Commission Regulation (EU) 2017/1505 of 28 August 2017 amending Annexes I, II and III to Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (Text with EEA relevance)

COMMISSION REGULATION (EU) 2017/1505

of 28 August 2017

amending Annexes I, II and III to Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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[(1)], and in particular Article 48 thereof,

Whereas:

(1) The objective of EMAS is to promote continuous improvements in the environmental performance of organisations by the establishment and implementation of an environmental management system, the evaluation of the performance of such a system, the provision of information on environmental performance, an open dialogue with the public and other interested parties and the active involvement of employees. To achieve this objective the Annexes I to IV to Regulation (EC) No 1221/2009 define specific requirements to be observed by the organisations wishing to implement EMAS and obtain EMAS Registration.

(2) Part A of Annex II to Regulation (EC) No 1221/2009 includes the requirements set out in the EN ISO 14001:2004 Standard that constitutes the basis of the environmental management system requirements of that Regulation.

(3) Part B of Annex II to Regulation (EC) No 1221/2009 lists a number of additional issues that organisations registered in the Community eco-management and audit scheme (EMAS) are required to address and that have a direct link to a number of elements of the EN ISO 14001:2004 Standard.

(4) ISO has since released a new version of the International Standard ISO 14001. The second edition of the standard (EN ISO 14001:2004) has therefore been replaced by the third edition (ISO 14001:2015).

(5) To assure a consistent approach throughout the different Annexes the relevant new provisions of the International Standard ISO 14001:2015 should also be taken into

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account in Annex I to Regulation (EC) No 1221/2009 setting out the requirements on the Environmental Review and in Annex III to Regulation (EC) No 1221/2009 setting out the requirements on the Internal Environmental Audit.

(6) Regulation (EC) No 1221/2009 should therefore be amended accordingly.

(7) Organisations desiring to obtain or maintain both EMAS registration and ISO 14001 certification often conduct one integrated verification/certification process. To maintain coherence between the requirements of both instruments, organisations should not be obliged to implement the revised Annexes to Regulation (EC) No 1221/2009 prior to the new version of the International Standard ISO 14001. Transitional arrangements are therefore needed.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 49 of Regulation (EC) No 1221/2009,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I, II and III to Regulation (EC) No 1221/2009 are replaced by the text set out in the Annex to this Regulation.

Article 2

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.

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.

However, before 14 September 2018, the verification may, in agreement with the environmental verifier, be carried out in accordance with the requirements of Regulation (EC) No 1221/2009, as amended by Council Regulation (EU) No 517/2013[(2)]. If such a verification takes place, the validity of the statement of the environmental verifier as well as the registration certificate are only valid until 14 September 2018

Article 3

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 28 August 2017.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

ANNEX I

ENVIRONMENTAL REVIEW

The environmental review shall cover the following areas:

1. **Determination of the organisational context**

The organisation shall determine those external and internal issues that can affect positively or negatively its ability to achieve the intended outcomes of its environmental management system.

Such issues include relevant environmental conditions such as climate, air quality, water quality, natural resources availability, biodiversity.

They may also include but are not limited to the following conditions:

— external conditions (such as cultural, social, political, legal, regulatory, financial, technological, economic, natural and competitive circumstances),

— internal conditions related to the organisation characteristics (such as its activities, products and services, strategic direction, culture and capabilities).

2. **Identification of the interested parties and determination of their relevant needs and expectations**

The organisation shall determine the interested parties that are relevant to the environmental management system, the relevant needs and expectations of these interested parties and which of these needs and expectations it has or it chooses to comply with.

If the organisation decides to voluntarily adopt or agree with relevant needs or expectations of interested parties not covered by legal requirements, those become part of its compliance obligations.

3. **Identification of the applicable legal requirements relating to the environment**

In addition to the establishment of a register of applicable legal requirements, the organisation shall also indicate how evidence that it is complying with the different legal requirements can be provided.

4. **Identification of direct and indirect environmental aspects and determination of those being significant**

The organisation shall identify all direct and indirect environmental aspects with a positive or negative impact on the environment, qualified and quantified as appropriate and compile a register of all identified environmental aspects. The organisation shall also determine which of those aspects are significant based on criteria established in accordance with point 5 of this Annex.

When identifying direct and indirect environmental aspects it is essential that organisations also consider the environmental aspects associated with their core business. An inventory limited to the environmental aspects of an organisation's site and facilities is insufficient.

When identifying direct and indirect environmental aspects of its activities, products and services the organisation shall adopt a life cycle perspective, by taking into account the life cycle stages that it can control or influence. Such stages typically include raw material acquisition,

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purchasing and procurement, design, production, transportation, use, end-of-life treatment and final disposal depending on the activity of the organisation.

4.1. *Direct environmental aspects*

Direct environmental aspects are associated with activities, products and services of the organisation itself over which it has direct management control.

All organisations have to consider the direct aspects of their operations.

Direct environmental aspects include, but are not limited to:

(1) emissions to air;

(2) releases to water (including infiltrations to groundwater),

(3) production, recycling, reuse, transportation and disposal of solid and other wastes, particularly hazardous wastes;

(4) use and contamination of land;

(5) use of energy, natural resources (including water, fauna and flora) and raw materials;

(6) use of additives and auxiliaries as well as semi-manufactured goods;

(7) local issues (noise, vibration, odour, dust, visual appearance, etc.).

When identifying the environmental aspects, the following should also be considered:

— risks of environmental accidents and other emergency situations with a potential environmental impact (e.g. chemical accidents) and potential abnormal situations that could lead to a potential environmental impact,

— transport issues for goods and services and for staff travelling on company business

4.2. *Indirect environmental aspects*

Indirect environmental aspects can result from the interaction of an organisation with third parties which can to a reasonable degree be influenced by the organisation.

These include, but are not limited to:

(1) product and services life-cycle-related issues that the organisation can influence (raw material acquisition, design, purchasing and procurement, production, transportation, use, end-of-life treatment and final disposal);

(2) capital investments, granting loans and insurance services;

(3) new markets;

(4) choice and composition of services (e.g. transport or the catering trade);

(5) administrative and planning decisions;

(6) product range compositions;

(7) the environmental performance and practices of contractors, subcontractors, suppliers and sub-suppliers.

Organisations must be able to demonstrate that the significant environmental aspects and impacts associated with these aspects are addressed within the management system.