Commission Regulation (EC) No 196/2006 of 3 February 2006 amending Annex I to Regulation (EC) No 761/2001 of the European Parliament and of the Council to take account of the European Standard EN ISO 14001:2004, and repealing Decision 97/265/EC

COMMISSION REGULATION (EC) No 196/2006

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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)[(1)], and in particular Article 9(1)(a) and Article 15(2) thereof,

Whereas:

(1) The requirements set out in Section 4 of the European Standard EN ISO 14001:1996 constitute the environmental management system requirements of the Regulation (EC) No 761/2001, as set out in Part A of Annex I thereto.

(2) The International Standard ISO 14001:1996 has been modified in 2004 following the work of the International Organisation for Standardisation (ISO) Committee TC207/SC1 Environment Management System, in order to improve compatibility of ISO 14001 with ISO 9001 and to clarify the existing text of ISO 14001 without adding any new additional requirements.

(3) ISO has subsequently released a new revised version of the International Standard ISO 14001:2004 and of the European Standard EN ISO 14001:2004.

(4) Part A of Annex I to Regulation (EC) No 761/2001 should be amended to take account of the European Standard EN ISO 14001:2004.

(5) Regulation (EC) No 761/2001 should therefore be amended accordingly.

(6) Transitional arrangements are needed for organisations already registered under EMAS.

(7) Commission Decision 97/265/EC[(2)] on the recognition of the International Standard ISO 14001:1996 and the European Standard EN ISO 14001:1996, should be repealed.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 14 of Regulation (EC) No 761/2001,

HAS ADOPTED THIS REGULATION:

Article 1

Part A of Annex I to Regulation (EC) No 761/2001 is replaced by the Annex to this Regulation.

Article 2

1 Organisations registered in the EMAS register at the time of entry into force of this Regulation shall remain on the EMAS register, subject to the verification referred to in paragraph 2.

2 Compliance with the requirements of Regulation (EC) No 761/2001 as amended by this Regulation shall be checked at the time of the next verification of the organisation.

If the next verification is to be carried out sooner than six months after entry into force of this Regulation, the date of the next verification may be extended by six months in agreement with the environmental verifier and the competent body.

Article 3

Decision 97/265/EC is repealed.

Article 4

This Regulation shall enter into force on the 20th day following 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, 3 February 2006.

For the Commission

Stavros DIMAS

Member of the Commission

ANNEX

ANNEX IA.ENVIRONMENT MANAGEMENT SYSTEM REQUIREMENTS

Organisations participating in the eco-management and audit scheme (EMAS) shall implement the requirements of EN ISO 14001:2004, which are described in Section 4 of the European Standard[(3)] and are fully reproduced below:

I-A.Environmental management system requirementsI-A.1.General requirements

The organisation shall establish, document, implement, maintain and continually improve an environmental management system in accordance with the requirements of this International Standard and determine how it will fulfil these requirements.

The organisation shall define and document the scope of its environmental management system.

I-A.2.Environmental policy

Top management shall define the organisation's environmental policy and ensure that, within the defined scope of its environmental management system, it:

(a) is appropriate to the nature, scale and environmental impacts of its activities, products and services;

(b) includes a commitment to continual improvement and prevention of pollution;

(c) includes a commitment to comply with applicable legal requirements and with other requirements to which the organisation subscribes which relate to its environmental aspects;

(d) provides the framework for setting and reviewing environmental objectives and targets;

(e) is documented, implemented and maintained;

(f) is communicated to all persons working for or on behalf of the organisation; and

(g) is available to the public.

I-A.3.PlanningI-A.3.1.Environmental aspects

The organisation shall establish, implement and maintain a procedure(s):

(a) to identify the environmental aspects of its activities, products and services within the defined scope of the environmental management system that it can control and those that it can influence taking into account planned or new developments, or new or modified activities, products and services; and

(b) to determine those aspects that have or can have significant impact(s) on the environment (i.e. significant environmental aspects).

The organisation shall document this information and keep it up to date.

The organisation shall ensure that the significant environmental aspects are taken into account in establishing, implementing and maintaining its environmental management system.

I-A.3.2.Legal and other requirements

The organisation shall establish, implement and maintain a procedure(s):

(a) to identify and have access to the applicable legal requirements and other requirements to which the organisation subscribes related to its environmental aspects; and

(b) to determine how these requirements apply to its environmental aspects.

The organisation shall ensure that these applicable legal requirements and other requirements to which the organisation subscribes are taken into account in establishing, implementing and maintaining its environmental management system.

I-A.3.3.Objectives, targets and programme(s)

The organisation shall establish, implement and maintain documented environmental objectives and targets, at relevant functions and levels within the organisation.

The objectives and targets shall be measurable, where practicable, and consistent with the environmental policy, including the commitments to prevention of pollution, to compliance with applicable legal requirements and with other requirements to which the organisation subscribes, and to continual improvement.

When establishing and reviewing its objectives and targets, an organisation shall take into account the legal requirements and other requirements to which the organisation subscribes, and its significant environmental aspects. It shall also consider its technological options, its financial, operational and business requirements, and the views of interested parties.

The organisation shall establish, implement and maintain a programme(s) for achieving its objectives and targets. Programme(s) shall include:

(a) designation of responsibility for achieving objectives and targets at relevant functions and levels of the organisation; and

(b) the means and time-frame by which they are to be achieved.

I-A.4.Implementation and operationI-A.4.1.Resources, roles, responsibility and authority

Management shall ensure the availability of resources essential to establish, implement, maintain and improve the environmental management system. Resources include human resources and specialised skills, organisational infrastructure, technology and financial resources.

Roles, responsibilities and authorities shall be defined, documented and communicated in order to facilitate effective environmental management.

The organisation’s top management shall appoint a specific management representative(s) who, irrespective of other responsibilities, shall have defined roles, responsibilities and authority for:

(a) ensuring that an environmental management system is established, implemented and maintained in accordance with the requirements of this International Standard;

(b) reporting to top management on the performance of the environmental management system for review, including recommendations for improvement.

I-A.4.2.Competence, training and awareness

The organisation shall ensure that any person(s) performing tasks for it or on its behalf that have the potential to cause a significant environmental impact(s) identified by the organisation is (are) competent on the basis of appropriate education, training or experience, and shall retain associated records.

The organisation shall identify training needs associated with its environmental aspects and its environmental management system. It shall provide training or take other action to meet these needs, and shall retain associated records.

The organisation shall establish, implement and maintain a procedure(s) to make persons working for it or on its behalf aware of:

(a) the importance of conformity with the environmental policy and procedures and with the requirements of the environmental management system;

(b) the significant environmental aspects and related actual or potential impacts associated with their work, and the environmental benefits of improved personal performance;

(c) their roles and responsibilities in achieving conformity with the requirements of the environmental management system; and

(d) the potential consequences of departure from specified procedures.

I-A.4.3.Communication

With regard to its environmental aspects and environmental management system, the organisation shall establish, implement and maintain a procedure(s) for:

(a) internal communication among the various levels and functions of the organisation;

(b) receiving, documenting and responding to relevant communication from external interested parties.

The organisation shall decide whether to communicate externally about its significant environmental aspects, and shall document its decision. If the decision is to communicate, the organisation shall establish and implement a method(s) for this external communication.

I-A.4.4.Documentation

The environmental management system documentation shall include:

(a) the environmental policy, objectives and targets;

(b) description of the scope of the environmental management system;

(c) description of the main elements of the environmental management system and their interaction, and reference to related documents;

(d) documents, including records, required by this International Standard; and

(e) documents, including records, determined by the organisation to be necessary to ensure the effective planning, operation and control of processes that relate to its significant environmental aspects.

I-A.4.5.Control of documents

Documents required by the environmental management system and by this International Standard shall be controlled. Records are a special type of document and shall be controlled in accordance with the requirements given in A.5.4.

The organisation shall establish, implement and maintain a procedure(s) to:

(a) approve documents for adequacy prior to issue;