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[1] Text with EEA relevance.

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[1] Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/2278

of 4 September 2017

amending Annex I to Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union ([1]), and in particular Article 3 thereof,

Whereas:

(1) Annex I to Regulation (EC) No 1217/2009 contains a list of Farm Accountancy Data Network divisions ('FADN divisions') per Member States.

(2) In accordance with that Annex, Germany is divided into 16 divisions. For the purposes of Regulation (EC) No 1217/2009, Germany has requested to merge the FADN divisions Schleswig-Holstein and Hamburg into one FADN division: Schleswig-Holstein/Hamburg.

(3) Regulation (EC) No 1217/2009 should therefore be amended accordingly.

(4) The updated list of FADN divisions provided for in this Regulation should apply as from the accounting year 2018,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1217/2009 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from the accounting year 2018.

([1]) OJ L 328, 15.12.2009, p. 27.

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

Done at Brussels, 4 September 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex I to Regulation (EC) No 1217/2009, the list of FADN divisions concerning Germany is replaced by the following:

'Germany

1. Schleswig-Holstein/Hamburg
2. Niedersachsen
3. Bremen
4. Nordrhein-Westfalen
5. Hessen
6. Rheinland-Pfalz
7. Baden-Württemberg
8. Bayern
9. Saarland
10. Berlin
11. Brandenburg
12. Mecklenburg-Vorpommern
13. Sachsen
14. Sachsen-Anhalt
15. Thüringen'

COMMISSION REGULATION (EU) 2017/2279

of 11 December 2017

amending Annexes II, IV, VI, VII and VIII to Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed

(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 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC [1], and in particular Articles 20(2) and 27(1) thereof,

Whereas:

(1) In order to allow a meaningful labelling, specific expressions for feed for pets are allowed in some Union languages. New developments in the pet food sector of two Member States suggest that specific expressions for pet food are also adequate in the language of these Member States.

(2) Annex II to Regulation (EC) No 767/2009 should therefore be amended accordingly.

(3) Tolerances for analytical constituents and feed additives in feed materials and compound feed should be revised considering technological progress in analytics and experiences with good laboratory practice. Annex IV to Regulation (EC) No 767/2009 should therefore be amended accordingly.

(4) An increasing number of authorisations of feed additives in accordance with Regulation (EC) No 1831/2003 of the European Parliament and of the Council [2] establish maximum contents for additives in compound feed and feed materials for which no such values had been previously set and others newly established the concept of a maximum recommended content of an additive in complete feed. In addition, manufacturing technology of feed may result in reductions of the added amount of additives such as vitamins which might be also naturally present in the final product. This might lead to ambiguities in practice if the operator is to label the added amount but the control authority can only analyse and verify the amount in the final product. In order to take these developments into account and to ascertain a balanced, appropriate and meaningful labelling of feed materials and compound feed, Annexes VI and VII to Regulation (EC) No 767/2009 should be amended accordingly.

(5) Technological developments allow an increased use of food which is no longer intended for human consumption as feed. Commission Regulation (EU) No 68/2013 [3], lists such 'former foodstuffs' as feed materials. However, as the quality of such former foodstuff may in some cases not comply with the requirements for feed, the labelling of those former foodstuffs should indicate that their use as feed is allowed only after processing. Annex VIII to Regulation (EC) No 767/2009 should therefore be amended accordingly.

(6) Since safety reasons do not require the immediate application of the modifications to the Annexes, in order to avoid unnecessary disruption of commercial practices and not to create an unnecessary administrative burden on the operators, it is appropriate to provide for transitional measures allowing a smooth conversion of labelling.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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[1] OJ L 229, 1.9.2009, p. 1.
[2] Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29).
[3] Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials (OJ L 29, 30.1.2013, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Annexes II, IV, VI, VII and VIII to Regulation (EC) No 767/2009 are amended in accordance with the Annex to this Regulation.

Article 2

1. Feed materials and compound feed which have been labelled before 1 January 2019 in accordance with the rules applicable before 1 January 2018 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food-producing animals.

2. Feed materials and compound feed which have been labelled before 1 January 2020 in accordance with the rules applicable before 1 January 2018 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for non-food-producing animals.

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, 11 December 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

(1) Annex II is amended as follows:

In point 3, point (b) is replaced by the following:

'(b) in the designation of feed for pets the following expressions shall be allowed: in Bulgarian "храна"; in Spanish "alimento"; in Czech the designation "kompletní krmná směs" may be replaced by "kompletní krmivo" and "doplňková krmná směs" may be replaced by "doplňkové krmivo"; in English "pet food"; in Italian "alimento"; in Hungarian "állateledel"; in Dutch "samengesteld voeder"; in Polish "karma"; in Slovenian "hrana za hišne živali"; in Finnish "lemmikkieläinten ruoka"; in Estonian "lemmikloomatoit"; in Croatian "hrana za kućne ljubimce".'

(2) Annex IV is amended as follows:

Part A is replaced by the following:

'**Part A: Tolerances for the analytical constituents set out in Annexes I, V, VI and VII**

(1) The tolerances laid down in this Part include technical and analytical deviations. Once analytical tolerances covering measurement uncertainties and procedural variations are fixed at Union level, the values set in point 2 should be adapted accordingly in order to cover only the technical tolerances.

(2) Where the composition of a feed material or compound feed is found to deviate from the labelled value of the analytical constituents set out in Annexes I, V, VI and VII the following tolerances shall apply:

Constituent	Declared content of the constituent	Tolerance [1]	
	[%]	Below the labelled value	Above the labelled value
crude fat	< 8	1	2
	8 - 24	12,5 %	25 %
	> 24	3	6
crude fat, feed for non-food producing animals	< 16	2	4
	16 - 24	12,5 %	25 %
	> 24	3	6
crude protein	< 8	1	1
	8 - 24	12,5 %	12,5 %
	> 24	3	3
crude protein, feed for non-food producing animals	< 16	2	2
	16 - 24	12,5 %	12,5 %
	> 24	3	3
crude ash	< 8	2	1
	8 - 32	25 %	12,5 %
	> 32	8	4

Constituent	Declared content of the constituent	Tolerance (1)	
	[%]	Below the labelled value	Above the labelled value
crude fibre	< 10	1,75	1,75
	10 - 20	17,5 %	17,5 %
	> 20	3,5	3,5
sugar	< 10	1,75	3,5
	10 - 20	17,5 %	35 %
	> 20	3,5	7
starch	< 10	3,5	3,5
	10 - 20	35 %	35 %
	> 20	7	7
calcium	< 1	0,3	0,6
	1 - 5	30 %	60 %
	> 5	1,5	3
magnesium	< 1	0,3	0,6
	1 - 5	30 %	60 %
	> 5	1,5	3
sodium	< 1	0,3	0,6
	1 - 5	30 %	60 %
	> 5	1,5	3
total phosphorus	< 1	0,3	0,3
	1 - 5	30 %	30 %
	> 5	1,5	1,5
ash insoluble in hydrochloric acid	< 1	no limits are set	0,3
	1 - < 5		30 %
	> 5		1,5
potassium	< 1	0,2	0,4
	1 - 5	20 %	40 %
	> 5	1	2
moisture	< 2	no limits are set	0,4
	2 - < 5		20 %
	5 - 12,5		1
	> 12,5		8 %

Constituent	Declared content of the constituent	Tolerance (1)	
	[%]	Below the labelled value	Above the labelled value
energy value (2)		5 %	10 %
protein value (2)		10 %	20 %

(1) The tolerances are given either as an absolute percentage value (this value must be subtracted from/added to the declared content) or as a relative value marked with "%" after the value (this percentage must be applied to the declared content to calculate the acceptable deviation).

(2) The tolerances are applicable where no tolerance has been laid down in accordance with an EU method or in accordance with an official national method in the Member State in which the feed is placed on the market or in accordance with an method adopted by the European Committee for Standardisation (https://standards.cen.eu/dyn/www/f?p=204:32:0::::FSP_ORG_ID,FSP_LANG_ID:6308,25&cs=1C252307F473504B6354F4EE56B99E235).'

(3) Annex VI is replaced by the following:

'*ANNEX VI*

Labelling particulars for feed materials and compound feed for food-producing animals

Chapter I: Compulsory and voluntary labelling of feed additives as referred to in Article 15(f) and 22(1)

1. The following additives shall be listed, along with their specific names, identification numbers, added amount and the name of the functional group as laid down in Annex I to Regulation (EC) No 1831/2003 or the category referred to in Article 6(1) of that Regulation:

   (a) additives where a maximum content is set for at least one food producing animal;

   (b) additives belonging to the categories "zootechnical additives" and "coccidiostats and histomonostats";

   (c) additives for which the recommended maximum contents established in the legal act authorising the feed additive are exceeded.

   The labelling particulars shall be indicated in accordance with the legal act authorising the feed additive in question.

   The added amount referred to in the first paragraph shall be expressed as the amount of the feed additive except where the legal act authorising the respective feed additive indicates a substance in the column "minimum/maximum content". In this latter case, the added amount shall be expressed as the amount of that substance.

2. For feed additives of the functional group vitamins, pro-vitamins and chemically well-defined substances having similar effect which must be listed pursuant to point 1, the labelling may indicate the total amount guaranteed during the complete shelf-life under the heading "Analytical constituents" instead of indicating the added amount under the heading "Additives".

3. The name of the functional group as referred to in point 1, 4 and 6 may be replaced by the following abbreviation, if such abbreviation is not established in Annex I to Regulation (EC) No 1831/2003:

Functional group	Name and description	Abbreviated name
1h	Substances for control of radionuclide contamination: substances that suppress absorption of radionuclides or promote their excretion	Radionuclide controllers
1m	Substances for reduction of the contamination of feed by mycotoxins: substances than can suppress or reduce the absorption, promote the excretion of mycotoxins or modify their mode of action	Mycotoxin reducers

Functional group	Name and description	Abbreviated name
1n	Hygiene condition enhancers: substances or, when applicable, microorganisms which favourably affect the hygienic characteristics of feed by reducing a specific microbiological contamination	Hygiene improvers
2b	Flavouring compounds: substances the inclusion of which in feedingstuffs increase feed smell or palatability.	Flavourings
3a	Vitamins, pro-vitamins and chemically well-defined substances having similar effect	Vitamins
3b	Compounds of trace elements	Trace elements
3c	Amino acids, theirs salts and analogues	Amino acids
3d	Urea and its derivatives	Urea
4c	Substances affecting favourably the environment	Environment improvers

4. Feed additives emphasised on the labelling in words, pictures or graphics shall be indicated in accordance with point 1 or 2, as applicable.

5. The person responsible for the labelling shall disclose the names, the identification number and the functional group of the feed additives not mentioned in point 1, 2 and 4 to the purchaser at his request. This provision shall not apply to flavouring compounds.

6. Feed additives not mentioned in points 1, 2 and 4 may be voluntarily indicated at least with their name or, in the case of flavouring compounds, at least with their functional group.

7. Without prejudice to point 6, where a sensory or nutritional feed additive is labelled on a voluntary basis, its added amount shall be indicated in accordance with points 1 or 2, as applicable.

8. If an additive belongs to more than one of the functional groups, the functional group or category appropriate to its principal function in the case of the feed in question shall be indicated.

9. Labelling particulars concerning the proper use of feed materials and compound feed which are laid down in the legal act authorising the feed additive in question shall be indicated.

Chapter II: Labelling of analytical constituents as referred to in Articles 17(1)(f) and 22(1)

1. The analytical constituents of compound feed for food producing animals shall be indicated on the label, preceded by the heading "Analytical constituents" ([1]), as follows:

Compound feed	Target species	Analytical constituents and levels
Complete feed	All species	— Crude protein
	All species	— Crude fibre
	All species	— Crude fat
	All species	— Crude ash
	All species	— Calcium
	All species	— Sodium
	All species	— Phosphorus
	Pigs and poultry	— Lysine
	Pigs and poultry	— Methionine

([1]) In German language "analytische Bestandteile" may be replaced by "Inhaltsstoffe". In Swedish language "Analytiska beståndsdelar" may be replaced by "Analyserat innehåll".

Compound feed	Target species	Analytical constituents and levels
Complementary feed — Mineral	All species	— Calcium
	All species	— Sodium
	All species	— Phosphorus
	Pigs and poultry	— Lysine
	Pigs and poultry	— Methionine
	Ruminants	— Magnesium
Complementary feed — Other	All species	— Crude protein
	All species	— Crude fibre
	All species	— Crude fat
	All species	— Crude ash
	All species	— Calcium ≥ 5 %
	All species	— Sodium
	All species	— Phosphorus ≥ 2 %
	Pigs and poultry	— Lysine
	Pigs and poultry	— Methionine
	Ruminants	— Magnesium ≥ 0,5 %

2. Substances indicated under this heading, which are also sensory or nutritional additives, shall be declared along with the total amount thereof.

3. If the energy value and/or protein value are indicated, such indication shall be in accordance with Article 11 of Regulation (EC) No 882/2004.'

(4) Annex VII is replaced by the following:

'*ANNEX VII*

Labelling particulars for feed materials and compound feed for non-food producing animals

Chapter I: Compulsory and voluntary labelling of feed additives as referred to in Articles 15(f) and 22(1)

1. The following additives shall be listed, along with their specific names and/or identification numbers, added amount and the name of the functional group as laid down in Annex I to Regulation (EC) No 1831/2003 or the category referred to in Article 6(1) of that Regulation:

   (a) additives where a maximum content is set for at least one non-food producing animal;

   (b) additives belonging to the categories "zootechnical additives" and "coccidiostats and histomonostats";

   (c) additives for which the recommended maximum contents established in the legal act authorising the feed additive are exceeded.

   The labelling particulars shall be indicated in accordance with the legal act authorising the feed additive in question.

   The added amount referred to in the first paragraph shall be expressed as the amount of the feed additive except where the legal act authorising the respective feed additive indicates a substance in the column "minimum/maximum content". In this latter case, the added amount shall be expressed as the amount of that substance.

2. For feed additives of the functional group vitamins, pro-vitamins and chemically well-defined substances having similar effect which must be listed pursuant to point 1, the labelling may indicate the total amount guaranteed during the complete shelf-life under the heading "Analytical constituents" instead of indicating the added amount under the heading "Additives".

3. The name of the functional group as referred to in point 1, 5 and 7 may be replaced by the abbreviation in accordance with the table in point 3 of Annex VI, if such abbreviation is not established in Annex I to Regulation (EC) No 1831/2003.

4. Feed additives emphasised on the labelling in words, pictures or graphics shall be indicated in accordance with point 1 or 2, as applicable.

5. By way of derogation from point 1, for additives of the functional groups "preservatives", "antioxidants", "colourants" and "flavouring compounds", only the functional group in question needs to be indicated. In this case the information referred to in point 1 and 2 shall be disclosed by the person responsible for the labelling to the purchaser at his request.

6. The person responsible for the labelling shall disclose the names, the identification number and the functional group of the feed additives not mentioned in point 1, 2 and 4 to the purchaser at his request. This provision shall not apply to flavouring compounds.

7. Feed additives not mentioned in point 1, 2 and 4 may be voluntarily indicated at least with their name or, in the case of flavouring compounds, at least with their functional group.

8. The added amount of a sensory or nutritional feed additive shall be indicated in accordance with points 1 or 2, as applicable, if it is labelled on a voluntary basis.

9. If an additive belongs to more than one of the functional groups, the functional group or category appropriate to its principal function in the case of the feed in question shall be indicated.

10. Labelling particulars concerning the proper use of feed materials and compound feed which are laid down in the legal act authorising the feed additive in question shall be indicated.

Chapter II: Labelling of analytical constituents as referred to in Articles 17(1)(f) and 22(1)

1. The analytical constituents of compound feed for non-food producing animals shall be listed under the heading "Analytical constituents" ([1]) and shall be labelled as follows:

Compound feed	Target species	Analytical constituents
Complete feed	Cats, dogs and fur animals	— Crude protein
	Cats, dogs and fur animals	— Crude fibres
	Cats, dogs and fur animals	— Crude fat
	Cats, dogs and fur animals	— Crude ash
Complementary feed — Mineral	All species	— Calcium
	All species	— Sodium
	All species	— Phosphorus
Complementary feed — Other	Cats, dogs and fur animals	— Crude protein
	Cats, dogs and fur animals	— Crude fibres
	Cats, dogs and fur animals	— Crude fat
	Cats, dogs and fur animals	— Crude ash

2. Substances indicated under this heading, which are also sensory or nutritional additives, shall be declared along with the total amount thereof.

3. If the energy value and/or protein value are indicated, such indication shall be in accordance with Article 11 of Regulation (EC) No 882/2004.'

([1]) In German language "analytische Bestandteile" may be replaced by "Inhaltsstoffe". In Swedish language "Analytiska beståndsdelar" may be replaced by "Analyserat innehåll".

(5) Annex VIII is amended as follows:

(a) Point 1 is replaced by the following:

'1. Contaminated materials shall be labelled as "feed with excessive level(s) of … (designation of the undesirable substance(s) in accordance with Annex I to Directive 2002/32/EC), only to be used as feed after detoxification in approved establishments". The approval of such establishments shall be in accordance with Article 10(2) or (3) of Regulation (EC) No 183/2005.'

(b) The following point is added:

'3. Without prejudice to point 1 and 2, former foodstuffs that need to be processed before they can be used as feed, shall be labelled as: "former food, only to be used as feed material after … (designation of the adequate process in accordance with part B of the Annex to Regulation (EU) No 68/2013)".'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2280

of 11 December 2017

amending Implementing Regulation (EU) 2015/220 laying down rules for the application of Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1217/2009 of 30 November 2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union ([1]), and in particular Article 5a(2), the third and the fourth subparagraphs of Article 8(3) and Article 19(3) thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2015/220 ([2]) sets out the number of returning holdings per Member State and per Farm Accountancy Data network (FADN) division. Implementing Regulation (EU) 2015/220 provides that the Member States have to notify the Commission of a plan drawn up for the selection of returning holdings that ensures a representative accounting sample of the field of survey before the beginning of the accounting year to which the plan relates.

(2) Following the request of Germany to merge the divisions Schleswig-Holstein and Hamburg into one division named Schleswig-Holstein/Hamburg and the requests of Greece, Hungary, Romania and Finland to change the number of returning holdings or threshold of economic size due to structural changes in agriculture, it is appropriate to allow those Member States to revise their selection plans and/or threshold of economic size for the accounting year 2018 and to redistribute or adjust the number of returning holdings accordingly.

(3) Given the growing importance of earlier availability and higher quality of accountancy data, the Commission encourages Member States to make additional organisational efforts enabling upgraded data completeness and enabling farm returns to be submitted earlier than the deadlines laid down in Article 10 of Implementing Regulation (EU) 2015/220.

(4) In order to support earlier availability, completeness and increased quality of accountancy data submitted by Member States, the deadlines for data transmission and the procedure in relation to the payment of the standard fee should be reviewed and linked to the timing of delivery and completeness of the FADN data delivered to the Commission.

(5) A transitional provision related to the accounting year 2018 budgetary availability should be included in Article 14 of Implementing Regulation (EU) 2015/220.

(6) Annex VIII to Implementing Regulation (EU) 2015/220 sets out the form and layout of the accountancy data contained in the farm returns. For the sake of clarity, Annex VIII should provide for additional information as regards the presentation of those data.

(7) Implementing Regulation (EU) 2015/220 should therefore be amended accordingly.

(8) The proposed amendments should apply as from the accounting year 2018.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Farm Accountancy Data Network,

([1]) OJ L 328, 15.12.2009, p. 27.

([2]) Commission Implementing Regulation (EU) 2015/220 of 3 February 2015 laying down rules for the application of Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the incomes and business operation of agricultural holdings in the European Union (OJ L 46, 19.2.2015, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2015/220 is amended as follows:

(1) in Article 3(2), the following subparagraph is added:

'Germany, Greece, Hungary, Romania and Finland shall revise the respective selection plans they notified for the accounting year 2018. They shall notify the Commission of their respective revised selection plans for that accounting year by 31 March 2018.';

(2) Article 14 is replaced by the following:

'*Article 14*

Amount of the standard fee

1. The standard fee referred to in Article 19(1)(a) of Regulation (EC) No 1217/2009 shall be fixed at EUR 160 per farm return.

2. If the 80 % threshold referred to in Article 19(1)(a) of Regulation (EC) No 1217/2009 is not met neither at the level of a FADN division or at the level of the Member State concerned, the reduction referred to in that provision shall be applied only at national level.

3. Subject to the fulfilment of the obligation to comply with the 80 % threshold as referred to in Article 19(1)(a) of Regulation (EC) No 1217/2009 in respect of a FADN division or a Member State, the standard fee is increased by:

(a) EUR 5 where the Member State submits the accountancy data referred to in Article 9 of this Regulation not later than 1 month before the relevant deadline referred to in Article 10(3); or

(b) EUR 7 in the accounting year 2018 and EUR 10 from the accounting year 2019 where the Member State submits the accountancy data referred to in Article 9 of this Regulation not later than 2 months before the relevant deadline referred to in Article 10(3).

4. To the increase of the standard fee under points (a) and (b) of paragraph 3 may be added EUR 2 for the accounting year 2018 and EUR 5 from the accounting year 2019 where the accountancy data has been verified by the Commission in accordance with point (b) of the first paragraph of Article 13 of this Regulation and is deemed duly completed in accordance with Article 8(2) of Regulation (EC) No 1217/2009, either at the moment of its submission to the Commission, or within 2 months of the date upon which the Commission informed the submitting Member State that the submitted accountancy data is not duly completed.';

(3) Annexes I, II and VIII are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from the accounting year 2018.

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

Done at Brussels, 11 December 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Annexes I, II and VIII to Implementing Regulation (EU) 2015/220 are amended as follows:

(1) in Annex I,

the entry related to Romania is replaced by the following:

'Romania	4 000'

(2) Annex II is amended as follows:

(a) the entries related to Germany in the table on the number of returning holdings are replaced by the following:

'Reference number	Name of FADN division	Number of returning holdings per accounting year
	GERMANY	
015	Schleswig-Holstein/Hamburg	662
030	Niedersachsen	1 307
040	Bremen	—
050	Nordrhein-Westfalen	1 010
060	Hessen	558
070	Rheinland-Pfalz	887
080	Baden-Württemberg	1 190
090	Bayern	1 678
100	Saarland	90
110	Berlin	—
112	Brandenburg	284
113	Mecklenburg-Vorpommern	268
114	Sachsen	313
115	Sachsen-Anhalt	270
116	Thüringen	283
	Total Germany	8 800'

(b) the entries related to Greece in the table on the number of returning holdings are replaced by the following:

'Reference number	Name of FADN division	Number of returning holdings per accounting year
	GREECE	
450	Μακεδονία — Θράκη (Macedonia-Thrace)	1 700
460	Ήπειρος — Πελοπόννησος — Νήσοι Ιονίου (Epirus, Peloponnese, Ionian Islands)	1 150
470	Θεσσαλία (Thessaly)	600
480	Στερεά Ελλάς — Νήσοι Αιγαίου — Κρήτη (Sterea Ellas, Aegean Islands, Crete)	1 225
	Total Greece	4 675'

(c) the entries related to Hungary in the table on the number of returning holdings are replaced by the following:

'Reference number	Name of FADN division	Number of returning holdings per accounting year
	HUNGARY	
767	Alföld	1 144
768	Dunántúl	733
764	Észak-Magyarország	223
	Total Hungary	2 100'

(d) the entries related to Romania in the table on the number of returning holdings are replaced by the following:

'Reference number	Name of FADN division	Number of returning holdings per accounting year
	ROMANIA	
840	Nord-Est	724
841	Sud-Est	913
842	Sud-Muntenia	857
843	Sud-Vest-Oltenia	519
844	Vest	598
845	Nord-Vest	701
846	Centru	709
847	București-Ilfov	79
	Total Romania	5 100'

(e) the entries related to Finland in the table on the number of returning holdings are replaced by the following:

'Reference number	Name of FADN division	Number of returning holdings per accounting year
	FINLAND	
670	Etelä-Suomi	420
680	Sisä-Suomi	169
690	Pohjanmaa	203
700	Pohjois-Suomi	108
	Total Finland	900'

(3) Annex VIII is amended as follows:

(a) Table D is amended as follows:

(i) in the second table, the entry concerning category '2010. Biological assets — plants' is replaced by the following:

'Code (*)	Description of categories	**OV**	**AD**	**DY**	**IP**	**S**	**SA**	**CV**
2010	Biological assets — plants							'

(ii) the entry concerning the category of assets '2010. Biological assets — plants' is replaced by the following:

'2010. **Biological assets — plants**

Values of all plants that have not been harvested yet (all permanent and standing crops). Accumulated depreciation (D.AD) and Depreciation of the current year (D.DY.) should only be reported for Permanent crops.';

(iii) the table on valuation methods is replaced by the following table:

'Fair value less the estimate point-of-sale costs	amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction less the cost estimated to incur in relation to the sale	3010, 5010, 7010
Historical cost	nominal or original cost of an asset when acquired	2010, 3020, 3030, 4010, 7020
Book value	value at which an asset is carried on a balance sheet	1010, 1020, 1030, 1040, 8010'

(b) in Table H, the fourth subparagraph is replaced by the following:

'Where the costs indicated are for the total "consumption" of inputs during the accounting year but do not correspond to production during that year, changes in stocks of inputs (including costs accruing to growing crops) should be indicated in Table D under the code 1040. Inventories.'

(c) in Table M,

in the Section AI Administrative information, the third paragraph is replaced by the following:

'Provision of the data referred to in column Number of basic units (N) is optional for the accounting years 2015-2017 for codes 10300-10319.'

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2281

of 11 December 2017

authorising an increase of the limits for the enrichment of wine produced using the grapes harvested in 2017 in certain wine-growing regions of Germany and in all wine-growing regions of Denmark, the Netherlands and Sweden

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 [1], and in particular Article 91 thereof,

Whereas:

(1) Point A.3 of Part I of Annex VIII to Regulation (EU) No 1308/2013 provides that Member States may request that the limits for increasing the alcoholic strength (enrichment) of wine by volume be raised by up to 0,5 % in years in which climatic conditions have been exceptionally unfavourable.

(2) Denmark, Germany, the Netherlands and Sweden have requested such increases of the limits for enrichment of the wine produced using the grapes harvested in the year 2017, as climatic conditions during the growing season have been exceptionally unfavourable. Such request has been made by Denmark, the Netherlands and Sweden for all their wine-growing regions. Germany requested the increase of enrichment only for wine made from the wine grape variety Dornfelder for the regions of Ahr, Mittelrhein, Mosel, Nahe, Pfalz and Rheinhessen.

(3) Due to the exceptionally adverse weather conditions during 2017, the limits on increases in the natural alcoholic strength provided for in point A.2 of Part I of Annex VIII to Regulation (EU) No 1308/2013 do not enable the production of wine with an appropriate total alcoholic strength from all or certain grape varieties in certain wine-growing regions for which there would normally be market demand.

(4) It is therefore appropriate to authorise an increase of the limits for the enrichment of wine produced using all or certain varieties of wine grapes harvested in 2017 in wine growing regions in Denmark, Germany, the Netherlands and Sweden.

(5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from point A.2 of Part I of Annex VIII to Regulation (EU) No 1308/2013, in the wine-growing regions or a part thereof listed in the Annex to this Regulation and for all or certain wine grape varieties as specified in that Annex, the increase in natural alcoholic strength by volume of fresh grapes harvested in the year 2017, grape must, grape must in fermentation, new wine still in fermentation and wine produced using the grapes harvested in the year 2017, shall not exceed 3,5 % vol.

Article 2

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

[1] OJ L 347, 20.12.2013, p. 671.

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

Done at Brussels, 11 December 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Wine grape varieties and wine-growing regions or a part thereof where an increase of the enrichment limit is authorised pursuant to Article 1

Member State	Wine-growing regions or part thereof (wine-growing zone)	Varieties
Denmark	All wine-growing regions (zone A)	All authorised grape varieties
Germany	The wine-growing region in Ahr (zone A)	Dornfelder
	The wine-growing region in Mittelrhein (zone A)	
	The wine-growing region in Mosel (zone A)	
	The wine-growing region in Nahe (zone A)	
	The wine-growing region in Pfalz (zone A)	
	The wine-growing region in Rheinhessen (zone A)	
Netherlands	All wine-growing regions (zone A)	All authorised grape varieties
Sweden	All wine-growing regions (zone A)	All authorised grape varieties

DECISIONS

COUNCIL DECISION (CFSP) 2017/2282

of 11 December 2017

amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP ([1]) concerning restrictive measures against the Democratic Republic of the Congo (DRC).

(2) On 12 December 2016, the Council adopted Decision (CFSP) 2016/2231 ([2]) in response to the obstruction of the electoral process and the related human rights violations in the DRC. Decision (CFSP) 2016/2231 amended Decision 2010/788/CFSP and introduced autonomous restrictive measures under Article 3(2) thereof.

(3) On the basis of a review of the measures referred to in Article 3(2) of Decision 2010/788/CFSP, the restrictive measures should be renewed until 12 December 2018.

(4) Decision 2010/788/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 9 of Decision 2010/788/CFSP, paragraph 2 is replaced by the following:

'2. The measures referred to in Article 3(2) shall apply until 12 December 2018. They shall be renewed, or amended as appropriate, if the Council deems that their objectives have not been met.'.

Article 2

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

Done at Brussels, 11 December 2017.

For the Council
The President
F. MOGHERINI

([1]) Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP (OJ L 336, 21.12.2010, p. 30).

([2]) Council Decision (CFSP) 2016/2231 of 12 December 2016 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ L 336I, 12.12.2016, p. 7).

COUNCIL DECISION (CFSP) 2017/2283

of 11 December 2017

in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade ('iTrace III')

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 28(1) and 31(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

(1) The 2016 EU Global Strategy for the European Union's Foreign and Security Policy (the 'EU Global Strategy') emphasises that the Union will promote peace and guarantee the security of its citizens and territory and step up its contributions to collective security.

(2) The illicit manufacture, transfer and circulation of conventional weapons, including small arms and light weapons ('SALW'), and their excessive accumulation and uncontrolled spread are central to this challenge, in Europe as well as abroad. These illicit activities fuel insecurity in Europe and its neighbourhood as well as in many other regions of the world, exacerbating conflict and undermining post-conflict peace-building, thus posing a serious threat to European peace and security.

(3) The EU Strategy of 16 December 2005 to combat the illicit accumulation and trafficking of SALW and their ammunition (the 'EU SALW Strategy'), which sets the guidelines for Union action in the field of SALW, stresses that SALW contribute to a worsening of terrorism and organised crime, and are a major factor in triggering and spreading conflicts, as well as in the collapse of State structures.

(4) The EU SALW Strategy also asserts that the Union shall strengthen and support the machinery for sanctions monitoring and support the strengthening of export controls as well as the promotion of Council Common Position 2008/944/CFSP ([1]) by, inter alia, promoting measures to improve transparency.

(5) With the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in SALW in All Its Aspects (the 'UN Programme of Action'), adopted on 20 July 2001, all UN Member States have undertaken to prevent illicit trafficking in SALW, or their diversion to unauthorised recipients and, in particular, to take into account the risk of diversion of SALW into the illegal trade when assessing applications for export authorisations.

(6) On 8 December 2005, the United Nations General Assembly adopted an international instrument to enable states to identify and trace, in a timely and reliable manner, illicit SALW.

(7) At the 2012 Second Review Conference on the UN Programme of Action, all UN Member States reaffirmed their commitment to prevent illicit trafficking in SALW, including their diversion to unauthorised recipients, as well as their commitments contained in the UN Programme of Action relating to the assessment of applications for export authorisations.

(8) On 24 December 2014, the Arms Trade Treaty ('ATT') entered into force. The object of the ATT is to establish the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms, to prevent and eradicate the illicit trade in conventional arms and prevent their diversion. The Union should support all UN Member States to implement effective arms transfer controls in order to ensure that the ATT will be as effective as possible, in particular as regards the implementation of its Article 11.

(9) The Union previously supported Conflict Armament Research Ltd. (CAR) by Council Decisions 2013/698/CFSP ([2]) and (CFSP) 2015/1908 ([3]) (iTrace I and II).

([1]) Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

([2]) Council Decision 2013/698/CFSP of 25 November 2013 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade (OJ L 320, 30.11.2013, p. 34).

([3]) Council Decision (CFSP) 2015/1908 of 22 October 2015 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade ('iTrace II') (OJ L 278, 23.10.2015, p. 15).

(10) The Union wishes to finance iTrace III, the third phase of this global reporting mechanism on illicit SALW and other illicit conventional weapons and ammunition. This will reduce the risk of their illicit trade and contribute to the achievement of the goals described above, including by providing relevant and timely information about illicit arms trafficking to national arms exports authorities so as to contribute to Europe's collective security, as requested by the EU Global Strategy,

HAS ADOPTED THIS DECISION:

Article 1

With a view to the implementation of the EU Global Strategy and the EU SALW Strategy and the promotion of peace and security, the project activities to be supported by the Union shall have the following specific objectives:

— continued maintenance of a user-friendly global information management system on diverted or trafficked SALW and other diverted or trafficked conventional weapons and ammunition ('iTrace') documented in conflict affected areas in order to provide policy-makers, conventional arms control experts, and conventional arms export control officers, with relevant information to develop effective, evidence-based strategies and projects against the illicit spread of SALW and of other conventional weapons and ammunition,

— training and mentoring of national authorities in conflict-affected states to develop sustainable national illicit weapon identification and tracing capacity, to encourage sustained cooperation with the iTrace project', to better identify physical security and stockpile management (PSSM) priorities, to articulate national arms control and law enforcement assistance requirements (notably EU-funded initiatives, such as iARMS), and to strengthen dialogue with EU missions and initiatives,

— enhanced frequency and duration of in-field research into SALW and other conventional weapons and ammunition illegally circulating in conflict-affected areas to generate iTrace data, in response to clear demands made by Member States and Union Delegations,

— direct support to Member State arms export control authorities and arms control policy makers, including repeat consultative visits by iTrace project staff to capitals of the Member States, a 24-hour help desk to provide instant advice on risk assessment and counter-diversion strategies, the development of secure desktop and mobile dashboard applications to provide instant notification of post-export diversion, and the provision to Member States, on request, of post-shipment verification by iTrace project staff,

— increasing awareness through outreach on the findings of the project, promoting the purpose and available functions of iTrace to international and national policy makers, conventional arms control experts and arms export licensing authorities, and enhancing international capacity to monitor the illicit spread of SALW and of other conventional weapons and ammunition as well as to assist policy makers in identifying priority areas for international assistance and cooperation and to reduce the risk of diversion of SALW and of other conventional weapons and ammunition,

— providing key policy issue reports, drawn from the data generated by field investigations and presented on the iTrace system, about specific areas deserving international attention, including major trafficking patterns of SALW and other conventional weapons and ammunition, and the regional distribution of trafficked weapons and ammunition.

The Union shall finance this project, a detailed description of which is set out in the Annex to this Decision.

Article 2

1. The High Representative of the Union for Foreign Affairs and Security Policy ('HR') shall be responsible for implementing this Decision.

2. The technical implementation of the project referred to in Article 1 shall be carried out by Conflict Armament Research Ltd. ('CAR').

3. CAR shall perform its tasks under the responsibility of the HR. For this purpose, the HR shall enter into the necessary arrangements with CAR.

Article 3

1. The financial reference amount for the implementation of the project referred to in Article 1 shall be EUR 3 474 322,77. The total estimated budget of the overall project shall be EUR 3 993 676,97, which shall be provided through co-financing by CAR and the German Federal Foreign Office.

2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The Commission shall supervise the proper management of the financial reference amount referred to in paragraph 1. For this purpose, it shall conclude the necessary agreement with CAR. The agreement shall stipulate that CAR has to ensure the visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular narrative quarterly reports prepared by CAR. These reports shall form the basis of the evaluation carried out by the Council. In order to assist the Council in its evaluation of the results of this Council Decision, an external entity shall carry out an evaluation of the project.

2. The Commission shall report on the financial aspects of the project referred to in Article 1.

Article 5

1. This Decision shall enter into force on the date of its adoption.

2. This Decision shall expire 24 months after the date of conclusion of the agreement referred to in Article 3(3). However, it shall expire six months after the date of its entry into force if no agreement has been concluded within that period.

Done at Brussels, 11 December 2017.

For the Council
The President
F. MOGHERINI

ANNEX

iTrace Global Reporting Mechanism on SALW and other Conventional Arms and Ammunition

1. Background and rationale for Common Foreign and Security Policy (CFSP) support

1.1. This Decision builds on successive Council Decisions to combat the destabilising impact of the diversion and trafficking of SALW and of other conventional weapons, notably Council Decisions 2013/698/CFSP of 25 November 2013 ([1]) and (CFSP) 2015/1908 of 22 October 2015 ([2]), which established and enhanced the iTrace global reporting mechanism on illicit SALW and other illicit conventional weapons and ammunition.

The illicit proliferation of SALW and of other conventional weapons and ammunition is a major factor undermining State stability and exacerbating conflicts, which poses a serious threat to peace and security. As stated in the EU Strategy to Combat the Illicit Accumulation and Trafficking of Small Arms and Light Weapons and Their Ammunition (the 'EU SALW Strategy'), illicit weapons and ammunition contribute to a worsening of terrorism and organised crime, and are a major factor in triggering and spreading conflicts, as well as in the collapse of State structures. Recent findings from the iTrace project in Iraq, Libya, Syria, and other complex conflicts close to the Union's external borders, confirm the EU SALW Strategy's assertions.

The activities conducted under Decision (CFSP) 2015/1908 established iTrace, a global conflict weapon monitoring initiative. It operates in 27 conflict-affected states, including in Africa, the Middle East, South and East Asia, and latterly Latin America. iTrace is the world's largest public repository of diverted conventional weapons to support States in their efforts to detect and address diversion in line with commitments pursuant to Article 11 of the Arms Trade Treaty ('ATT') and Criterion 7 of the Council Common Position 2008/944/CFSP ([3]). iTrace provides precise reporting on supplies of weapons and ammunition flowing to armed insurgent and terrorist forces that pose a threat to Union security, including Al Qaeda in the Islamic Maghreb and Daesh or Islamic State; it alerts Member State export control authorities confidentially, and rapidly, about post-export diversion risks; it provides critical, real time information to Union Delegations and Member State diplomatic missions in conflict-affected regions on arms trafficking and conflict dynamics; and mainstreams awareness of arms control and counter-diversion measures through high frequency, high impact global media engagement.

1.2. The iTrace project, however, faces increasing calls by Member States to provide direct, face-to-face briefings to national arms export licencing authorities (including frequent visits to capitals) and to provide a greater range of resources to arms export control policy makers.

This Decision therefore aims to continue and enhance the work of the project under Decision (CFSP) 2015/1908 by further providing Union policy makers, arms control experts and arms export control officers with systematically compiled, relevant information, which will support them with in developing effective, evidence-based strategies against the diversion and illicit spread of conventional weapons and their ammunition in order to improve international and regional security. It will thus continue to support them to combine a successful reactive strategy with adequate preventive action to tackle illegal supply and demand, and to ensure effective conventional arms control in third countries.

1.3. The Decision provides for the continued maintenance and further enhancement of the publicly accessible iTrace online system. The projects listed in Decision (CFSP) 2015/1908 will be reinforced by: 1) the increased frequency and duration of missions to gather data on illicit conventional weapon supplies into conflict-affected regions;

([1]) Council Decision 2013/698/CFSP of 25 November 2013 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade (OJ L 320, 30.11.2013, p. 34).

([2]) Council Decision (CFSP) 2015/1908 of 22 October 2015 in support of a global reporting mechanism on illicit small arms and light weapons and other illicit conventional weapons and ammunition to reduce the risk of their illicit trade ('iTrace II') (OJ L 278, 23.10.2015, p. 15).

([3]) Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

2) tailored support packages provided to Member States comprising direct consultation, bespoke data and reports, a 24-hour help desk, and post-shipment verification tasking; and 3) the training and mentoring of national authorities in conflict-affected States, to build counter-diversion capacity, enhance weapon management, and boost the collection of iTrace data.

2. Overall objectives

The Action described below will further support the international community in combating the destabilising impact of the diversion and trafficking of SALW and of other conventional arms and ammunition. It will continue to provide policy makers, arms control experts and arms export control officers with relevant information, which will support them in developing effective, evidence-based strategies against the diversion and illicit spread of SALW and of other conventional weapons and ammunition in order to improve international and regional security. Specifically, the Action will:

(a) provide concrete information on the trafficking of SALW and of other conventional weapons required to monitor more effectively the implementation of the UN Programme of Action on the Illicit Trade in SALW;

(b) strengthen the implementation of the International Tracing Instrument;

(c) expose major routes and entities involved in the diversion of conventional weapons and ammunition into conflict-affected regions or to international terrorist organisations and provide evidence of groups and individuals engaged in illicit trade, in support of national legal proceedings;

(d) enhance cooperation between relevant UN organs, missions and other international organisations, in the field of tracing SALW and other conventional weapons, and of providing information directly in support of existing monitoring mechanisms, including INTERPOL's Illicit Arms Records and tracing Management System (iARMS), which is complementary to iTrace and with which coordination will be ensured;

(e) provide relevant information to identify priority areas for international cooperation and assistance to combat effectively the diversion and trafficking of SALW and of other conventional weapons and ammunition, such as funding for projects with regard to stockpile security or border management;

(f) offer a mechanism to assist in monitoring implementation of the ATT, specifically to detect the diversion of transferred conventional weapons as well as to assist governments in appraising the risk of diversion prior to the export of conventional arms, specifically the risk of diversion within the recipient country or re-export under undesirable conditions; and

(g) provide tailored support to Member States to assist in diversion risk assessment and mitigation.

3. Long-term project sustainability and outcomes

The Action will provide a durable framework for the sustained monitoring of the illicit spread of SALW and of other conventional weapons and ammunition. It is expected to increase substantially existing arms-related information and to support significantly the targeted development of effective conventional arms control and arms export control policies. Specifically, the project will:

(a) populate further the iTrace information management system that will ensure long-term collection and analysis of illicit conventional weapons data;

(b) provide conventional arms control policy makers and experts with a tool to define more effective strategies and priority areas for assistance and cooperation (for example, by identifying sub-regional or regional cooperation, coordination and information-sharing mechanisms that need to be established or strengthened, by identifying insecure national stockpiles, inadequate inventory management, illegal transfer routes, weak border controls, and insufficient law enforcement capacities);

(c) contain the in-built flexibility to generate policy relevant information, regardless of rapidly changing policy requirements;

(d) increase substantially the efficacy of international arms monitoring organisations and individuals by providing an information sharing mechanism of continually expanding scope; and

(e) build sustainable national capacity in conflict-affected States to identify and trace illicit weapons and engage more effectively in international arms control and law enforcement processes.

4. Description of Action

4.1. Project 1: Training and mentoring of national authorities in conflict affected states in weapon identification and international tracing.

4.1.1. Project objective

The project will provide 'on demand' training on weapon identification, tracing, and management to local partners and, where required, peace support staff (including UN and Union Missions and Sanctions Monitoring Groups or Panels). This training will build on a range of services offered by CAR since 2014—although budgeted outside of the iTrace I and II projects—which has proved critical to facilitating the projects.

4.1.2. Project activities

The project will deploy staff from its field investigation teams to instruct at progressively more technical levels, encompassing:

(a) an introduction to weapon data collection, with reference to specific cases;

(b) basic weapon identification and effective weapon documentation techniques;

(c) evidence collection standard operating procedures and the evidentiary chain of custody;

(d) the requirements of long-range, regional, and international investigations;

(e) the implementation of the International Tracing Instrument;

(f) international weapon tracing and weapon tracing systems (notably Interpol and Europol);

(g) the use of 'big data' and trend analysis; and

(h) avenues for technical assistance (international) and law enforcement intervention.

These activities will be conducted alongside iTrace field investigations—including joint investigations (mentoring) conducted with national government authorities.

4.1.3. Project results

The project will:

(a) encourage national authorities to grant greater access to iTrace field investigation teams—responding to repeated calls for iTrace teams to provide technical assistance and joint investigation capacity, and equating to increased iTrace data.

(b) provide concrete capacity assistance to national governments that, while suffering the impacts of weapon diversion, lack the tools to identify and report on diverted conflict weapons—this is often a precursor to more effective domestic weapon management and, as such, supports implementation of the ATT, ITI, and PoA and physical security and stockpile management (PSSM) programming and liaison with international law enforcement bodies, including Interpol (iARMS) and Europol.

(c) support enhanced dialogue—notably identifying key stakeholders for other Union-supported initiatives (e.g. Union Mission relations with host governments) and kick-starting initiatives, such as PSSM programming (e.g. Union-supported stockpile management projects).

4.1.4. Project implementation indicators

Up to 30 in-field training and mentoring visits, with an emphasis on repeat visits to support national authorities in building tracing capacity.

The project will be implemented over the full two-year iTrace project period.

4.1.5. Project beneficiaries

iTrace training and mentoring activities will have direct benefits for national stakeholders in conflict-affected states, including law enforcement bodies and prosecutors. The programme will offer indirect support to national dialogues with Union-funded and other arms control initiatives, encouraging the use of international tracing mechanisms (including Interpol's iARMS system and Europol), and facilitating engagement with Union-supported stockpile management projects and other SALW-control projects.

4.2. Project 2: Enhanced field investigations required to further populate the iTrace system with real-time documentary evidence of the diversion and trafficking of SALW and of other conventional weapons and ammunition, and other relevant information.

4.2.1. Project objective

The project will enhance the frequency and duration of in-field research into SALW and other conventional weapons and ammunition circulating in conflict-affected areas. The project will prioritise countries of particular concern to Member States, including, *inter alia*, Iraq, Libya, Mali, South Sudan, Somalia, Syria, and Yemen.

The establishment of formal information-sharing agreements with Union and UN Missions and with a range of organisations will facilitate the project, as will the selective sending of formal trace requests to national governments. In addition, the project will continue to conduct desk research into and verify (through in-field investigations) existing information on relevant transfers gathered from organisations other than CAR for entry into the iTrace system.

4.2.2. Project activities

The following activities will be undertaken in the framework of this project:

(a) the deployment of qualified weapon experts to conduct in-field analysis of illicit SALW and other conventional weapons, ammunition and related materiel recovered from conflict-affected states;

(b) the analysis, review and verification of documented evidence on illicit SALW and other illicit conventional weapons, ammunition and their users, including, *inter alia*, photographs of weapons, their component parts and internal and external markings, packaging, associated shipping documentation and the results of field investigations (users, suppliers and transfer routes);

(c) the review and verification of additional recent evidence on illicit SALW and of other conventional weapons and ammunition gathered by organisations other than CAR, including reports by UN sanctions monitoring groups, civil society organisations, and the international news media;

(d) the uploading of all collected and reviewed evidence onto the iTrace information management system and online mapping portal;

(e) the identification and support of local partners to ensure sustained data collection in support of iTrace throughout the duration of the proposed Action and beyond;

(f) the continued liaison with national governments to pre-define national points of contact, and a coordination mechanism, in order to clarify the scope of CAR's investigations, and alleviate possible conflicts of interest, in advance of its investigations.

The project will be implemented incrementally over the full two-year iTrace project period.

4.2.3. Project results

The project will:

(a) document, *in situ*, the physical evidence of diverted or trafficked conventional weapons and ammunition in conflict-affected regions;

(b) verify and develop illicit trafficking cases from evidence gathered by CAR, by organisations with standing information-sharing agreements with CAR, and, as appropriate, other organisations, on diverted or trafficked conventional weapons and ammunition across all regions;

(c) provide concrete visual evidence of diverted or trafficked conventional weapons and ammunition, including photographs of items, serial numbers, factory marks, boxes, packing lists, shipping documents, and end user certification;

(d) generate textual accounts of illicit activity, including trafficking routes, actors involved in diversion or illicit transfer and assessments of contributing factors (including ineffective stockpile management and security and deliberate, state-orchestrated illicit supply networks);

(e) upload the aforementioned evidence into the iTrace information management system and online mapping portal for full public dissemination and to Member States through secure desktop and mobile platforms.

4.2.4. Project implementation indicators

Up to 50 field deployments (including extended deployment where required) throughout the two-year period to generate evidence to upload into the iTrace information management system and online mapping portal.

The project will be implemented over the full two-year iTrace project period.

4.2.5. Project beneficiaries

iTrace will continue to provide increasingly comprehensive information explicitly targeted first and foremost at Member State arms control policy makers, and arms export licensing authorities as well as Union institutions, agencies and missions. These Union beneficiaries will also have access to confidential information through secure desktop and mobile platforms provided by iTrace.

Public information will continue to be accessible to all Union beneficiaries as well as to non-Union beneficiaries, notably arms control policy makers and arms export licencing authorities in 3rd countries. But also regional and international organisations (including UN sanctions monitoring groups, UN peacekeeping missions, UNODC, UNODA and INTERPOL); non-governmental research organisations (including Bonn International Center for Conversion (BICC), Group for Research and Information on Peace (GRIP), Stockholm International Peace Research Institute (SIPRI), and Small Arms Survey); advocacy organisations (including Amnesty International and Human Rights Watch) and the international news media will profit from the information published by iTrace.

4.3. Project 3: Direct support to Member State arms export control authorities and arms control policy makers.

4.3.1. Project objective

iTrace project staff will work in close cooperation with Member States national arms export licencing authorities. Information provided by Member States national arms exports licensing authorities will be treated with due respect and confidentiality. iTrace will also continue to be in contact with a range of national arms export licencing authorities of third countries. These relationships will support several critical aspects of international efforts to address diversion and trafficking of conventional weapons and reinforce international counter-diversion measures, including:

(a) providing detailed data and evidence on documented diversion to arms export licencing authorities

(b) Supporting or providing, on official request by Member State national arms export licencing authorities, post-shipment or post-delivery verification capacity to Member States.

4.3.2. Project activities

The following activities will be undertaken in the framework of this project:

(a) iTrace teams sent on repeat visits to relevant authorities in Member State capitals to brief on counter-diversion issues, and report on international investigations;

(b) A 24-hour helpdesk to provide instant advice on counter-diversion or potentially negative press allegations arising from unverified third party reporting;

(c) The bespoke development for Member State export licencing authorities of online dashboards, which will stream secured data from the iTrace system—'red flagging' parties with a history of diverting weapons, profiling high-risk destinations, and reporting, in real time, diversion of domestically manufactured weapons; and

(d) The support or provision, on official request by Member State national arms exports licensing authorities, of post-delivery end use checks (verification) to Member States by iTrace field investigation teams.

The project will be implemented over the full two-year iTrace project period.

4.3.3. Project results

The project will:

(a) assist Member State arms export licensing authorities, on their request in identifying post-export diversion;

(b) supply information in support of full diversion risk analysis by Member State arms export licensing authorities (in line with the ATT and Common Position 2008/944/CFSP) prior to granting export licences;

(c) provide Member State arms export licensing authorities with post-shipment verification capacity on their demand;

(d) support Member State arms control policy makers with real-time information on diversion and trafficking trends in support of national engagement in international policy processes; and

(e) assist Member State national law enforcement agencies in support of criminal investigations, where applicable and on their request.

4.3.4. Project implementation indicators

The design and development by the existing iTrace system designers of bespoke desktop and mobile dashboards, which will stream live information from secure partitions within the iTrace system to Member State national authorities. A help desk, which will be manned by iTrace project staff, to provide full support to Member State arms export control authorities and arms control policy makers. Up to 30 visits to Member State capitals on request.

The project will be implemented over the full two-year iTrace project period.

4.3.5. Project beneficiaries

All interested Member States, with visits to capital and post-shipment verification missions conducted on request.

4.4. Project 4: Stakeholder outreach and international coordination

4.4.1. Project objective

The project will showcase the benefits of iTrace to international and national policy makers, conventional arms control experts, and arms export licencing authorities. Outreach initiatives will also be designed to further coordinate information sharing and build sustainable partnerships with individuals and organisations capable of generating information that can be uploaded into the iTrace system.

4.4.2. Project activities

The following activities will, with due attention to avoiding overlapping with other undertakings for instance on ATT outreach, be undertaken in the framework of this project:

(a) iTrace project staff presentations to relevant international conferences dealing with the illicit trade in conventional weapons in all its aspects. Staff presentations will be designed to showcase iTrace, with an emphasis on 1) its concrete benefits for assisting in monitoring the implementation of the UN Programme of Action, the ATT, and other relevant international instruments; 2) its utility in identifying priority areas for international assistance and cooperation; and 3) its utility as a risk assessment profiling mechanism for arms export licensing authorities;

(b) iTrace project staff presentations to national governments and peacekeeping operations. Staff presentations will be designed to showcase iTrace to relevant mission departments, to encourage and develop formal information-sharing agreements capable of generating information that can be uploaded into the iTrace system, as well as to assist policy makers in identifying priority areas for international assistance and cooperation.

The project will be implemented over the full two-year iTrace project period.

4.4.3. Project results

The project will:

(a) demonstrate the utility of iTrace and the concept of documenting, compiling and sharing data on diversion to national and international policy makers working to implement conventional arms control and arms export control agreements (UN Programme of Action, ATT, and other relevant international instruments) and evaluate their implementation;

(b) provide relevant information to assist policy makers and conventional arms control experts in identifying priority areas for international assistance and cooperation and devising effective counter-diversion strategies;

(c) provide arms export licencing authorities with in-depth information on iTrace and its risk assessment utility, in addition to providing an avenue for further feedback and system enhancement;

(d) facilitate information-sharing among national governments and UN peacekeeping operations, including data processing and analysis using the iTrace system;

(e) facilitate the networking by an expanding group of conventional arms control experts involved in conducting *in situ* investigations into the diversion and trafficking of conventional weapons and ammunition;

(f) raise the public profile of conventional weapons and ammunition tracing as a means to assist in monitoring the implementation of the UN Programme of Action, the ITI, the ATT and other international and regional arms control and arms export control instruments.

4.4.4. Project implementation indicators

Up to 20 outreach conferences attended by iTrace staff. All conferences will include presentations of iTrace. Conference agendas and brief summaries will be included in the final report.

The project will be implemented over the full two-year iTrace project period.

4.4.5. Project beneficiaries

Please see Section 4.2.5 above for a full list of beneficiaries, which is identical to the beneficiaries of this project.

4.5. Project 5: iTrace policy reports

4.5.1. Project objective

The project will provide key policy issue reports, drawn from the data generated by field investigations and presented on the iTrace system. The reports will be designed to highlight specific areas of international concern, including major conventional weapons and ammunition trafficking patterns, the regional distribution of trafficked weapons and ammunition, and priority areas for international attention.

4.5.2. Project activities

In-depth analysis leading to the compilation, review, editing and publication of up to 10 iTrace policy reports.

4.5.3. Project results

The project will:

(a) produce up to 10 reports, each profiling a separate issue of international concern;

(b) ensure the distribution of iTrace policy reports to all Member States;

(c) devise a targeted outreach strategy to ensure maximum global coverage;

(d) sustain the visibility of the Action in the policy arena and international news media by, *inter alia*, presenting illicit weapon information of topical concern; providing policy relevant analysis in support of on-going arms control processes and tailoring reports to provide maximum international news media interest.

4.5.4. Project implementation indicators

Up to 10 online iTrace policy reports produced throughout the duration of the proposed Action and distributed globally.

4.5.5. Project beneficiaries

Please see Section 4.2.5 above for a full list of beneficiaries, which is identical to the beneficiaries of this project.

5. Locations

Projects 1 and 2 will require the extensive field deployment of conventional arms experts to conflict-affected regions. These deployments will be assessed on a case-by-case basis, with reference to security, access and the availability of information. CAR already has established contacts or on-going projects in many of the countries concerned. Project 3 will be conducted in Member State capitals (with other in-country travel conducted subject to Member State requirements). Project 4 will be conducted at international conferences, and in coordination with national governments and relevant organisations, worldwide to ensure maximum project visibility. Project 5 will be compiled in Belgium, Italy, France, and the United Kingdom.

6. Duration

The total estimated duration of the combined projects is 24 months.

7. Implementing entity and Union visibility

CAR embeds small field investigation teams with local defence and security forces, peacekeeping or peace support personnel, and other actors with security mandates. Whenever these forces or missions secure weapons or evidence-collection sites, CAR's teams recover all available evidence on weapons, related materiel, and user groups. CAR then proceeds to trace all uniquely identifiable items and conducts long-range investigations into weapon transfers, the supply of military materiel, and support to parties that threaten peace and stability.

Working with national export licencing authorities, CAR reconstructs the supply chains that are responsible for supplying weapons into armed conflicts—identifying illicit activity and the diversion of arms from legal to illicit markets. CAR records all information on its iTrace global weapon monitoring system, which with more than 100 000 conflict weapon entries, is the largest repository for conflict weapon data worldwide.

CAR uses this information to a) alert Member States to the diversion of weapons and ammunition and, b) enable targeted counter-diversion initiatives, including revised export control measures and international diplomatic action.

This methodology is proven to detect diversion almost immediately, with CAR field teams having advised Member States of diverted weapons whilst still deployed in conflict-affected areas (e.g. while on the ground in Mosul, Iraq). In some cases, CAR's teams have discovered unauthorised re-transfers within two months of weapons having left the factory door.

On 22 October 2015, Decision (CFSP) 2015/1908 supported CAR in continuing and augmenting the iTrace project established by Decision 2013/698/CFSP. The projects—referred to as iTrace I and II, respectively—have firmly established iTrace as a significant conflict weapon monitoring initiative worldwide and provided direct support to Member State export licencing authorities and arms control policy makers.

Furthermore, on 2 December 2015, the Union action plan against illicit trafficking in and use of firearms and explosives called for 'extending the use of iTrace' and recommended that any national law enforcement authority detecting the diversion of weapons and ammunition check findings against records in iTrace.

CAR shall take all appropriate measures to publicise the fact that the Action has been funded by the Union. Such measures will be carried out in accordance with the Commission Communication and Visibility Manual for EU External Action laid down and published by the Commission.

CAR will thus ensure the visibility of the Union contribution with appropriate branding and publicity, highlighting the role of the Union, ensuring the transparency of its actions, and raising awareness of the reasons for the Decision as well as Union support for the Decision and the results of this support. Material produced by the project will prominently display the Union flag in accordance with Union guidelines for the accurate use and reproduction of the flag.

8. Reporting

CAR will prepare regular narrative reports quarterly.

COUNCIL DECISION (EU) 2017/2284

of 11 December 2017

to provide support to States in the African, Asia-Pacific and Latin America and Caribbean regions to participate in the high-level fissile material cut-off treaty expert preparatory group consultative process

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28(1) thereof,

Whereas:

(1) On 12 December 2003, the European Council adopted the EU Strategy against the proliferation of Weapons of Mass Destruction ('Strategy'), Chapter II of which lists measures to be pursued for an effective multilateralism which is the cornerstone of the European strategy for combating proliferation of WMD. It states, inter alia, that the 'EU is committed to the multilateral treaty system, which provides the legal and normative basis for all non-proliferation efforts', and 'the EU policy is to pursue an international agreement on the prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices'.

(2) The EU is actively implementing the Strategy and giving effect to the measures listed in Chapter III thereof, in particular by releasing financial resources to support specific projects aimed at enhancing the multilateral non-proliferation system and multilateral confidence building measures.

(3) On 8 December 2008, the Council adopted its conclusions and a document entitled 'New lines for action by the European Union in combating the proliferation of weapons of mass destruction and their delivery systems'. The document states, inter alia, that the EU undertakes to continue and intensify action 'in favour of starting negotiations on FMCT'.

(4) The EU has persistently called for the immediate commencement and early conclusion of the negotiation of a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices, on the basis of document CD/1299 and the mandate contained therein. In the same vein the EU has been encouraging all members of the Conference on Disarmament (CD) to exert their utmost efforts to break the impasse in the CD and adopt a comprehensive and balanced programme of work that includes the immediate commencement of negotiations on a fissile material cut-off treaty (FMCT).

(5) In 2013 the United Nations General Assembly (UNGA) adopted a resolution that established a Group of Governmental Experts (GGE) drawn from 25 states to make recommendations on possible aspects that would contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices. The GGE submitted its report to the UNGA First (Disarmament) Committee in 2015.

(6) In 2016 the United Nations General Assembly adopted Resolution 71/259, entitled 'Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices'. Resolution 71/259 requests the Secretary-General to establish a high-level FMCT expert preparatory group to consider and make recommendations on substantial elements of a future non-discriminatory, multilateral and internationally and effectively verifiable treaty banning the production of fissile material for nuclear weapons or other explosive devices. The high-level FMCT expert preparatory group will have a membership of 25 States, and will hold two Informal Consultative meetings open to all United Nations Member States to allow for the participation of all States in the FMCT process. It is expected that the work to be carried out by the Preparatory Group will lead to negotiations on this important issue in order to further advance nuclear disarmament and non-proliferation.

(7) All EU Member States voted in favour of the 2016 UN General Assembly Resolution 71/259 on the FMCT, which was presented by Canada, Germany and the Netherlands. The resolution sets up an inclusive process by organizing informal consultative meetings with all UN Member States and the Chair of the high-level FMCT

expert preparatory group. Several EU Member States will participate in the work of the high-level expert preparatory group, whose mandate is to make recommendations on substantial elements for a future treaty, without prejudice to national positions in future negotiations.

(8) The high-level FMCT expert preparatory group will make a practical contribution to nuclear disarmament and non-proliferation efforts. The Group of Governmental Experts ([1]) and two Secretary-General reports on this subject ([2]) have identified the complexity of the issue as well as topics that merit further analysis and consideration by UN Member States. The high-level FMCT expert preparatory group will report to the UN General Assembly at its 73rd session (2018).

(9) More generally, fissile material (such as highly enriched uranium or plutonium) that can bring about an explosive fission chain reaction is an essential ingredient of nuclear weapons. The immediate commencement and early conclusion of the negotiation in the CD of a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices has been a long standing priority for the EU.

(10) A treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices would constitute an essential step towards creating the conditions for a world without nuclear weapons. The FMCT is considered to be a multilateral instrument to be negotiated in the nuclear disarmament field as a complement to the Nuclear Non-proliferation Treaty (NPT) and the Comprehensive Nuclear Test-ban Treaty (CTBT),

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with the EU Strategy, which sets the objective of upholding, implementing and strengthening the multilateral disarmament and non-proliferation treaties and agreements, the Union shall provide support to States in the African, the Asia-Pacific and the Latin America and Caribbean regions to participate in the high-level fissile material cut-off treaty expert preparatory group consultative process.

2. The projects providing support to States in the African, the Asia-Pacific and the Latin America and Caribbean regions to participate in the high-level FMCT expert preparatory group consultative process, corresponding to measures in line with the EU Strategy, shall consist of sub-regional workshops, expert meetings, substantive support activities provided to United Nations Member States, and the establishment of a repository of relevant information and publications.

3. The aim of the projects shall be:

— the facilitation of dialogue at the regional level among States in the African, the Asia-Pacific and the Latin America and Caribbean regions;

— the development of a sense of ownership of the issue among States in these regions;

— the identification of the national needs and policy priorities of States in these regions;

— the involvement of relevant regional organisations in the discussions on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices to be negotiated in the framework of the Conference on Disarmament;

— the evaluation of the implications of the process at the regional level and of the role that relevant regional and international organization may play in that process;

— the comparative analysis of the implications of the process for each region;

— the facilitation of the transmission of knowledge between academia, civil society organisations and Member States relating to fissile materials.

4. A detailed description of the projects is set out in the Annex.

([1]) A/70/81, Report of the Group of Governmental Experts to make recommendations on possible aspects that could contribute to but not negotiate a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices.
([2]) A/68/154, A/68/154/Add.1, A/71/140/Rev.1 and A/71/140/Rev.1/Add.1

Article 2

1. The High Representative (HR) shall be responsible for the implementation of this Decision.

2. The technical implementation of the projects referred to in Article 1(2) shall be carried out by the United Nations Office for Disarmament Affairs (UNODA) through its Geneva Branch and its Regional Disarmament Branch, the three regional centres for peace and disarmament in Africa (UNREC), Asia and the Pacific (UNRCPD) and Latin America and the Caribbean (UNLIREC). UNODA shall perform this task under the responsibility of the HR. For this purpose, the HR shall enter into the necessary arrangements with UNODA.

Article 3

1. The financial reference amount for the implementation of the projects referred to in Article 1(2) shall be EUR 1 220 880,51.

2. The expenditure financed by the amount set out in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the Union.

3. The Commission shall supervise the proper management of the expenditure referred to in paragraph 1. For this purpose, it shall conclude a financing agreement with UNODA for the reference amount upon adoption of this Council Decision. The agreement shall stipulate that UNODA is to ensure visibility of the Union's contribution, appropriate to its size.

4. The Commission shall endeavour to conclude the financing agreement referred to in paragraph 3 as soon as possible after the entry into force of this Decision. It shall inform the Council of any difficulties in that process and of the date of conclusion of the financing agreement.

Article 4

1. The HR shall report to the Council on the implementation of this Decision on the basis of regular reports prepared by UNODA. Those reports shall form the basis for the evaluation carried out by the Council.

2. The Commission shall provide information on the financial aspects of the projects referred to in Article 1(2).

Article 5

1. This Decision shall enter into force on the date of its adoption.

2. This Decision shall expire 36 months after the date of the conclusion of the financing agreement referred to in Article 3(3). However, it shall expire six months after its entry into force if no financing agreement has been concluded by that time.

Done at Brussels, 11 December 2017.

For the Council
The President
F. MOGHERINI

ANNEX

1. OBJECTIVE

There is a need for States to fully comprehend the implications of a future treaty and its relationship with regional instruments on nuclear weapons free zones, the Nuclear Non-Proliferation Treaty (NPT) and other instruments at an early stage in the process. Therefore the overall goal of the new Council Decision should be to provide funding to build a broad knowledge base on a treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices or a fissile material cut-off treaty (FMCT) among the international community, in order to ensure that all UN Member States are in a position to fully engage in the consultative process as well as in any future negotiations in the framework of the Conference on Disarmament on such a treaty.

Engaging UN Member States at the regional level will complement the informal consultative meetings that will be held by the Chair of the high-level FMCT expert preparatory group in New York, and thereby enhance the quantitative and qualitative participation of States, and strengthen the inclusivity of future negotiation in the framework of the Conference on Disarmament of such a treaty.

The organization of a series of (sub)regional workshops will allow the sharing of knowledge and information within regions, as well as across regions. The workshops will include a mix of technical briefings and discussions on the implications and relevance of these future treaties on existing regional arrangements. The technical briefings by relevant experts will elaborate on the substantive issues related to the FMCT while the discussions will lead the participants to considering the regional implications and relevance of an eventual treaty.

The high-level FMCT expert preparatory group will report to the UN General Assembly at its 73rd session (2018). The General Assembly may decide to take further action on this issue. In order to support participation of UN Member States in the discussion on this issue the project will continue until the end of the regular session of the 74th session of the General Assembly (December 2019).

The United Nations Office for Disarmament (UNODA), through its Geneva Branch and its Regional Disarmament Branch, which includes the United Nations Regional Centre for Peace and Disarmament (UNREC) in Lomé, Togo, the United Nations Regional Centre for Peace, Disarmament and Development in Asia and the Pacific (UNRCPD) in Kathmandu, Nepal, and United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC) in Lima, Peru, all have a long experience of lending support to States and fostering dialogue in their respective region on nuclear disarmament and non-proliferation issues.

Experts will be drawn from several countries, on a broad geographical basis, from governments and regional organisations, as well as from civil society organisations, such as the International Panel on Fissile Materials (IPFM), the Verification Research, Training and Information Centre (VERTIC), the Institute for Security Studies (ISS), and academia.

Target 16.8 of the UN Sustainable Development Goals recognizes the need: 'to broaden and strengthen the participation of developing countries in the institutions of global governance'. Therefore, the activities envisaged under this project could be a contribution towards this goal.

2. ACTIVITIES

2.1. Objectives of the activities

— To facilitate dialogue at the regional and sub-regional level among States in the African, the Asia-Pacific and the Latin American and Caribbean regions;

— To involve relevant regional organisations in the discussions on an FMCT;

— To develop a sense of ownership in a future FMCT among all States;

— To facilitate the transmission and application of knowledge between academia, civil society organisations and Member States on issues relevant to banning the production of fissile material for nuclear weapons or other nuclear explosive devices.

2.2. Description of activities

All activities will be organised by UNODA through its Geneva Branch and its Regional Disarmament Branch, including UNREC, based in Lomé, Togo, by UNRCPD based in Kathmandu, Nepal, and by UNLIREC, based in Lima, Peru.

(a) Sub-regional workshops in Africa, Asia and the Pacific and Latin America and the Caribbean

UNODA will organise up to six sub-regional seminars in the African, the Asia-Pacific and the Latin America and Caribbean regions. UNODA will organise one or two two-day sub-regional seminars in each of the African, the Asia-Pacific and the Latin America and Caribbean regions. The sub-regional seminars will focus on their respective regions.

The seminars will involve experts from the capitals of the countries of the respective sub-regions as well as high-level FMCT expert preparatory group, experts from the European Union, and from civil society and academia.

These seminars will complement the open-ended informal consultative meetings conducted by the Chair of the high-level FMCT expert preparatory group in New York in accordance with United Nations General Assembly resolution 71/259 and will facilitate the involvement of experts from United Nations Member States at the capital in future FMCT negotiations.

(b) Expert meetings with experts from regional organisations

UNODA will organise three expert meetings with relevant regional organisations in the African, the Asia-Pacific and the Latin America and Caribbean regions, including ABACC, AFCONE, OPANAL and the ASEAN Regional Forum, to bring together members of the high-level FMCT expert preparatory group, experts from regional organisations and experts from civil society organisations, including the EU Non-Proliferation Consortium, VERTIC, IPFM, ISS, to prepare for future FMCT negotiations and to facilitate the contribution of regional expertise and experience into these negotiations.

(c) Substantive support to Member States

UNODA will respond to up to six requests for substantive support from Member States in the African, the Asia-Pacific and the Latin America Caribbean regions in follow up to the workshops, taking into account geographic balance.

(d) Resource material repository and publication of outcomes

For the duration of the project, UNODA will develop and maintain a dedicated website containing relevant resource material, to help States prepare for future FMCT and to serve as a resource repository for States, regional organisations, civil society organisations and researchers, and to facilitate cross-regional communication.

UNODA will publish up to two UNODA Occasional Papers on the outcomes of the regional workshops and the expert meetings with regional organisations.

2.3. Impact of activities

— The participation of States in the African, the Asia-Pacific and the Latin America and Caribbean regions in future FMCT negotiations will be facilitated;

— Existing regional knowledge and expertise on banning the production of fissile material for nuclear weapons or other nuclear explosive devices will be brought to the negotiations of a future FMCT;

— Relevant resource material will be made available to future negotiators and to experts from States, regional organisations, civil society organisations and academia.

3. PARTNERS FOR THE MEASURES

— UN System: UNODA through its Geneva Branch and its Regional Disarmament Branch, which includes the three regional centres for peace and disarmament in Africa (UNREC), Asia and the Pacific (UNRCPD) and Latin America and the Caribbean (UNLIREC);

— Regional and sub-regional Organizations: ABACC, AFCONE, OPANAL, ASEAN Regional Forum;

— Non-governmental organisations: EU Non-Proliferation Consortium, VERTIC, IPFM, ISS.

4. INTERACTION WITH UNION EFFORTS

Based on the regular feedback from UNODA on its activities, the Union may decide to complement those efforts through targeted diplomatic action aimed at raising awareness of the importance of overcoming the longstanding deadlock in the Conference on Disarmament and the importance of the immediate commencement and early conclusion of the negotiation in the Conference on Disarmament of a Treaty banning the production of fissile material for nuclear weapons or other nuclear explosive devices (FMCT), on the basis of document CD/1299 and the mandate contained therein.

5. BENEFICIARIES OF THE ACTIVITIES

— States in the Africa, the Asia-Pacific and the Latin America and Caribbean regions;

— Members of the high-level FMCT expert preparatory group;

— Group of Governmental Experts on Nuclear Disarmament Verification;

— Civil society organisations in the African, the Asia-Pacific and the Latin America and Caribbean regions working on nuclear disarmament and non-proliferation.

6. VENUE

The sub-regional seminars will be organised either at the location of the regional centres or at a location with a United Nations regional office in the respective sub-region, in order to facilitate the participation of national experts coming from the capitals.

The expert meetings will be held at the location of the regional organisations or the location of the regional centres.

Substantive support to Member States will be provided in the capitals.

7. DURATION

The total estimated duration of the project is 36 months.

COMMISSION DECISION (EU) 2017/2285

of 6 December 2017

Amending the user's guide setting out the steps needed to participate in EMAS, under 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)

(notified under document C(2017) 8072)

(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 Articles 46(5) 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.

(2) Interested organisations should receive additional information and guidance about the steps needed to participate in EMAS. This information and guidance shall be kept up to date based on the experience gained in the operation of EMAS and in response to additional needs for guidance identified.

(3) The following additional needs for guidance have been identified: definition of a geographic location in the context of the definition of a site, guidance on how the sectoral reference documents should be taken into account and guidance related to the utilisation of a sampling method for verification of multisite organisations.

HAS ADOPTED THIS DECISION:

Article 1

The Annex to the Commission Decision 2013/131/EU [2] shall be replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 6 December 2017.

For the Commission
Karmenu VELLA
Member of the Commission

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[1] OJ L 342, 22.12.2009, p. 1.
[2] Commission Decision 2013/131/EU of 4 March 2013 establishing the user's guide setting out the steps needed to participate in EMAS, under 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) (OJ L 76, 19.3.2013, p. 1).

ANNEX

'ANNEX I

I. **INTRODUCTION**

It is an objective of EU environmental policy to encourage all kinds of organisations to use environmental management systems and reduce their environmental impacts. Environmental management systems are one of the possible tools for companies and other organisations to improve their environmental performance whilst saving energy and other resources. In particular, the EU would like to encourage organisations to participate in the Eco-Management and Audit Scheme (EMAS) which is a management tool for companies and other organisations to evaluate, report and improve their environmental performance.

EMAS was established in 1993 and evolved over time. The EMAS Regulation ([1]) provides the legal basis for the scheme and the latest revision dates back to 2009.

This EMAS User Guide has been prepared according to the requirements of Article 46.5 of the EMAS Regulation. This document aims to deliver clear, simple advice for organisations interested in EMAS. It is intended to offer step-by-step instructions that are easy to follow. The guide outlines the main elements and steps to be undertaken by an organisation that intends to participate in the scheme. The document aims to increase the overall uptake of the EMAS management system by facilitating the entry of organisations into the scheme. It is also important to keep in mind the general objective of the European Regulation, which is to harmonise implementation across all Member States and create a common legislative framework. For specific EMAS Global related issues the reader is referred to the Commission Decision 2011/832/EU ([2]), of 7 December 2011 concerning a guide on EU corporate registration, third country and global registration under Regulation (EC) No 1221/2009.

II. **WHAT IS THE ECO-MANAGEMENT AND AUDIT SCHEME (EMAS)?**

EMAS is a voluntary tool available to any organisation operating in any economic sector within or outside the European Union that wants to:

— assume environmental and economic responsibility;

— improve its environmental performance;

— communicate its environmental results to society and stakeholders in general.

Below is a step-by-step outline on what needs to be done to register for the scheme and implement it.

Organisations that register with EMAS have to:

— prove compliance with environmental legislation;

— make a commitment to continually improving their environmental performance;

— show they have an open dialogue with all stakeholders;

— involve employees in improving the organisation's environmental performance;

— publish and update a validated EMAS environmental statement for external communication.

There are some further requirements. Organisations have to:

— conduct an environmental review (including the identification of all direct and indirect environmental aspects);

— register with a competent body after successful verification of their organisation.

Once registered, organisations are entitled to use the EMAS logo.

([1]) Regulation (EC) No 1221/2009.

([2]) Commission Decision 2011/832/EU of 7 December 2011 concerning a guide on EU corporate registration, third country and global registration under Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community ecomanagement and audit scheme (EMAS) (OJ L 330, 14.12.2011, p. 25).

III. COSTS AND BENEFITS OF IMPLEMENTING EMAS

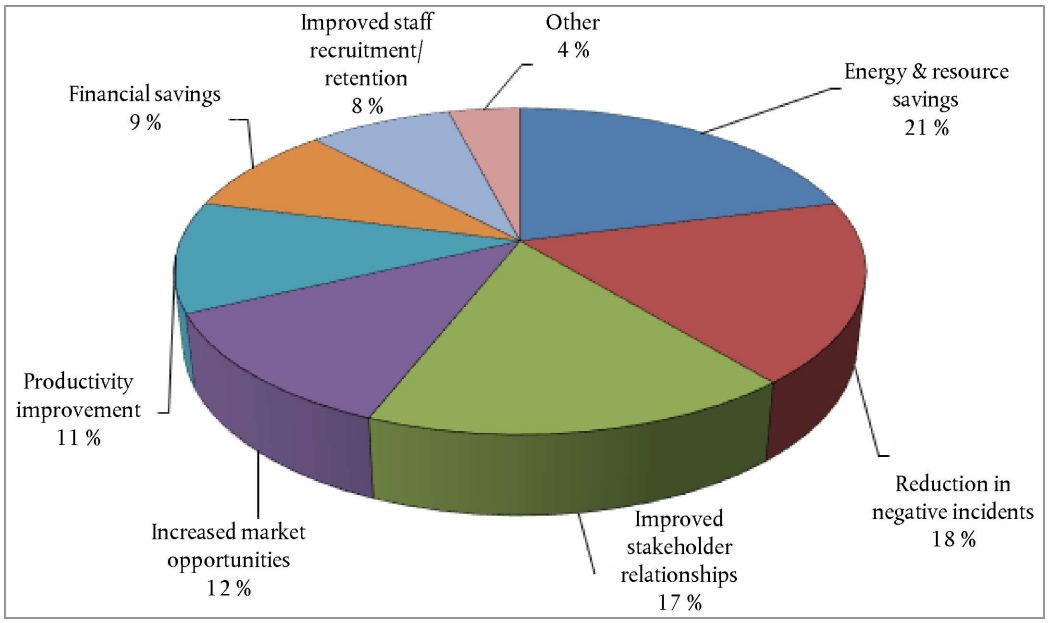
In general, environmental management systems such as EMAS help organisations to improve resource efficiency, reduce risks and set an example with their public declaration of good practice. The costs of implementing a scheme are outweighed by the savings.

Benefits

A study ([1]) has been carried out on the costs and benefits of registering with EMAS. A survey was conducted where those taking part were asked to select the impacts that had been most positive from a given list. 'Energy & resource savings' ranked top (21 %), as shown in figure 1. This was followed by 'reduction in negative incidents' (18 %) and 'improved stakeholder relationships' (17 %).

Figure 1

Benefits of implementing EMAS (% all responses)



More efficiency savings

The benefit 'Energy and resource savings' ranked top. For organisations of all sizes, there was evidence that energy savings alone exceeded the annual costs of maintaining EMAS. This suggests that larger organisations should easily be able to recover the costs of implementing EMAS.

Fewer negative incidents

This benefit ranked second. Several factors, such as the lower incidence of breaches of environmental law, came into play. This obviously links up with benefits in terms of better relations with regulatory authorities.

Better relations with stakeholders

Organisations rated better relations with stakeholders as a key benefit, particularly in the case of public administration and service companies.

More market opportunities

Registering for EMAS can improve business. It can help retain existing customers and win new business. For public procurement, having an EMAS environmental management system can be an advantage. Though organisations involved in public procurement cannot explicitly require bidders to be EMAS-registered, companies that are registered can use this to show they have the technical means to fulfil contractual environmental management requirements.

([1]) http://ec.europa.eu/environment/emas/emas_publications/publications_studies_en.htm#Study on the costs and benefits of EMAS to registered organisations

Moreover, organisations may encourage their suppliers to have an environmental management system in place as part of their own environmental policy. Being EMAS-registered may make internal business-to-business procedures easier for both parties.

Regulatory relief

EMAS-registered organisations may be entitled to regulatory relief. There may be benefits for companies involved in manufacturing sectors, with advantages under Integrated Pollution Prevention and Control legislation ([1]).

Several Member States also offer advantages to EMAS-registered organisations regarding state and regional environmental laws and regulations. Such benefits may, for instance, involve simplified reporting obligations; fewer inspections, lower waste fees and longer periods between permit renewals.

Examples include: a 50 % reduction in waste fees; a 20-30 % reduction in fees for licensing procedures; a reduction of up to 100 % in fees for monitoring and enforcement under national law, a 30 % reduction in fees for public services performed by government agencies, a 30 % reduction in fees for surface water licensing procedures, groundwater extraction permits and for landfill licensing procedures. There are also advantages when it comes to administration of monitoring and handling of hazardous chemicals, waste disposal obligations (by not having to demonstrate technical supervision measures) and greenhouse gases monitoring.

Costs and benefits

Businesses should regard registering for EMAS as an investment. Implementing EMAS involves internal and external costs, such as consultancy support, human resources to implement and follow up measures, inspections, registration fees, etc.

Actual costs and benefits vary widely, depending on, for example, the size and activities of the organisation, the current state of play on environmental management practices, the specific country, etc. But in general, EMAS does lead to significant savings. Various studies have shown that organisations recoup implementation costs through increased revenue within a fairly short time, between one and two years in most cases ([2]) ([3]) ([4]) ([5]) ([6]).

Table 1

Costs and potential annual efficiency savings in EMAS ([1])

(EUR)

Organisation size ([2])	Potential annual efficiency savings	First year implementation costs ([3]) of EMAS	EMAS Annual costs ([4])
Micro	3 000 – 10 000	22 500	10 000
Small	20 000 – 40 000	38 000	22 000

([1]) The 'Industrial Emissions Directive' (IED Directive), repealing the IPPC Directive with effect from 7 January 2013, provides Member States with detailed guidance on environmental inspections, where the frequency of site visits should be based on a systematic appraisal of environmental risks of the installations concerned, using a set of criteria including the participation of the operator in the EMAS scheme.
([2]) EVER Study: Evaluation of EMAS and Eco-Label for their Revision (2005), IEFE- Università Bocconi for DG Environment of the European Commission.
([3]) Hamschmidt J., Dyllick T. (2001), 'ISO 14001: profitable? Yes! But is it eco-effective?', Greener Management International, n. 34.
([4]) CESQA SINCERT (2002), Indagine sulla certificazione ambientale secondo la norma UNI EN ISO 14001; risultati indagine Triveneto.
([5]) Freimann, Walther (2001), The impacts of corporate environmental management systems: a comparison of EMAS and ISO 14001, Greener Management International, No 36, pp. 91-103.
([6]) IRIS (2000), Environmental management systems — paper tiger or powerful tool. The Swedish Institute of Production Engineering Research. Molndal.

(EUR)

Organisation size (2)	Potential annual efficiency savings	First year implementation costs (3) of EMAS	EMAS Annual costs (4)
Medium	Up to 100 000	40 000	17 000
Large	Up to 400 000	67 000	39 000
Data on 'Potential annual efficiency savings' are based on energy savings only. No data are available on resource efficiency savings			

Source: 'Costs and Benefits of EMAS to Registered Organisations', study for European Commission, 2009.

(1) The figures in Table 1 are indicative and related to the category sizes. Therefore they cannot be applied directly to any organisation in any situation.

(2) Organisation sizes as defined in Commission Recommendation 2003/361/EC concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).

(3) SMEs can often reduce their first year implementation costs by implementing EMAS via the EMAS Easy methodology. Recent estimates show that in some cases costs can be reduced down to EUR 11 500 for micro organisations and EUR 17 000 for small organisations in the first year of implementation. These estimates are purely indicative and based on data provided by SME's following seminars for SMEs in different Member States.

(4) SMEs can often reduce their first year implementation costs by implementing EMAS via the EMAS Easy methodology. Recent estimates show that in some cases costs can be reduced down to EUR 2 200/year for micro organisations and EUR 3 300/year for small organisations. These estimates are purely indicative and based on data provided by SMEs following seminars for SME's in different Member States.

The EMAS 'Toolkit for small organisations' (1) provides many other examples of cost/benefit savings.

As a whole, micro and small organisations face proportionally higher fixed and external costs than medium or large organisations, since the latter benefit from economies of scale, with a higher proportion of costs borne internally by environment departments, and lower external costs as they have less need for consultants. However, even very large organisations are advised to investigate implementation costs in detail.

EMAS and energy management systems such as EN 16001 and ISO 50001 are quite similar. As management of energy use is part of EMAS, EMAS registered organisations already improve their energy efficiency, consequently they fulfil most EN 16001 and ISO 50001 requirements. Therefore this can also result in cost reductions.

Organisations considering EMAS registration should also take into account the technical and financial support or subsidies that Member States, national, regional or local authorities and EMAS Competent Bodies offer.

IV. **EMAS REGULATION**

The EMAS scheme was established in Regulation (EC) No 1221/2009 (also known as EMAS III) and is directly applicable in all Member States.

1. *GENERAL*

1.1. SCOPE

Since 2001, any public or private organisation can implement EMAS. With EMAS III, the scheme is also available to non-European organisations or European companies operating in non-European countries. On the latter issue, there is specific guidance on EU corporate registration, third country and global registration.

'"Organisation" means a company, corporation, firm, enterprise, authority or institution, located inside or outside the Community, or part or combination thereof, whether incorporated or not, public or private, which has its own functions and administration.'

(1) http://ec.europa.eu/environment/emas/join_emas/what_if_i_am_an_sme_en.htm

EMAS can be implemented in one, several or all sites belonging to private or public organisations in any sector of activity ([1]). The smallest entity that can be registered is a site.

'"Site" means a distinct geographic location under the management control of an organisation covering activities, products and services, including all infrastructure, equipment and materials; a site is the smallest entity to be considered for registration.'

A 'distinct geographic location' should be understood as:

'A physical continuity of land, buildings, equipment or infrastructures, possibly interrupted by external elements provided that functional and organizational continuity of activities is assured.'

1.2. REQUIREMENTS

The general procedure for implementing EMAS can be summarised as follows:

(1) The organisation should start with an environmental review, an initial analysis of all activities the organisation carries out, to identify relevant direct and indirect environmental aspects, and the applicable environmental legislation;

(2) Then an environmental management system needs to be implemented, in line with the requirements of EN ISO 14001 (Annex II of EMAS Regulation);

(3) The system needs to be checked by carrying out internal audits and a management review;

(4) The organisation writes an EMAS environmental statement;

(5) The environmental review and the environmental management system are verified and the statement is validated by an accredited or licensed EMAS verifier;

(6) Once the organisation has been verified, it submits an application for registration to the Competent Body.

In accordance with the Article 46 of the EMAS Regulation the European Commission is developing 'Sectoral Reference Documents' ([2]) (SRDs) for a number of priority sectors in consultation with Member States and other stakeholders.

Each document includes the following elements:

— best environmental management practice;

— environmental performance indicators for the specific sectors concerned;

— where appropriate, benchmarks of excellence and rating systems identifying environmental performance levels.

When available for their specific sector, EMAS registered organisations are to take SRDs into account at two different levels:

1. When developing and implementing their environmental management system in light of the environmental reviews (Article 4(1)(b));

2. When preparing the environmental statement (Article 4(1)(d) and Article 4(4)).

EMAS participation is an ongoing process. Every time an organisation reviews its environmental performance and plans improvements it shall consult the SRD (when available) on specific topics to find inspiration about which issues to tackle next in a step-wise approach.

([1]) OJ L 393, 30.12.2006, p. 1.
([2]) The indicative list of 11 priority sectors for which Sectoral Reference Documents will be developed, is published in the communication from the Commission 'Establishment of the working plan setting out an indicative list of sectors for the adoption of sectoral and cross-sectoral reference documents, under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)' (OJ C 358, 8.12.2011, p. 2).

Figure 2

General schedule for EMAS implementation

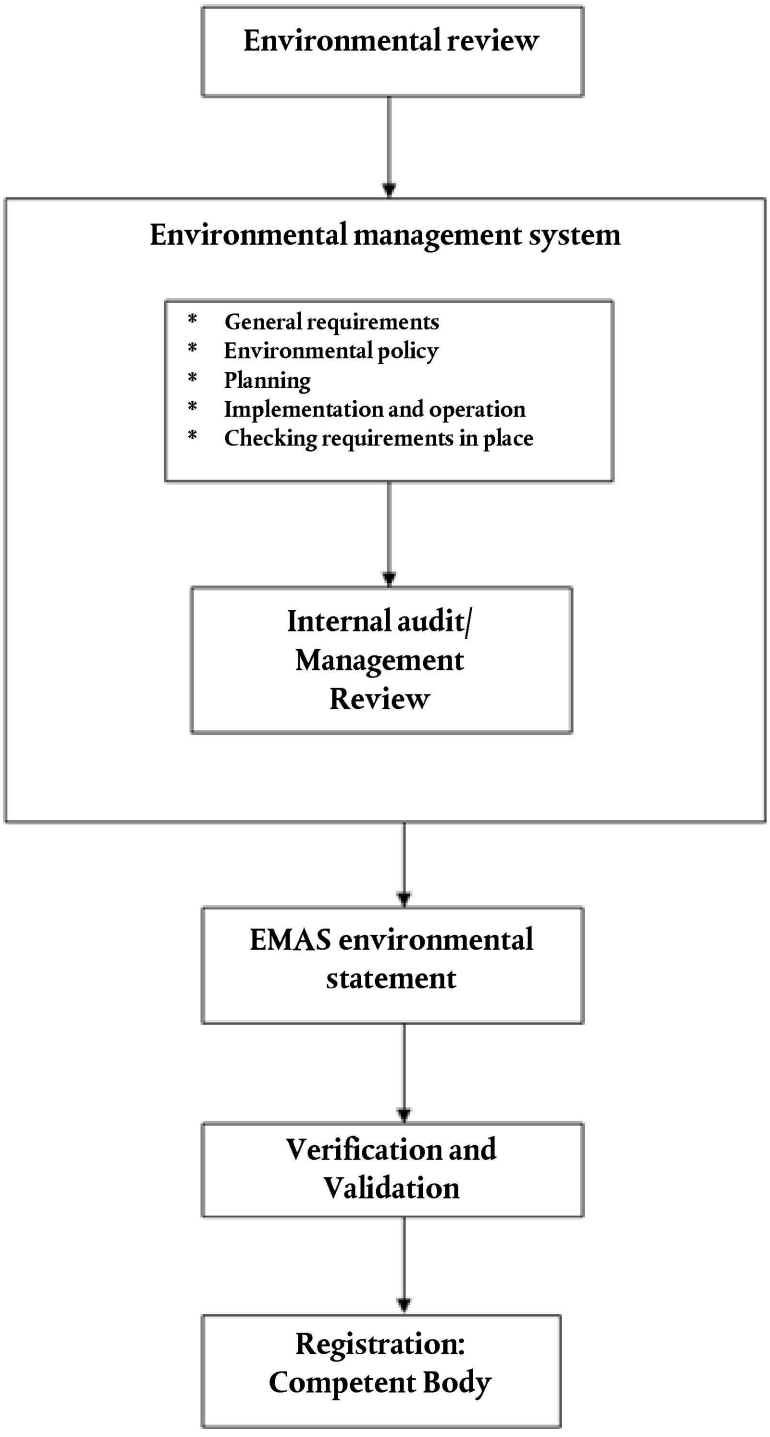


Table 2

Indicative time schedule for the implementation of EMAS. The time involved in each activity is an average, which can be shorter or longer depending on the Member State, the organisation size, etc.

EMAS	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	Month 7	Month 8	Month 9	Month10
Environmental review	X	X								
Environmental management system		X	X	X	X	X	X			
General requirements		X								
Environmental policy		X								
Planning: Environmental Objectives and targets		X								
Planning: Environmental programme			X	X	X					
Implementation and operation: Resources, roles, responsibility and authority					X					
Implementation and operation: Staff competence, training and awareness, including employee involvement					X					
Implementation and operation: Communication (internal and external)						X				
Implementation and operation: Documentation and control of documents		X	X	X	X	X				
Implementation and operation: Operational control						X	X			
Implementation and operation: Emergency plans							X			
Checking: Monitoring and measuring, evaluation of compliance, non-conformity, corrective and preventive action, control of records					X	X	X			
Checking: Internal Audit							X	X		
Management review								X		
EMAS environmental statement									X	
Verification and Validation									X	
Registration										X

2. *HOW TO IMPLEMENT EMAS*

2.1. ENVIRONMENTAL REVIEW

The first step in implementing EMAS properly is to conduct a thorough analysis of an organisation's internal structure and activities. The aim is to identify environmental *aspects* (as defined below) associated with environmental *impacts*. That is the basis for setting up a formal environmental management system.

'"Environmental Review" means an initial comprehensive analysis of environmental aspects, environmental impacts and environmental performance related to an organisation's activities, products and services.'

The analysis must include:

— Legal requirements that apply to the organisation;

— Identification of direct and indirect environmental aspects;

— Criteria for assessing the significance of the environmental aspects;

— Examination of all existing environmental management practices and procedures;

— Evaluation of feedback after investigation of incidents in the past.

'Environmental aspect' means an element of an organisation's activities, products or services that has or can have an impact on the environment. Environmental aspects may be input related (consumption of raw materials and energy, for instance) or output related (air emissions, waste generation, etc.).

Figure 3

Relation between activities, environmental aspects and environmental impacts

The organisation needs procedures to ensure that activities identified as significant during the first environmental review are properly followed up later. Environmental aspects and related impacts may change, as may the organisation's activities. If the changes are substantial, the environmental review may have to be updated. An organisation should also be aware of new developments, techniques, research results, etc. to help it reassess the significance of its environmental aspects and the possible need to carry out a new environmental review if its activities change significantly.

What is the procedure for carrying out an environmental review?

Organisations must:

— identify environmental aspects stemming from their manufacturing processes, activities or services; and

— establish criteria to assess the significance of these aspects. The criteria need to be comprehensive and it must be possible to verify them independently.

The organisation should remember that it will have to disclose the environmental aspects it identifies and the results of the evaluation to external stakeholders.

How should environmental aspects be identified?

All relevant information needs to be gathered.

This can mean:

— Visiting sites to check process inputs and outputs (taking notes, making drawings as required);

— Collecting location maps and pictures;

— Identifying applicable environmental legislation;

— Collecting all environmental permits, licences and similar documents;

— Checking all sources of information (incoming invoices, counters, data concerning equipment, etc.);

— Checking the use of products (often the purchasing and sales departments are useful starting points);

— Identifying key persons (management and workers). Workers involved in all internal systems should be asked for input;

— Requesting information from subcontractors, who may have a significant influence on an organisation's environmental performance;

— Taking into account past accidents, the results of monitoring and inspections; and

— Identifying start-up and shut down situations and identified risks.

Both direct and indirect environmental aspects must be taken into account, and the definitions below should be helpful in identifying these:

'"direct environmental aspect" means an environmental aspect associated with activities, products and services of the organisation itself over which it has direct management control.'

'"indirect environmental aspect" means an environmental aspect which can result from the interaction of an organisation with third parties and which can to a reasonable degree be influenced by an organisation.'

It is essential to consider indirect aspects. This applies both to the private and public sectors, so local authorities, service companies or financial institutions, for instance, need to extend their review beyond site aspects.

Organisations must be able to show they have identified significant environmental aspects associated with their procurement procedures, and that they have addressed significant environmental impacts associated with these in their management system.

Table 3

Examples of direct and indirect aspects

Environmental aspects	
Direct aspects	Indirect aspects
— Air emissions — Water emissions — Waste — Use of natural resources and raw materials — Local issues (noise, vibration, odours) — Land use — Air emissions related to transport — Risks of environmental accidents and emergency situations	— Product life cycle related issues — Capital investment — Insurance services — Administrative and planning decisions — Environmental performance of contractors, subcontractors and suppliers — Choice and composition of services e.g. transport, catering, etc.

Direct environmental aspects have to include the related legal requirements and permit limits, e.g. if specific pollutants are bound to emission limit values or other requirements, those emissions should be considered as direct environmental aspects.

Assessment of environmental aspects

The next step is to associate aspects with their effects or impacts on the environment. Table 4 provides an example of such links.

Table 4

Examples of environmental aspects and impacts

Activity	Environmental aspect	Environmental impact
Transport	— Used oils for machinery — Carbon emissions of trucks and machinery	— Soil, water, air pollution — Greenhouse effect
Construction	— Air emissions, noise, vibration etc. by construction machines — Land use	— Noise, soil, water, air pollution — Land cover destruction — Biodiversity loss
Office services	— Use of materials such as paper, toner, etc. — Electric power consumption (leading to indirect CO_2 emissions)	— Mixed municipal waste pollution — Greenhouse effect
Chemical industry	— Waste water — Emission of volatile organic compounds — Emission of ozone depleting substances	— Water pollution — Photochemical ozone — Ozone layer depletion

Once the aspects and their impacts have been identified, the next step is to conduct a detailed assessment of each to determine significant environmental aspects.

'"Significant environmental aspect" means an environmental aspect that has or can have a significant environmental impact.'

The issues to consider when assessing significance are:

(i) potential to cause environmental harm;

(ii) fragility of the local, regional or global environment;

(iii) size, number, frequency and reversibility of the aspect or impact;

(iv) existence and requirements of relevant environmental legislation;

(v) importance to stakeholders and employees of the organisation.

Based on these criteria, the organisation can draw up an internal procedure or use other tools to assess the significance of environmental aspects. Small and medium-sized Enterprises (SMEs) will find that the EMAS SME toolkit [1] provides very useful information.

In assessing the significance of environmental aspects, it is important to take into account not just normal operating conditions, but also start-up, shutdown and emergency conditions. Past, present and planned activities should all be considered.

For each environmental aspect, the corresponding impact should be rated according to:

— Magnitude — level of emissions, energy and water consumption, etc.;

— Severity — hazards, toxicity, etc.;

— Frequency/probability;

— Concerns of interested parties;

— Legal requirements.

[1] http://ec.europa.eu/environment/emas/join_emas/what_if_i_am_an_sme_en.htm

Table 5

Assessing environmental aspects

Assessing criteria	Example
Which outputs or activities of the organisation may negatively affect the environment?	Waste: mixed municipal waste, waste packaging, hazardous waste
Magnitude of aspects which may impact the environment	Quantity of waste: High, medium, low
Severity of aspects which may impact on the environment	Hazardousness of waste, toxicity of materials: High, medium, low
Frequency of aspects which may impact the environment	High, medium, low
Public and employee awareness for the aspects associated to the organisation	Severe, some, no complaints
Organisation activities regulated by environmental legislation	Waste law permit, monitoring obligations

Note: It is useful to quantify criteria and the overall significance of particular aspects.

How to check legal compliance

'"Legal compliance" means full implementation of applicable legal requirements, including permit conditions, relating to the environment.'

Member States have to ensure that organisations have access to information and assistance on the following issues, at a minimum:

— Information on the applicable legal requirements relating to the environment; and

— Identification of the competent enforcement authorities for specific legal requirements relating to the environment.

The enforcement authorities are required to reply to requests for information, at least from small organisations, on the applicable legal requirements relating to the environment, as well as information on how organisations can meet those legal requirements.

Identifying all applicable legal requirements means taking into account different levels of environmental legislation, if appropriate, such as national, regional or local requirements, including permits and licences.

The organisation must also take into account other relevant requirements, for instance, in procurement conditions, business contracts, voluntary agreements that the organisation has signed or subscribed to, etc.

It is essential to identify legal requirements at this point, so that an organisation can pinpoint any that may not be fulfilled. If necessary, an organisation must then take measures to comply with all relevant environmental legislation (see 2.2.5.2 for evaluation of legal compliance).

2.2. ENVIRONMENTAL MANAGEMENT SYSTEM

'"Environmental management system" means the part of the overall management system that includes the organisational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the environmental policy and managing the environmental aspects.'

2.2.1. ***General requirements***

To start with, the organisation must define and document the scope of its environmental management system.

Each site to be involved in an EMAS registration must comply with all the requirements of EMAS.

The organisation has to set up, document, implement and maintain an environmental management system in accordance with section 4 of EN ISO 14001. If the organisation has implemented an environmental management system (other than ISO 14001) that the Commission has recognised ([1]), it does not have to repeat items that have already been officially recognised when it seeks to fulfil EMAS requirements.

2.2.2. ***Environmental policy***

'"Environmental policy" means the overall intentions and direction of an organisation relating to its environmental performance as formally expressed by top management (…). It provides a framework for action and for the setting of environmental objectives and targets'.

Environmental policy must include the following points:

— Commitment to complying with legal and other requirements related to its environmental aspects;

— Commitment to preventing pollution;

— Commitment to continually improving environmental performance.

The environmental policy is a **framework for action** and for setting strategic environmental objectives and targets (see below). It needs to be clear and must address the top priorities on which specific objectives and targets can be further defined.

2.2.3. ***Planning***

Once basic underlying issues as described above have been covered, the process moves on to planning.

2.2.3.1. **Environmental objectives and targets**

'"Environmental objective" means an overall environmental goal, arising from the environmental policy, that an organisation sets itself to achieve, and which is quantified where practicable.'

'"Environmental target" means a detailed performance requirement, arising from the environmental objectives, applicable to an organisation or parts thereof, and that needs to be set and met in order to achieve those objectives.'

An organisation must draw up and document the objectives and detailed targets for each of the aspects relevant in the organisation, in line with its environmental policy.

Once objectives have been defined, the next step is to set proper targets for them. With targets, it is possible to plan specific actions to be carried out to achieve good environmental management.

Figure 4

Relation between objectives, targets and actions

([1]) According to an official Art. 45 procedure as described in the EMAS Regulation.

An example:

Environmental objective	Minimise hazardous waste generation
Target	Reduce the use of organic solvents in the process by 20 % within 3 years
Action	Reusing solvents whenever possible Recycling organic solvents

Objectives and targets should be measurable where possible, and consistent with an organisation's environmental policy. The `SMART` criteria are useful:

— **S**pecific — each target should address a single issue;

— **M**easurable — each target should be expressed quantitatively;

— **A**chievable — it should be possible to meet the targets;

— **R**ealistic — targets should be demanding and drive continuous improvement, but not overly ambitious. They can always be revised once they have been met;

— **T**ime-bound — there should be a deadline for achieving each target.

When available for their specific sector, organisations should use relevant elements of the Sectoral Reference Documents as referred to in Article 46 of the EMAS Regulation. These should be used when defining and reviewing the environmental targets and objectives of the organisation in accordance with the relevant environmental aspects identified in the environmental review. However meeting the identified benchmarks of excellence is not mandatory because EMAS leaves the assessment of the feasibility of the benchmarks and of the implementation of the best practices, in terms of costs and benefits, to the organisations themselves.

2.2.3.2. **Environmental programme**

'"Environmental Programme" means a description of the measures, responsibilities and means taken or envisaged to achieve environmental objectives and targets and the deadlines for achieving the environmental objectives and targets.'

The environmental programme is a tool to help the organisation plan and implement improvements from day to day. It should be kept up to date, and detailed enough to give an overview of progress towards meeting targets. The programme should specify who is responsible for achieving objectives and targets, as well as details of the resources and timeframes involved. Resources themselves (e.g. financial, technical or personnel means) cannot be environmental objectives.

In practice, the programme is often drawn up in tabular form, covering the following:

— environmental objectives, linked to direct and indirect aspects;

— specific targets to achieve objectives; and

— actions, responsibilities, means and timeframe for each target:

  — Description of the action(s);

  — Person in charge of the target;

  — State of play at the start of implementation;

  — Means necessary to achieve targets;

  — Frequency of monitoring progress towards the target;

  — Final result to be achieved, including deadline;

  — Records associated to the process above must be kept.

Both direct and indirect aspects should be taken into account in drawing up the programme. The organisation should commit itself to improving its environmental performance continuously.

When deciding on which actions to implement to improve their environmental performance, the organisations should take into account the relevant elements of the Sectoral Reference Documents as referred to in Article 46 of the EMAS Regulation, when available for their sector.

In particular they should consider the relevant best environmental management practices and benchmarks of excellence (which provide an indication of the environmental performance level that is achieved by best performers) to identify measures and actions, and possibly to set priorities, to (further) improve their environmental performance.

However, implementing best environmental management practices or meeting the identified benchmarks of excellence is not mandatory, because EMAS leaves the assessment of the feasibility of the benchmarks and of the implementation of the best practices, in terms of costs and benefits, to the organisations themselves.

2.2.4. ***Implementation and operation***

2.2.4.1. **Resources, roles, responsibility and authority**

If EMAS is to succeed, then top management must be willing to provide the resources and organisational structures needed to support the system. These include human resources and specialised skills in personnel, organisational infrastructure, technology, as well as financial resources.

The environmental review will have examined existing organisational infrastructure, management practices and procedures. At this point, it is time to adapt internal structures and procedures if necessary.

The organisation's top management must appoint a management representative, i.e., a person ultimately responsible for the environmental management system. Their role is to make sure that all the environmental management system requirements are in place, working and up-to-date, as well as to keep the general management team informed about how the system is working. They should report on its strengths and weaknesses, and on improvements needed.

The representative should be qualified and experienced in environmental issues, environment-related legal requirements, management aspects, working group skills, with leadership and coordination skills. The organisation must ensure these competences are all available within the organisation.

Competence, training and awareness

The organisation has to define the experience and knowledge required among staff for good environmental management performance.

It must draw up, implement and maintain a procedure to identify training needs and do whatever is necessary to ensure that staff involved in the environmental management system has appropriate knowledge of:

— The organisation's environment policy;

— Legal requirements and other environmental requirements applicable to the organisation;

— The objectives and targets set up for the organisation as a whole and for their specific work areas;

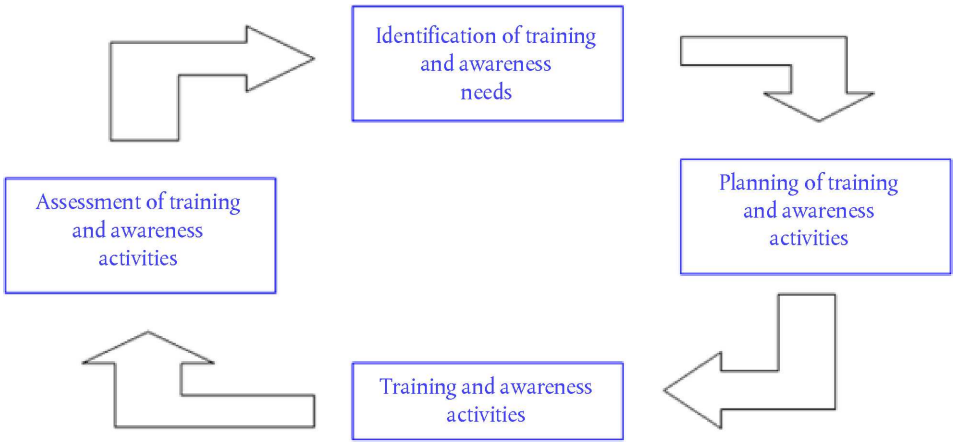
— Environmental aspects and impacts and the methodology for monitoring them;

— Their roles and responsibilities within the environmental management system.

Everyone working for the organisation or on its behalf should be aware of their roles within EMAS and the environmental benefits of the system. They should receive, or at least have access to, training on environmental awareness and on the organisation's environmental management system.

Figure 5

Flow chart diagram on training within the environmental management system



Environmental awareness can be achieved through training or other activities, such as communication campaigns, surveys, etc.

Actively involved employees are a driving force for continuous, successful improvement, and they help to anchor EMAS in the organisation. They can become involved through, for instance, an environmental committee, working groups, by suggestion systems, incentive programmes or other activities.

There should be roles for employees at different levels within the development and implementation of the system. They could, for instance, be involved in:

— Identifying environmental aspects;

— Drawing up and revising procedures and/or instructions;

— Proposing environmental objectives and targets;

— Taking part in an internal audit process;

— Drafting the EMAS environmental statement.

Management must offer on-going feedback to employees, and seek feedback from them.

2.2.4.2. **Communication**

Good internal and external two-way communication is essential to implement an EMAS-registered environmental management system successfully. The organisation needs to recognise the need to communicate with stakeholders on environmental issues and the value of doing so. It is obliged to make the environmental statement public, and it will need to identify what will be communicated and to whom. It will need to monitor the results of its communication and to determine whether it has been effective.

Internal communication should flow in both directions (top down and bottom up). This can be done by using intranet, brochures, internal publications, newsletters, suggestion boxes, meetings, bulletin boards, etc.

Examples of external communication are the EMAS environmental statement, internet, action days, press releases, brochures and use of the EMAS logo if possible and allowed ([1]).

2.2.4.3. **Documentation and control of documents**

There should be documentation on the environmental management system, covering the following:

— Environmental policy;

— Environmental objectives and targets;

([1]) As specified in Article 10 and Annex V of the EMAS regulation, and section 3 of the present document.

— Description of the scope of the environmental management system;

— Description of the main elements of the environmental management system;

— Roles, responsibilities and authorities;

— Procedure for managing operational control;

— Operational procedures;

— Work instructions.

Documentation should be clear and concise to avoid confusion or misunderstanding.

EMAS documents can be integrated into other management systems (quality, energy, health and safety, etc.) or vice versa to optimise them, to avoid duplication and to reduce bureaucracy.

SMEs should aim to offer their staff clear, simple, easy-to-use documentation.

Environmental management manual

This covers the environmental policy, environmental protocols and activities. It should be integrated into the organisation's annual management plan. The manual does not need to be long and complex. It should help staff to understand how the organisation has set up and structured its environmental management system, how the different parts of the environmental management system are interrelated and what the roles of particular individuals are within the scheme. This manual is not obligatory, though most organisations opt to have one.

Procedures

Documents on procedures describe HOW, WHEN and by WHOM, specific actions have to be carried out.

Examples are procedures for:

— identifying and evaluating significant aspects;

— managing legal compliance;

— managing the identified significant environmental aspects;

— managing monitoring and measurements;

— managing emergency preparedness;

— managing non-conformities, preventive and corrective actions;

— identifying and managing competence, training and awareness;

— managing communication;

— managing documents;

— managing records;

— managing internal audits.

Work instructions

Work instructions must be clear and easy to understand. They should explain the relevance of an activity, the environmental risk associated with it, specific training for staff responsible for carrying it out, and how it is to be supervised. It may be useful to illustrate it with pictures, pictograms or other ways of ensuring all employees can readily understand the instructions.

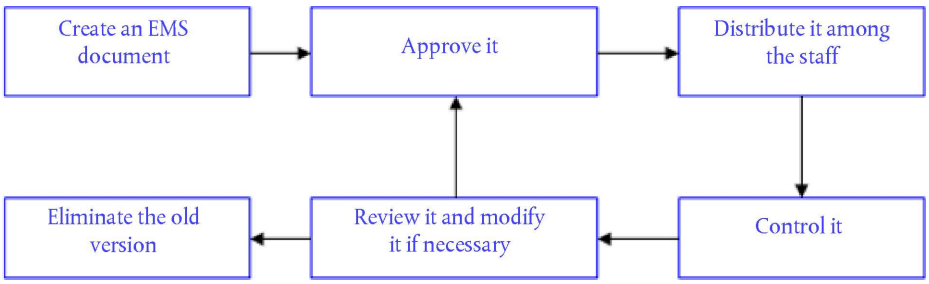
Managing documents

The organisation has to set up, implement and maintain a procedure to manage documents drafted for the environmental management system. Specific attention should be paid to records (see 2.2.5.4).

This will require a procedure to:

Figure 6

Process to manage documents within an environmental management system



The system should ensure that different versions of documents remain available, and that documents remain legible and readily identifiable.

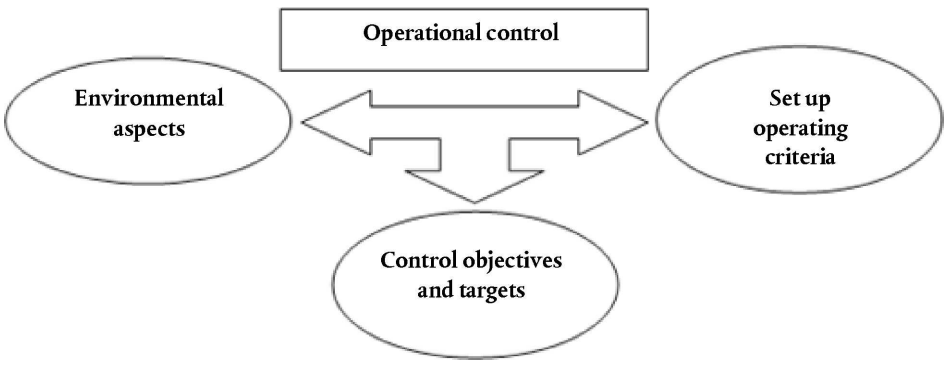
Documents from external sources can be included, as they are often essential to ensuring the environmental management system works correctly. Such documents could include information from local authorities and public administrations, equipment user manuals, health and safety sheets, etc.

2.2.4.4. **Operational control**

Operational control involves identifying and planning operations that are associated with the significant environmental aspects consistent with the policy, objectives and targets (see figure 7). It might also cover activities such as equipment maintenance, start-up and shutdown, management of onsite contractors, and services provided by suppliers or vendors. There need to be procedures to address identified risks, to set targets and to measure environmental performance (preferably through clear environmental indicators). The procedures must define normal conditions. Abnormal conditions and emergencies must be defined and described. Operational control procedures should be well documented and submitted to internal audits.

Figure 7

Operational control



2.2.4.5. **Emergency preparedness and response**

The organisation has to draw up, implement and maintain procedures to identify potential emergencies and potential accidents to:

— Avoid the risk of an accident;

— Describe how the organisation responds to accidents;

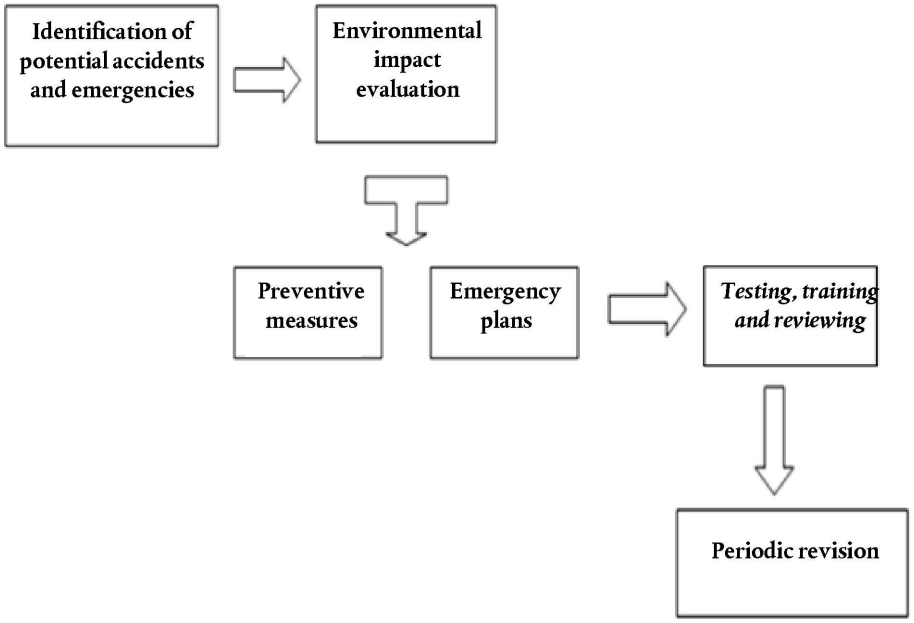
— Prevent or mitigate associated adverse environmental impacts.

The emergency plan is essential in industry and in organisations involved in potentially risky activities.

The organisation must periodically review its emergency preparedness (including appropriate training) and its response procedures. It should revise them if necessary, particularly after emergencies or accidents. Procedures should also be tested periodically.

Figure 8

Emergency plans



2.2.5. ***Checking***

2.2.5.1. **Monitoring and measurement**

The organisation needs to draw up, implement and maintain a procedure to monitor and measure significant parameters such as air emissions, waste, water and noise regularly to gain added value from the findings. Reporting on core performance indicators is an obligation (see 2.3.2).

Legal requirements on monitoring have to be taken into account, and monitoring criteria such as the frequency of inspections and the methodology must comply with them. Information on these is useful to ensure:

— Compliance with legal requirements and regulations;

— Accurate evaluation of environmental performance;

— A complete and transparent EMAS statement.

Depending on the organisation's needs, other factors can also be measured and monitored:

— Significant environmental aspects;

— Environmental policy and objectives;

— Level of awareness among employees, etc.

Measuring equipment must be calibrated on a regular basis to comply with legislation and to obtain accurate results.

2.2.5.2. **Evaluation of legal compliance**

Legal compliance is a key requirement of the EMAS regulation and an organisation cannot register without it, so it has to have a procedure to review and evaluate this regularly.

This is best done by making a list of all relevant legislation and specific requirements, then comparing this to the organisation's specific circumstances (see table 6). Larger, more complex organisations may need to use databases or seek external assistance.

If the verifier finds instances of non-compliance that have not been corrected, they are not allowed to validate an environmental statement or to sign the final declaration (Annex VII).

Table 6

Example of simple legal compliance evaluation

Applicable environmental legislation	Specific requirement	Status of the organisation	Result
Waste law	— Permit for waste production — Waste management	— Outdated permit — Waste management under control	Get an updated permit
Air emissions law	— Emission limits (NOx, SOx, particles, etc.) — Permit for boilers	— Under the limits — Permit updated	OK
Noise law	— Noise limit in the area	— Under the level permitted	OK
Water treatment law	— Specific treatment (elimination of P and N) — Effluent limits — Permit for emission to watercourse	— Not in place yet — Not in full compliance — Permit not updated	Correct the situation
GHG laws	— Limits of GHG allocated	— Under the limit	OK. It's possible to sell some emission allowances

2.2.5.3. **Non-conformity, corrective and preventive actions**

The organisation has to set up, implement and maintain a procedure for dealing with cases and potential cases of non-conformity, with EMAS requirements.

The procedure must include ways of:

— Identifying and correcting the case;

— Investigating the cause and effects of the case;

— Evaluating the need for action to avoid recurrence;

— Recording the results of corrective action taken;

— Evaluating the need for measures to prevent cases of non-conformity;

— Implementing appropriate preventive action to avoid such cases; and

— Reviewing the effectiveness of corrective and preventive action.

Non-conformity means any kind of non-fulfilment with the basic requirements specified in procedures and technical instructions.

Non-conformities may be the result of human or implementation error. Changes to correct and avoid recurrence must be made as soon as possible.

Non-conformities may be detected through:

— Operational control;

— Internal/external audit;

— Management review; or

— As part of daily activity.

Corrective and preventive actions

The EMAS management representative has to be informed about non-conformities so they can make decisions about taking corrective action, if appropriate.

Where potential non-conformities have been identified, the EMAS management representative has to be informed, so they can make decisions about taking preventive action, if appropriate.

Both corrective and preventive action should be recorded. It may be necessary to change the environmental management system documentation as a result.

2.2.5.4. **Control of records**

The organisation must set up a system to maintain records to show that it complies with the requirements of its environmental management system.

The organisation must set up, implement and maintain a procedure for managing its records. This should cover issues such as identification, storage, protection, retrieval, retention and disposal of records.

Records have to be and remain identifiable, legible, updated and traceable.

Examples of records:

— electricity, water and raw materials consumption;

— waste generated (hazardous and non-hazardous waste);

— greenhouse gases (GHG) emissions;

— incidents, accidents and complaints;

— legal requirements;

— audit reports and management reviews;

— inspection reports;

— significant environmental aspects;

— non-conformities, corrective and preventive actions;

— communication and training;

— suggestions from staff; and

— training and seminars.

2.2.6. ***Internal audit***

EMAS pays particular attention to the internal audit in Annex III.

'"Internal environmental audit" means a systematic, documented, periodic and objective evaluation of the environmental performance of an organisation, management system and processes designed to protect the environment.'

The organisation has to set up an internal audit procedure as part of the management system. This must cover responsibilities and requirements for planning and conducting audits, reporting results and keeping records, the determination of audit criteria, scope, frequency and methods.

The goal of the internal audit is to determine:

— if the environmental management system meets the requirements of the EMAS Regulation;

— if it has been properly implemented and maintained;

— to guarantee that the organisation's management gets the information it needs to review the organisation's environmental performance;

— the effectiveness of the environmental management system.

The audit must be carried out objectively by independent personnel. The internal auditor can be a trained member of the staff or an external person or team.

General rules

— Establish an audit programme;

— Define the scope of the audit. This will depend on the size and type of organisation. The scope must specify the subject areas covered, the activities to be audited, the environmental criteria to be considered and the period to be covered in the audit;

— Specify the resources needed to carry out the audit, for example, well-trained personnel with a good knowledge of the activity, technical aspects, environmental aspects, legal requirements;

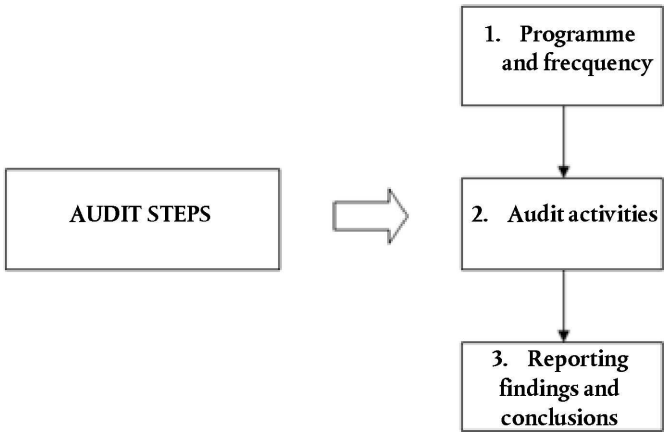
— Make sure that all the activities in the organisation are carried out in conformity with previously defined procedures; and

— Identify potential new problems and put measures in place to prevent occurrence.

Internal audit steps

Figure 9

Internal audit steps



2.2.6.1. **Audit programme and audit frequency**

The programme must include:

— specific goals of the internal audit;

— how to check whether the environmental management system is coherent and conforms with the organisation's policy and programme and fulfils the EMAS requirements;

— compliance with applicable environmental regulatory requirements.

The organisation must carry out internal audits on a yearly basis to have a proper overview of its significant environmental aspects. The audit cycle, which covers all the organisation's activities, must be completed within three years. Small organisations may extend this period to four years.

The frequency with which any specific activity is audited will vary, depending on:

— Nature, scale and complexity of the activities concerned;

— Significance of associated environmental impacts;

— Importance and urgency of the problems detected by previous audits; and

— History of environmental problems.

As a rule, complex activities with a more significant environmental impact need to be audited more frequently.

For satisfactory results, all staff involved in an internal audit must have a clear idea of the environmental objectives of the exercise and the specific roles of everyone taking part (directors, managers, employees, auditors, etc.).

2.2.6.2. **Internal audit activities**

It is important to prepare for the internal audit beforehand. First, identify the auditor/audit team. The organisation may use its own staff as auditors, or engage outside auditors. They must be objective and impartial and be properly skilled and trained. The auditor/audit team should:

— Prepare a good audit plan, by collecting information on the objective, scope, place and date arranged with the organisation;

— Deliver the audit plan to the organisation sufficiently in advance;

— Draw up checklists;

— Distribute tasks within the audit team.

For an audit to be meaningful, the audit team must check compliance with environmental legislation, whether objectives and targets have been met, and whether the management system is effective and adequate.

The audit process must include the following steps:

— Understanding of the management system;

— Evaluation of the system's strengths and weaknesses;

— Gathering relevant evidence (e.g. data, records, documents);

— Evaluating audit findings;

— Preparing audit conclusions; and

— Reporting audit findings and conclusions.

2.2.6.3. **Reporting audit findings and conclusions**

The aim of the audit report is to provide management with:

— written evidence concerning the scope of the audit;

— information on the extent to which objectives have been met;

— information on whether objectives are in line with the organisation's environmental policy;

— information on the reliability and effectiveness of the monitoring system;

— proposed corrective actions if required.

The report must be submitted to the EMAS management representative who finalises corrective actions if non-conformities (including cases of non-compliance, if any) have been identified.

2.2.7. ***Management review***

Top management has to review the management system on a regular basis (at least annually) to ensure it is fit for purpose and effectiveness. The management review needs to be recorded, and records kept.

Content of management review

Inputs:

— Results of internal audits including evaluation of legal compliance;

— External communication;

— Complaints;

— Extent to which objectives and targets have been met;

— Status of corrective and preventive actions;

— Follow-up to previous management reviews;

— Changing circumstances, e.g. legal developments, environmental changes;

— Recommendations for improvement.

Outputs include all decisions and activities, changes to environmental policy, objectives, targets and other aspects of the environmental management system.

2.3. EMAS ENVIRONMENTAL STATEMENT

'"Environmental statement" means the comprehensive information to the public and other interested parties regarding an organisation's: structure and activities; environmental policy and environmental management system, environmental aspects and impacts; environmental programme, objectives and targets; environmental performance and compliance with applicable legal obligations relating to the environment.'

The statement is one of the unique characteristics of EMAS compared with other environmental management systems.

For the public, it affirms the organisation's commitment to taking action on the environment.

For the organisation, it is a good opportunity to state what it is doing to improve the environment.

EMAS does set out some minimum requirements for the statement, but the organisation can decide how much detail it wishes to go into, as well as the structure and layout, as long as the content is clear, reliable, credible and correct. It is up to the organisation to decide if it wants to include its environmental statement in its annual report, or other reports, for instance, on corporate social responsibility.

2.3.1. ***Minimum content for EMAS environmental statement***

(1) *A clear and unambiguous description of the organisation registering under EMAS and a summary of its activities, products and services and its relationship to any parent organisations as appropriate*

Include diagrams, maps, flow charts, aerial photographs, etc. to illustrate the content. NACE codes to describe activities should also be included.

(2) *The environmental policy and a brief description of the organisation's environmental management system*

A proper description of the system is important to provide clear information about the working structure. The environmental policy has to be included.

(3) *A description of all the significant direct and indirect environmental aspects which result in significant environmental impacts of the organisation and an explanation of the nature of the impacts as related to these aspects (Annex I.2 of the EMAS Regulation)*

Direct and indirect environmental aspects should be given separately. The impacts of both should be given, using tables or flowcharts.

(4) *A description of the environmental objectives and targets in relation to the significant environmental aspects and impacts*

Use lists of targets and objectives, as well as indicators to assess progress on improving performance. Include the environmental programme and refer to specific measures taken or planned to improve performance.

(5) *A summary of the data available on the performance of the organisation against its environmental objectives and targets with respect to its significant environmental impacts. Reporting shall be on the core indicators and on other relevant existing environmental performance indicators as set out in Section C of Annex IV of the EMAS Regulation*

Core indicators focus on six key areas: energy, materials, water, waste, biodiversity (through land use) and emissions (see 2.3.2.2).

The organisation shall also report on its performance according to other more specific indicators related to significant environmental aspects mentioned in the environmental review. (see 2.3.2.3). In case no quantitative data is available to report on significant direct or indirect environmental aspects, organisations shall report their performance on the basis of qualitative indicators.

Where sectoral reference documents (SRDs) as referred to in Article 46 of the EMAS Regulation are available for the specific sector, the organisations should consider the relevant sector-specific environmental performance indicators in the SRD when choosing the indicators [1] to use for their reporting of environmental performance.

(6) *Other factors regarding environmental performance including performance against legal provisions with respect to their significant environmental impacts*

Use tables and/or graphs comparing legal reference limits to limits measured and/or calculated by the organisation.

It is not always possible to measure environmental performance with data. Soft factors are also relevant, and may include changes in behaviour, improvements in processes and other measures taken to improve environmental performance.

When reporting on these other factors, the organisations should take into account the relevant sectoral reference documents (SRDs) as referred to in Article 46 of the EMAS Regulation. They should therefore mention in their environmental statement how the relevant best environmental management practices and, if available, benchmarks of excellence were used to identify measures and actions, and possibly to set priorities, to (further) improve their environmental performance.

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[1] According to Annex IV (B.e.) of the EMAS Regulation, the environmental statement shall contain 'a summary of the data available on the performance of the organisation against its environmental objectives and targets with respect to its significant environmental impacts. Reporting shall be on the core indicators and on other relevant existing environmental performance indicators as set out in Section C'. Annex IV — Section C states that 'each organisation shall also report annually on its performance relating to the more specific environmental aspects as identified in its environmental statement and, where available, take account of sectoral reference documents as referred to in Article 46.'

The relevance and applicability of the best environmental management practices and benchmarks of excellence should be assessed by the organisation according to the significant environmental aspects identified by the organisation in its environmental review, as well as technical and financial aspects.

Elements of SRDs (indicators, BEMPs or benchmarks of excellence) not considered relevant to the significant environmental aspects identified by the organisation in its environmental review should not be reported or described in the environmental statement.

(7) *A reference to the applicable legal requirements relating to the environment*

EMAS requires legal compliance. The environmental statement is an opportunity to state how the organisation achieves this.

Though EMAS-registered organisations should have available an internal list of all relevant legal requirements, it is not necessary to include them all in the environmental statement. An outline is enough in this context.

(8) *The name and accreditation or licence number of the environmental verifier and the date of validation*

If the organisation publishes its environmental statement as part of another report, it should identify the statement as such and indicate that it has been validated by the environmental verifier. Although it is not mandatory to annex the declaration referred to in Article 25(9) to the EMAS environmental statement is it considered best practise to do so.

2.3.2. ***Core indicators and other relevant existing environmental performance indicators***

2.3.2.1. **Core indicators**

Organisations have to report on the core environmental performance indicators (also known as key performance indicators) relevant to direct environmental aspects of the organisation. They should also report on other performance indicators relevant to more specific environmental aspects. They should take into account sectoral reference documents (SRDs) where these are available.

Core indicators apply to all types of organisations. They measure performance in the following key areas:

— Energy;

— Materials;

— Water;

— Waste;

— Land use with regard to biodiversity;

— Emissions.

Each core indicator is composed of a figure A (input), a figure B (output) and a ratio figure R = (A/B).

(i) **Figure A (input)**

The Input (figure A) is reported as follows:

Energy:

(a) Total annual energy consumption, expressed in MWh or GJ;

(b) Percentage of (a) from renewable energy sources, **produced** by the organisation.

The indicator (b) captures the percentage of annual energy consumption from renewable energy sources actually produced by the organisation. Energy purchased from an energy provider is not included under this indicator, and may be considered as part of 'green procurement' measures.

Materials:

Annual mass flow of different materials used, expressed in tonnes, excluding energy carriers and water.

The annual mass flow of different materials can be divided according to the use to which they are put. They might, for instance, include raw materials such as metal, wood or chemicals, or intermediate goods, depending on the activities of the organisation.

Water:

Total annual water consumption, expressed in m^3.

This indicator requires reporting on the total annual amount of water the organisation consumes.

It is useful to clarify different types of water consumption, and to report on consumption according to the source of the water, e.g. surface water, ground water.

Other useful information might include the amount of waste water, waste water treated and reused, rainwater and grey-water recycling.

Waste:

This covers the total annual generation of

— waste (broken down by type) expressed in tonnes;

— hazardous waste, expressed in tonnes or kilograms.

Reporting on waste and hazardous waste is compulsory under the EMAS Regulation. It is good practice to break waste down by type for both streams. The results of the environmental review, including relevant legal obligations on reporting waste, should be taken as a basis. More detailed reporting could be done in line with the national waste classification system which implements the European List of Waste.

Reporting long lists of waste types could be counterproductive and confusing for communication purposes, so 'clustering' information according to the European List is an option. Waste could then be recorded by weight or volume for the different types, such as metals, plastic, paper, sludge, ash, etc. Adding information on the amount of waste that is recovered, recycled, used for energy production or landfilled, could also be useful.

Land use with regard to biodiversity:

Use of land, expressed in m^2 of built-up-area.

Biodiversity is a complex, relatively new issue among core indicators. Some of the factors driving loss of biodiversity (climate change, emission/pollution) are already covered by environmental aspects and related indicators in the EMAS Regulation, covering energy and water consumption, emissions, waste, etc.

Not all biodiversity indicators are relevant for all sectors/organisations, and not all can be implemented directly when starting to manage these aspects. The environmental review should give a good indication of relevant factors. The organisation should consider not just local impacts, but also direct and indirect impacts on biodiversity more widely, e.g. extraction of raw material, procurement/supply chain, production and product, transport and logistics, marketing and communication. There is no single indicator relevant for all organisations.

The biodiversity indicator on land use, provided for in Annex IV of the EMAS Regulation, can be seen as common denominator. This only covers the premises of the organisation in terms of built-up area. However, it is highly recommended that sealed areas should also be included in the land use indicator.

Emissions:

(a) Total annual emissions of greenhouse gases (CO_2, CH_4, N_2O, HFC, PFC, SF_6), expressed in tonnes of CO_2 equivalent;

(b) Total annual air emissions (including at least SO_2, NO_x, PM), expressed in kilograms or tonnes.

Note: Because the impacts of these substances are different, they should not be added up.

The approach to quantifying emissions, especially greenhouse gases and air pollutants, needs to be clarified [1]. As a starting point, organisations need to take into account existing legal requirements. This is clearly the case for organisations whose installations fall under the scope of the EU Emission Trading Scheme or the European Pollutant Release and Transfer Register Regulation. In other cases, European, globally recognised or national/regional common methodologies when available may be applied.

Although reporting on core indicators is only mandatory for direct aspects, an organisation has to take into account all significant environmental aspects, direct and indirect. So it is best to report significant indirect greenhouse gas emissions, preferably separately from direct emissions.

(ii) **Figure B (output)**

Overall annual output (figure B) is the same for all fields, but adapted for different types of organisation:

(a) Production sector (industry): state the total gross value-added, expressed in million euro or total annual physical output, expressed in tonnes. Small organisations can state the total annual turnover or number of employees;

(b) Non-production sector (service, administration): state the number of employees.

2.3.2.2. **Core indicators and related elements of flexibility — rationale**

It is important to understand the rationale behind the setting of indicators and the elements of flexibility provided in the EMAS Regulation (Annex IV of the EMAS Regulation).

Annex IV C.1 states that indicators must:

(a) give an accurate appraisal of the organisation's environmental performance;

(b) be understandable and unambiguous;

(c) allow for a year on year comparison to assess the development of the environmental performance of the organisation;

(d) allow for comparison with sector, national or regional benchmarks as appropriate;

(e) allow for comparison with regulatory requirements as appropriate.

Those are the main functions of the key performance indicators.

However, there is some **flexibility** over use of the indicators if that helps to achieve their function.

They are as follows:

— **Conditions for using the confidentiality clause, referred in Annex IV C.1** — 'if disclosure would adversely affect the confidentiality of commercial or industrial information (…), the organisation may be permitted to index this information in its reporting, e.g., by establishing a base line year (with the index number 100) from which the development of the actual input/impact would appear.' This clause could be invoked if the use of an indicator might disclose sensitive data that could enable a competitor to calculate the average price of production;

[1] However, the EMAS regulation is not the right place to establish any methodology or tool for the development of emissions inventories and/or the quantification of emissions.

— **Conditions for NOT reporting on a specific core indicator provided in Annex IV** — Annex IV C2(a) and (b) on core indicators states that 'where an organisation concludes that one or more core indicators are not relevant to its significant direct environmental aspects, that organisation may not report on those core indicators. The organisation shall provide justification to that effect with reference to its environmental review.' For the sake of transparency, that justification should also be mentioned in the environmental statement. Since each core indicator is composed of a figure A for input, B for output and R for the ratio A/B, this element of flexibility applies for the **entire core indicator as such, including the specific relation A/B**;

— **Conditions for reporting using another indicator (A/B) INSTEAD OF a specific core indicator as in Annex IV** — if an organisation decides not to report under (a) specific indicator(s) as provided for in Annex IV, but chooses another instead, that indicator also has to provide for an input A and an output B. Using this flexibility should always be justified with reference to the environmental review, showing how the option chosen helps to better indicate the relevant performance. For this specific provision, the EMAS Sectoral Reference Document should be taken into account, if available for the sector under consideration. For example, instead of 'number of employees', a tourist accommodation service may opt for 'number of guest-nights', a school may choose 'number of pupils', a waste management organisation may use 'amount of waste managed, in tons', and a hospital may prefer 'number of overnight patients', etc.;

— **Conditions for using other elements to express input (A) and output (B), IN ADDITION to the specific core indicators provided in Annex IV** — An organisation may also use other elements to express the total annual input/impact in a given field and the overall annual output. For example, a service organisation may report using a measure of output (B) 'number of employees' for its administrative component and a different measure of output for the specific service provided;

— **Measurement units** — If those cited in Annex IV of the EMAS Regulation do not clearly reflect the environmental performance of an organisation and do not provide a clear picture for communication purposes, then alternatives may be used, as long as the organisation justifies this. It must be possible to convert the units into those specified in the Regulation. Ideally, a footnote with a conversion should be added;

— **Currencies related to GVA or total annual turnover other than Euros** — Though the EMAS Regulation refers to 'million Euros' as a measure of output for gross value-added, organisations based in countries that do not belong to the Eurozone can use their national currency.

2.3.2.3. **Other relevant environmental performance indicators**

The organisation must also report on its performance according to other relevant indicators related to significant environmental aspects mentioned in the environmental review.

Where sectoral reference documents (SRDs) as referred to in Article 46 of the EMAS Regulation are available for the specific sector, the assessment of the organisation's environmental performance shall take into account the relevant document.

Organisations should therefore consider the relevant sector-specific environmental performance indicators in the SRD when choosing the indicators ([1]) to use for their reporting of environmental performance. They should take into account the indicators proposed in the corresponding SRD and their relevance with regards to the significant environmental aspects identified by the organisation in its environmental review. Indicators should only be taken into account where relevant to those environmental aspects that are judged as being most significant in the environmental review.

2.3.2.4. **Local accountability**

Local accountability is important in EMAS. That is why all EMAS registered organisations should report on the significant environmental impacts of each site as described in the Annex IV of the Regulation.

([1]) According to Annex IV (B.e.) of the EMAS Regulation, the environmental statement shall contain 'a summary of the data available on the performance of the organisation against its environmental objectives and targets with respect to its significant environmental impacts. Reporting shall be on the core indicators and on other relevant existing environmental performance indicators as set out in Section C'. Annex IV — Section C states that 'each organisation shall also report annually on its performance relating to the more specific environmental aspects as identified in its environmental statement and, where available, take account of sectoral reference documents as referred to in Article 46.'

In any case, information on trends in emissions to air and water, water consumption, use of energy and the amount of waste should be provided at site level. When the multisite verification procedure described in Section 2.4.3 of this User Guide applies, such information can be provided at the level of groups of sites provided that those figures reflect accurately the trends at site level.

The organisation may index information only if there are confidentiality issues (see 2.3.2.2)

Furthermore, the fact that ongoing improvements can be achieved on permanent sites, but not on temporary sites needs to be taken into account. If this issue arises, it should be stated in the environmental review. The possibility of implementing alternative measures, including, for instance, other 'soft' (qualitative) indicators, should be taken into account. In any case, for sectors covered by EMAS sectoral reference documents, information concerning temporary sites may be considered.

Table 7

Example of the use of core performance indicators in public administration organisations

Core indicator	Annual input/impact (A)	Overall annual output of the organisation (B)	Ratio A/B
Energy	Annual consumption MWh, GJ	Number of employees (non-production sector)	MWh/person and/or KWh/person
Materials	Annual consumption of paper in tonnes	Number of employees (non-production sector)	Tonnes/person and/or Number of paper sheets/person/day
Water	Annual consumption m^3	Number of employees (non-production sector)	m^3/person and/or l/person
Waste	Annual generation of waste in tonnes Annual generation of hazardous waste in kilograms	Number of employees (non-production sector)	Tonnes of waste/person and/or Kg/person Kg of hazardous waste/person
Land use with regard to biodiversity	Use of land, m^2 of built-up area (including sealed area)	Number of employees (non-production sector)	m^2 of built-up area/person and/or m^2 of sealed area/person
GHG emissions	Annual emissions of GHG in tonnes of CO_2e (CO_2e = CO_2 equivalent)	Number of employees (non-production sector)	tonnes CO_2e/person and/or Kg CO_2e/person

Table 8

Example of the use of core performance indicators in the production sector

Core indicator	Annual input/impact (A)	Overall annual output of the organisation (B)	Ratio A/B
Energy	Annual consumption MWh, GJ	Total annual gross value added (million euros) (*) or Total annual physical output (tonnes)	MWh/million euro or MWh/tonne of product
Materials	Annual mass flow of the different materials used, in tonnes	Total annual gross value added (million euros) (*) or Total annual physical output (tonnes)	For each one of the different materials used: Material in tonnes/million euro or Material in tonnes/tonne product

Core indicator	Annual input/impact (A)	Overall annual output of the organisation (B)	Ratio A/B
Water	Annual consumption m^3	Total annual gross value added (million euros) (*) or Total annual physical output (tonnes)	m^3/million euro or m^3/tonne of product
Waste	Annual generation of waste in tonnes Annual generation of hazardous waste in tonnes	Total annual gross value added (million euros) (*) or Total annual physical output (tonnes)	Tonnes of waste/million euro or Tonnes of waste/tonne product Tonnes of hazardous waste/million euro or Tonnes of hazardous waste/tonne product
Land use with regard to biodiversity	Use of land, m^2 of built-up area (including sealed area)	Total annual gross value added (million euros) (*) or Total annual physical output (tonnes)	m^2 of built-up area and/or m^2 of sealed area/million euro or m^2 of built-up area and/or m^2 of sealed area/tonne of product
GHG emissions	Annual emissions of GHG in tonnes of CO_{2e}	Total annual gross value added (million euros) (*) or Total annual physical output (tonnes)	Tonnes of CO_2 equivalent/million euro or Tonnes of CO_2 equivalent/tonne of product

(*) The official definition of gross value added is included in the Commission Regulation (EC) No 1503/2006 of 28 September 2006 implementing and amending Council Regulation (EC) No 1165/98 concerning short-term statistics as regards definitions of variables, list of variables and frequency of data compilation (OJ L 281, 12.10.2006, p. 15). Value added at basic prices can be calculated from turnover (excluding VAT and other similar deductible taxes directly linked to turnover), plus capitalised production, plus other operating income plus or minus changes in stocks, minus the purchases of goods and services, minus taxes on products which are linked to turnover but not deductible plus any subsidies on products received. Income and expenditure classified as financial or extraordinary in company accounts is excluded from value added. Hence, subsidies on products are included in value added at basic prices, whereas all taxes on products are excluded. Value-added is calculated 'gross' as value adjustments (such as depreciation) are not subtracted.

Note: The EMAS environmental statement can be used to report on specific core performance indicators, in particular energy and greenhouse gases emissions.

2.4. VERIFICATION AND VALIDATION PROCEDURE

'"Verification" means the conformity assessment process carried out by an environmental verifier to demonstrate whether an organisation's environmental review, environmental policy, environmental management system and internal audit and its implementation fulfil the requirements of this Regulation.'

'"Validation" means the confirmation by the environmental verifier who carried out the verification, that the information and data in an organisation's environmental statement and updated environmental statement are reliable, credible and correct and meet the requirements of the Regulation.'

2.4.1. ***Who is allowed to verify and validate EMAS?***

Only accredited or licensed environmental verifiers can carry out these tasks.

"'Environmental verifier" means: a conformity assessment body as defined in Regulation (EC) No 765/2008 [of the European Parliament and of the Council] ([1]) or any association or group of such bodies, which has obtained accreditation in accordance with this Regulation; or any natural or legal person, or any association or group of such persons, which has obtained a licence to carry out verification and validation in accordance with this Regulation.' ([2])

— The organisation may contact the EMAS Competent Body in its Member State, or the EMAS Accreditation or Licensing Body responsible for the accreditation of EMAS verifiers for information about accredited environmental verifiers. If an organisation wants information about verifiers operating in their sector from Member States other than their own, this is available through the EU EMAS register ([3]);

— The scope of an accredited or licensed environmental verifier is determined according to NACE codes, classification of economic activities set out in Regulation (EC) No 1893/2006 of the European Parliament and of the Council ([4]). When an organisation contracts an environmental verifier, it must ensure the verifier is accredited or licensed for the specific NACE code corresponding to the organisation's activities;

— Once the verifier is accredited or licensed in one Member State, he/she can operate in all EU countries ([5]);

— Information about accredited or licensed verifiers is available either from the Commission EMAS website or through the appropriate bodies in Member States.

Note: It is useful for the organisation to check whether the verifier has notified the information mentioned in Article 24 of the EMAS Regulation to the relevant accreditation or licensing body at least four weeks before verification to allow supervision by Accreditation or Licensing Body of the Member State where they wish to operate. In absence of supervision the Competent Body may refuse the registration of the organisation.

2.4.2. ***What are the tasks of environmental verifiers?***

(1) Verify if the organisation is in conformity with all the requirements of the EMAS Regulation with respect to the initial environmental review, environmental management system, environmental audit and its results and the environmental statement;

(2) Check if the organisation complies with relevant Community, national, regional and local legal requirements relating to the environment;

Note 1: The verifier has to check if the organisation has established implemented and maintained procedure(s) for periodically evaluating compliance with applicable legal requirements ([6]). The verifier carries out an in-depth check of the legal compliance of a company. Part of this task is checking material evidence received that there is no breach of environmental legislation ([7]). Verifiers may use the findings of enforcement authorities. If they do not find evidence of non-compliance, this is stated in the environmental declaration and signed by the verifier. However, the duty of the verifier is to check that the requirements of the Regulation are satisfied through the usual audit techniques. This means that s/he will not be able to check compliance with legal requirements in the same way as enforcement authorities do.

Note 2: If a verifier detects a case of non-conformity or non-compliance in the period between two registrations, the following options exist. He/she can report to the Competent Body that the organisation in question has to be deleted from the EMAS Register. Alternatively if the organisation has shown that it took timely measures in cooperation with the enforcement authorities to restore legal compliance, the verifier can still sign the declaration on verification and validation activities, as per Annex VII of the Regulation.

([1]) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).
([2]) Reference to '*this regulation*' in the EMAS Regulation refers to '*the EMAS Regulation*'
([3]) http://ec.europa.eu/environment/emas/emas_registrations/register_en.htm
([4]) Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).
([5]) Subject to the supervision requirements of the accreditation or licensing body of the Member State where they wish to operate, as specified in article 24 of the EMAS Regulation
([6]) Article A.9.1.2 'Evaluation of compliance' of Annex II of the Regulation, and Article A.10.2 non-'conformity and corrective actions' of Annex II of the Regulation.
([7]) Article 13(2)(c) and verifying that there are no relevant complaints from interested parties, or that complaints have been positively solved (article 13(2)(d)).

(3) Check the organisation's continuous improvement of environmental performance;

(4) Check the reliability, credibility and accuracy of the data included and used in the EMAS environmental statement and any environmental information to be validated;

(5) Visit the organisation or site. The procedures for single-site and multisite organisations are different and it is important to stress the differences in the respective approaches. The EMAS Regulation (Art 25(4)) requires visiting for each organisation each time a validation/verification activity needs to take place:

(a) In case of a one-site-organisation that means that the verifier has to go on site every year;

(b) In case of small one-site-organisations and if the derogation for small organisations can be applied (Art 7) validation/verification activities have to be done after two and four years with the effect that the verifier is obliged to visit the site after two and four years;

(c) But in the case of a registered multisite-organisation, Art 25(4) still requires visiting the organisation at each time of verification/validation activities. Thus from a legal point of view this obligation can be seen as fulfilled when the verifier visits the organisation (maybe one site, maybe different sites) each year.

However, taking into account the tasks of the verifier and his statement regarding legal compliance the visiting program has to ensure that each site included in the registration number of this multisite-organisation is at least visited (completely verified) once within a cycle of 36 months. Without completely verifying each included site at least one time within this cycle, the verifier would not fulfil his tasks as required by the EMAS III Regulation. This also means that prior to the first registration of an organisation all sites of a multisite-organisation must be visited by the environmental verifier.

As an exception to this general rule, a sampling methodology can be used for the verification of multisite organisations. Provided that specific conditions are respected verifiers may visit within a cycle of 36 months a selection of sites that are representative for the organisation's activities and provide a reliable and trustworthy assessment of the organisation's overall environmental performance and compliance with the requirements of the EMAS Regulation.

This sampling methodology can only be used in mutual agreement with the environmental verifier and provided that the requirements defined in Section 2.4.3 and the implementation guidelines defined in Section 2.4.4. of this User Guide have been respected.

Therefore, when an organisation requests the application of the sampling method, the verifier shall check the following elements to decide if the utilisation of a sampling method is appropriate:

— The organisation complies with the requirements mentioned in Section 2.4.3. of this User Guide;

— The implementation guidelines defined in Section 2.4.4 have been respected.

Furthermore the environmental verifier can decide to restrict sampling where site sampling is inappropriate for gaining sufficient confidence in the effectiveness of the management system due to specific facts. Such restrictions should be defined by the environmental verifiers with respect to:

— Environmental conditions or other relevant considerations associated with the organisation context;

— Variations in the local implementation of the management system to address the specificities of the different sites;

— The compliance record of the organisation (e.g. illustrated by enforcement authorities' records of non-compliance issues, the number of complaints and the evaluation of corrective actions).

Where this is the case, the verifier should document the specific reasons restricting the eligibility of organisations to use sampling.

The environmental verifier shall also evaluate the transparency of grouping of similar sites requested by the Section 2.4.3.2 and the impact of such grouping on the content of the environmental statement and on the overall environmental performance of the organization. The results and the findings of this evaluation shall be documented in the verification report.

The environmental verifier shall keep detailed records on each application of multisite sampling, justifying the sampling methodology and the parameters/criteria used, and demonstrating that the sampling is operating in accordance with this document.

(6) If during the verification process cases of non-conformity or non-compliance are detected in a multisite organisation where the sampling method has been applied the verifier shall:

— investigate to which extent this non-conformity or non-compliance is site specific or whether other sites may be affected;

— require the organisation to identify all sites that could have been impacted, to take the necessary corrective actions in those sites and to adapt the management system in case he has indications that the non-conformity or non-compliance could point toward a deficiency of the overall management system potentially affecting other sites. In the case of non-conformities or non-compliance that cannot be corrected by taking timely corrective actions the verifier should report to the Competent Body that the organisation in question has to be suspended or deleted from the EMAS Register;

— require evidence of these actions and verify their effectiveness by enlarging the size of the sample to additional sites once the corrective actions have been taken; and

— validate the environmental statement and sign the declaration on verification and validation activities, as per Annex VII of the Regulation only when he is satisfied with the evidences that all sites comply with the requirements of the EMAS regulation and with all legal requirements related to the environment.

(7) When performing the first verification the verifier shall, at a minimum check that the organisation fulfils the following requirements:

(a) a fully operational environmental management system is in place;

(b) a fully planned audit programme is in place;

(c) a management review has been completed;

(d) if the organisation wants to use a sampling method for verification of its sites the provisions of chapter 2.4.3 and 2.4.4 of this Users guide are respected; and

(e) the EMAS environmental statement has been drafted and Sectoral Reference Documents have been taken into account, where available.

2.4.3. *Requirements for the utilisation of a sampling method for verification of multisite organisations*

2.4.3.1. **General principles**

Applying a sampling method may be appropriate for organisations with multiple sites in order to adapt verification effort without compromising confidence in legal compliance and complete implementation of the management system so that continuous improvements of the environmental performance at each site included in the scope the EMAS-registration can be achieved.

Where appropriate according to the criteria defined in Section 2.4.3.2 and upon request of the organisation, the environmental verifier(s) can agree to use a sampling method to verify multisite organisations.

2.4.3.2. **Eligibility criteria for organisations**

(a) Procedures for sampling in a multisite organisation can only be applied to groups of similar sites;

(b) The similarity of sites shall be determined in terms of being located in the same Member State, operating the same kind of activities, same procedure, same legal requirements, similar environmental aspects and impacts, a comparable significance of the environmental impacts and similar environmental management and control practices;

(c) Group(s) of similar sites shall be established as part of the Environmental Management System and in mutual agreement with the environmental verifier. These groups shall be reflected in the internal audits and management review and mentioned in the Environmental Statement;

(d) All sites not included in a group due to a lack of similarity shall be excluded from the scope of the sampling and must be verified individually;

(e) All sites comprised in the EMAS registration shall be under the direct control and authority of the organisation;

(f) The environmental management system shall be centrally controlled and administered and be subject to central management review. All sites comprised in the EMAS registration shall be subject to the organisation's environmental review and internal audit program and all shall have been internally audited (including auditing of the legal compliance) prior to the first registration.

Furthermore the organisation must demonstrate its authority and ability to initiate organisational change in all sites comprised in the EMAS registration if required to achieve environmental objectives. The organisation must also demonstrate its ability to collect and analyse data (including but not limited to the items listed below) from all sites including headquarter:

— All elements included in the environmental review as defined in Annex 1 of the EMAS Regulation (Regulation EC No 1221/2009), which includes, inter alia, the identification of the applicable legal requirements, the environmental aspects or associated impacts and the environmental management practice and procedure;

— Environmental Management System documentation and system changes;

— Internal audit and evaluation of the results, including evaluation of compliance with legal requirements related to the environment;

— Management Review;

— Environmental performance;

— Complaints; and

— Evaluation of corrective actions.

(g) Sampling shall not be applied for:

— organisations to which incentives have been granted based on the requirement to verify all sites within a verification cycle;

— sites located in Third Countries;

— sites operating under fundamentally different legal environmental requirements;

— sites subject to legislations regulating pollutant emissions, hazardous waste or the use or storage of dangerous substances (e.g. Directive 2010/75/EU of the European Parliament and of the Council [1] (IED) or Directive 2012/18/EU of the European Parliament and of the Council [2] (Seveso));

— sites presenting as part of their significant environmental aspects a risk of environmental accident.

Those sites shall be excluded from the scope of the sampling method and shall be verified individually.

(h) The organisation shall be active in the economic sectors in which the use of a sampling method is permitted under Section 2.4.3.3.

2.4.3.3. **Economic sectors in which the use of a sampling method can be allowed**

(a) The verification of multisite organisations by using a sampling method is allowed in the following sectors:

Table 9

Economic sectors in which the use of a sampling method is allowed

Economic Sector	NACE Code
Financial service activities, except insurance and pension funding	64
Insurance, reinsurance and pension funding, except compulsory social security	65

[1] Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

[2] Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (OJ L 197, 24.7.2012, p. 1).

Economic Sector	NACE Code
Legal and accounting activities	69
Management consultancy activities	70.2
Employment activities (e.g. human resources activities, temporary employment, employment placement)	78
Travel agency, tour operator and other reservation service and related activities	79
Office administrative and support activities	82.1
Pre-Primary and primary education	85.1 and 85.2
Libraries and archives	91

(b) Member States may implement pilot projects in other sectors mentioned in Table 10 in order to collect learning on the use of a sampling method. For that purpose, they shall notify the following information to the European Commission:

— a clear and unambiguous description of the organisation registering under EMAS, including a brief description of the organisation context and a summary of its activities, products and services and its relationship to any parent organisations as appropriate;

— the list of sites for which sampling should be applied;

— the groups of sites, including grouping methodology;

— the sites restricted from sampling and reason for restriction;

— a description of all the significant direct and indirect environmental aspects which result in significant environmental impacts of the organisation, including an explanation of how the nature of the impacts relates to the significant direct and indirect aspects and the identification of the significant environmental aspects associated with the sites for which sampling should be applied;

— the potential risks related to these environmental aspects;

— the environmental policy and a brief description of the environmental management system of the organisation, including its objectives and targets in relation to the significant environmental aspects and impacts; if the organisation has not EMS in place yet they should describe the EMS envisaged and its main targets;

— a reference to the applicable legal requirements relating to the environment.

Following this notification the European Commission informs the EMAS Committee of the planned pilot project and provides an opinion on its appropriateness. If the majority of the members of the EMAS Committee does not object within a period of two months the pilot projects may be initiated according to the following rules:

— The organisation follows all the requirements of the EMAS regulation regarding registration or renewal of registration;

— The sampling method should be established following the implementation guidelines described on the Section 2.4.4 of this User Guide.

The duration of those pilot projects shall not exceed three years. After successful pilot project implementation including a positive verification confirming that the organisation is in conformity with all the requirements of the EMAS Regulation the organisation and its sites can be registered with EMAS for three years, or four years if the derogation of Article 7 applies.

An evaluation of each project shall be presented to the EMAS Committee.

Based on the pilot project evaluation the EMAS Committee may recommend to include the sector in the list of sectors in which the use of a sampling method is allowed (Table 9).

Table 10

Economic sectors in which the use of a sampling method can be allowed in pilot projects

Economic Sector	NACE Code
Water collection, treatment and supply	36
Sewerage	37
Following activities part of retail trade	
Retail sale in non-specialised stores (e. g. supermarkets)	47.1
Retail sale of food, beverages and tobacco in specialised stores	47.2
Retail sale of textiles in specialised stores	47.51
Retail sale of cultural and recreation goods in specialised stores	47.6
Retail sale of clothing in specialised stores	47.71
Retail sale of footwear and leather goods in specialised stores	47.72
Retail sale of cosmetic and toilet articles in specialised stores	47.75
Retail sale of watches and jewellery in specialised stores	47.77
Following activities part of accommodation and food service	
Hotels and similar accommodation	55.1
Holiday and other short-stay accommodation	55.2
Restaurants (but not mobile food service)	56.1
Beverage serving activities	56.3
Computer programming, consultancy and related activities	62
Real estate activities: buying, selling and rental of real estate (excluding operating real estate).	68
Advertising and market research	73
Other professional, scientific and technical activities	74
General public administration activities	84.11
Secondary, Higher and other education	85.3, 85.4, 85.5, 85.6
Residential care activities	87
Social work activities without accommodation	88
Creative, arts and entertainment activities	90
Museums and other cultural activities	91
Sports activities	93.1
Activities of membership organisations	94

2.4.4. ***Implementation guidelines regarding the use of a sampling method for the verification of multisite organisations***

2.4.4.1. **General principles**

(a) The organisation shall prepare a clear description of the scope suggested for applying the sampling method (the number of sites, a listing of all sites covered and a short description of their activities, as well as a mention of the sites excluded from the sampling);

(b) The sites that the organisations suggests to include in the sampling method shall be divided in one or more groups of similar sites as defined in Section 2.4.3.2(c) of this User Guide. The similarity level of a group of sites must guarantee that the verification of a sample of sites will be highly representative of the whole group. As mentioned in Section 2.4.3.2(d), all sites not included in a group due to a lack of similarity shall be excluded from the scope of the sampling and must be verified individually;

(c) The verifier shall agree with the suggested scope, define the character of each group of sites and draft a verification plan that shall include a description of the methodology and criteria used to define the groups of sites, the method that will be used to select the sites (for both the random and non-random parts) and the timing of verification. This verification plan shall also include the key activities and processes of each group of sites, the significant environmental aspects related to each group of sites, and an estimate of the risk levels of environmental accidents related to the these aspects.

2.4.4.2. **The sampling method**

The sampling method to select sites for on-site visits within the different groups of sites must comply with the requirements outlined below.

(a) A representative sample shall be taken from each group of similar sites;

(b) Sampling shall be partly selective based on the factors set out below and partly nonselective (random), and shall result in a representative range of different sites;

(c) Within each group, at least 50 % of the sample of sites (rounded to the upper whole number) shall be selected at random (non-selective). The environmental verifier must document the procedure used to complete this random selection;

(d) The methodology for the remaining selective sampling part shall take into account the provisions mentioned below. The methodology shall make sure that the differences among the sites selected is as large as possible and must include at least the following aspects:

— Results of environmental review and internal site audits or previous verifications;

— Records of incidents, complaints and other relevant aspects of corrective and preventive action;

— Significant variations in the size of the sites;

— Variations in, and the complexity of the management system and processes conducted at the sites;

— Modifications since the last verification;

— Maturity of the management system and knowledge of the organisation;

— Differences in culture, language and regulatory requirements; and

— Geographical dispersion.

Taking those aspects into account the verifier shall also aim at including in the sample as much as possible sites that have not been verified yet.

(e) The minimum number of sites that should be included in the sample taken from each group of sites is derived by the following formula:

— For the initial EMAS registration and for the renewal of registration this number shall be the **square root of the number of sites comprised in each group multiplied by 2** and rounded to the upper whole number (e.g. for a group of 100 sites: $\sqrt{100} \times 2 = 20$).

(f) The size of the sample should be increased where the environmental verifiers' analysis of the sites included in the EMAS registration indicates special circumstances in respect of factors such as:

— The size of the sites and number of employees (e.g. more than 50 employees on a site);

— The complexity and risk for non-similar groups of sites;

— Variations in environmental performance;

— Variations in working practices and reporting of environmental impacts;

— Variations in activities undertaken;

— Significance and extent of environmental aspects and associated environmental impacts;

— Records of complaints and other relevant aspects of corrective and preventive action; and

— Results of internal audits and management review.

Example of multisite organisation verification using sampling method:

Taking the example of a company active in the clothes retail sector with the following sites:

— 100 stores > 150 m^2

— 400 stores < 150 m^2

— 3 warehouses of various size and content

— 1 headquarters

1. Sites grouping for application of the sampling method:

   — Group 1: 100 stores > 150m^2

   — Group 2: 400 stores < 150m^2

   — Individual sites:

      3 warehouses

      1 headquarters

2. Verification prior to first registration:

   — All individual sites (3 warehouses, 1 headquarters)

   — Group 1: at least √100 stores × 2 = 20 stores

   — Group 2: at least √400 stores × 2 = 40 stores

3. Verification prior to registration renewal:

   — All individual sites should be visited

   — Group 1: at least √100 stores × 2 = 20 stores

   — Group 2: at least √400 stores × 2 = 40 stores

2.4.5. ***Documentation in the environmental statement of the reasoning behind sampling size and methods***

The EMAS registered organisations for which the environmental verifier has used a sampling/verification plan, as mentioned in Section 2.4.3 of this User Guide, should document this sampling plan in their environmental statement. The environmental statement should (briefly) elucidate the reasoning behind the method used for grouping the sites and the selected sample size. The environmental statement shall contain a list of all sites and clearly distinguish between visited and non-visited sites.

2.5. REGISTRATION PROCEDURE

The EMAS III Regulation provides some general rules on registration. Member States may adapt these in their own environmental legislation.

Once the system has been implemented, verified and the EMAS environmental statement validated, the organisation's next step is to apply to the Competent Body for registration.

2.5.1. ***Which Competent Body does an organisation use?***

Table 11

Competent Bodies [1] **for different registrations**

Different situations	Where to register
Organisation with one site in EU	Competent Body officially designated by the Member State in which the organisation is located.
Organisation with multiple sites inside one Member State (Federal State or similar)	Designated Competent Body by the Member State for this purpose.
Registration of organisations with multiple sites in several EU Member States (EU Corporate Registration)	In case of EU Corporate Registration, the location of the headquarters or management centre (in that order of preference) of the organisation is decisive in determining the Leading Competent Body.
Registration of organisations with one or multiple sites in third countries (Third Country Registration)	If a Member State decides to provide for Third Country Registration, according to article 3.3 of the EMAS Regulation, registration in that specific Member State will, in practice, depend on the availability of accredited verifiers. The potential verifier should be accredited in the specific Member State that provides for third country registration, for that specific third country and for the specific economic sector(s) involved (determined based on NACE codes).
Registration of an organisation with multiple sites in Member States and in Third Countries (Global Registration)	The Member State where the Competent Body in charge of this procedure will be located is established on the basis of conditions in the following order of preference: (1) When the organisation has headquarters in a Member State that provides for Third Country Registration, the application should be submitted to the Competent Body in that Member State; (2) If the headquarters of the organisation is not located in a Member State that provides for Third Country Registration, but it has a Management Centre there, the application should be submitted to the Competent Body in that Member State; (3) If the organisation that applies for Global registration has neither headquarters nor a Management Centre in a Member State that provides for Third Country Registrations, then the organisation has to set up an 'ad hoc' management centre in a Member State that provides for Third Country Registration, and the application should be submitted to the Competent Body in that Member State. *Note:* If more than one Member State is covered by the application, the coordination procedure between the involved Competent Bodies, as established in section 3.2 (of the Guide on EU Corporate Registration, Third Country and Global Registration under Regulation (EC) No 1221/2009), must be followed. Then that Competent Body will act as Leading Competent Body under the EU Corporate aspects of the procedure.

Note: As far as registration is concerned, the relevant structures can differ from one Member State to another. Usually, there is one Competent Body per Member State; however, in some Member States it is common to have different Competent Bodies at regional level.

[1] A list with contact details of Competent Bodies, Accreditation Bodies or environmental verifiers in the EU Member States and Norway can be found under: http://ec.europa.eu/environment/emas/emas_contacts/competent_bodies_en.htm

2.5.2. ***Documents and/or requirements for registration***

The application must be submitted in the official language of the Member State in which the organisation wants to be registered. It must include:

(1) Validated EMAS environmental statement (electronic or printed version);

(2) Declaration signed by the environmental verifier confirming that the verification and validation were carried out in accordance with the Regulation (Annex VII of the Regulation);

(3) Completed application form (Annex VI of the Regulation), with information about the organisation, sites and the environmental verifier;

(4) Evidence of payment of fees, if applicable.

2.5.3. ***Conditions to be met prior to/during the EMAS registration process***

(1) Verification and validation conducted in accordance with the Regulation;

(2) Application form fully filled in, all supporting documents in order;

(3) Competent Body satisfied with material evidence that there is no evidence of breach of legal requirements relating to the environment. A written report from the enforcement authority that there is no indication of such a breach would be suitable material evidence;

(4) No relevant complaints from interested parties; or complaints resolved satisfactorily;

(5) Competent Body satisfied, on the basis of evidence received, that the organisation meets all the requirements of the Regulation;

(6) If applicable, the Competent Body has received the required fee.

It is considered best practise for a Competent Body take a final decision on the EMAS registration of an applying organisation within 3 months after a successful application. Only in exceptional cases a longer period to reach a final registration decision can be justified.

2.5.4. ***Suspension or deletion of organisations from the register***

This may occur:

— if a Competent Body has reasons to believe that an organisation does not comply with the Regulation;

— if a Competent Body receives a written supervision report from the Accreditation or Licensing Body with evidence that the environmental verifier did not carry out duties in line with the Regulation provisions;

— if an organisation fails to submit any of the following documents to the Competent Body within two months of being required to do so: validated environmental statement, updated environmental statement or a declaration on verification and validation activities signed by the verifier (Annex VII), the application form (Annex VI);

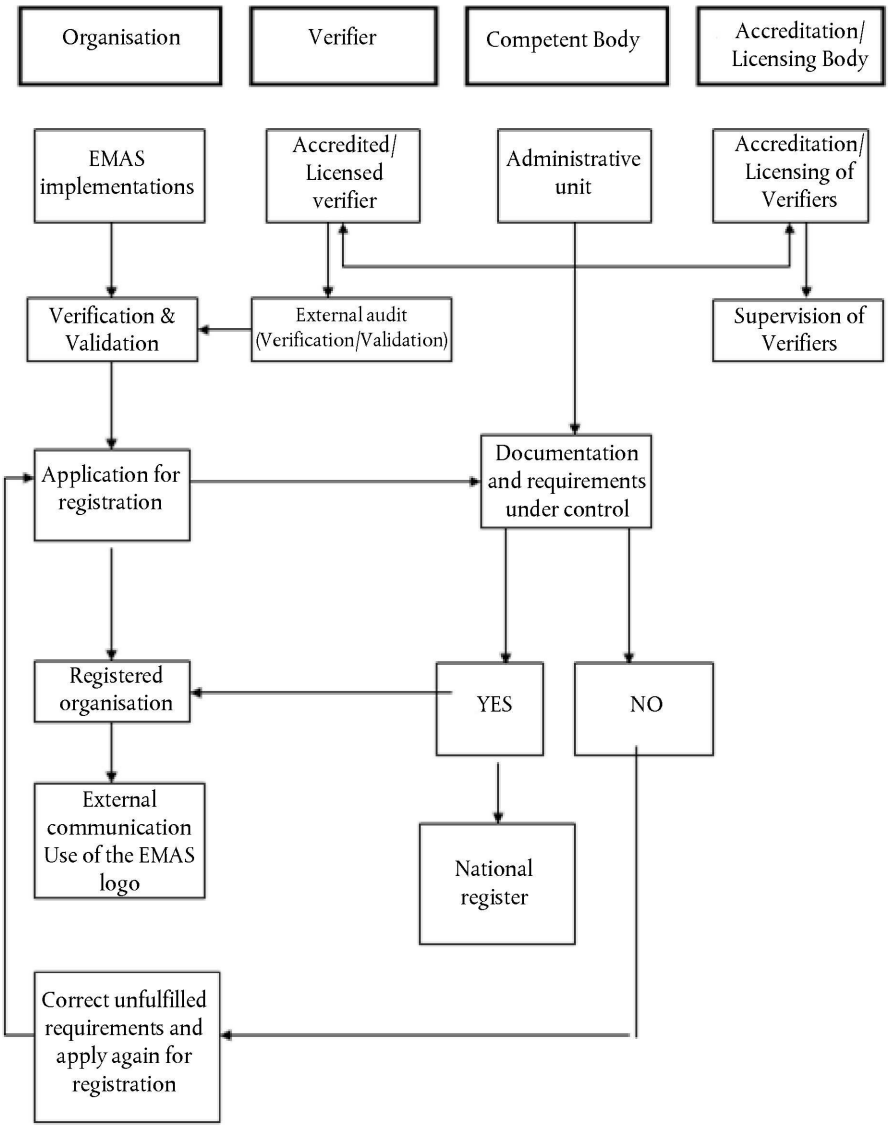
— if a Competent Body is informed of a breach of legal requirements on the environment, through a written report from the enforcement authority.

The Competent Body can lift the suspension only once it receives satisfactory information regarding the organisation's compliance with the Regulation.

The EMAS Regulation does not specify the duration of suspensions, and it is therefore up to the respective Competent Bodies to decide on these. However, they should not exceed 12 months.

Figure 10

EMAS pillars. Registration procedure

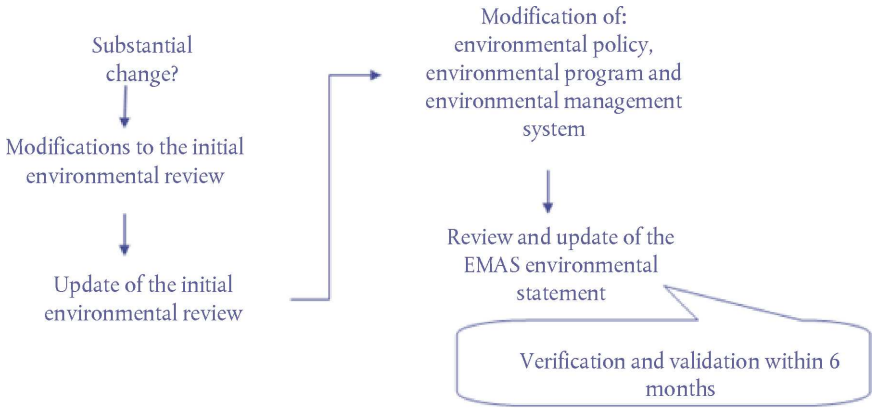


2.6. SUBSTANTIAL CHANGES

An organisation making changes in its operation, structure, administration, process, activities, products or service, must take into account the environmental impact of such changes, as these may affect the validity of the EMAS Registration. Minor changes may be absorbed, but substantial changes will require an updated environmental review, policy, programme, management system and statement. All updated documents have to be verified and validated within six months. After validation, the organisation has to submit the changes to the Competent Body, using Annex VI of the Regulation.

Figure 11

Flow chart on dealing with substantial changes under EMAS



3. *USE OF THE EMAS LOGO*

What is the EMAS logo?

The EMAS logo is a graphic image, associated with:

— Correct implementation of the EMAS scheme;

— Commitment to continuous environmental improvement;

— Active involvement of employees;

— Credibility of information on the organisation's environmental performance;

— Proven legal compliance.

The EMAS logo is a good way to show that the organisation is environmentally friendly.

3.1. HOW TO USE THE EMAS LOGO

Only organisations with a valid EMAS registration can use the EMAS logo.

— The logo must always bear the organisation's registration number, except for promotional and marketing activities of the EMAS scheme;

— Only the official logo is valid;

— If the organisation has several sites, not all of which are included in the registration, it may only use the logo for registered sites and shall not give the impression that the entire organisation is registered;

— The environmental statement should preferably bear the logo.

Figure 12

EMAS logo

Verified environmental management
Reg. No. XXXX

The use of the EMAS logo for promotional activities and marketing of the scheme

Only in this situation the EMAS logo can be used without the registration number. Competent Bodies, Accreditation and Licensing Bodies and other stakeholders may use the logo.

3.2. HOW NOT TO USE THE EMAS LOGO

— On products or packaging, to avoid confusion with product labels;

— With comparative claims concerning other activities and services.

The logo must not be used in ways that may cause confusion with other labels for products or services.

Table 12

Use of EMAS logo: Examples

No	Example or situation	Allowed
1	Logo on a registered organisation's letter, envelope, business card, corporate uniform, corporate PC, bag, EMAS flag and other similar use of the EMAS logo, for promotional purposes at corporate level.	YES, together with registration number, since it promotes the EMAS registered organisation.
2	Logo on a document's header, submitted to authorities, incorporating validated data concerning the organisation's performance.	YES, together with registration number.
3	Logo on a folder containing a report on a partially registered organisation.	YES, together with registration number, but the logo must mention only the registered sites.

No	Example or situation	Allowed
4	Logo on a product with the message 'ecological product'.	NO, it might be confused with ecolabels for products.
5	Logo in the (in-flight) magazine of a registered airline, along with some validated information.	YES, together with registration number.
6	Logo on an aeroplane, on a train, on a bus, on a corporate car or truck, or on a metro of an EMAS registered company.	YES, together with registration number.
7	Logo placed on a registered distribution company's truck along with the company name, beside a validated statement saying 'We have reduced the average diesel consumption of our truck fleet by 20 % to x litres per 100 km between 2009 and 2012'.	YES, together with registration number.
8	Logo stamped on a non-registered tourist accommodation photo, included in registered travel agency catalogue.	NO, the use of the logo is confusing. It can be only be applied to the travel agency.
9	Logo stamped on a registered travel agency catalogue, containing validated information on sustainable tourism measures, implemented by the organisation.	YES, together with registration number.
10	Logo placed on an internal hand-out for employees, containing exclusively validated information on the operation of the environmental management system.	YES, the logo does not need the registration number, since it is an internal communication for general awareness raising purposes.
11	Logo on the newsletter or the cover of a brochure for customers and suppliers, content taken from the validated environmental statement.	YES, together with the registration number, because it is a communication to the general public using concrete examples of a specific EMAS registered company, coming from that registered organisation.
12	Logo within the annual environmental report of a holding that includes registered and non-registered sites, heading the chapter on the validated environmental statement in which the EMAS registered sites of the organisation are clearly identifiable.	YES, together with registration number(s). If the registration is a corporate registration in which several sites reside under the same number, that number must be used. If all EMAS sites are registered individually, the registration numbers of the individual sites must be recognisable.
13	Logo as an underlying graphic for a compilation of validated environmental data in a business report.	YES, together with registration number.
14	A general brochure of a governmental organisation addressing how EMAS registered organisations in general can best recycle or process their various fractions of waste.	YES, without a registration number, since this brochure is for the purpose of raising awareness in general, it is not linked to a registration number.
15	Logo beside validated environmental information on an organisation's website.	YES, together with registration number.
16	Logo on exhibition stands of the registered organisation, promoting the registered organisation as such.	YES, together with registration number.

No	Example or situation	Allowed
17	Logo on exhibition stands of a registered organisation but promoting EMAS as Environmental Management System in general.	YES, the logo does not need registration number, since it is for promotional purposes.
18	Logo in a newspaper, as an underlying graphic in a joint advertisement of two companies announcing their environmental cooperation along the supply chain (one is registered, the other is not).	NO, it is confusing, as one of the organisations is not registered.
19	Logo without a registration number used for promotional purposes by a non-registered organisation.	YES, but only for EMAS promotion activities and not for the promotion of the organisation itself.
20	Logo on tickets of a registered municipal transport organisation	YES, the logo does not need registration number, if used to promote EMAS in general. If the logo on the tickets is promoting a specific EMAS registered organisation it would have to carry the registration number of that specific organisation.

4. *HOW TO MOVE FROM OTHER ENVIRONMENTAL MANAGEMENT SYSTEMS TO EMAS*

There is a growing number of environmental management systems all over the EU, designed to cover needs in specific areas or sectors of activity. Local or regional administrations may use such systems to improve sustainability or environmental performance. The most relevant of these systems are available via a link in an annex to this guide.

The EMAS Regulation mentions the possibility of assessing the level of equivalence between it and other systems. Official recognition of some or all parts of other environmental management systems can ease an organisation's transition to EMAS. The procedure is as follows:

(a) Member States must submit to the Commission a written request for the recognition of the environmental management system or part of it;

(b) The relevant parts of the environmental management system and the elements corresponding to EMAS must be analysed and specified in the request, providing evidence of equivalence to EMAS;

(c) The Commission submits the proposal to the EMAS Committee (established in accordance with Article 49 of the Regulation);

(d) The EU's Official Journal publishes details of the recognised environmental management system or parts of it, after the Commission approves them.

Organisations that have implemented a recognised environmental management system or parts of it do not have to repeat those parts already recognised when they go for EMAS.

Each Member State has its own procedures to deal with applications for recognition. For more information on these, ask the relevant Competent Body.

5. *EMAS III FOR SMALL AND MEDIUM ENTERPRISES (SMES)*

"'Small organisations" means:

(a) micro, small, and medium-sized enterprises as defined in the Commission Recommendation 2003/361/EC of 6 May or;

(b) local authorities governing less than 10 000 inhabitants or other public authorities employing fewer than 250 persons and having an annual budget not exceeding 50 million Euros, or an annual balance sheet not exceeding 43 million Euros, including all of the following:

(c) government or other public administrations, or public advisory bodies at national, regional or local level;

(d) natural or legal persons performing public administrative functions under national law, including specific duties, activities or services in relation to the environment; and

(e) natural or legal persons having public responsibilities or functions, or providing public services, relating to the environment under the control of a body or person referred to in point (b).'

Verification and internal audit period

SMEs can have the full verification carried out over four years instead of three. The time period for internal audit can also be extended, from one year to two. The same applies to the environmental statement. However, the organisation must forward the non-validated updated statement to the Competent Body each year all the same.

To benefit from this option, the organisation must apply to the Competent Body, which can extend the time period allowed if the verifier has confirmed the conditions of Article 7:

— that there is no significant environmental risk;

— that there have been no substantial changes in the organisation;

— that the organisation does not contribute to significant local problems.

Verification and validation

Environmental verifiers should take into account the characteristics of small organisations to avoid burdening them unnecessarily. SMEs often have scant resources and means, so they are less able to cope with extensive reporting and lengthy procedures. The verifier should also take into account other characteristics of SMEs, such as multifunctional staff, on-the-job training and the ability to adapt rapidly to change. The main goal is to achieve objective evidence that the EMAS system is effective and that the procedures are scaled to the size and complexity of the business, the competence of its staff and the nature of the environmental impact.

Fees

It is up to each Member State to set fees for EMAS registration procedures. Some do not charge fees. In any case, the Regulation states that fees must be reasonable and proportionate to the organisation's size.

Technical and financial support

Technical and financial support for the EMAS scheme in general, and for SMEs in particular, has to be provided on two levels. Member States have to make available information on legal requirements and the enforcement authorities, as well as technical information on accredited or licensed verifiers, registration procedures, grants and financial support. The Commission provides information and paves the way for organisations that want to register for EMAS by recognising parts of other environmental management systems or by integrating EMAS into other EU policies.

'EMAS Easy' Method

Although the 'EMAS Easy' ([1]) method is not mentioned in the Regulation, it should be taken into account as a tool available for small organisations. It helps them to implement all EMAS requirements quickly, cheaply and simply.

Cluster and step-by-step approach

Local authorities, in cooperation with chambers of commerce, industrial associations and others, can provide support for SMEs wishing to implement EMAS by facilitating a cluster and step-by-step approach.

([1]) Additional information about the EMAS Easy method can be found via: http://ec.europa.eu/environment/emas/join_emas/what_if_i_am_an_sme_en.htm

A 'cluster' is a way of implementing EMAS as a group, useful for organisations in the same sector of activity or located in the same geographical area. They can share the implementation process and then proceed with individual registration.

The step-by-step approach can be tailored to the needs in each Member State. It could be linked, for example, to general projects or plans, to promote EMAS implementation in a municipality or in an area where different entities plan to encourage organisations to implement good environmental practice in different phases or ways.

Example: A good example of this approach could be to take a group of SMEs in an industrial area or in a region lead by the municipality, in cooperation with a chamber of commerce and industrial associations operating in the area. The organisations involved can take part in a step-by-step EMAS implementation plan. The first step would be to facilitate all companies in conducting an EMAS environmental review. The second step would involve designing and implementing good management practices. The third step would be to put in place a formal environmental management system such as EN ISO 14001. Finally, the companies could go for EMAS as the premium management system.

This concept could be an opportunity to develop promotional plans in groups of organisations, in sectors of activity or in specific territories where there is interest in promoting the implementation of environmental management systems, formal or informal, before finally going for full EMAS.

ANNEX II

More EMAS related information to be used in conjunction with this users guide can be found at the Commission's EMAS web pages http://ec.europa.eu/environment/emas/ where you can find:

— Regulation (EC) No 1221/2009, of 25 November 2009 — http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:342:0001:0045:EN:PDF

— Communication from the Commission — Establishment of the working plan setting out an indicative list of sectors for the adoption of sectoral and cross-sectoral reference documents, under the EMAS Regulation — http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52011XC1208%2801%29

— EMAS Sectoral Reference Documents for the priority sectors identified — http://ec.europa.eu/environment/emas/emas_publications/sectoral_reference_documents_en.htm

— Fact sheets about 20 environmental management system approaches (from step to step towards EMAS) — http://ec.europa.eu/environment/emas/emas_publications/publications_studies_en.htm#Step up to EMAS

— Index with all Competent Bodies and Accreditation or Licensing Bodies involved in EMAS — http://ec.europa.eu/environment/emas/emas_contacts/competent_bodies_en.htm

— EMAS documents — http://ec.europa.eu/environment/emas/emas_publications_en.htm

— EMAS Fact sheets on specific subjects where the need for more detailed information has been identified — http://ec.europa.eu/environment/emas/emas_publications/publications_studies_en.htm#Fact Sheets

— EMAS Global: Commission Decision 2011/832/EU of 7 December 2011 concerning a guide on EU corporate registration, third country and global registration under 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) — http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1512397918431&uri=CELEX:32011D0832

— http://ec.europa.eu/environment/emas/join_emas/emas_global_en.htm'

COMMISSION IMPLEMENTING DECISION (EU) 2017/2286

of 6 December 2017

on the recognition of the requirements of the Eco-Lighthouse environmental management system as complying with the corresponding requirements of the eco-management and audit scheme (EMAS) in accordance with Article 45 of 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

(notified under document C(2017) 8082)

(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 45 thereof,

After consulting the Committee established by Article 49 of Regulation (EC) No 1221/2009,

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.

(2) Organisations which implement other environmental management systems and want to move to EMAS should be able to do so as easily as possible. Links with other environmental management schemes should be considered to facilitate EMAS implementation without duplicating existing practices and procedures.

(3) To facilitate the implementation of EMAS and avoid the duplication of existing practices and procedures based on other environmental management systems certified with appropriate procedures, the relevant parts of other environmental management systems recognised by the Commission as complying with the corresponding requirements of EMAS shall be considered as equivalent with these requirements.

(4) This recognition should be based on an analysis of the requirements and procedures of these other environmental management systems and on their capacity to achieve the same objectives as the corresponding requirements of Regulation (EC) No 1221/2009.

(5) Norway sent a written request for recognition of the Eco-Lighthouse environmental management system to the Commission on 26 January 2016. This request has been followed by complementary information to provide the Commission with the necessary evidence to assess the equivalence of the relevant parts of the environmental management system with the requirement of EMAS,

HAS ADOPTED THIS DECISION:

Article 1

Based on the evidence provided by the Norwegian authorities, the Commission recognises the parts of the Eco-Lighthouse scheme that are identified in the annex of this decision as complying with the corresponding requirements of Regulation (EC) No 1221/2009.

[1] OJ L 342, 22.12.2009, p. 1.

Article 2

Change in the requirements of the Eco-Lighthouse scheme that impacts the present recognition shall be reported to the Commission at least on a yearly basis. In case of change in these requirements or in the requirements of Regulation (EC) No 1221/2009 the Commission may decide to withdraw or to amend the current decision.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 6 December 2017.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX

Introduction

The EMAS regulation ([1]) establishes a premium management instrument for organisations to evaluate, report, and improve their environmental performance upon a voluntary basis. EMAS is open to all organisations eager to improve their environmental performance. It spans overall economic and service sectors and is applicable worldwide.

The objective of EMAS is to promote continuous improvements in the environmental performance of organisations by the establishment and implementation of environmental management systems, the systematic, objective and periodic evaluation of the performance of such systems, the provision of information on environmental performance, creating an open dialogue with the public and involving actively employees in organisations while appropriate training is being supplied.

The EMAS Regulation assures the credibility and transparency of the environmental performance of EMAS-registered organisations through a system of third party verification performed by accredited or licensed verifiers.

To facilitate the registration of organisations which implemented other environmental management systems and want to move to EMAS, the Regulation puts forward ([2]) that the Commission shall recognise other national or regional environmental management schemes, or parts thereof, which comply with corresponding requirements of the Regulation, provided specific conditions are fulfilled.

Article 45 of the Regulation states that Member States may submit a written request to the Commission for recognition of existing environmental management systems, or parts thereof that are certified in accordance with appropriate certification procedures recognised at national or regional level as complying with corresponding requirements of this Regulation.

After the examination of this request, and acting in accordance with the advisory procedure referred to in Article 49(2) of the Regulation, the Commission shall recognise the relevant parts of the environmental management systems and recognise the accreditation or licensing requirements for the certification bodies if it is of the opinion that a Member State has:

— Sufficiently and clearly specified the relevant parts of the environmental management systems and the corresponding requirements of this Regulation in the request;

— provided sufficient evidence of the equivalence with this Regulation of all relevant parts of the environmental management system at stake.

Consequence of recognition: based on the Article 4(3) of the Regulation, organisations willing to obtain an EMAS registration, which have a certified environmental management system recognised in accordance with Article 45, shall not be obliged to carry out those parts which have been recognised as equivalent to this Regulation.

However it should be noted that, at the time of verification for the preparation of registration under EMAS or for the renewal or this registration, the provision of the Article 18 applies.

An EMAS accredited or licensed verifier shall assess whether required procedures such as the organisation's environmental review, environmental policy, management system or audit procedures and their implementation comply with the requirements of the Regulation. Parts of the other environmental management system recognised in accordance with Article 45 as complying with the corresponding requirements of the Regulation (EC) No 1221/2009 shall therefore also be verified to ensure that their implementation complies with the requirements determined in the present recognition as equivalent.

For example, the fact that the documentation procedure of another environmental management system is recognised as equivalent does not preclude a verification of the appropriate implementation of this procedure to ensure that it includes the required material information.

([1]) Regulation (EC) No 1221/2009
([2]) Article 45 of Regulation (EC) No 1221/2009

The Public Procurement directive ([1]) also makes reference to this recognition when it states in its Article 62(2) that other environmental management systems recognised in accordance with Article 45 of Regulation (EC) No 1221/2009 are one of the three types of certificates that can be referenced by contracting authorities that require the production of certificates of compliance with certain environmental management systems or standards in the context of a public procurement procedure.

On 26 January 2016, Norway sent a preliminary application for recognition under the EMAS Regulation of their national environmental certification scheme, the Eco-Lighthouse Foundation (ELH). This request has been followed by complementary information in order to detail clearly the requirements of the Eco-Lighthouse management system and the corresponding requirements of the EMAS Regulation (including Annexes) and to provide the Commission with the necessary evidence to establish the potential equivalence of the relevant parts of the environmental management system.

Based on this evidence, the Commission has been able to establish the level of compliance between the requirements of the environmental management system at stake and the corresponding requirement of the EMAS Regulation as detailed in the following document.

Explicative table ELH — concepts

ELH Concept (EN)	ELH Concept (NO)	Concept Definition by ELH
Eco-Lighthouse Foundation (Eco-Lighthouse/ELH)	Stiftelsen Miljøfyrtårn (Miljøfyrtårn)	The legal entity administrating, monitoring and developing the ELH certification scheme.
ELH environmental statement	Miljøkartlegging	Web-based reporting generated from a list of criteria drafted by a consultant. The enterprise documents compliance with the criteria. The certifier ultimately approves the Miljøkartlegging and thereby confirms compliance with ELH criteria.
General Industry Criteria	Felles kriterier	Criteria that apply to all enterprises wishing to be ELH certified. The enterprise also indicates if it owns or leases the premises where it is based, deciding which criteria apply pertaining to for example energy, waste disposal etc. The General industry criteria address the most important environmental aspects common to all enterprises.
Industry-specific criteria	Bransjespesifikke kriterier	Criteria that apply to enterprises in specific industries wishing to be ELH certified. The enterprise-specific industry criteria address the most important environmental aspects in the industry.
Environmental Manager	miljøfyrtårnansvarlig	The person in the enterprise appointed by the management to be responsible for ELH implementation.
Annual Climate and Environmental report	årlig Klima- og miljørapport	The enterprise reports annually by 1 April in the ELH web portal. Indicators: some are universal; others are generated from the chosen criteria. The action plan is also reported here. The annual Climate and environmental report must be made available to the general public
action plan/environmental programme	handlingsplan	The enterprises plan of action for the coming year, relating to each environmental theme and documented in the annual Climate and environmental report. Responsibilities and deadlines can be documented in the environmental statement (Miljøkartlegging) or internally in the enterprises own systems.

([1]) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

ELH Concept (EN)	ELH Concept (NO)	Concept Definition by ELH
annual management review	ledelsens gjennomgang	The general and mid-level managers meet annually to review and evaluate the HSE system, the quality control system, ELH implementation and other issues relevant to the enterprise
environmental management group	miljøgruppe	The working group appointed to assist the environmental manager in implementing ELH. Can include the HSE responsible, other relevant parties.
Eco-Lighthouse web portal	Miljøfyrtårnportalen	The web-based portal through which documentation pertaining to enterprises, municipalities, consultants and certifiers is maintained, containing all documentation of compliance with criteria and certification.
enterprise-specific indicators	virksomhetsspesifikke sjekkpunkter	Indicators made to order upon request from the enterprise and incorporated into the annual Climate and environmental report. Paid service.
Internal consultant	Internkonsulent	Employee in an enterprise working towards ELH certification. The employee completes ELH consultant training, thereby qualifying to guide the enterprise to certification, avoiding the need to hire an external ELH consultant at first-time certification.
HSE check list	HMS sjekkliste	The enterprise's internal check list for the annual HSE review. Main points include: updating legal requirements, internal training of staff and management, environmental policy, goals and achievements in the annual Climate and env report, handling of non-compliance.
Environmental policy	Miljøpolicy	Intentions and directions linked to environmental performance, formulated in an enterprise by the top management
Environmental aspect	miljøaspekt	Elements of the activities, products or services produced or performed by an enterprise, which may affect the environment
Direct environmental aspect	Direkte miljøaspekt	Elements of the activities, products or services produced or performed by an enterprise over which the enterprise has direct control
Indirect environmental aspect	Indirekte miljøaspekt	Elements of the activities, products or services produced or performed by an enterprise over which the enterprise does not have direct control, but which can be influenced by the enterprise
environmental objective	miljømål	environmental goals to be achieved in the coming year, documented in the annual Climate and environmental report.
environmental management system	miljøledelsessystem	Integrated management system which maps the environmental impacts of the enterprise and uses a set of environmental criteria for managing these impacts. The EMS shall be adapted to the running of the enterprise, contain clear goals, action plans with concrete measures to be implemented and it shall ensure continuous improvement.

ELH Concept (EN)	ELH Concept (NO)	Concept Definition by ELH
substantial change	stor endring	any change to the enterprise's activity — including products and services — location, organisation or administration that has a significant impact on the environmental management system or the environmental aspects related to the enterprise
Non-compliance	Avvik	Deviation from legal requirement or from ELH criteria, or both if the legal requirement also is an ELH criterion. The main environmental legal requirements are also ELH criteria. If there is non-compliance with an ELH criterion, the enterprise cannot be certified.

Methodology used to examine the references of the recognised environmental management system

The aim of this document is to describe the requirements of the 'Eco-Lighthouse' environmental management system and to assess the compliance of these requirements with the corresponding requirements of the EMAS Regulation. This assessment serves two main objectives:

1. Facilitate the transition to EMAS for an organisation which implemented another environmental management system and want to move to EMAS.

2. Facilitate comparison between the requirements of the Eco-Lighthouse and EMAS

To prepare this assessment, the Commission conducted a gap analysis between the requirements of both systems. Following this analysis relevant requirements have been grouped into key requirements corresponding to different parts of the environmental management system. Then the compliance of these parts with the corresponding requirements of the EMAS Regulation has been assessed.

The **following parts of the Environmental Management System** will be analysed in the forthcoming pages of this report:

1. Top Management Commitment and engagement;

2. Establishing an Environmental Review — preliminary analysis;

3. Establishment of an environmental policy;

4. Ensure legal compliance;

5. Objectives and environmental programme established to assure continuous improvement;

6. Organizational structure, training, and employee involvement;

7. Documentation requirements;

8. Operational control

9. Emergency Preparedness and response;

10. Checking, internal audit and corrective action;

11. Communication (internal and external);

12. Management Review.

In addition this report also assesses **the accreditation or licensing requirements** that allow the verification of the schemes by a qualified third party auditor.

For each of these parts the following assessment details to which extend the ELH requirements comply with the corresponding EMAS requirements. To assess this compliance the Commission has considered the capacity of ELH requirements to achieve the objectives of the corresponding EMAS requirements with the same level of robustness and credibility ([1]).

In different occasions parts or ELH match EMAS requirements to some extent without fully complying with these requirements. To provide a nuanced assessment these parts are indicated as 'Partly matching EMAS requirements' and, explanations are provided to help the ELH certified organisations that would be interested to close the gap with EMAS.

Following their assessment the different parts can be classified into three categories:

— Does not match EMAS requirements

— Partly matches EMAS requirements

— Complies with EMAS requirement

The parts recognised as complying with corresponding EMAS requirements (third category) shall be considered equivalent.

Description of Eco-Lighthouse

The Eco-Lighthouse certification scheme is Norway's most widely used environmental management system, with more than 5 000 valid certificates granted to small, medium and large organisations (ELH does not aim at companies with complex environmental challenges ([2])). Through easily-implemented, concrete, relevant and profitable (in the widest sense: local, regional, global) measures, enterprises can improve their environmental performance, control their environmental impact and prove their dedication to corporate responsibility.

The Eco-Lighthouse certification scheme integrates environmental management of both internal and external environmental aspects, into the legal framework of Norwegian Regulations relating to Systematic Health, Environmental and Safety Activities in Enterprises.

An enterprise wanting to become Eco-Lighthouse certified is required to:

Prior to certification

1. Hire a qualified Eco-Lighthouse consultant who is trained, approved and monitored by ELH, to:

   (a) perform an environmental review (miljøanalyse) of the enterprise. Based on this preliminary analysis he/she will select the relevant Specific Industry Criteria (bransjespesifikke kriterier) pertaining to the enterprise in addition to the General Industry Criteria ([3]) which are applicable to all organizations

   (b) generate and help fill out the environmental statement ([4]) (Miljøkartlegging). in the ELH web portal.

   (c) with the help of this web-based tool (Miljøkartlegging) steer and document meeting of relevant criteria.

   (d) train the in-house environmental manager (miljøfyrtårnansvarlig) appointed by the organization in using the ELH web portal including the environmental statement

([1]) This high level of compliance required should be read in the light of the Article 4 of the Regulation which defines the conditions to obtain an EMAS registration. This third paragraph of this article exempts organisations which have a certified environmental management system recognised in accordance with Article 45 to carry out those parts which have been recognised as equivalent to this Regulation. The parts recognised as equivalent should therefore be able to ensure same function than the corresponding EMAS parts in view of an EMAS implementation and registration.

([2]) See ELH website http://eco-lighthouse.org/certification-scheme/

([3]) For the English translations of criteria: http://eco-lighthouse.org/statistikk/ (general industry criteria plus a selected few specific criteria sets have been translated). For the Norwegian versions: http://www.miljofyrtarn.no/dette-er-miljøfyrtårn/bransjekriterier/9-miljt/miljt/55-bransjekriterier-gruppert

([4]) This is not to be confused with the EMAS 'environmental statement' which is specified in Articles 2 and 18, and in Annex IV, B of the EMAS regulation.

(e) train the in-house environmental manager in filling out the first edition of the annual Climate and environmental report which reports annually (post certification) on the previous full calendar year

(f) steering the process of meeting the criteria.

2. The organization shall through the web-based self-reporting in the environmental statement confirm the status of compliance with a set of general and industry specific criteria before the certification process is done. All general and industry criteria must be met to achieve certification. A written trace of this 'preliminary' self-reporting exercise is kept as part of the environmental statement.

3. General and specific industry criteria are developed by ELH in collaboration with relevant government bodies, scientists, interest organizations, customers and experienced consultants and certifiers to identify and address the relevant environmental aspects and effective measures of the industry in question, and are subject to periodic reviews.

4. The criteria are the backbone of the management system, which makes sure that the system functions properly. Compliance with all criteria shall be reported in the Eco-Lighthouse web portal through the environmental statement.

5. The Climate and Environmental report (Klima- og miljørapport) is completed and submitted in the ELH web portal, integrating universal indicators and parameters applicable to all industries with specific indicators generated through selection of relevant criteria.

6. Once all criteria are considered by the enterprise to be fulfilled and the first Climate and Environmental report submitted, the certification is carried out by a certifier/verifier. He/she gains access to the relevant information in the web portal previous to visiting the site and conducting interviews and checks. The verifier/certifier certifies on behalf of the municipality where the enterprise is based but is trained, approved (licensed) and monitored by the Eco-Lighthouse central administration including (from 2017) on-site observation. Deviations from criteria and the closing of deviations are documented through the environmental statement.

7. The documented results of the entire process are checked by the ELH foundation and a certificate is issued. It is only at this stage that a corresponding certification report and letter of recognition are issued.

After the certification

Following certification the Climate and Environmental Report is submitted every year by 1 April specifying the conditions of a number of parameters, the achievement of previous stated environmental aims and a detailed mapping of future aims. This annual report is produced by the Environmental Manager.

Re-certification is done every three years.

The process is the same — although there is no obligation to hire a consultant at re-certification. Instead, the Environmental manager (Miljøfyrtårnansvarlig) is responsible for organizing re-certification, checking continued compliance with criteria, filling out the environmental statement and making the documentation available to the certifier/verifier through access to the enterprise in the ELH web portal. The new environmental statement with corresponding documentation and the previous years' submitted Climate and Environmental reports constitute the main body of evidence submitted before re-certification, whereas in the meeting with the enterprise the certifier/verifier conducts interviews, spot checks and an inspection of the premises, as done at first time certification.

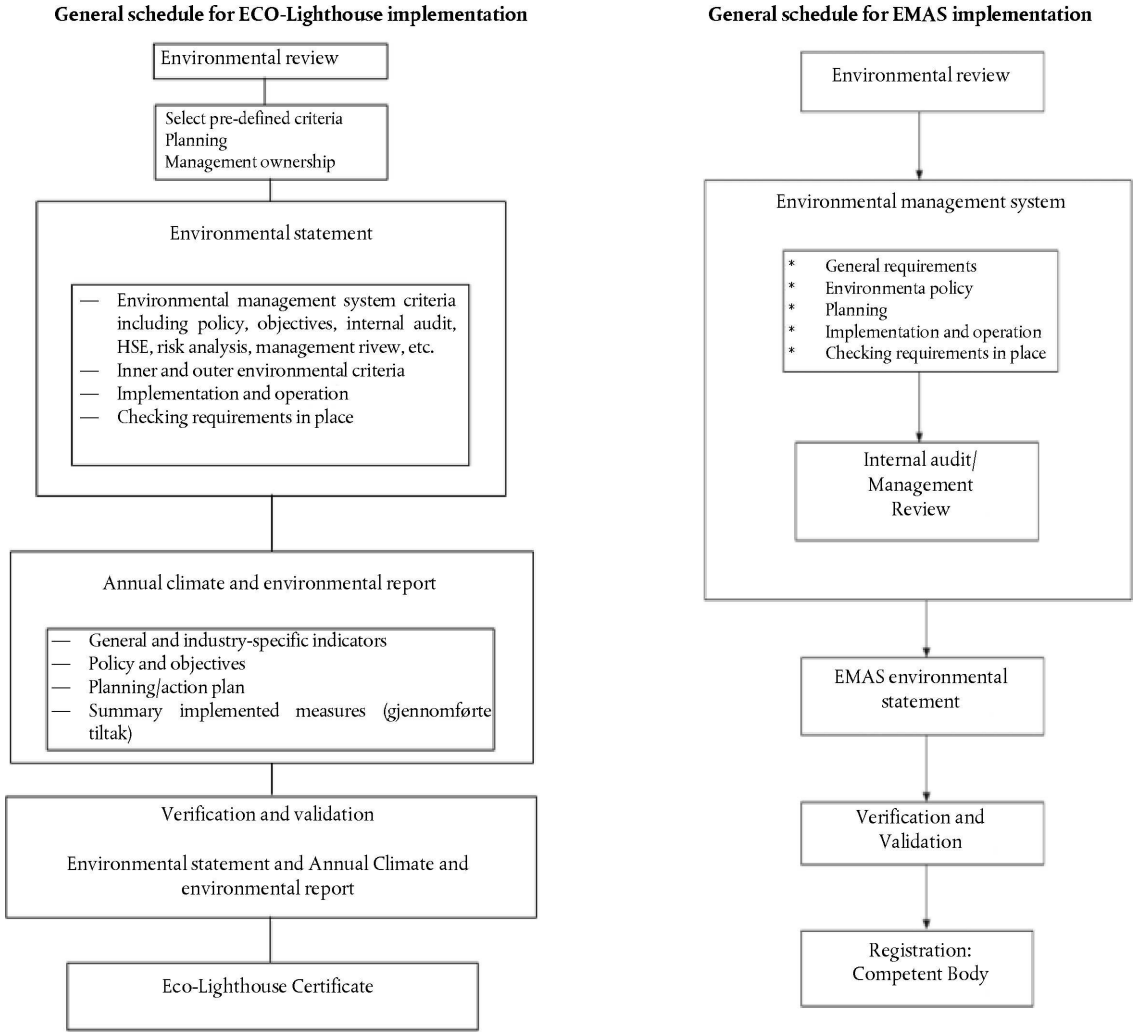
Note that:

More than 300 Norwegian municipalities out of around 430 are fee-paying members of the Eco-Lighthouse certification scheme. Membership involves facilitating ELH certification for local enterprises by ensuring the availability of a certifier/verifier for enterprises in the area. There is also an expectation that the municipalities shall work towards certification of their own enterprises.

Verifiers/certifiers who come into play in the certification phase can be employed by the municipality/county administration or by a private firm and are *trained, approved and monitored* by the Eco-Lighthouse Foundation. It is important to note that, in the Eco-Lighthouse scheme, the municipality constitutes the certifying body, in that certifiers (licensed by ELH) operate on behalf of the municipality, not the Eco-Lighthouse administration.

The Eco-Lighthouse Foundation is certified according to the ISO-9001:2015 standard as of May 2016.

General Schedule ELH and EMAS implementation



PART 1

Commitment and engagement of top management

Corresponding EMAS requirement

1. Implication and commitment of the top-management. In EMAS the top management shall define the organization's environmental policy (1.1) and is accountable for the proper implementation of the environmental management system (1.2), including the appointment of an environmental management representative (1.3). Legal basis: Article 2(1) and Annex II, A.2, A.4

2. The management should regularly review the progress made and tackle the issues detected. There is a need for regular involvement of management in meetings and initiatives under the EMS. (Annex II, A.6)

Assessment of corresponding ELH requirements

1. Implication and commitment of the top management

1.1. Definition of the organization's environmental policy:

GIC Criteria 1945 ([1]) requires organisations to establish an Environmental Policy. Moreover the decision to participate into the scheme and the commitment to comply with the different criteria is signed off by the management.

([1]) Stating: 'The enterprise must establish an environmental policy and goals for health, environment and safety. These must be documented either in the environmental management system or in the action plan for the Eco-Lighthouse's annual climate and environmental report'

1.2. Accountability for the proper implementation of the environmental management system:

According to GIC 6, *the management must perform an annual review of the HSE system and of Eco-Lighthouse procedures to assess whether they work as intended*.

By signing the terms and conditions of the ELH and the minutes of the management review on a yearly basis the top management is accountable for the proper implementation of the management system and the correctness of the annual Climate and Environmental report (Klima- og miljørapport).

1.3. Appointment of environmental management representative:

One member of personnel is nominated environmental manager (Miljøfyrtårnansvarlig). This is not necessarily a full-time assignment, depending on the size of the organization. The environmental manager can be trained by the consultant at the initial certification, or be taught by the previous manager. In larger organizations, the environmental manager sometimes participates in the ELH consultant course (hereby qualifying as an internal consultant (internkonsulent)). His/her tasks are specified under requirement 6 (Organizational structure, training and employee involvement).

2. The management regularly reviews the progress made and tackles the issues detected

This is done through the annual management review ([1]) (ledelsens gjennomgang) signed off by the management (the management signs the minutes of the annual management review meeting). A report on non-compliance (legal and/or any non-compliance with ELH criteria) and the annual Climate and Environmental report(s) are presented. The latter includes environmental performance assessment and environmental aims for the coming year. The (re-)certification reports can be presented, especially in the context of non-compliance occurring.

This yearly assessment is therefore a quality check (customer satisfaction, organisation, non-compliance found) but also handles the achievement of the environmental goals and action plan, and review progress on issues such as waste, energy use and environmental indicators relevant to the industry. If there is non-compliance pertaining to ELH and/or external environment, they will be dealt with here (by treating them at once or — if not possible — inserting them in the action plan for the coming year).

General Industry criterion 1950 states: 'The enterprise must establish procedures for reporting and handling non-compliance' ([2]). The management is thereby accountable for the environmental policy, goals and achievements in the ELH through an annual (at the least) update and confirmation of commitment.

Moreover, the additional HSE system required by the Norwegian Law ([3]) ensures that the environmental goals presented in the action plan and reported on in the achievements section of the annual Climate and Environmental report are met and instructions are followed.

Commission conclusion

The top manager signs the terms and commitments of ELH at the initial stage of the certification process (through the web portal). The general industry criteria1945 requires organisations to establish an Environmental Policy. A detailed, repetitive involvement of the Management (through checks) happens at different points of time throughout the year and through the annual management review. The organisation implementing ELH must also appoint an environmental manager who reports to the top management (or is part of the top management) and liaises with staff on ELH matters.

([1]) Obligation to maintain internal control: 'The obligation to introduce and operate internal control rests with "the person responsible" for the enterprise. By this is meant the management or owner of the enterprise. Although internal control must be performed at all levels of the enterprise, the main responsibility for initiating the system and for maintaining it) is vested in top management of the enterprise. This section makes clear, however, that internal control must be introduced and operated in collaboration with the employees, the working environment committee, safety delegate(s) and/or employee representatives where such exist'

([2]) The legal authority for the criterion is the Regulations relating to Systematic Health, Environmental and Safety Activities in Enterprises (Internal Control Regulations), section 5.7.

([3]) Legal link: https://www.arbeidstilsynet.no/hms/internkontroll/ and for further reference: http://www.hse.gov.uk/.

Based on these elements the Commission recognises that the part of ELH related to '**Commitment and engagement of the top management**' complies with the corresponding EMAS requirements and can therefore be considered as equivalent.

PART 2

Establishing an Environmental Review (preliminary analysis)

Corresponding EMAS requirements

Prior to their registration organisation shall conduct an environmental review based on the Annex I of the Regulation — Article 4(1)(a), Annex I, Section A.3.1 of Annex II.

This preliminary analysis shall cover the following areas:

1. Identification of the applicable legal requirements related to the environment
2. Identification of all direct and indirect environmental aspects with a significant impact on the environment qualified and quantified as appropriate and compiling a register of those identified as significant
3. Description of the criteria for assessing the significance of the environmental impact
4. Examination of all existing environmental management practices and procedures.
5. Evaluation of feedback from the investigation of previous incidents.

This review shall be verified by the external verifier.

Assessment of corresponding ELH requirements

General assessment: ELH's preliminary analysis, called 'environmental statement' (Miljøkartlegging) is done by a consultant (trained, approved and monitored by the ELH). Following an analysis of the organisation he selects the relevant criteria which the organisation shall comply to obtain the ELH certification. Based upon this analysis the on-line environmental statement (Miljøkartlegging) is generated as a list of criteria to be fulfilled, guiding the organisation to identify the area where progress should be made. As a next step the interactive procedure found in the ELH web portal (Miljøfyrtårnportalen) allows the organisation to input progress and monitor the full list of applicable criteria to be met.

ELH offers general industry criteria applicable to all sectors, plus specific criteria predefined for specific industries pertaining to 14 different industry sectors ([1]).

(1) *Identification of the applicable legal requirements related to the environment*

The general industry criteria also include checking compliance with legal requirements. This is checked in accordance with GIC 1944: *The enterprise must ensure access* ([2]) *to an updated overview of relevant laws and regulations pertaining to health, environment and safety.* Access and listing is facilitated by the Norwegian government website Regelhjelp ([3]) wherein the enterprise enters their unique organisation code, generating a list of applicable legal requirements relating to the enterprise, including those related to the environment. In the General and Specific criteria all criteria derived from laws and regulations are clearly marked with the symbol § to specifically state that the intention behind the criterion is adherence to the legal requirements.

(2) *Identification of all direct and indirect environmental aspects with a significant impact on the environment qualified and quantified as appropriate and compiling a register of those identified as significant*

Through the process of industry criteria development, environmental aspects central to the industries covered by the ELH specific criteria are identified and listed. The predefined criteria are developed in cooperation with relevant industry organisations, interest groups, the government, scientists/researchers and main customers. Generating interactively a pre-defined set of criteria is meant to help and guide organisations to easily create a clear benchmark. This process is clearly one of the main differences between the EMAS and ELH methods. While the first focusses on identifying environmental aspects at organisation level the second identifies these at industry level.

([1]) http://eco-lighthouse.org/statistikk/
([2]) To the certifier and to the organisation in general
([3]) www.regelhjelp.no

Of 31 General Industry Criteria, 35 % are system criteria, 4 % pertain to the working environment, and 52 % are claimed by ELH to pertain to the outer environment ([1]). Of the Specific Industry Criteria, according to ELH claims on average 10 % are system criteria, 20 % pertain to working environment and 70 % are claimed by ELH to relate to the outer environment ([2]). A close look at the criteria with the most certificates (which are consequently revised and updated the most frequently), such as hotel or retail grocery stores ([3]) confirms that these criteria include a number of relevant key environmental aspects.

The General Industry criteria (GIC) also includes, criterion 1963 'Other environmental aspects' obliges the enterprise to evaluate and address any relevant environmental aspects not covered by the general and specific industry criteria: 'The enterprise must identify other significant environmental aspects of the enterprise, and consider any necessary action and/or inclusion in the annual climate and environmental report and/or monitoring through the action plan.' However ELH does not define how this criteria shall be applied, e.g. which kind of aspects shall be considered (direct or indirect) and how the significance of their impact shall be assessed ([4]). Moreover it is not clear how compliance with this criterion can be assessed, inter alia, on which basis the ELH certifier can ensure that all significant environmental aspects have been identified ([5]).

The listed criteria are checked during verification/certification and must all be complied with before ([6]) certification is granted. Every three years the criteria are re-verified/re-certified for re-certification.

(3) *Description of the criteria for assessing the significance of the environmental impact*

The assessment of the environmental impact is conducted through the process of industry criteria development. This assessment is therefore not performed by the organisation but considered at a sectorial level by relevant industry stakeholders. EMAS Annex I(3) includes a specific guidance and criteria to assess the significance of environmental impacts at organisation level. Such guidance is not provided by ELH where the assessment is conducted at industry level by expert advisory groups.

(4) and (5). *Existing management practice and procedure and evaluation of the feedback from the investigation of previous incidents.*

The existing management practice and procedure are examined and evaluated through the industry criteria. Prior to certification a first Annual Climate and Environmental report is drafted and is added to the Environmental Statement. This report includes positive and negative points of environmental management in the organisation. It explicitly takes into account 'Initiatives made' (Gjennomførte tiltak) to correct situations that were/are not ideal. Based upon this information an Action Plan (Handlingsplan med mål) is drafted.

Commission conclusion

The ELH preliminary analysis relies on a set of criteria based on environmental aspects identified at sectoral level. A significant part of the potential environmental aspects of the organisation can be duly taken into account by ELH when defining the industry criteria. The organisation will then address these aspects when assessing its compliance with the defined criteria in preparation for certification

EMAS requires an individualized analysis of the specific direct and indirect environmental aspects of the organisation and requires the organization to establish criteria to determine the significance of the impacts related to the identified aspects in the specific contest of the organisation. This organisation centred approach aims to identify aspects that are significant in the specific context of the organisation and not for the sector as a whole. This individualisation of the approach is one of the key differences between the two schemes.

([1]) http://www.miljofyrtarn.no/dokumenter/bransjekrav/844-general-industry-criteria/file and http://www.miljofyrtarn.no/dokumenter/bransjekrav/866-guidance-to-the-general-industry-criteria/file

([2]) Statistics as provided by ELH on hotels: http://miljofyrtarn.no/dokumenter/bransjekrav/864-industry-criteria-hotel/file and on retail grocery: http://miljofyrtarn.no/dokumenter/bransjekrav/863-industry-criteria-retail-grocery-store/file

([3]) http://eco-lighthouse.org/statistikk/

([4]) Eco-Lighthouse guidance to the General Industry criteria 4.5.2017 — Criteria 1963: '*A separate assessment of other environmental aspects will suffice, where the enterprise considers it necessary to implement additional measures. The enterprise is free to choose which method it wishes to implement in order to address these environmental aspects, but it can be tied in with the risk analysis for the external environment*'.

([5]) ELH certifiers are trained to assess compliance with factual criteria, not to perform a specific assessment of the different environmental aspects.

([6]) See also requirement 4: Legal compliance

The existence of the ELH general criterion 1963 that requires to also considering relevant 'Other environmental aspects' can be used to broaden the scope of the analysis and achieve a more specific review. The ELH through the guidance to the criterion recommends that this could be applied connected to the risk analysis. However it does not define how the significance of these additional aspects shall be assessed.

Although both approaches are valuable and present advantages and disadvantages the methodologies applied significantly differs. A similar objective is pursued — identification of significant environmental aspects —, albeit with different methods. ELH focusses on identifying environmental aspects at sectoral level while EMAS aims at identifying organisation specific significant aspects. For this reason both approaches could not be considered as equivalent [1].

Based on these elements the Commission considers that the part of ELH related to '**Establishing an Environmental review**' partly matches the corresponding EMAS requirements.

Potential measures to close the gap with EMAS

Although this part of ELH cannot be considered as equivalent, the analysis demonstrates a close match with many corresponding EMAS requirements. To achieve compliance with all corresponding requirements the following additional elements should be implemented:

— A switch from a risk-analysis approach to an approach and method based on EMAS Annex I, with objective to also identify significant environmental aspects not covered by the industry criteria.

— In this view the GIC 1963 shall be applied based on the provision of the EMAS environmental review.

— The ELH certifier shall, with the appropriate method, make sure that any additional environmental aspects, indicators and legal requirements have been identified and addressed.

PART 3

Establishing an Environmental Policy

Corresponding EMAS requirement

The top management shall define the organisation's environmental policy. This policy shall include the different elements mentioned in the Annex II of the EMAS Regulation. (Article 4(1)(b) and Annex II A.2)

Assessment of corresponding ELH requirements

ELH includes a formal requirement for setting objectives through criterion 1945 ('The enterprise must establish an environmental policy [2] and goals for health, environment and safety. These must be documented either in the environmental management system or in the action plan for the Eco-Lighthouse's annual climate and environmental report'). The environmental policy and the specific environmental targets are handled first through the setting of the criteria before certification and shown in the environmental statement (Miljøkartlegging). In a second phase environmental performance is checked against selected indicators in the Annual Climate and Environmental Report that also includes an action plan for continuous improvement.

Commission conclusion

The newly revised Criterion 1945 obliges the enterprise to define an environmental policy. The combination of the environmental statement, establishing criteria, and the annual Climate and Environmental Report, checking indicators and setting objectives add to this environmental policy and help to implement it.

The willingness to obtain certification through the Eco-Lighthouse and the signature of ELH terms and commitments shows an intention to strengthen the management of environmental aspects and to continuously improve environmental performances. Through its 'Action Plan', the Annual Climate and Environment report is an impetuous for continual improvement.

[1] Highlighting these methodological differences is particularly relevant in light of the Article 4 of the Regulation. Replacing the EMAS Environmental Review by the ELH Environmental Statement would not function in the context of an EMAS implementation.

[2] in accordance with EMAS Annex II points A.2

The annual Climate and Environmental report is subject to ratification by the during the annual management review.

Based on these elements the Commission recognises that the part of ELH related to '**Establishing an Environmental Policy**' complies with the corresponding EMAS requirements and can therefore be considered as equivalent.

PART 4

Ensure legal compliance

Corresponding EMAS requirement

EMAS requires organisations to:

1. identify their legal obligation related to the environment
2. to provide for compliance with these requirements,
3. to establish the adequate procedures to meet these requirements on an ongoing basis
4. to provide the material and documentary evidence of this compliance.

(Article 4(1)(b) and (4), Annex II A.3.2, B.2, A.5.2)

Assessment of corresponding ELH requirements

1. Prior to ELH certification, a list of criteria is drawn up by the consultant. Through General Industry Criterion 1944 ([1]) the enterprise has the obligation to ensure the certifier/verifier (and in addition the entire company) access to an updated overview of relevant laws and regulations pertaining to the enterprise.

   Compliance with this obligation is facilitated by the Norwegian governmental website *Regelhjelp* ([2]), where the enterprise obtains a list of relevant legislation based upon its unique organization number. The rules and regulations most relevant to the industry form part of the general and specific industry criteria (marked with a §), compliance with which is necessary for certification and recertification. Annual update of the overview is ensured through the annual management review (through the annual HSE review).

   The list of criteria also contains criteria related to specific legal obligations the organization must comply with.

   Examples:

   — Legal general criterion 42: 'hazardous waste (and …) must be securely stored and delivered to a (…) facility in accordance with 'Regulations relating to the recycling of waste'.

   — Legal specific criterion 311: 'Waste water will be sampled and analysed in accordance with local regulations and the pollution regulation 15A-3 and 4'. (translation)

2. Through self-assessment prior to the certification, the enterprise confirms compliance with these criteria. The criteria are then re-checked by the independent, third-party verifier/certifier during certification. Before a ELH certificate is issued, the ELH Foundation checks again the work done by the consultant, enterprise and certifier/verifier and approves it. The check is repeated at tri-annual re-certification. Compliance with all criteria is needed before certification can be done, including the general and specific criteria which are incorporated directly from Norwegian legislation into the ELH criteria (showing a label '§'). Non-compliance with a legal requirement which is not an ELH criterion is dealt with by General Industry criterion 1950 which obliges enterprises to establish procedures for reporting and handling this non-compliance. Based on this criterion the enterprise can be certified if they show they have a system for handling non-compliance. The certifier/verifier checks compliance with the ELH criteria and verifies that the enterprise has set up a procedure to rectify incompliance with overall legal provisions.

   In contrast with EMAS, ELH does not require organisations to provide the certifier with evidence of complete compliance with environmental legislation ([3]) beyond the specific (legal) criteria.

([1]) GIC 1944: *The enterprise must ensure access to an updated overview of relevant laws and regulations pertaining to health, environment and safety.*
([2]) http://www.regelhjelp.no/ and http://www.miljofyrtarn.no/dette-er-milj%C3%B8fyrt%C3%A5rn/bransjekriterier
([3]) EMAS Regulation, Annex II, B.2(2).

3. Every three years re-certification is due, at that time all criteria are checked again including (GIC 1950) that addresses non-compliance. No re-certification is issued when non-compliance with the criteria exists.

   Proof of legal compliance is assessed by the certifier during the (re-)certification assessment, but therefore limited to the competences of the certifier (see requirement on accreditation). However, legal criteria are formulated in such way that the trained certifier/verifier is able to assess compliance and document the state of compliance. The certifier/verifier also checks that the enterprise has the updated overview of laws and regulations available, and that a system of handling non-compliance exists.

   Furthermore, compliance with legal requirements is ensured through the annual HSE internal audit, which is part of the annual management review. The HSE audit addresses any form of non-compliance with legal requirements.

   The ELH portal makes available guidance and sample to address non-compliance procedures (GIC 1950).

4. Consistently with explanation given in point 2 of this section the documentation provided will be limited to the specific legal requirements covered by the ELH criteria and will not cover all applicable legal requirements relating to the environment. Documentation will be provided and stored through the ELH digital interface.

Commission conclusion

Similar to the process established for the environmental statement (preliminary analysis) the ELH relies on a criteria-based system to assess the legal compliance of organisations. Such a system coupled with the governmental website *Regelhjelp* ([1]) is deemed to provide a good overview of the legal requirements that should be met as requested under EMAS.

Compliance with all ELH criteria, including legal criteria is first self-assessed prior to certification and checked at the time of certification by the verifier/certifier. In case non-compliance with one single listed criterion is detected, no certificate can be issued.

Evidence of compliance with (legal) ELH criteria are made available through the system. ELH also requires the organisation to have a procedure in place to report and handle remaining non-compliance ([2]) with legal provisions. Adherence to the most important laws and regulations linked to Health, Environmental and Safety Activities is controlled annually through HSE check list which is confirmed and signed by the general manager and is subject to management review. The guidance to GIC 1944 explicitly states that adherence to, and not only overview of legal requirements is required.

However, in contrast with EMAS, ELH does not comprise a criterion requiring the organisation to provide for compliance with all legal requirement related to the environment. Instead, the ELH emphasizes the most important environmental legislation through relevant industry criteria, rewording the most relevant legislation so as to be fully understandable for the enterprise and certifier.

Moreover, in case of non-compliance with legal requirements not covered by ELH legal criteria the certification can be granted provided that procedures for reporting and handling non-compliance following the HSE regulations ([3]) is in place.

Another noticeable different lies in the competence of the verifier. EMAS verifiers shall be able to notice if any legislation has been omitted, and they must therefore be formally qualified in this respect. In contrast ELH verifiers are trained as generalists. ELH anticipates this by formulating the (legal) criteria in a clear and understandable way but the competence of the certifier to identify legal noncompliance going beyond the predetermined legal criteria can be questioned.

Finally, in comparison with EMAS a difference can also be found in the frequency of this external verification. Under ELH full re-certification is due every third year. At that time all criteria, including criterial related to legal requirements, are checked again Under EMAS performance against legal provision is also part of the yearly validation of the environmental statement by the EMAS verifier. Note, however, that 98 % of ELH enterprises would, if they were EMAS certified, be eligible for Derogation for small organisations according to Article 7, bringing the frequency of annual audit (biennially) and re-certification (every four years) closer to the ELH.

([1]) http://www.regelhjelp.no/
([2]) GIC 1950 '*The enterprise must establish procedures for reporting and handling non-compliance.*'
([3]) http://eco-lighthouse.org/statistikk/ the guidance to the criteria is found at the end of the document

Based on these elements the Commission considers that the part of ELH related to '**Ensuring legal compliance.**' partly matches the corresponding EMAS requirements.

Potential measures to close the gap with EMAS

Although this part of ELH cannot be considered as equivalent, the analysis demonstrates a close match with many corresponding EMAS requirements. To achieve compliance with all corresponding requirements the following additional elements should be implemented:

— Adapt the criterion text of GIC 1944 to mention that organisations shall ensure identification and compliance with all legal requirements related to the environment before certification.

— Require the enterprise to provide proof of compliance with the relevant legal environmental requirements if requested to do so.

— Ensure validation of legal compliance by an accredited or licensed third party auditor on a yearly basis for large organisations and every two years for SMEs

PART 5

Objectives and environmental programme established to ensure continuous improvement

Corresponding EMAS requirement

1. Objectives must be defined within the organization to assure continuous improvement of environmental performance (Article 1, Annex II, B.3, B.4(3)).
2. An environmental action programme shall be established and implemented to achieve these objectives. (Article 18(7), Annex II, A.2, A.3(3)).

Assessment of corresponding ELH requirements

ELH procedures request that before certification of an organisation a detailed environmental statement is drafted (Miljøkartlegging, a check-list of relevant general and relevant specific criteria to be used for certification) and an the first annual Climate and Environmental report is drafted, containing the environmental aims and actions foreseen for the next year as well as current environmental performances.

Every following year (by 1 April) an **annual Climate and Environmental report** is submitted through the ELH web portal. Environmental performance is compared to the previous year. The report sums up the initiatives that were taken as well as goals and aims that were achieved and an action plan is put forward for the coming year. The annual Climate and Environmental report(s) is checked by the certifier/verifier at first-time certification and at each triannual re-certification. It is checked every year during the Annual Management Review.

The annual Climate and Environmental report is generated in the ELH web portal from a set of universal indicators and indicators corresponding to specific industry criteria. The environmental goals and action plan in the Climate and Environmental report shall document continuous improvement. The procedure is stated in the guidelines to General Industry criterion (GIC) 7 ([1]), associated guidance and the ELH Web Portal.

Additionally, GIC 1963 (Additional environmental aspects) states that: 'The enterprise must identify other significant environmental aspects of the enterprise, and consider any necessary action and/or inclusion in the annual climate and environmental report and/or monitoring through the action plan'. Thus, the action plan can encompass any aspects specific to the enterprise not covered through the General or Specific criteria.

To enterprises wishing to extend their Climate and Environmental report further, the ELH offers a service called enterprise-specific indicators (virksomhetsspesifikke sjekkpunkter), in which bespoke questions and indicators defined by the enterprise are added to the report.

([1]) http://eco-lighthouse.org/statistikk/ the guidance to the criteria is found at the end of the document

Commission conclusion

At the time of certification an initial environmental management programme is set up containing assessment criteria and objectives. An assessment of the environmental performance of the organisation is made, progress made and environmental objectives is made every year through the Annual Climate and Environmental Report generated in the ELH web portal.

The environmental programme is updated and re-assessed through a renewed environmental statement every three years at the time of the recertification.

Although these processes focus on the aspects covered by a set of the criteria when setting up the environmental management system (including the additional aspects covered by GIC 1963 ([1])) they have the capacity to ensure continuous improvement of environmental performance related to these aspects.

Based on these elements the Commission recognises that the part of ELH related to '**Objectives and environmental programme established to ensure continuous improvement**' complies with the corresponding EMAS requirements and can therefore be considered as equivalent.

PART 6

Organizational structure (roles and responsibilities), training and employee involvement

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Corresponding EMAS requirement

1. The management shall ensure the availability of resources (including human resources) to ensure the good functioning of the system. Roles and responsibilities should be defined, documented and communicated (Annex II, A.4.1).
2. The top management shall appoint a specific management representative(s) who shall have defined roles, responsibilities and authority for ensuring the correct implementation and maintenance of the environmental management system and reporting to top management on the performance of that system (Annex II, A.4.1).
3. Training should be provided to employees to meet the EMS' needs (Article 1, Annex II, A.4.2)
4. Employees should be actively involved in the improvement of the organization's environmental performances. (Article 1, Annex II, A.4.2 and B.4).

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1. Commitment of the management related to good implementation of the system and provision of necessary resources:

According to GIC 1946: 'The enterprise must prepare an organisational chart or similar overview of the key roles in the organisation, such as the Eco-Lighthouse point of contact, the safety representative, chair of the working environment committee, HSE manager, head of procurement, and fire safety officer'.

According to Norwegian legislation, the top management is responsible for the management of the enterprise, comprising the HSE management and thus implicitly for the implementation of the environmental management system. If necessary resources are not provided, deficiencies would automatically appear at the next HSE- and Annual Climate and Environmental reports. These deficiencies will then be taken into account during the annual management review. This case could also create an obstacle for the next re-certification.

2. Specific representatives for the environmental management system:

One member of personnel is nominated environmental manager (Miljøfyrtårnansvarlig). This is not necessarily a full-time assignment, depending of the size of the organization. The environmental manager can be trained by the consultant at initial certification, or be taught by the previous manager. His/her tasks are:

— spokesman to the consultant (at the start of the process)

— spokesman to the certifier/verifier at initial certification and re-certification

— ensure compliance with the industry criteria

([1]) GIC 1933: '*The enterprise must identify other significant environmental aspects of the enterprise, and consider any necessary action and/or inclusion in the annual climate and environmental report and/or monitoring through the action plan*'.

— train and motivate fellow employees.

— producing and submitting the annual Climate and Environmental report in the ELH web portal.

— discussing this report with the management at the 'annual management review' (ledelsens gjennomgang), as well as with the staff at staff meetings, disseminating the annual report in the organization, through intranet or other internal communication channels

— communicate particularly the organization's overarching environmental policy and the aims and goals for the coming year) as stated in the annual Climate and Environmental report to fellow employees

— contribute to improvement on a permanent basis.

ELH has implemented web-based training aimed at training the environmental manager (Miljøfyrtårnansvarlig) on how to complete the annual Climate and Environmental report, and specifically on how to achieve re-certification.

The ELH has specified an instruction for the environmental manager, as required in General Industry criterion 1947: 'The enterprise must prepare written instructions for the employee responsible for Eco-Lighthouse implementation. The Environmental manager should involve, motivate and include the employees of the organization. ELH claims active employee involvement is a cornerstone of the ELH system'.

In larger organizations, additional staff can be involved through an environmental management group ([1]) (Miljøgruppe — EMG). The EMG can be integrated into the Health Environment and Safety (HSE) group which is legally compulsory for organizations with more than 50 employees.

3. Training:

Companies and organizations are bound by the General Industry Criterion (GIC) 1951: 'The enterprise must have procedures in place for training employees in basic HSE and for informing them of changes. The training must include sound procedures pertaining to the external environment'.

The purpose is to ensure that employees possess sufficient knowledge and skills to perform their work in a proper manner and in accordance with HSE regulations. The scope of employee training will depend on the risks associated with the enterprise's activities. The main philosophy of the ELH is that the organization best knows itself and the competencies/needs of its own staff and therefore is its own best judge of which training is needed. The criterion is verified orally (by the certifier/verifier) by asking what procedures the enterprise has for training its employees and new recruits in HSE matters.

The key question is whether these trainings are oriented toward improving environmental performances, or only focused on procedural ELH items and HSE risk management. The HSE checklist used by ELH to assess whether ELH routines are known amongst the employees confirm that the scope of training goes beyond procedures and address key environmental areas such as waste management, energy efficiency or hazardous substance management.

4. Employee involvement:

To comply with EMAS requirements employees shall be involved in the process aimed at continually improving the organisation's environmental performance.

The appointment of an environmental group within the organisation and the active participation of employees in environmental activities is required ([2]). Employees are informed about the content of the Climate and Environmental report and shall also be specifically involved into processes contributing to environmental performance improvement such as waste separation. Different criteria (1953, 1962, 36) support continuous improvement through the use of an 'idea bank'. These idea banks provided by the Eco-Lighthouse foundation contain different measures to improve performance in environmental areas such as transport, waste or energy in collaboration with the employees of the organisation.

([1]) Note that the HSE(Arbeidsmiljøutvalg) and the ELH (Miljøgruppe) group are different entities. The HES group is legally required when there are more than 50 employees. There is no compulsion to have an ELH group, but it is recommended by the ELH in organisations with more than a certain number of employees. Can be one and the same group, to ensure efficient organization and integration of ELH into existing management structures.

([2]) Eco-Lighthouse certification handbook 2016 — 3.2.4 Establishment and appointment of an environmental group/project group

Commission conclusion

The management is obliged by law to foresee the human resources for the correct functioning of HSE procedures and must — according to ELH rules — also appoint an ELH representative similarly to EMAS. The necessary resources to function properly shall therefore be made available to the responsible persons.

Organisations are also asked to train their employees in HSE competencies that include improvement of environmental performance and to involve employees in the implementation of the EMS and in environmental activities.

Based on these elements the Commission recognises that the part of ELH related to '**Organizational structure, training and employee involvement:**' complies with the corresponding EMAS requirements and can therefore be considered as equivalent.

PART 7

Documentation requirements

Corresponding EMAS requirement

EMAS requires documentation on environmental policy, goals, plans of action, the scope of the management system and its main elements such as the records necessary for effective planning and control of processes that relates to its significant environmental impacts.

Article A.4.4 of the Annex II

Assessment of corresponding ELH requirements

Documentation on the organization and the implementation of the EMS procedures and aims must be available.

ELH presents an extensive list of compulsory documents required for certification on their web site, together with other forms and useful tools (*verktøy*) and sector-linked information ([1]) for certification. Many relevant documents are stored in the ELH web portal ([2]) (Miljøfyrtårnportal). ELH also advises a filing structure of the documentation.

In the certifier/verifier guideline to General Industry criterion (GIC) 1944 the certifier/verifier is asked to check that the documentation and HSE system is easily and systematically stored, and that the enterprise knows how to access information. The documentation linked to the industry criteria is stored in the environmental statement (Miljøkartlegging) and the ELH web portal. The enterprise can choose to show it to the certifier/verifier at the actual meeting, there is no obligation to upload it into the portal. The certifier/verifier will gain an impression of how well-known the system is by the employees through the certification or re-certification meeting.

Commission conclusion

This part focusses on the availability of appropriate documentation. Although the scopes of both systems are not identical, the structure of information proposed by ELH and the archive's filing structure can be considered satisfactory.

Based on these elements the Commission recognises that the part of ELH related to '**Documentation Requirements**' complies with the corresponding EMAS requirements and can therefore be considered as equivalent.

Note: per definition the scope of ELH documentation procedure is designed to fulfil the documentation needs of the ELH management system. If an organisation wishes to apply for EMAS registration the scope of the documentation procedure shall be adapted to cover all EMAS requirements, including those currently not fulfilled by ELH.

([1]) http://miljofyrtarn.no/nyeverktoy and (example) http://www.miljofyrtarn.no/2015-11-18-23-56-21/avfall
([2]) https://rapportering.miljofyrtarn.no/Account/Login?ReturnUrl=%2F Contact ELH for access.

PART 8

Operational Control

Corresponding EMAS requirement

Operations associated with identified significant environmental aspects shall be carried out under specified conditions. To ensure this the organisation shall:

1. Establish, implement and maintain a documented procedure(s) to control situations where their absence could lead to deviation from the environmental policy, objectives and targets;
2. stipulate the operating criteria in the procedure(s);
3. establish, implement and maintain procedures related to the identified significant environmental aspects of goods and services used by the organisation and communicating applicable procedures and requirements to suppliers, including contractors.

Assessment of corresponding ELH requirements

1 and 2. ELH requires the organisation to establish an environmental policy and to define specific objectives regarding environmental performance. Moreover Norwegian enterprises are required to set overall goals for HSE under the Internal Control Regulation. ELH GIC criteria 1945 and 1947 specify that the management system must include documented procedures for achieving these aims relating to health, environment and safety, including continuous compliance with industry criteria. Procedures must be established for handling non-compliance (GIC 1950). Further ELH criteria (1949) oblige enterprises to make an (updated) risk assessment and draft a corresponding action plan.

Specific procedures for specific industries must be provided on handling dangerous products, typically used by the specific industry. (i.a. SIC 983, 984 for the cleaning industry, SIC 1931, 1932, 1933 for car body repair and paint shops, SIC 14 for car repair shops).

3. After certification, the enterprise must inform its customers and suppliers about its environmental activities (GIC 5). Relevant environmental criteria must be set for all significant procurements (GIC 1954) and the enterprise must influence its most significant suppliers to undergo environmental certification. The enterprise must equally influence its suppliers to provide information on third-party environmentally labelled products in their product catalogue and on statistics on the eco-labelled products procured by them (GIC 1956).

Commission conclusion

This part focusses on the procedures in place for adequate operational control. The structure of procedures proposed by ELH in combination with the Norwegian Internal Control Regulation, and the related information streams can be considered satisfactory.

Based on these elements the Commission recognises that the part of ELH related to '**Operational Control**' complies with the corresponding EMAS requirements and can therefore be considered as equivalent.

PART 9

Emergency Preparedness and response

Corresponding EMAS requirement

1. The organisation shall establish, implement and maintain a procedure(s) to identify potential emergency situations and accident and how it will respond to them.
2. The organisation shall respond to actual emergency situations and accidents and prevent or mitigate associated adverse environmental impacts.
3. The organisation shall periodically review and, where necessary, revise its emergency preparedness and response procedures
4. The organisation shall also periodically test such procedures where practicable.

(Annex II, A.4.7)

Assessment of corresponding ELH requirements

This is regulated through the General Industry criterion 1949: 'The enterprise must provide an updated risk assessment covering the working and external environments, and a corresponding action plan'.

Specific industries where this provision is extra relevant have specific laws and regulations. Norwegian enterprises can easily check which legislation applies to them by checking the government rules and regulations website *Regelhjelp* ([1]), where the enterprise enters its unique organization number resulting in a list of relevant legislation. Examples of relevant laws and regulations pertaining to emergency preparedness and response for the different industries can be found on-line on the site of the Civil Protection (DSB) ([2]). However it should be noted that the ELH generally does not certify heavy industry or enterprises with complex environmental challenges.

The specific ELH industry criteria also contain provisions for preparedness and response, although in some instances, such as boat construction this seems limited to lists of dangerous substances and first help course provisions. For the enterprises where chemicals or other substances are used (such as Laundry service) the specific industry criteria address these issues.

Commission conclusion

Emergency Preparedness and Response is strongly regulated ([3]) under Norwegian law. ELH complement this with the General Industry Criteria and specific industry criteria where relevant.

At certification, re-certification, and the process culminating in the annual management review, rules on risk awareness, preparedness and response and their efficient application and review of procedures are checked.

Based on these elements the Commission recognises that the part of ELH related to '**Emergency Preparedness and response**' complies with the corresponding EMAS requirements and can therefore be considered as equivalent.

PART 10

Checking, internal audit and corrective action

Corresponding EMAS requirement

1. As part of its Environmental Management System and consistently with its objectives the organisation shall establish, implement and maintain a procedure(s) to check, on a regular basis, the key characteristics of its operations that can have a significant environmental impact and to take corrective actions when needed. (Annex II A.5.1.)

   The organisation shall carry out an internal audit with objective to assess the management systems in place and determining conformity with the organisation's policy and programme (including legal compliance) in accordance with the requirements set out in Article 4(1)(c), Article 9 and in Annex III. Audit shall be carried out by competent auditors at least on an annual basis and the audit cycle which covers all activities of the organisation shall be completed at intervals of no longer than three years (or four years for SMEs).

2. The organisation shall establish, implement and maintain procedure(s) for identifying, correcting, and investigating actual and potential non-conformities and for taking corrective action and preventive action. Results of corrective and preventive actions shall be recorded and their effectiveness shall be reviewed. (Annex II A.5.3)

3. The outcome of the internal audit should be a report to the management on the conclusion and findings of the audit.

   Legal basis (Article 4(1)(b) and (c), Article 6(2)(a), Article 9, Annex II A.5 and Annex III)

([1]) http://www.regelhjelp.no/
([2]) https://www.dsb.no/ Link to *lovdata* (fire, explosions, hazardous substances, etc. …): https://lovdata.no/dokument/NL/lov/2002-06-14-20#KAPITTEL_2
([3]) https://www.dsb.no/

Assessment of corresponding ELH requirements

1. *Check of key characteristics of operations and assess conformity of the EMS with the organisation's policy and programme through an internal audit*

Based on General Industry criterion (GIC) 6, '*The management must perform an annual review of the HSE system and of Eco-Lighthouse procedures to assess whether they work as intended*'. Note that this criterion is marked with the § which indicates legal basis.

The guidelines to GIC 6 also state that 'The legal authority for the criterion is the Regulations relating to Systematic Health, Environmental and Safety Activities in Enterprises (Internal Control Regulations), section 5.8. The enterprise must monitor the HSE system and annually implement the system and internal audit to ensure that the HSE system works as intended. The Eco-Lighthouse procedures for external environments must be integrated with the HSE system and be made an inherent part of the internal audit. The management has main responsibility for the HSE system and for the integrated Eco-Lighthouse procedures, and must annually review them to ensure that they work as intended. How managements conduct the review in practice will vary between enterprises. The important point is to find practical solutions. (…)

NB: In addition to examining the criteria related to HSE, it is important that the consultant/enterprise also examines the enterprise's HSE system as a whole. The consultant/enterprise must examine whether the HSE system works well in practice and is well structured'.

The annual management review and the additional documentation and procedures required by ELH certification work therefore in tandem with the legal obligation to constitute an annual audit of the organisations' HSE activities according to the Norwegian Internal Control Regulations ([1]) (ICR). Through this integrated review process the enterprise must examine whether the HSE system works well in practice and is well-structured.

This results in an integration of the ELH's environmental procedures into the already existing HSE system and a strengthening of the management system as a whole both in regard to the working and the outer environment.

The audit/checks are based on specific sectoral check-lists, templates and examples provided by the ELH foundation and mirroring the level of environmental risk of the different sectors. The check shall also include a review of the Eco-Lighthouse procedures and the self-defined environmental goals, aims and achievements as defined in the annual Climate and Environmental report.

Depending on the size of the company, the system can be checked prior to the annual management review by an internal auditor or for small businesses during the meeting itself. In the annual management review, deviations and achievements, goals and aims are evaluated and new ones are set.

In complement to the Management Review, the **annual Climate and Environmental report** constitutes additional documentation of environmental goals and achievements. It assesses the items above, checks if progress has been made and aims have been reached and sets new aims for improvements in the forthcoming year. It is assessed by the management every year during the annual management review.

2. *Correction of non-conformities*

The aim of the HSE review is to pinpoint weaknesses and shortcomings and make a plan for rectification. Any shortcoming would lead to an action plan with the aim to eliminate the shortcoming (by a specific deadline).

([1]) Excerpt from ICR guidelines 'Periodical review of health, environmental and safety activities. In addition to the regular follow-ups (e.g. safety inspections, personnel meetings, etc.), the enterprise must, at least once a year, carry out a more comprehensive review of HSE activities and evaluate whether they are working in practice. The enterprise must have a written routine for the review. The results of the review must be readily accessible. The object is to pinpoint weaknesses and shortcomings and to rectify them. It is important to find the causes and ensure that they do not recur. After the review is completed, concrete objectives must be set for improvements, in addition to the overall objective'. Extracted from: www.arbeidstilsynet.no/binfil/download2.php?tid=77839 (pdf version of guidelines and regulation on Systematic health, environmental and safety (HES)). Full regulation available under http://www.arbeidstilsynet.no/fakta.html?tid=78950 and in English under: http://www.arbeidstilsynet.no/artikkel.html?tid=78622

Compliance with all criteria is needed before certification or recertification can be done, in particular with the general and specific criteria which are incorporated directly from Norwegian legislation. Non-compliance (also with legal provisions outside ELH) is dealt with by General Industry criterion 1950 which obliges enterprises to establish procedures for reporting and handling this non-compliance.

Any non-conformity with a criterion appearing during the certification or re-certification process would put on hold the ELH certification.

3. *Report to the management on the conclusion and findings of the audit*

The annual HSE report with the resultant action plan and the annual climate and environmental report are presented to the management at the occasion of the annual management review.

Commission conclusion

The check phase integrates the ELH procedures, compliance with legal requirements and the requirements of the Norwegian Internal Control Regulations (ICR) ([1]). The results of the checks are subsequently reviewed in the Management Review. To facilitate the process the scope of the checks performed is defined through sectoral checklist provided by the ELH foundation.

The combination of these procedures — HSE audit, risk analysis, checking and mitigating non-conformities — combine to form the internal audit which results in a consequential check of the HSE aspects and the ELH system. The result is subject to management review. At certification and re-certification the environmental certifier shall also confirm that the audit has been conducted as appropriate and that all relevant elements have been checked and reported.

Due to the difference between both systems the scope covered by the audit may differ although comparable procedures are applied to achieve similar objectives. However the procedures in place have the capacity to apply to a modified scope (e.g. including additional specific environmental aspects) in case the organisation wishes to step-up to EMAS.

The environmental manager is responsible for comprising and submitting the report from the different components of the internal audit to the management review, thus supporting the environmental system and the assessment of environmental performances in the light of the environmental policy and programme.

Based on these elements the Commission considers that the part of ELH related to '**Checking, internal audit and corrective action**' complies with the corresponding EMAS requirements and can therefore be considered as equivalent.

Note: per definition the ELH audit procedures currently in place are designed to ensure a consequential check of the ELH management system. If an organisation wishes to apply for EMAS registration the scope of the internal audit shall be adapted to cover all EMAS requirements, including those currently not fulfilled by ELH.

PART 11

Communication (internal and external)

Corresponding EMAS requirement

1. As part of the EMS the organisations shall establish internal and external communication procedures. Through the external communication procedure organisation shall be able to demonstrate an open dialogue with the public and other interested parties including local communities and customers with regard to the environmental impact of their activities, products and services.

2. Organisations shall provide transparency and periodic provision of environmental information to external stakeholders based on the requirements of the Annex IV (Environmental Reporting).

   This information includes among other the following elements: the environmental policy of the organisation, a description of all significant environmental aspects, a description of the environmental objectives and targets, a reporting on indicators defined in the annex, performance against legal provisions and a reference to the applicable legal requirements.

([1]) http://www.arbeidstilsynet.no/artikkel.html?tid=78622

This information shall be validated by an accredited or licensed environmental verifier on a yearly basis (or every two years for SMEs).

Article 4(1)(d), Article 5(2)(a), Article 6 (2 b), Annex II B.5, Annex IV

Assessment of corresponding ELH requirements

1. Communication is based on the Annual Climate and Environmental Report.

The ELH initial environmental review (Miljøkartlegging), that establishes the compliance list of criteria, is uploaded in the ELH web-portal but not made public. It is not supposed to be a communication tool but rather an assessment tool for the organisation. Only the annual Climate and Environmental report and the environmental policy are compelled to be made public according to GIC 7.

The Climate and Environmental report is a management tool for environmental activities to be produced by 1 April every year. The goal is for the enterprise to annually document improvement in their performances in an environmental report.

The report consists of two parts: a report on the previous year's environmental performance and an action plan for the coming year.

It is based upon a number of indicators, such as:

number of employees, absence (sick leave), financial turnover, green procurement and the number of eco-labelled products procured for own use, certified suppliers, use of paper, total energy use, surface of the heated area, energy rating, heating rating (type of heating used), use of fuel, kilometres driven, type and number of vehicles, air travel, volume of sorted and unsorted waste, plus other environmental aspects in relation to the industry criteria chosen. A part of these indicators is defined in parallel with the establishment of the industry criteria and therefore varies according to the sector of activity.

Although the ELH is not intended for industrial organisations a number of EMAS core indicators are covered by the reporting. As an example, in the Annual Climate and Environmental report made by the food wholesaler 'Arne Sjule', indicators on energy efficiency, material efficiency in the envelope of procurement, waste and CO_2 emissions through evaluation of fuel use and taken flights were reported upon.

Nevertheless, not all core-indicators listed in Annex IV are reported upon and reporting is not as quantitative as put forward by EMAS. This is undeniably linked with the system of pre-defined criteria, rooted in the ELH approach with pre-identified indicators designed to fit the sectorial specificities. As an example, in the Annual Climate and Environmental report made by the same food distributor, indicators on chemical air emissions (like NOx, PM), water emissions and biodiversity were not present in the report. However, although the set of indicators required by EMAS is broader, it should be noted that an EMAS organisation can also decide to not report on some indicators if it can justify that those indicators are non-relevant to its significant direct environmental aspects.

Under ELH additional significant aspects are addressed through GIC 1963 ('the enterprise is required to identify and address other environmental aspects') and reporting on this shall be done in the annual climate and Environmental report. Enterprises can go further in the reporting exercise and add indicators to the Climate and Environmental report, through the on-demand enterprise-specific indicators (Virksomhetsspesifikke sjekkpunkter).

The action plan for the coming year is included in the report, generated with the guidance of the web-portal. The portal forces all required fields to be completed; others are marked optional. If there are fields that are not relevant for the enterprise or that cannot be answered, an explanation in the comment field is due.

Performance against legal provision and reference to applicable legal requirement is not formally included in the Climate and Environmental Report. Corrective actions due to a detected noncompliance may be referenced in the report.

2. The report is drafted by an employee of the organization (the environmental manager) (as in EMAS). It is checked by the certifier/verifier at certification and at triannual re-certification.

   It is reported to the personnel (GIC 1952) (during meetings and via the intranet) and to the management (during the annual management review). The revision of GIC 7 ([1]) (implemented in May 2017) increased transparency of the system by requiring the enterprise to publish the report for the general public, customers, suppliers and cooperation partners. Publication must be done at the occasion of first certification, and every year afterwards.

   Publication will have to comply with Norwegian regulations pertaining to protection of data and privacy laws, withholding such indicators as sick leave and annual turnover.

Commission conclusion

The annual climate and environmental report is the basis of ELH reporting (internal and towards the public). It provides a transparent overview of the performances of the organisation against defined indicators. As the whole ELH system this report is based upon a method where the lists of criteria/indicators are pre-identified at sectoral level. This method differs from the EMAS system where all aspects are identified and reported upon **based on an individualised analysis**.

Differences also exist with regards to the content of the reports. Like EMAS the ELH annual Climate and environmental report includes a description of the organisation and of its EMS, the environmental policy of the organisation as well as which criteria have been applied and the certificate status. However differences exist regarding the mention of core indicators applicable to all organisations, reporting requirements against legal requirements and the performance of the organisation toward those.

The annual report is made known to employees and stakeholders in accordance with GIC 1952. The annual climate and environmental report must be presented to all employees at meetings or via the intranet. The enterprise is also required to publish the report for the general public, customers, suppliers and cooperation partners. Publication must be done at the occasion of first certification, and every year afterwards. By making its publication public, the report will be available not only to staff but also external actors.

The ELH report shall be validated by a certifier on certification and every third year (recertification). For EMAS validation by a third-party verifier of the 'EMAS-environmental statement' is required yearly or every two years for SMEs. Note that 98 % of ELH certified enterprises would benefit from this derogation if they were EMAS registered.

Both reporting schemes pursue the objective to provide a fair overview of the performance of the organisation against indicators related to defined environmental aspects. Both are appropriate to the methodology supporting their respective environmental management system. However, the methodological differences between these systems also apply to the reporting parts Moreover, the EMAS Environmental Statement also includes a requirement of legal compliance confirmation and shall be validated by an external verifier on a yearly basis or every two years for SMEs. Due to these differences this part cannot be considered as complying with all EMAS requirements.

Based on these elements the Commission considers that the part of ELH related to '**Communication (Internal and External)**' partly matches the corresponding EMAS requirements.

Potential measures to close the gap with EMAS requirements

Although this part of ELH cannot be considered as equivalent, the analysis demonstrates a close match with many corresponding EMAS requirements. To achieve compliance with all corresponding requirements the following additional elements should be implemented:

— The Environmental and Climate report published by ELH organisation shall include all the elements required by the Annex IV of the EMAS regulation, in particular:

  — a description of the significant environmental aspects of the organisation identified based on the procedure defined in the Annex I of the EMAS Regulation

([1]) GIC 7: 'On first-time certification the enterprise must prepare a climate and environmental report. After first-time certification the annual climate and environmental report for the whole of the preceding calendar year must be completed and submitted to the Eco-Lighthouse portal by 1 April. The annual climate and environmental report shall be made available to the general public, customers, suppliers and cooperation partners'.

— the core and specific indicators reported as appropriate

— a reference to the applicable legal requirements relating to the environment and to the performance against these legal requirements

— The Environmental and Climate report shall be validated by an accredited or licensed certifier on a yearly basis or every two years for SMEs. The certifier shall, with the appropriate method, make sure that all relevant environmental aspects, indicators and legal requirements have been identified and addressed.

PART 12

Management Review

Corresponding EMAS requirement

Based on internal audits, compliance evaluation, dialogue with stakeholders (including complaints), environmental performance of the organisation with regards to objectives, corrective and preventive actions and previous management review, the top management shall review the organisation's environmental management system, to ensure its continuing suitability, adequacy and effectiveness. Reviews shall include assessing opportunities for improvement and the need for changes to the environmental management system, including the environmental policy and environmental objectives and targets. (Annex II, A.6)

Assessment of corresponding ELH requirements

The management review is formally covered by the GIC 6 stating that: 'the management must perform an annual review of the HES system and of Eco-Lighthouse procedures to assess whether they work as intended'.

Input from ELH ([1]) shows that this part depends in large part upon the ELH annual Management Review, which centralizes the review of the HSE system and the ELH procedures, and includes the evaluation of environmental performance as indicated in the annual Climate and environmental report.

The general manager and the employee responsible for Eco-Lighthouse implementation together with the safety representative and a representative from the occupational health care meet annually to review and evaluate the system.

Based on the example provided the annual Management Review of ELH organisation covers the following elements:

— Opportunities for improvement of the system. Action plans are established and reviewed.

— Evaluation of any breaches of legislation or regulation found during the reporting period

— Evaluation of environmental performance as indicated in the annual Climate and environmental report

— Setting new environmental goals and aims in the action plan for the annual Climate and environmental report.

Commission Conclusions

The main idea of ELH Management Review is very close to EMAS as it mirrors to a large part the provisions of the regulation on management review.

Based on these elements the Commission recognises that the part of ELH related to '**Management Review**' complies with the corresponding EMAS requirements and can therefore be considered as equivalent.

Accreditation or licensing requirements for the certification bodies

The following analysis assess the accreditation or licensing requirements that allow the verification of the schemes by a qualified third party auditor

([1]) i.a. http://miljofyrtarn.no/nyeverktoy

Corresponding EMAS requirement

1. EMAS requires verification of the key elements of the management system by an independent accredited or licensed verifier. The elements subject to verification are detailed in Article 18 of the EMAS Regulation.
2. Prior to registration — Article 4(5) — the initial environmental review, the environment management system, the audit procedure and its implementation shall be verified by an accredited or licensed environmental verifier and the environmental statement shall be validated by that verifier.
3. To renew a registration — Article 6 — a registered organisation shall at least on a three-yearly basis:
   (a) have the full environmental management system and audit programme and its implementation verified;
   (b) prepare the environmental statement in accordance with the requirements set out in Annex IV and have it validated by an environmental verifier;

   and, without prejudice to previous points, **in the intervening years**, a registered organisation shall prepare an updated environmental statement in accordance with the requirements laid down in Annex IV, and have it validated by an environmental verifier;

   The Article 7 of the Regulation grants the following derogation to small organisations: the frequency referred above shall be extended from 3 years up to 4 years and from annual up to two years providing specific conditions are met.
4. Verification and validation shall be performed by an accredited or licensed verifier in the conditions defined in the Articles 25 and 26.
5. Environmental verifiers shall be accredited or licensed based on the requirements of Article 20 of the EMAS Regulation. The environmental verifier shall in particular demonstrate appropriate evidence of its competence, including knowledge, relevant experience and technical capacities relevant to the scope of the requested accreditation or licence.

Assessment of corresponding ELH requirements

1. *Independent verifier:* ELH requires a verification of the implementation of the system by a third-party certifier/verifier. This certifier/verifier has been trained and approved by the ELH Foundation and is formally appointed by the municipality. The certifier/verifier focuses his assessment on the compliance of the organisation with the general and industry-specific criteria selected by the consultant in the ELH system. The work of the certifier/verifier is controlled by ELH at each certification (every 3 years).

2. *External assessment prior to certification:* after the self-reporting by the enterprise, ELH certification is made by a certifier/verifier. ELH certification implies the checking of compliance with pre-determined criteria (general and industry specific), which also involves checking that the organisation has an updated overview of the legal requirements it is subject to, as well as a system to handle non-compliance. The most relevant legal requirements are translated into ELH criteria which are checked specifically. Consequently, the verification process boils down to verifying a check-list using the environmental statement through standardized web-based tools with specific guidelines to each criterion ([1]). Following the assessment performed by the certifier the ELH foundation checks each certification individually, approving it prior to the issue or renewal of the certificate.

3. *Renewal of the registration:* every third year, the ELH licence must be renewed.

   Before re-certification the organization must have reviewed the criteria and checked if the organization still conforms to the valid criteria. Documentation of this process must be made available in the web-portal.

   At re-certification the verifier checks if the Annual Climate &Environmental Reports have been submitted as required every year. If not so, the intermittent Annual reports must be reconstructed as well as can, possibly can be done retroactively.

   The re-certification process is identical to the certification process. Attention will be given by the certifier/verifier to continuous (environmental) progress.

   There is no external verification in the intermediate years. The intermediate Climate and Environmental reports are drafted internally. Given that 98 % of ELH certified enterprises are small organisations and based on the provision of Article 7 this frequency should be compared with verification every two years under EMAS.

([1]) see part 7

4. *Requirements on verification and validation:* Verification is conducted following the process detailed under point 2 above.

Certifiers are generalists and operate within a broad scope of licence (no sector specific licensing). Similarly to EMAS verifiers ELH certifiers shall clearly define and agree with the organisation the scope of the certification (parts of the organisation subject to the certification), examine documentation, visit the organisation, conduct interviews and spot checks. According the ELH certifier handbook the certifier may partly rely on the assurance provided by the consultant who prepared the certification ([1]). The certifier shall also be able to document his/her review by means of notes and any checklists that might be made.

When the certifier approves the enterprise, the final letter of acceptance is generated by the certifier approving the Miljøkartlegging together with a report of any non-compliance identified and corrected. Both are stored in the web portal. The Eco-Lighthouse then checks the documentation and ensures that the procedure is in accordance with the rules and guidelines. Once this is done, ELH issues a certificate.

Approval, training and supervision of the work of the certifier are ensured by the Eco-Lighthouse foundation through its web portal and instructions for performing certification are defined in the ELH certifier handbook. This ensure the independence and professionalism of the verifier based on the ELH licensing requirements.

As mentioned under point 2 above ELH does not include a specific yearly validation process every year.

5. *Accreditation or licensing requirements:*

ELH established an autonomous system of 'licensing' of its auditors and certifiers/verifiers. The certifier/verifier is approved, trained and monitored by ELH and operates on behalf of the municipality where the organisation is established. His/her work is closely monitored by ELH but he/she is in general not accredited by any standardized and recognized accreditation system. The ELH foundation is ISO 9001 certified but does not match the Standard for delivering certification (ISO 17021). The ELH requirements should therefore be compared with the licensing requirement established by the Article 20 of the EMAS Regulation.

The licensed certifier is appointed by the municipality. Thus, third party certification is maintained, as is the link to municipalities which plays an active part. Through this system, complexity is avoided ensuring costs are kept down. Access to locally available verifiers is a key success factor in the ELH system, so that the (mainly small and medium sized) enterprises with few serious environmental aspects are in this manner able to achieve certification at a reasonable cost.

The requirements set by ELH regarding the qualification of the verifiers/certifier focus on the following elements:

— ELH verifiers/certifiers are trained to have a good knowledge of the EMS they certify (ELH) and its system of criteria;

— ELH verifiers/certifiers are not accredited per sector but approved for training on the basis of a generalist competence within the fields of environment, HSE, quality control and/or revision. ELH strongly relies on the precision of the criteria that should be checked. This approach is meant at keeping costs down for companies by increasing the number of certifiers and decreasing travel;

— Similarly, legal knowledge is replaced by reference to specific industry criteria, with a dedicated guide for the verifier;

— Knowledge of technical aspect is focused on the most important environmental themes (transport, energy, waste, etc.). The Eco-Lighthouse certifies enterprises with basic environmental impact.

([1]) ELH certification handbook — certification process: 'Not all criteria can be checked equally thoroughly, but criteria marked "D" (documentation) must be documented. Environmental reviews should inspire confidence and be seen to be thorough, and thereby constitute the main basis for deciding what should be checked. The certifier decides which conditions should be examined thoroughly and which criteria can be verified through spot checks. If the consultant performing the environmental review gives assurance that industry criteria are met, the certifier can in principle rely on this provided there are no signs to the contrary (poorly conducted environmental review, unreliable conclusions, other circumstances)'.

In order to be able to fulfil these tasks, ELH makes sure the certifiers/verifiers have acquired the following qualification (A) and training (B):

A. Qualification requirements for verifiers/certifiers:

— Knowledge of environmental topics (energy, transport, waste, procurements, emissions)

— Auditing qualifications and/or professional experience

— Relevant professional experience (related to environment, HSE, ISO 14001, EMAS, etc.)

— Relevant professional background (science and environment subjects, HSE, ISO 14001, EMAS, etc.)

— Other relevant professional background or professional experience

B. Training of the certifier/verifier:

The certifier/verifier, once accepted for training, is coached individually by the ELH. Training includes:

— Introduction to the Eco-Lighthouse. Short history, the network and structure of the organisation.

— The different roles and their responsibilities: consultant, verifier, municipality coordinator, administration and Eco-Lighthouse responsible person in the enterprise.

— If an external consultant is available: short introduction by him- herself to explain practical aspects of the process towards certification, to heighten understanding

— The Eco-Lighthouse web portal including the environmental review, the certification report

— The annual climate- and environmental report

— The Eco-Lighthouse certification and re-certification process

— Auditing techniques

Additional measures to be implemented in 2017 are:

— Examination

— Time-limited approval to operate

— Observation of certifiers/verifiers by external body

ELH intends to intensify its dialogue with Accreditation bodies in Norway, and, to meet their standards and requirements although stopping short of actual accreditation of certifiers/verifiers due to the sharp increase in cost this would entail for enterprises wishing to become ELH certified.

Commission conclusion

The assessment of the ELH management system confirmed that differences can be observed between the EMAS and ELH method (criteria based), scope (sectors without complex environmental aspects) and target (mainly SMEs). The accreditation and licensing requirements also reflects these differences as well as some specificities of the ELH system such as the collaboration with municipalities or the willingness to maintain low certification costs.

The ELH approach includes a certification by a third-party certifier which serves well the objectives of the scheme. The key differences compared with the EMAS verification are the following:

— The ELH certification process focusses on assessing compliance with the set of criteria that form the core of the ELH system, including adherence with the most relevant legal requirements. Such structured approach does not exist under EMAS where the verifier has to assess the correct implementation of the requirements of the Regulation in the specific case of each organisation, including the identification of the relevant environmental aspects and the compliance with legal requirements.

— Competence of the ELH certifier is centred on the assessment of the criteria. In the EMAS system competence is centred on a broader knowledge of environmental aspects and on a specific knowledge of the industrial sector at stake.

— ELH verifiers are trained and approved by the ELH Foundation and their work is supervised individually. EMAS verifiers are accredited or licensed and supervised by administrative bodies appointed by the governments based on the requirement of the EMAS Regulation and/or ISO 17021.

— EMAS includes a yearly external check to ensure validation of environmental statement (every two years for SMEs which represent the vast majority of ELH organisation). ELH certification takes place every three years without intermediary verifications.

The ELH system, with its pre-defined sets of criteria, its focus on small organisations (few enterprises with more than 250 employees, no enterprises in heavy industry), and its certification system supervised by the ELH foundation and run by municipalities, provides an efficient and pragmatic approach to SME desiring to assess and improve their practices related to health environment and safety.

However, due to the essence of the system structured around the sets of criteria, the ELH verifier/certifier is not required to be competent to detect other environmental issues or non-compliance that would not be part of the criteria. Moreover the absence of specific sectorial knowledge or legal knowledge can prevent him to conduct specific on-site checks or to verify the reliability of specific technical data of legal status. Such specific analysis could be necessary to assess aspects going beyond the industry criteria, in particular additional aspects identified in accordance with GIC 1963 ([1]), and for the verification of legal compliance.

It can be concluded from this analysis that ELH includes a coherent system of certification by third party certifier fitting well with the structure and specificities of the system. However the requirements concerning the competencies of the ELH verifier do not fully match the corresponding requirements of the EMAS Regulation.

Based on these elements the Commission considers that the part of ELH '**accreditation or licensing requirements** partly matches the corresponding EMAS requirements.

Conclusion

The ELH constitutes a well-structured, modern, and fair scheme, providing third party audited environmental certification to many organisations of different sizes and sectors. It is built around a set of general and specific criteria to be met by the organisation requiring certification. This structuration differs from the EMAS approach which requires a preliminary identification of the significant environmental aspects specific to the organisation as a basis supporting the management system implementation.

Both schemes also address different targets. While ELH has a clear focus on SME's EMAS can be implemented by organisation from all size including large industrial organisations. In terms of governance, the ELH foundation operates the scheme and defines its requirements. The ELH foundation also works as a licensing body in charge of training and approving the certifiers operating in the different municipalities. The EMAS governance is based on a legislative act (EU Regulation), involves bodies appointed by the authorities and requires a verification by an accredited or licensed verifier.

As highlighted throughout this document both systems pursue a similar general objective (improvement of environmental performance of organisations) through different methods. Requirements are not identical. Some parts of ELH partly match the corresponding EMAS requirements while other are recognised as complying with these requirements. Parts of ELH that do not fully comply with EMAS requirements cannot be recognised as equivalent. However organisations aiming to step-up to EMAS can use the present document to adapt these parts before applying for EMAS registration.

Based on this assessment the Commission recognises:

— the following parts of the Eco-Lighthouse as complying with the corresponding EMAS requirements. These parts can therefore be considered as equivalent with the corresponding EMAS requirements:

  — Commitment and engagement of top management;

([1]) GIC 1963: 'The enterprise must identify other significant environmental aspects of the enterprise, and consider any necessary action and/or inclusion in the annual climate and environmental report and/or monitoring through the action plan.'

— Establishing an environmental policy;

— Objectives and environmental programme established to assure continuous improvement;

— Organizational structure, training, and employee involvement;

— Documentation requirements;

— Operational control

— Emergency Preparedness and response;

— Checking, internal audit and corrective action;

— Management Review

— the following parts of the Eco-Lighthouse as partly matching the corresponding EMAS requirements:

— Establishing an Environmental Review — preliminary analysis;

— Ensure legal compliance

— Communication (internal and external);

— the requirements of Eco-Lighthouse regarding accreditation or licensing for the certification bodies as partly matching the corresponding EMAS requirements.

COMMISSION IMPLEMENTING DECISION (EU) 2017/2287

of 8 December 2017

specifying the forms to be used in relation to the import of mercury and of certain mixtures of mercury pursuant to Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury

(notified under document C(2017) 8190)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury, and repealing Regulation (EC) No 1102/2008 ([1]), and in particular Article 6 thereof,

Whereas:

(1) In line with Article 3 of the Minamata Convention on Mercury ('the Minamata Convention') ([2]), Article 4(1) of Regulation (EU) 2017/852 provides that mercury and certain mixtures of mercury may be imported into the customs territory of the Union, for purposes other than disposal as waste, only if the importing Member State has granted written consent to the import. Where the exporting country is not a party to the Minamata Convention, consent may only be granted if the exporting country has also provided certification that the mercury is not from primary mercury mining.

(2) The forms for granting or denying such consent and for certifying that the mercury is not from primary mercury mining should be consistent with the forms set out in Decision UNEP/MC/COP.1/5 ([3]) adopted by the Conference of the Parties to the Minamata Convention at its first meeting and adjusted as necessary to take account of the requirements of Regulation (EU) 2017/852.

(3) For consistency with the date of application of Regulation (EU) 2017/852, the application of this Decision should be deferred to 1 January 2018.

(4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Regulation (EU) 2017/852,

HAS ADOPTED THIS DECISION:

Article 1

The form to be used by Member States when granting or denying written consent pursuant to the second subparagraph of Article 4(1) of Regulation (EU) 2017/852 is set out in Annex I to this Decision. However, this Article does not apply in the case of imports of mercury, or a mixture of mercury, that qualifies as or is considered to be waste within the meaning of Directive 2008/98/EC of the European Parliament and of the Council ([4]).

Article 2

Member States may grant written consent pursuant to the second subparagraph of Article 4(1) of Regulation (EU) 2017/852 in the circumstances set out in point (b) of that subparagraph only if the certification required by that point is in the form set out in Annex II to this Decision. However, this Article does not apply in the case of imports of mercury, or a mixture of mercury, that qualifies as or is considered to be waste within the meaning of Directive 2008/98/EC.

([1]) OJ L 137, 24.5.2017, p. 1.
([2]) The Union ratified the Minamata Convention by means of Council Decision (EU) 2017/939 of 11 May 2017 on the conclusion on behalf of the European Union of the Minamata Convention on Mercury (OJ L 142, 2.6.2017, p. 4).
([3]) Decision UNEP/MC/COP.1/5 entitled 'Guidance in relation to mercury supply sources and trade (article 3), particularly in regard to identification of stocks and sources of supply (paragraph 5 (a)) and forms and guidance for obtaining consent to import mercury (paragraphs 6 and 8)' adopted on 24 September 2017.
([4]) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

Article 3

This Decision shall apply from 1 January 2018.

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 8 December 2017.

For the Commission
Karmenu VELLA
Member of the Commission

ANNEX I

FORM FOR GRANTING OR DENYING WRITTEN CONSENT, PURSUANT TO ARTICLE 4(1) OF REGULATION (EU) 2017/852, TO THE IMPORT OF MERCURY OR OF THE MIXTURES OF MERCURY LISTED IN ANNEX I TO THAT REGULATION

FORM FOR GRANTING OR DENYING WRITTEN CONSENT, PURSUANT TO ARTICLE 4(1) OF REGULATION (EU) 2017/852 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON MERCURY, TO THE IMPORT OF MERCURY OR OF THE MIXTURES OF MERCURY LISTED IN ANNEX I TO THAT REGULATION

Note: This form applies to the import into the European Union of mercury and of mixtures of mercury with other substances, including alloys of mercury, with a mercury concentration of at least 95 % by weight, as listed in Annex I to Regulation (EU) 2017/852 on mercury ('mixtures of mercury'). This form does not apply in the case of imports of mercury, or a mixture of mercury that, qualifies as or is considered to be waste within the meaning of Directive 2008/98/EC on waste ([1]).

Section A: Contact information to be provided by the importing Member State

Name of the designated national focal point ([2]):

Address:

Tel.:

Fax:

Email:

Section B: Contact information to be provided by the exporting country

Name of designated national focal point or responsible government official:

Address:

Tel.:

Fax:

Email:

Section C: Shipment information to be provided by the exporting country

(i) Please indicate the intended total quantity of mercury, whether in pure form or in mixtures, to be shipped (kg)

(ii) Please indicate the intended date(s) of shipment(s)

(iii) Please indicate if the mercury, whether in pure form or in mixture, is from primary mercury mining:

If YES: Exporting country Party to the Minamata Convention: Please indicate if the mercury is from new or from existing primary mining within the meaning of Article 3(3) and (4) of the Minamata Convention.

If the exporting country is a non-Party, it has provided certification that the mercury is not from primary mercury mining.

(iv) Please confirm that the mercury whether in pure form or in mixture is not from any of the three following sources ([3]):

— the chlor-alkali industry (e.g. decommissioning of chlor-alkali cells),

— the cleaning of natural gas,

— non-ferrous mining and smelting operations.

Section D: Information to be provided by the importing Member State

What is the purpose of the import of the mercury whether in pure form or in mixtures? Please circle:

(i) Environmentally sound interim storage in accordance with Article 7(3) of Regulation (EU) 2017/852

YES NO

If yes, please specify the intended use if known.

.....

.....

.....

(ii) Use allowed under Union and national legislation ([4]): YES NO

If yes, please specify additional details about the intended use of the mercury whether in pure form or in mixture.

.....

.....

.....

Section E: Shipping information

Importer

Name of business:
Address:
Tel.:
Fax:
Email:

Exporter

Name of business:
Address:
Tel.:
Fax:
Email:

Section F: Indication of consent by the importing Member State

Nature of consent, please circle:

GRANTED DENIED

Please use the space below to indicate any conditions, additional details or relevant information.

.....

.....

Signature of the importing Member State designated competent authorities and date

— Name

— Title:

— Signature:

— Date:

([1]) In accordance with Article 4(2) of Regulation (EU) 2017/852, the import into the Union of mixtures of mercury other than those covered by this form and of mercury compounds for the purpose of mercury reclamation is prohibited.

([2]) The 'designated national focal point' refers to the national focal point designated under Article 17(4) of the Minamata Convention for the exchange of information under the Convention. This is expected to be the same as the 'competent authority' designated by the importing Member State under Article 17 of Regulation (EU) 2017/852 as the authority to which import requests under Article 4 should be addressed.

([3]) In accordance with Article 11 of Regulation (EU) 2017/852, mercury and mercury compounds, whether in pure form or in mixtures, from any of the three sources listed in the form shall be considered to be waste within the meaning of Directive 2008/98/EC and be disposed of without endangering human health or harming the environment, in accordance with that Directive.

([4]) In accordance with Article 4(3) of Regulation (EU) 2017/852, the import into the Union of mercury for use in artisanal and small-scale gold mining is prohibited.

ANNEX II

FORM TO BE USED BY COUNTRIES THAT ARE NOT PARTIES TO THE MINAMATA CONVENTION ON MERCURY INTENDING TO EXPORT MERCURY, WHETHER IN PURE FORM OR IN MIXTURES, TO A MEMBER STATE FOR THE PROVISION OF CERTIFICATION ON THE SOURCE OF MERCURY

FORM FOR CERTIFICATION OF THE SOURCE OF MERCURY, WHETHER IN PURE FORM OR IN MIXTURES, TO BE EXPORTED

Section A: Shipment information to be provided by the exporting country

(i) Please indicate the intended total quantity of mercury whether in pure form or in mixtures to be shipped

(ii) Please indicate the intended date(s) of shipment(s)

Section B: Shipping information

Importer

Name of business:

Address:

Tel.:

Fax:

Email:

Exporter

Name of business:

Address:

Tel.:

Fax:

Email:

Section C: Certification

In accordance with Article 3(8) of the Minamata Convention on Mercury, my Government certify that the mercury included in the shipment described in this form is not from primary mercury mining

Please, provide supporting information on the source of the mercury to be exported

Signature of responsible government official and date:

— Name

— Title:

— Signature

— Date:

COMMISSION IMPLEMENTING DECISION (EU) 2017/2288

of 11 December 2017

on the identification of ICT Technical Specifications for referencing in public procurement

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council ([1]), and in particular Article 13(1) thereof,

After consulting the European multi-stakeholder platform on ICT standardisation and sectoral experts

Whereas:

(1) Standardisation plays an important role in supporting the Europe 2020 strategy ([2]). Several flagship initiatives of the Europe 2020 strategy underlined the importance of voluntary standardisation in product or services markets to assure the compatibility and interoperability between products and services, foster technological development and support innovation.

(2) Standards are essential for European competitiveness and crucial for innovation and progress. The Commission Communications on the Single Market ([3]) and the Digital Single market ([4]) confirm the relevance of common standards to ensure the necessary interoperability of networks and systems in the European Digital Economy. This is reinforced with the adoption of the Communication on ICT Standardisation Priorities ([5]) where the Commission identifies priority ICT technologies where standardisation is considered critical to the completion of the Digital Single Market.

(3) The Communication from the Commission entitled 'A strategic vision for European standards: moving forward to enhance and accelerate the sustainable growth of the European economy by 2020' ([6]) recognised the specificity of standardisation in the field of information and communication technologies ('ICT'), where solutions, applications and services are often developed by global ICT Fora and Consortia that are today leading ICT standards development organisations.

(4) Regulation (EU) No 1025/2012 on European standardisation established a system whereby the Commission may decide to identify the most relevant and most widely accepted ICT technical specifications issued by organisations that are not European, international or national standardisation organisations, that might then be referenced, primarily to enable interoperability in public procurement. The possibility of using the full range of ICT technical specifications when procuring hardware, software and information technology services will enable interoperability between devices, services and applications, will help public administrations to avoid lock-in that occurs when the public procurer cannot change a provider after the expiration of the procurement contract because using ICT proprietary solutions, and it will encourage competition in the supply of interoperable ICT solutions.

(5) For the ICT technical specifications to be eligible for referencing in public procurement they must comply with the requirements set out in Annex II to Regulation (EU) No 1025/2012. Compliance with those requirements guarantees the public authorities that the ICT technical specifications are established in accordance with the principles of openness, transparency, impartiality and consensus that are recognised by the World Trade Organisation in the field of standardisation.

([1]) OJ L 316, 14.11.2012, p. 12.
([2]) Communication from the Commission entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'. COM(2010) 2020 final of 3 March 2010.
([3]) Communication from the Commission 'upgrading the single market: more opportunities for people and business'. COM(2015) 550 final of 28 October 2015.
([4]) Communication on a Digital Single Market Strategy for Europe. COM(2015) 192 final of 6 May 2015.
([5]) COM(2016) 176 final of 19 April 2016.
([6]) COM(2011) 311 final of 1 June 2011.

(6) The decision to identify the ICT specification is to be adopted after consultation of the European multi-stakeholder platform on ICT standardisation set up by Commission Decision 2011/C 349/04 ([1]) complemented by other forms of consultation of sectoral experts.

(7) The European multi-stakeholder platform on ICT standardisation evaluated and gave a positive advice to the identification of the following technical specifications for referencing in public procurement: 'SPF-Sender Policy Framework for Authorizing Use of Domains in Email' ('SPF'), 'STARTTLS-SMTP Service Extension for Secure SMTP over Transport Layer Security' ('STARTTLS-SMTP') and 'DANE-SMTP Security via Opportunistic DNS-Based Authentication of Named Entities Transport Layer Security' ('DANE-SMTP') developed by Internet Engineering Task Force (IETF); 'Structured Threat Information Expression' ('STIX 1.2') and 'Trusted Automated Exchange of Indicator Information' ('TAXII 1.1') developed by the Organization for the Advancement of Structured Information Standards ('OASIS'). The evaluation and advice of the platform was subsequently submitted to consultation of sectoral experts who confirmed the positive advice to its identification.

(8) 'SPF' technical specification developed by IETF is an open standard that specifies a technical method to detect sender address falsification. SPF offers the option of checking whether a message is sent from a server that is authorised to do so. It is a simple email-validation system designed to detect email spoofing by providing a mechanism to allow receiving mail exchangers to check that incoming mail from a domain comes from a host authorised by that domain's administrators. The purpose of SPF is to prevent spammers from sending messages with forged 'From-addresses' at a particular domain. Recipients can refer to an SPF record to determine whether a message purporting to be from that domain comes from an authorised mail server.

(9) 'STARTTLS-SMTP' developed by IETF, is a way to take an existing insecure connection and upgrade it to a secure connection. STARTTLS is an extension to the Simple Mail Transfer Protocol ('SMTP') service that allows an SMTP server and client to use Transport Layer Security ('TLS') to provide private, authenticated communication over the Internet. Particularly unsecured e-mail communication supplies a major attack vector for breaching government networks. If a user sends an e-mail, the mail server of the user's mail provider will send this e-mail to the mail server of the receiver. The connection between these mail servers can be secured in advance with TLS. STARTTLS offers a way to upgrade an unencrypted (plain-text) connection to an encrypted TLS-connection.

(10) 'DANE-SMTP' developed by IETF is a suite of protocols to enhance Internet security by allowing keys to be placed into Domain Name System ('DNS') and secured by DNSSEC ('DNS Security'). When establishing a secure connection with an unknown party, an online check of the authenticity of the sending party and the destination is desirable. This can be done by certificates issued by certificate authorities ('CAs') within the PKI system, or by self-signed certificates. DANE allows the holder of a domain ('registrant') to provide additional information on top of the online certificates through a DNSSEC-secured DNS record. DANE is therefore particularly important for combating active attackers.

(11) 'STIX 1.2' developed by OASIS is a language for describing cyber threat information in a standardised and structured manner. It covers major topics when it comes to cyber threat data, facilitating the analysis and exchange about attacks. It characterises an extensive set of cyber threat information, including indicators of adversary activity such as IP addresses and file hashes and contextual information regarding threats such as adversary Tactics, Techniques and Procedures ('TTPs'); exploitation targets; Campaigns and Courses of Action ('COA'). Together this information completely characterises the cyber adversary's motivations, capabilities, and activities, and thus, help in defending against attacks.

(12) 'TAXII v1.1' technical specification also developed by OASIS standardises the trusted, automated exchange of cyber threat information. TAXII defines services and message exchanges for sharing actionable cyber threat information across organisation, product, or service boundaries in view of the detection, prevention, and mitigation of cyber threats. TAXII empowers organisations to achieve improved situational awareness about emerging threats and it enables organisations to easily share information with partners, while leveraging existing relationships and systems,

([1]) Commission Decision 2011/C 349/04 of 28 November 2011 setting up the European multi-stakeholder platform on ICT standardisation (OJ C 349, 30.11.2011, p. 4).

HAS ADOPTED THIS DECISION:

Article 1

The technical specifications listed in the Annex are eligible for referencing in public procurement.

Article 2

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

Done at Brussels, 11 December 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Internet Engineering Task Force (IETF)

No	Title of ICT technical specification
1	SPF-Sender Policy Framework
2	STARTTLS-SMTP Service Extension for Secure SMTP over Transport Layer Security
3	DANE-SMTP Security via Opportunistic DNS-Based Authentication of Named Entities Transport Layer Security (TLS)

Organisation for the Advancement of Structured Information Standards (OASIS)

No	Title of ICT technical specification
1	STIX 1.2 Structured Threat Information Expression
2	TAXII 1.1 Trusted Automated Exchange of Indicator Information

COMMISSION IMPLEMENTING DECISION (EU) 2017/2289

of 11 December 2017

amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States

(notified under document C(2017) 8631)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ([1]), and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ([2]), and in particular Article 10(4) thereof,

Whereas:

(1) Commission Implementing Decision (EU) 2017/247 ([3]) was adopted following outbreaks of highly pathogenic avian influenza of subtype H5 in a number of Member States ('the concerned Member States'), and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Article 16(1) of Council Directive 2005/94/EC ([4]).

(2) Implementing Decision (EU) 2017/247 provides that the protection and surveillance zones established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision. Implementing Decision (EU) 2017/247 also lays down that the measures to be applied in the protection and surveillance zones, as provided for in Article 29(1) and Article 31 of Directive 2005/94/EC, are to be maintained until at least the dates for those zones set out in the Annex to that Implementing Decision.

(3) Since the date of its adoption, Implementing Decision (EU) 2017/247 has been amended several times to take account of developments in the epidemiological situation in the Union as regards avian influenza. In particular, Implementing Decision (EU) 2017/247 was amended by Commission Implementing Decision (EU) 2017/696 ([5]) in order to lay down rules regarding the dispatch of consignments of day-old chicks from the areas listed in the Annex to Implementing Decision (EU) 2017/247. That amendment took into account the fact that day-old chicks pose a very low risk for the spread of highly pathogenic avian influenza compared to other poultry commodities.

(4) Implementing Decision (EU) 2017/247 was also subsequently amended by Commission Implementing Decision (EU) 2017/1841 ([6]) in order to strengthen the disease control measures applicable where there is an increased risk for the spread of highly pathogenic avian influenza. Consequently, Implementing Decision (EU) 2017/247 now provides for the establishment at Union level of further restricted zones in the concerned Member States, as referred to in Article 16(4) of Directive 2005/94/EC, following an outbreak or outbreaks of highly pathogenic avian influenza, and the duration of the measures to be applied therein. Implementing Decision (EU) 2017/247 now also lays down rules for the dispatch of live poultry, day-old chicks and hatching eggs from the further restricted zones to other Member States, subject to certain conditions.

([1]) OJ L 395, 30.12.1989, p. 13.
([2]) OJ L 224, 18.8.1990, p. 29.
([3]) Commission Implementing Decision (EU) 2017/247 of 9 February 2017 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 36, 11.2.2017, p. 62).
([4]) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).
([5]) Commission Implementing Decision (EU) 2017/696 of 11 April 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 101, 13.4.2017, p. 80).
([6]) Commission Implementing Decision (EU) 2017/1841 of 10 October 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 261, 11.10.2017, p. 26).

(5) In addition, the Annex to Implementing Decision (EU) 2017/247 has been amended numerous times, mainly to take account of changes in the boundaries of the protection and surveillance zones established by the concerned Member States in accordance with Directive 2005/94/EC. The Annex to Implementing Decision (EU) 2017/247 was last amended by Commission Implementing Decision (EU) 2017/2175 [1], following the notification by Bulgaria and Italy of new outbreaks of highly pathogenic avian influenza in those Member States. Bulgaria notified the Commission of two outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry holdings in the regions of Sliven and Yambol of that Member State. Italy notified the Commission of outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry holdings in the regions of Lombardia, Piemonte and Lazio of that Member State. Those Member States also notified the Commission that they had duly taken the necessary measures required in accordance with Directive 2005/94/EC following those outbreaks, including the establishment of protection and surveillance zones around the infected poultry holdings, and in the case of Italy the enlargement of the further restricted zones.

(6) Since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2017/2175, Bulgaria has notified the Commission of a recent outbreak of highly pathogenic avian influenza of subtype H5N8 in a poultry holding in the region of Stara Zagora of that Member State. Bulgaria has also notified the Commisssion that it has taken the necessary measures required in accordance with Directive 2005/94/EC following that recent outbreak, including the establishment of protection and surveillance zones around the infected poultry holding.

(7) In addition, Italy has notified the Commission of further outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry holdings, located in the region of Lombardia and Veneto of that Member State. Italy has also notified the Commission that it has taken the necessary measures required in accordance with Directive 2005/94/EC following these recent outbreaks, including the establishment of protection and surveillance zones around the infected poultry holdings.

(8) The Commission has examined the measures taken by Bulgaria and Italy in accordance with Directive 2005/94/EC, following the recent outbreaks of highly pathogenic avian influenza in those Member States, and it is satisfied that the boundaries of the protection and surveillance zones established by the competent authorities of those two Member States are at a sufficient distance to any poultry holding where an outbreak of highly pathogenic avian influenza of subtype H5N8 has been confirmed.

(9) In order to prevent any unnecessary disturbance to trade within the Union, and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Bulgaria and Italy, the protection and surveillance zones established in those two Member States, in accordance with Directive 2005/94/EC, following the recent outbreaks of highly pathogenic avian influenza in those Member States. Therefore, the entries for Bulgaria and Italy in the Annex to Implementing Decision (EU) 2017/247 should be updated to take account of the up-to-date epidemiological situation in those Member States as regards that disease. In particular, new entries for the protection and surveillance zones in Bulgaria and Italy, now subject to restrictions in accordance with Directive 2005/94/EC, should be added to the lists in the Annex to Implementing Decision (EU) 2017/247.

(10) The Annex to Implementing Decision (EU) 2017/247 should therefore be amended to update regionalisation at Union level in order to include the protection and surveillance zones established in Bulgaria and Italy in accordance with Directive 2005/94/EC, following the recent outbreaks of highly pathogenic avian influenza in those Member States, and the duration of the restrictions applicable therein.

(11) Implementing Decision (EU) 2017/247 should therefore be amended accordingly.

(12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2017/247 is amended in accordance with the Annex to this Decision.

[1] Commission Implementing Decision (EU) 2017/2175 of 21 November 2017 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 306, 22.11.2017, p. 31).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11 December 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2017/247 is amended as follows:

(1) Part A is amended as follows:

(a) the entry for Bulgaria is replaced by the following:

'Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Stara Zagora region, Municipality of Chirpan	
Gita Darjava Svoboda Oslarka	15.12.2017'

(b) the entry for Italy is replaced by the following:

'Member State: Italy

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0075) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,297588 E10,221751	7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0076) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,280826 E10,219352	6.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0077) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,264774 E10,205204	5.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0078) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,267177 E10,233081	5.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0079) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,291849 E10,220940	6.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0080) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.259133 E10.317484	16.12.2017
— The area of the parts of Veneto Region (ADNS 17/0082) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.707605 E11.947517	29.12.2017'

(2) Part B, is amended as follows:

(a) the entry for Bulgaria is replaced by the following:

'Member State: Bulgaria

Area comprising	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Sliven region, Municipality of Sliven	
— Glushnik — Kaloyanovo	From 25.11.2017 to 3.12.2017
— Sliven — Trapoklovo — Dragodanovo — Kamen — Topolchane — Sotirya — Sedlarevo	3.12.2017
— Zhelyu voyvoda — Blatets — Gorno Aleksandorvo	7.12.2017
Yambol region	
— Municipality of Straldzha — Zimnitsa — Charda	From 30.11.2017 to 7.12.2017
— Municipality of Straldzha — Straldzha — Atolovo — Vodenichene — Dzinot — Lozentets — Municipality of Tundzha — Mogila — Veselinovo — Kabile — Chargan — Municipality of Yambol — Yambol city	7.12.2017

Area comprising	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Stara Zagora region	
— Municipality of Chirpan — Gita — Darjava — Svoboda — Oslarka	From 16.12.2017 to 24.12.2017
— Municipality of Chirpan — Chirpan — Dimitrievo — Malko Tranovo — Rupkite — Svoboda — Tselina — Tsenovo — Volovarovo — Yazdach — Zetiovo — Zlatna Livada — Municipality of Stara Zagora — Vodenicharovo — Samuilovo — Kozarevec	24.12.2017
Haskovo region, Municipality of Dimitrovgrad	
— Merichleri — Velikan	24.12.2017’

(b) the entry for Italy is replaced by the following:

‘Member State: Italy

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0060) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,275251 E10,160212	From 29.11.2017 to 7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0060) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,275251 E10,160212	7.12.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0061) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,273215 E10,15843	From 29.11.2017 to 7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0061) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,273215 E10,15843	7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0062) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,279373 E 10,243124	From 29.11.2017 to 7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0062) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,279373 E 10,243124	7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0063) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,244372 E10,19965	From 29.11.2017 to 7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0063) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45,244372 E 10,19965	7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0064) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,551421 E9,742449	From 27.11.2017 to 5.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0064) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,551421 E9,742449	5.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0065) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,247829 E10,173639	From 28.11.2017 to 6.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0065) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,247829 E10,173639	6.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0066) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,314835 E10,183902	From 29.11.2017 to 7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0066) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,314835 E10,183902	7.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0067) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,268601 E10,198274	From 30.11.2017 to 8.12.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0067) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,268601 E10,198274	8.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0068) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,287212 E10,211417	From 30.11.2017 to 8.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0068) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,287212 E10,211417	8.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0069) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,257394 E10,236272	From 1.12.2017 to 9.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0069) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,257394 E10,236272	9.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0070) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,294615 E10,262587	From 5.12.2017 to 13.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0070) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,294615 E10,262587	13.12.2017
— The area of the parts of Piemonte Region (ADNS 17/0071) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,028312 E8,129643	From 2.12.2017 to 10.12.2017
— The area of the parts of Piemonte Region (ADNS 17/0071) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,028312 E8,129643	10.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0072) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,279698 E10.2546060	From 3.12.2017 to 11.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0072) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,279698 E10.2546060	11.12.2017
— The area of the parts of Lazio Region (ADNS 17/0073) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N41,933396 E12,82672	From 27.11.2017 to 5.12.2017
— The area of the parts of Lazio Region (ADNS 17/0073) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N41,933396 E12,82672	5.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0074) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,221999 E10,142106	From 3.12.2017 to 11.12.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0074) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,221999 E10,142106	11.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0075) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,297588 E10,221751	From 8.12.2017 to 16.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0075) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,297588 E10,221751	16.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0076) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,280826 E10,219352	From 7.12.2017 to 15.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0076) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,280826 E10,219352	15.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0077) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,264774 E10,205204	From 6.12.2017 to 14.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0077) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,264774 E10,205204	14.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0078) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,267177 E10,233081	From 6.12.2017 to 14.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0078) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,267177 E10,233081	14.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0079) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,291849 E10,220940	From 7.12.2017 to 15.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0079) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,291849 E10,220940	15.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0080) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.259133 E10.317484	From 17.12.2017 to 25.12.2017
— The area of the parts of Lombardia Region (ADNS 17/0080) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45.259133 E10.317484	25.12.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Veneto Region (ADNS 17/0082) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.707605 E11.947517	From 30.12.2017 to 7.1.2018
— The area of the parts of Veneto Region (ADNS 17/0082) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45.707605 E11.947517	7.1.2018’

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 52/2017 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT ON MUTUAL RECOGNITION BETWEEN THE EUROPEAN COMMUNITY AND THE UNITED STATES OF AMERICA

of 24 November 2017

related to the listing of Conformity Assessment Bodies under the Sectoral Annex for Electromagnetic Compatibility [2017/2290]

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between the European Community and the United States of America and in particular Article 7 and 14;

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex;

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Body in Attachment A is added to the list of Conformity Assessment Bodies under column 'EC access to the US market' in Section V of the Sectoral Annex for Electromagnetic Compatibility.

2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Body indicated in Attachment A has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

On behalf of the United States of America
James C. SANFORD
Signed in Washington DC, 15 November 2017

On behalf of the European Union
Ignacio IRUARRIZAGA
Signed in Brussels, 24 November 2017

ATTACHMENT A

EC Conformity Assessment Body added to the list of Conformity Assessment Bodies under column 'EC access to the US market' in Section V of the Sectoral Annex for Electromagnetic Compatibility

EMITECH Chassieu 7, rue Georges Méliès 69680 Chassieu FRANCE

DECISION No 53/2017 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT ON MUTUAL RECOGNITION BETWEEN THE EUROPEAN COMMUNITY AND THE UNITED STATES OF AMERICA

of 24 November 2017

related to the listing of Conformity Assessment Bodies under the Sectoral Annex for Electromagnetic Compatibility [2017/2291]

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between the European Community and the United States of America and in particular Article 7 and 14;

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex;

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Body in Attachment A is added to the list of Conformity Assessment Bodies under column 'EC access to the US market' in Section V of the Sectoral Annex for Electromagnetic Compatibility.

2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Body indicated in Attachment A has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorized to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

On behalf of the United States of America

James C. SANFORD

Signed in Washington DC, on 15 November 2017

On behalf of the European Union

Ignacio IRUARRIZAGA

Signed in Brussels, on 24 November 2017

ATTACHMENT A

EC Conformity Assessment Body added to the list of Conformity Assessment Bodies under column 'EC access to the US market' in Section V of the Sectoral Annex for Electromagnetic Compatibility

CMC Centro Misure Compatibilità Srl Via della Fisica, 20 36016 Thiene (VI) ITALY

DECISION No 54/2017 OF THE JOINT COMMITTEE ESTABLISHED UNDER THE AGREEMENT ON MUTUAL RECOGNITION BETWEEN THE EUROPEAN COMMUNITY AND THE UNITED STATES OF AMERICA

of 24 November 2017

related to the listing of Conformity Assessment Bodies under the Sectoral Annex for Electromagnetic Compatibility [2017/2292]

THE JOINT COMMITTEE,

Having regard to the Agreement on Mutual Recognition between the European Community and the United States of America and in particular Article 7 and 14;

Whereas the Joint Committee is to take a decision to list a Conformity Assessment Body or Bodies under a Sectoral Annex;

HAS DECIDED AS FOLLOWS:

1. The Conformity Assessment Body in Attachment A is added to the list of Conformity Assessment Bodies under column 'EC access to the US market' in Section V of the Sectoral Annex for Electromagnetic Compatibility.

2. The specific scope of listing, in terms of products and conformity assessment procedures, of the Conformity Assessment Body indicated in Attachment A has been agreed by the Parties and will be maintained by them.

This Decision, done in duplicate, shall be signed by representatives of the Joint Committee who are authorised to act on behalf of the Parties for purposes of amending the Agreement. This Decision shall be effective from the date of the later of these signatures.

On behalf of the United States of America

James C. SANFORD

Signed in Washington DC, 15 November 2017

On behalf of the European Union

Ignacio IRUARRIZAGA

Signed in Brussels, 24 November 2017

ATTACHMENT A

EC Conformity Assessment Body added to the list of Conformity Assessment Bodies under column 'EC access to the US market' in Section V of the Sectoral Annex for Electromagnetic Compatibility

Emilab Srl Via F. lli Solari 5/A 33020 Amaro (UD) ITALY

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