORIGINAL TEXT	AMENDED TEXT
The objectives must include, in particular, assessing the management systems in place, determining compliance with Community, national, and local regulations and determining conformity with company policies.	The objectives must include, in particular, assessing the management systems in place, and determining conformity with company policies and the site programme, which must include compliance with relevant environmental regulatory requirements. (Ref. EP Amendment No. 70)

Scope

The overall scope of the audit must be clearly defined and must explicitly specify the:

— subject areas covered,

— activities at the site,

— environmental performance standards,

— period covered by the audit.

Organization and resources

Environmental audits must be performed by auditors with appropriate knowledge of the sectors and fields audited and sufficient training and proficiency as an auditor to achieve the stated objectives. The resources and time allocated to the audit must be commensurate with the scope and objectives of the audit.

The top company management shall support the auditing.

The auditors shall be independent of the activities they audit.

Planning and preparation for a site audit

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

— ensuring that appropriate resources are allocated,

— ensuring that each individual involved in the audit process (including auditors, site management, staff representatives and other key personnel) understands his or her role and responsibilities.

Preparation will include familiarization with activities on the site and with the environmental protection system established there and review of the findings and conclusions of previous audits.

On-site audit activities

On-site activities will include discussions with site personnel, inspection of operating conditions and equipment and reviewing of records, written procedures and other relevant documentation, with the objective of evaluating environmental performance at the site by determining whether the site meets the applicable standards and whether the systems in place to manage environmental responsibilities are effective and appropriate.

RIGINAL TEXT	AMENDED TEXT
The following steps, in particular, will be included in the audit process:	
— understanding of the management systems,	
— assessing strengths and weaknesses of the management systems,	
— gathering relevant evidence,	
— evaluating audit results,	
— preparing audit conclusions,	
— reporting audit findings and conclusions.	
Reporting audit findings and conclusions	
A written audit report of the appropriate form and content will be prepared by the auditors to ensure full, formal submission of the findings and conclusions of the audit.	
The findings and conclusions of the audit must be formally communicated to the top company management.	**The findings and conclusions of the audit must be formally communicated to the top company management <u>at the highest appropriate level.</u> (Ref. EP Amendment No. 71)**
The fundamental objective of a written audit report is:	
— to document the scope of the audit,	
- to provide management with factual information on the environmental performance at the site and with the team's conclusions on this performance,	- to provide management with information on the <u>state of compliance with the company's environmental policy and the environmental progress at the site and with information on the effectiveness and reliability of the arrangements for monitoring environmental impacts at the site.</u> (Ref. EP Amendment No. 72)

ORIGINAL TEXT	AMENDED TEXT
- to demonstrate the need for and initiate corrective action.	- to demonstrate the need for corrective action. (Ref. EP Amendment No. 73)

Audit follow-up

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

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

Criteria for establishing appropriate audit frequency

The audit will be conducted at intervals of between one and three years. The frequency will be established by the top company management, taking account of the potential overall environmental impact of the activities at the site, depending, in particular, on the following elements:

— importance and urgency of the problems detected,

— scale and complexity of the activities,

— volume of emissions,

— history of environmental problems.

The normal auditing frequency in the Eco-audit scheme will be:

— one year for activities with a high environmental impact,

— two years for activities with a moderate environmental impact,

— three years for activities with a low environmental impact.

ANNEX II

Criteria and requirements concerning the accreditation of environmental auditors and to the function of the auditor

ORIGINAL TEXT | **AMENDED TEXT**

A. Accreditation of environmental auditors

European standard EN 45012 must be taken into account, as appropriate, in setting up and implementing the accreditation procedures and conditions for environmental auditors.

The environmental verifier shall be competent in relation to the functions within the accredited scope and must demonstrate and maintain records on the qualifications, training and experience of its personnel with respect to, at least, the following:

- environmental auditing methodologies;
- management information and process;
- environmental issues;
- relevant legislation and standards including specific guidance developed for the purposes fo this Regulation; and,
- relevant technical knowledge of the activity subject to verification.

(Ref. EP Amendment No. 44)

B. The function of accredited auditors

Validation will be carried out by accredited environmental auditors in conformity with the professional codes of practice which will be established and revised by the Commission.

The function of the auditor is to certify:

— compliance with all the requirements of this Regulation, particularly concerning the environmental review, the environmental audit process and the environmental statements,

— the technical validity of the environmental review or audit process and of any other method and procedure on which the information and data contained in the statement are based,

— the reliability of the data and information in the statement and whether the statement adequately covers all the significant environmental issues of relevance to the site.

The auditor will carry out all the investigations necessary to perform the function described above in a sound professional manner, using appropriate methods and avoiding unnecessary duplication of the company's activities and methods.

ORIGINAL TEXT

AMENDED TEXT

The auditor will operate on the basis of a written agreement with the company which defines the scope of the work, enables the auditor to operate in an independent professional manner and commits the company to providing the necessary cooperation.

The verification will involve examination of documentation, a visit to the site including, in particular, interviews with personnel, preparation of a report to the company management and solution of the issues raised by the report.

The verification will involve examination of documentation, a visit to the site including, in particular, interviews with personnel, preparation of a report to the company management and resolution of the issues raised by the report. (Ref. EP Amendment No. 76)

The documentation to be examined in advance of the site visit will include basic information about the site and activities there, the description of the environmental management system in operation at the site, details of the previous environmental review or audit carried out, the report on that review or audit and the draft environmental statement.

The company will also provide the auditor with the necessary information on previous reviews and audits and details of any infringements of the legislation and of any civil suits relating to environmental matters in the previous five years.

The auditor's report to the company management will specify:

1. cases of non-compliance with the provisions of this Regulation;

2. technical defects in the environmental review or audit method or in any other relevant process;

3. points of disagreement with the review or audit report;

4. points of disagreement with the draft environmental statement, together with details of the amendments or additions that should be made to the environmental statement.

The following cases can arise:

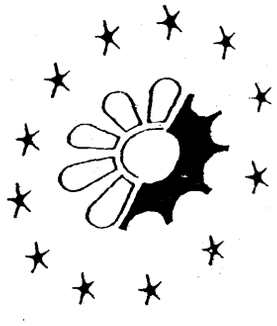
(a) if the protection system, the audit method and the other processes used to produce the statement appear to be adequate and the statement proves accurate, sufficiently detailed and in compliance with the requirements of the Eco-audit scheme, the auditor will validate the statement and certify that it gives a true and fair account of the environmental issues of relevance to activities at the site;

ORIGINAL TEXT	AMENDED TEXT
(b) if the protection system, the audit method and the other relevant processes appears adequate but the statement needs to be revised and/or completed, the auditor shall discuss the changes needed with the company management and will not validate the statement until the company has made the appropriate amendments and/or additions to the statement;	(b) if the protection system, the <u>review</u> or audit <u>process</u> appears adequate but the statement needs to be revised and/or completed, the verifier shall discuss the changes needed with the company management and shall not validate the statement until the company has made the appropriate amendments and/or additions to the statement; (Ref. EP Amendment No. 74)
(c) if the protection system, the audit method and/or the other relevant processes considered appear inadequate, the auditor will make appropriate recommendations to the company's management on the improvements needed and will not validate the statement until the shortcomings in the processes have been corrected, the processes repeated to the extent necessary, and the statement revised accordingly.	(c) if the protection system, the <u>review</u> or audit <u>process</u> appears inadequate, the verifier shall make appropriate recommendations to the company's management on the improvements needed and shall not validate the statement until the shortcomings in the processes have been corrected, the processes repeated to the extent necessary, and the statement revised accordingly. (Ref. EP Amendment No. 75)

ANNEX III

The Eco-audit logo

Eco-audit is a European Community scheme for the evaluation and improvement of the environmental performance at industrial production sites.



The logo illustrated above must be used in conjunction with one of the following phrases, as appropriate:

— All our production sites in the EC participate in the Eco-audit scheme.

— All our production sites in (name of Community Member State) participate in the Eco-audit scheme.

— The following production sites of our company participate in the Eco-audit scheme.

ANNEX IV

Information to be provided to the competent bodies at the time of submission of the first environmental statement:

1. Name of company;

2. Name and location of the site;

3. Brief description of activities at the site: (refer to annexed documents if necessary);

4. Name and address of the accredited environmental auditor who validated the statement annexed;

5. Deadline for submission of the next validated environmental statement.

The following details must be annexed to the statement:

(a) a brief description of the environmental protection system;

(b) a description of the auditing programme established for the site;

(c) the initial validated environmental statement.

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