



BETTER
REGULATION
AIMED AT
VALORISING EMAS

Annex 1.5 Portugal case study: *Nature tourism enterprises in Portugal*



1. Introduction to the case study

Decree-Law No. 39/2008 of 7 March, which establishes the legal regime of installation and operation of tourism enterprises, has redefined the concept of nature tourism enterprises as companies providing accommodation to tourists, in protected areas or in other areas with natural values, with a suitable set of installations, structures, equipment and additional services related to the environmental animation, the visitation of natural areas, the sport of nature and environmental interpretation. This regulation determines in its article 20 that the nature tourism enterprises are recognized as such by the Institute for nature conservation and biodiversity, hereinafter referred to as INCB, according to criteria to be fixed by Government members responsible for environmental and tourism departments.

Therefore, improving the environmental performance of nature tourism enterprises not only involves the use of environmental technologies but also the environmental management practices that allow control, monitoring, measurement and improving the environmental performance of organizations. EMAS Regulation enables the nature tourism enterprises in this sense. Therefore, complementarity between nature tourism enterprises and the EMAS Regulation can speed up or simplify the procedures for granting and renewal of permits, as well as the environmental surveillance, inspection and control of them.

Regulation 261/2009, of 12 March considers the possibility of simplifying the permitting and following-up procedure through EMAS Regulation, based on the coordination, simplicity and agility reducing thus burdens that the owner of the installation is forced to deal with prior to the start-up and during the operation of an activity.

This case study address a measure for the integration of the activities related to the implementation of the Regulation 261/2009 and the EMAS Regulation. Specifically, this case study is focused on the coordination between the recognition of nature tourism enterprises and the EMAS Regulation carried out by Portugal Government.

1.1 Motivation of case-study

This case study is motivated by the following criteria:

- Simplification of the regulatory framework: it allows simplifying the administrative procedure of the recognition of nature tourism enterprises.
- Keeping up with competitors: tourism is a sector characterized by a strong competitiveness, this measure represents an additional advantage
- Saving of financial resources: it avoids adopting environmental practices in the installation.

The objective of this case study is to analyze the effects of the simplification of administrative procedures in nature tourism enterprises registered under EMAS scheme in Portugal.

1.2 Methodology

Methodology applied in the case study analysis:

- Data collected from:
 - Portugal Government, 2008. Decree-Law 39/2008 from the Ministry of Economy and Innovation, of 7 March. Official Journal of Portugal, 1st series n° 48, pp. 1440-1456.

- Portugal Government, 2009. Regulation 261/2009 from the Ministry of Environment, Land Planning, Regional Development, Economy and Innovation, of 12 March. Official Journal of Portugal, 1st series n^o 50, pp. 1644-1647.
- Portuguese Institute of Statistics (www.ine.pt)
- Portuguese Ministry of Economy and Employment, 2010. Anuário das Estatísticas do Turismo 2010.
- European Commission, 2006. Reference Document on Economics and Cross-Media Effects. European IPPC Bureau.
- Data collected by interviews: technicians from Portuguese Environment Agency.

2. The simplification measure

2.1 Description of the measure

This case study collects information about a regulatory relief measure. The measure reduces the information required for the recognition of nature tourism enterprises, so it streamlines the applications submitted by tourism operator. The main EMAS burden addressed by this measure is the lack of recognition by public institutions.

Decree-Law 39/2008 establishes the new legal regime of installation, operation and operation of tourist resorts, by the derogation of several regulations that currently govern this matter and by bringing together in a single decree-law the provisions common to all enterprises, in order to make easier the access to regulatory standards. This legislative initiative gives compliance with the guidelines set out by the Portugal Government, to review the current legislative framework of tourist activity and streamline the permitting procedure of tourist enterprises. This streamlining of permitting becomes into a simplification of procedures, accompanied by a greater responsibility of promoters and a better control by public authorities.

Tourist enterprises are intended to provide accommodation services, for the functioning of a proper set of structures, equipment and additional services. The tourist enterprises can be integrated in one of the following types (Decree-Law 39/2008, article 4):

- a) Hotels;
- b) Tourist villages;
- c) Tourist apartments;
- d) Resorts;
- e) Housing tourism enterprises;
- f) Rural tourism enterprises;
- g) Camping and caravanning;
- h) Nature tourism enterprises.

The nature tourism enterprises may adopt any of the types referred to a) to g), meeting the requirements of installation, operation and classification for the typology adopted.

Nature tourism enterprises are intended to provide accommodation services to tourists, in protected areas or in other areas with natural values, with a suitable set of installations, structures, equipment and additional services related to the environmental animation, the visitation of natural areas, the sport of nature and environmental interpretation. Specific installation requirements, classification and function of nature tourism enterprises are defined by Regulation 261/2009 and recognized as such by the Institute for nature conservation and biodiversity (INCB).

For the purposes of recognition referred to, the enterprises that fall under the types referred to a) - d), g), and have larger than 3 ha must also:

a) Adopt a set of good environmental practices, which allow an efficient use of resources, thus minimizing their impact on ecosystems; enterprises should adopt **all the required mandatory criteria and at least six optional criteria of good environmental practices listed in Annex I of Regulation 261/2009**.

b) Participate in at least one project for the conservation of nature and biodiversity, approved by the INCB.

1 — Mandatory criteria of Annex I:

Source of water supply. — When the tourism enterprise is not connected to the public water supply network, the operator must ensure that water supply has a reduced environmental impact, without prejudice to the requirement of water intended for human consumption.

Water flow from taps and showers. — The water flow from taps and showers shall not exceed 12 l/minute.

Use of lights. — If the room lights not turn off automatically, there must be information easily accessible to ask guests to turn off the lights before leaving the room.

Use of heating and cooling systems. — If the heating and/or cooling systems do not turn off automatically when windows are opened, there should be information easily accessible to guests' attention to the need for closing them when the heating and/or cooling systems are connected.

Change of towels and sheets. — Guests should be informed that, in accordance with the environmental policy of the enterprise, the sheets and towels are only changed at the request of guests or, in the absence thereof, in accordance with the minimum legally required.

Waste water treatment. — All wastewater must be treated. If it is not possible to make a connection to the local treatment plant, the tourist enterprise shall have its own treatment system that satisfies the requirements of national legislation.

Waste transport. — If the local authorities responsible for the waste management do not make waste collection in tourist enterprise or next to it, the enterprise should ensure the waste transport to a suitable location, ensuring to limit it to the minimum possible.

2 — Optional criteria of Annex I:

Air conditioning. — Air conditioning systems must have an energy efficiency of at least class B, in accordance with Directive 2002/31/CE, of 22 March on the application of Directive 92/75/CEE, of the Council, with regard to energy labeling of household air-conditioners, or a corresponding energy efficiency.

Windows insulation. — All windows should have an appropriately high degree of thermal insulation depending on the local climate and provide an appropriate level of acoustic insulation.

Energy efficiency of lamps. — At least 60% of all lamps in the tourism enterprise shall have an energy efficiency of class A, in accordance with Directive 98/11/CE, of 27 January, on the application of Directive 92/75/CEE, of the Council, with regard to energy labeling of household lamps. At least 80% of all lamps installed where it is likely to stay connected for more than five hours per day must have an energy efficiency of class A, in accordance with Directive 98/11/CE.

Saving water in the bathrooms. — There must be adequate information in the bathrooms that explain to guests as they can contribute to the economy of water.

Disposable products. — Except where required by law, none of the following disposable products shall be used in the units of accommodation and restaurants:

- Toilet products for single-time usage (for example, shampoo, SOAP, shower cap, etc.), without prejudice to the substitution of products used whenever change the wearer;
- Glasses, cups, dishes and cutlery.

Gardening. — The green areas should be managed without the use of pesticides or in accordance with the principles of organic farming. Flowers and gardens should be irrigated regularly, before the sun peak or after sunset, and only in regions where regional and climatic conditions justify it.

Trash containers in the bathrooms. — Each bathroom must have a suitable container for garbage, that guests should be invited to use, instead of the toilet, for certain types of waste.

Water losses. — The personnel of the enterprise should be formed to control the daily existence of visible water losses and take appropriate measures as necessary. Guests should be invited to report any loss of water to the staff.

Use of disinfectants. — Disinfectants should only be used when necessary to comply with legal hygiene requirements. The personnel should be trained not to exceed the recommended doses of detergent or disinfectant indicated on the packaging.

Dosage of swimming pool disinfectant. — The pools must have a system which ensures the use of minimum quantities of disinfectant required for an appropriate result in terms of hygiene.

Mechanical cleaning. — The enterprise must have precise procedures for cleaning without chemicals, for example, through the use of microfiber products or other materials or cleaning without chemicals and with similar effects.

Waste separation by guests. — Appropriate containers must exist in order to allow guests to separate the waste according to the local waste management system. There must be clear and accessible information in rooms asking guests to make sorting their waste.

Hazardous waste. — The enterprise staff must collect and separate hazardous waste and ensure their proper disposal. Falling within the scope of the toners, inks, refrigerating equipment, batteries and pharmaceutical products.

Waste separation. — Enterprise staff must do the waste separation in the categories that can be handled separately.

Public transport. — There must be information easily accessible for guests and the staff, on public transport serving the enterprise and other local destinations. In cases where there is no suitable public transport, information must be provided on other means of transport preferable from an environmental point of view.

Enterprise statement on the environmental policy. — The enterprise must draw up a written statement of the environmental policy, which must identify environmental performance objectives with regard to energy, water, chemicals and waste, and make it available to the guests, who should be invited to submit their comments and complaints.

Staff training. — Tourism enterprise should provide information and training to its staff, including written procedures or manuals, to ensure the application of environmental measures and strengthen their awareness of an environmentally friendly behavior.

The Government of Portugal, through the INCB considers EMAS as reliable and valid certification to demonstrate the continuous improvement of environmental performance. Shall be exempt from the adoption of good environmental practices:

- a) Tourist enterprises with an environmental management system certified by ISO 14001;
- b) Tourist enterprises which have an environmental management system registered under Regulation (EC) no 761/2001, of March 9, the Community Regulation of Eco-management and audit scheme (EMAS);
- c) Tourist enterprises that have the Community eco-label to tourist accommodation service, with reference to Commission decision No 2003287CE, of 14 April;

d) Tourist enterprises which have other systems of good environmental practices that INCB recognize and promote on its website.

When the operator applies for the recognition of nature tourism enterprises, he will have to provide an indication of good environmental practices adopted or proof of validity of environmental certifications associated with the tourist enterprise, as provided for in article 7 of Regulation 261/2009. So, the main goal of this measure is to replace that requirement by the EMAS certification.

The application for recognition of nature tourism enterprise is submitted to the INCB, accompanied by the following documentation:

- a) Identification of applicant;
- b) Identification of enterprise directors or managers;
- c) Location of the establishment;
- d) Detailed program of tourist entertainment activities to develop;
- e) Information on the existence or not of employees with training in conservation of nature and biodiversity;
- f) Indication of good environmental practice adopted or proof of validity of environmental certifications associated with the tourist enterprise, where applicable;
- g) Project proposal for the conservation of nature and biodiversity, where applicable;

The applicant shall send to the INCB all documentation. The INCB issues the recognition within 30 days from the application date of application. In the absence of any decision of the INCB within the time limit laid down, recognition is considered as issued, without prejudice to the obligation of the enterprise to meet the criteria referred.

The documentation required in case of EMAS enterprises is the same, except the indication of good environmental practice adopted or proof of validity of environmental certifications associated with the tourist enterprise.

The stakeholders involved in this measure are:

- The EMAS company, who must submit the application for the recognition
- The INCB who issues the recognition
- The EMAS Competent Authority, who certifies that the enterprise is registered under EMAS scheme

2.2 Description of the characteristics of the sector within the region

In 2010, regarding the touristic procurement at European level, Portugal reached the 13th position in the ranking, with a share of 2,5%. 13,9 million of passengers arrived to the Portuguese airports, from which 81% were international flights and 19% domestic flights. In terms international passengers arrived per month of the year, 62% of movements were carried out between May and October, while July addressing the higher number of passengers arrived (1,4 million). 2010 ranking of tourists by countries was: 1st UK (22%), 2nd Spain (13%), 3rd France (13%), 4th Germany (11%), 5th Brasil (7%). Portugal registered 995.000 passengers in the seaports.

In 2010, hotels in Portugal received 13,5 million of tourists that originated 37,4 million of stays and 1.800 M€ of overall benefits. Tourist vilages and rural tourism enterprises received

782.000 stays. Campings counted 6,5 million of stays. Other 2010 data related to tourist enterprises in Portugal are:

Type of tourism	Number of enterprises	Number of beds
Hotels, tourist villages and apartments	2.031	279.506
Rural tourism enterprises	1.188	13.356
Campings	227	181.954

3. Analysis

3.1 Analysis of the “level of application” of a measure

Among the tourist enterprises referred to above, only 1 of them is registered under EMAS scheme (Troia Resort).

3.2 Analysis of Adopters’ benefits

As stated in the paragraph “2.1 Description of the measure”, the main benefit is the exemption from submitting the indication of good environmental practice adopted to the INCB for those EMAS companies which are applying for the recognition of nature tourism enterprise.

The benefits for the EMAS company by adopting this measure are both economic and administrative:

- Economic saving: the cost of the good environmental practices for the recognition depends on the measures to implement.
- It streamlines the recognition of nature tourism enterprise.
- To improve the relief from public administrations.
- To simplify the environmental communication activities.

The benefits for the competent authority (public administration) by adopting this measure are:

- To improve the efficiency of recognition procedure, in terms of time.
- To improve pollution control in tourism installations.
- To reduce surveillance activities.

The economic savings are particularly important for the EMAS companies. The cost of the good environmental practices describe in Annex I of Regulation 261/2009 depends on several components. The main components included in an environmental investment/technology are:

- Investment expenditure
 - Installation costs
 - Pollution control equipment
- Operating and maintenance costs
 - Energy costs
 - Materials and services
 - Labour costs
 - Fixed operating and maintenance costs
 - Subsequent costs

3.3 Analysis of the achieved results at the macro level

The measure corresponding to this case study was adopted in 2009. The number of EMAS registrations has increased considerably during last decade. Currently, the overall number of sites registered under EMAS in Portugal is 106. However, it is difficult to say whether this increase was due to the measure referred to in this case study.