



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
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UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

UEAPME's views on the revision of the EMAS Regulation 76/2001

UEAPME welcomes the European Commission's intention to revise the existing regulation and facilitate participation in EMAS, by reducing inter alia administrative burdens, in order to raise the systems' attractiveness for SMEs.

Since this intention has not been transposed in all provisions of the Commission's proposals, UEAPME makes the following remarks to ensure that the revised regulation keeps its SME- friendly character.

I. Specific articles in favour of small businesses that should be maintained

Art. 7, which provides for derogations for SMEs, aimed at reducing their administrative burden. Intervals of some actions aimed at maintaining the EMAS registration can be extended upon company request.

This extension is submitted to certain conditions, which do not always seem to be practicable in their current formulation. Instead, it would be much simpler to prescribe that competent bodies automatically apply this derogation to small organisations whenever they possess the necessary information.

Art. 25, which obliges environmental verifiers to:

- Carry out verification and validation activities taking into account the specific characteristics of small organisations
- Conduct the verification and the validation in a way that does not impose unnecessary burdens on small organisations
- Take into account objective evidence that a system set up by a small organisation is effective without relying exclusively on written documentation and without applying the same standard method as with big organisations.

This article summarizes the content of the current guidance for the verification small organisations with EMAS, which was written by UEAPME in co-operation with the European Commission. It aims at reducing red tape and costs for small organisations during the verification phase, by recognizing that this verification has to be adapted to small organisations' structure and working methods.

It is, therefore, essential to maintain, reinforce and clarify this article in particular vis-à-vis potentially wrong implementation by verifiers during the verification and validation procedures in micro and small enterprises.

Art. 37, which maintains the obligation for Member States to ensure the participation of small organisations to the scheme through a series of support measures (such as information, funds, reasonable registration fees and technical assistance).

II. Articles in favour of all EMAS-registered organisations, but particularly useful for SMEs, that should be maintained

Art. 33, which obliges Member States to set up a system providing information and assistance to organisations in the process of registering to EMAS, upon request, on the legal requirements relating to environmental policy in order to ensure legal compliance.

Art. 38, which obliges Member States to:

- Make sure that local authorities provide assistance to clusters of organisations to meet the requirements for registration
- Encourage a step-by-step approach which may lead eventually to EMAS registration.

This article specifically underlines how these systems and programmes will have to avoid unnecessary costs, in particular for small organisations. This article could be further clarified including the principles of the “step-by step implementation of environmental management system” in accordance with the future developments of the standard ISO 14005.

Only the Chambers of commerce are mentioned as relevant entity to provide assistance to clusters of organisations to meet the requirements for registration. This task should also be given to **SME organisations** at local and regional level.

Art. 39, which obliges Member States to adopt measures facilitating organisations to become or remain EMAS-registered, such as regulatory relief and better regulation.

Art. 40, which adapts the fee structure to the size of the organisations and the work to be done.

III. Doubtful aspects/articles to abolish

The overarching structure of EMAS has been maintained with no major modifications. This structure has been proven long, bureaucratic and costly for small businesses in the two previous versions of EMAS. It is therefore legitimate to wonder whether the European Commission’s intention to attract more businesses and particularly SMEs into the scheme can really be achieved under these conditions.

The Introduction of the environmental performance as well as the environmental performance report (see, for instance, art. 6.2). This environmental performance will be measured through core performance indicators defined for the following environmental areas: energy efficiency, material and resource efficiency, waste, emissions and biodiversity/land use. **This new obligation will add another layer of bureaucracy and will result in a time consuming exercise for small**

organisations participating in the scheme. This extended environmental report would have discouraging effects on EMAS participants.

Art. 18, which maintains the obligation to have any updated information in the environmental statement and in the environmental performance report validated by environmental verifiers at intervals not exceeding 12 months. **The annual validation of the environmental statement has been considered one of the major causes of costs and bureaucracy of the EMAS scheme, in particular for small organisations.**

IV. Conclusions

It is important to make EMAS more attractive for businesses in general and, more specifically for SMEs, if this EU voluntary instrument wants to survive on the market. In order to achieve this aim, red tape and costs linked to the implementation of EMAS should be kept to a minimum. Moreover, the implementation of EMAS should not be carried out in “one side fits all” way, but should be adapted to the structure and the working methods of micro and small businesses, which are generally not as formal and documented as in big companies. Therefore,

- The derogations foreseen by article 7 should be automatically applied by national competent bodies to small organisations
- Art. 25 on the verification of small organisations should be kept and reinforced
- The concept of environmental performance and environmental performance report (see for instance article 6.2.) should be rejected

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