



BETTER
REGULATION
AIMED AT
VALORISING EMAS

Proposals of Regulatory reliefs at European level



Brief list of proposals:

1. **Law:** Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)
Article 12.- Applications for permits

Proposal: Where annual information supplied in accordance with the requirements provided for in Regulation(EC) No 1221/2009 -Environmental Statement validated fulfils any of the requirements of paragraph 1, that information may be included in, or attached to, the application.
2. **Law:** Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)
Article 21- Reconsideration and updating of permit conditions by the competent authority

Proposal: introducing self declaration in the procedure of achieving a permission
3. **Law:** Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)
Article 14.- Permit conditions

Proposal: Valorising the Environmental Statement for annual communication provided in the article n.14.
4. **Law:** Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)
Article 23.- Environmental inspections

Proposal: reducing inspections
5. **Law:** European Commission COM (2011) 607 final
Article 3 - Scope of support

Proposal: including incentives for EMAS companies (founding support)
6. **Law:** European Commission COM (2011) 615 final
Article 111 - Modulation of the co-financing rates

Proposal: Extending the co-founding to EMAS companies
7. **Law:** Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC
Article 6

Proposal: Promoting EMAS by Green Public Procurement
8. **Law:** Regulation (EC) No 663/2009 of the European Parliament and of the Council: *Establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy.*
Article 8 - Selection and award criteria



Better Regulation Aimed at Valorising Emas

Proposal: Other promotional incentives aimed to overcome participation burdens

9. **Law:** Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC)
Article 4 - Requirements relating to infrastructure

Proposal: Promotion of the Green Public Procurement

10. **Law:** Decision 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on “Union guidelines for the development of the trans-european transport network”.ANNEX II

Proposal: Founding support for EMAS adoption

11. **Law:** Regulation (EC) No 1906/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 18 December 2006

Article 15 - Evaluation, selection and award

Proposal: Promotion of the Green Public Procurement

12. **Law:** Guidelines on national regional aid for 2007-2013(2006/C 54/08).

Point 87

Proposal: Founding support for EMAS adoption

13. **Law:** Regulation EC n.680/2007 of the European Parliament and of the Council: General rules for granting of Community financial aid in the field of the trans-European transport and energy networks

Article-5 par.4 lett. e) the CE takes into account the management of environmental impact of an organization to give the financial contribution

Proposal: Founding support for EMAS adoption

14. **Law:** Regulation EC n.1337/2008 of the European Parliament and of the Council “Facility for rapid response to soaring food prices in developing countries”

Article 4 - Criteria to choose the subjects in favour of which decide to give supporting funds

Proposal: Founding support for EMAS adoption

15. **Law:** Directive 2004/10/CE Approximation of the law, regulations and administrative provisions relating to applications of the principles of good laboratory practice

Article 3 – Definition

Proposal: Inspections reduction

16. **Law:** COM(2011) 625 final “Proposal for a Regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy”

Article 29- General rules

Proposal: EMAS registered firms are considered compliant

17. **Law:** COM(2011) 627 final/2 “*Proposal for a Regulation of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)*”

Article 46 – Investments

Proposal: Founding support for EMAS adoption

18. **Law:** Directive 2000/60/EC Establishing A Framework For The Community Action In The Field Of Water Policy of 23 October 2000

Article 1- Programme of measures

Proposal: extension of permit period

19. **Law:** Directive 1999/31/EC of 26 April 1999 on the landfills of waste

Article 8 - Conditions of the permit

Proposal: Financial guarantee required for specific activities

20. **Law:** Directive 2011/92/EC on the assessment of the effects of certain public and private projects on the environment

Article 4

Proposal: Changing the scope of the law

21. **Law:** Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment

Article 15

Proposal: Inspections reduction

22. **Law:** Council Directive 92/106/ EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States

Article 6

Proposal: promotion of tax reduction for EMAS companies

23. **Law:** Regulation (EC) No 391/2009 on common rules and standards for ship inspection and survey organisations

Proposal: Promotion of the Green Public Procurement

Proposal description

n.1	Environment - Directive 2010/75/EU																						
Type of measure	Regulatory relief	<table border="1"> <tr> <td data-bbox="724 524 1337 591">self declaration in the permitting procedures to obtain the renewing of the permit</td> <td data-bbox="1337 524 1442 591"></td> </tr> <tr> <td data-bbox="724 591 1337 658">self declaration in the permitting procedures to obtain a permit</td> <td data-bbox="1337 591 1442 658">X</td> </tr> <tr> <td data-bbox="724 658 1337 692">extension of permit period</td> <td data-bbox="1337 658 1442 692"></td> </tr> <tr> <td data-bbox="724 692 1337 725">fast track permits</td> <td data-bbox="1337 692 1442 725"></td> </tr> <tr> <td data-bbox="724 725 1337 759">modification in the scope of application</td> <td data-bbox="1337 725 1442 759"></td> </tr> <tr> <td data-bbox="724 759 1337 792">Information required for permits</td> <td data-bbox="1337 759 1442 792"></td> </tr> <tr> <td data-bbox="724 792 1337 826">reduced reporting and monitoring requirements</td> <td data-bbox="1337 792 1442 826"></td> </tr> <tr> <td data-bbox="724 826 1337 860">reduced inspection frequencies</td> <td data-bbox="1337 826 1442 860"></td> </tr> <tr> <td data-bbox="724 860 1337 893">financial guarantee required for specific activities</td> <td data-bbox="1337 860 1442 893"></td> </tr> <tr> <td data-bbox="724 893 1337 960">reduction of administrative fees (environmental law)</td> <td data-bbox="1337 893 1442 960"></td> </tr> </table>	self declaration in the permitting procedures to obtain the renewing of the permit		self declaration in the permitting procedures to obtain a permit	X	extension of permit period		fast track permits		modification in the scope of application		Information required for permits		reduced reporting and monitoring requirements		reduced inspection frequencies		financial guarantee required for specific activities		reduction of administrative fees (environmental law)		
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Legal reference	<p><i>Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)</i></p> <p>Article 12.- Applications for permits</p> <ol style="list-style-type: none"> 1. Member States shall take the necessary measures to ensure that an application for a permit includes a description of the following (...) 2. Where information supplied in accordance with the requirements provided for in Directive 85/337/EEC or a safety report prepared in accordance with Directive 96/82/EC or other information produced in response to other legislation fulfils any of the requirements of paragraph 1, that information may be included in, or attached to, the application. <p>Article 44.- Applications for permits</p> <p>An application for a permit for a waste incineration plant or waste co-incineration plant shall include a description of the measures which are envisaged to guarantee that the following requirements are met:</p> <ol style="list-style-type: none"> (a) the plant is designed, equipped and will be maintained and operated in such a manner that the requirements of this Chapter are met taking into account the categories of waste to be incinerated or co-incinerated; (b) the heat generated during the incineration and co-incineration process is recovered as far as practicable through the generation of heat, steam or power; 																						

	<p>(c) the residues will be minimised in their amount and harmfulness and recycled where appropriate;</p> <p>(d) the disposal of the residues which cannot be prevented, reduced or recycled will be carried out in conformity with national and Union law.</p>
<p>Proposal</p>	<p>Add following paragraphs 3 and (e), respectively at the end of the articles 12 and 44 the:</p> <ul style="list-style-type: none"> - Where annual information supplied in accordance with the requirements provided for in Regulation (EC) N. 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- (Environmental Statement validated by an environmental verifier) fulfils any of the requirements of paragraph 1, that information may be included in, or attached to the application.
<p>Motivation</p>	<p>It is undoubted that the most of the data to be submitted to the environmental permit could be drawn from the Environmental Statement, which has been previously validated by Environmental Verifier, ensuring the accuracy and consistency of the data contained in it.</p> <p>Therefore, it seems reasonable to establish a simplified procedure for granting of environmental permit for companies registered according to EMAS Regulation that they have your Environmental Statement previously validated by environmental verifier.</p> <p>In this sense, paragraphs 8 and 13 of the Regulation EMAS include:</p> <p>(8) Organisations should be encouraged to participate in EMAS on a voluntary basis and may gain added value in terms of regulatory control, <u>cost savings</u> and public image provided that they are able to demonstrate an improvement of their environmental performance.</p> <p>(13) The mechanism for establishing an organisation's compliance with all applicable legal requirements relating to the environment should be strengthened in order to enhance the credibility of EMAS and, in particular, to enable Member States to <u>reduce the administrative burden</u> of registered organisations by way of deregulation or regulatory relief.</p> <p>Some Member States have included these regulatory reliefs in their Environmental Policies. For example, the Spanish Royal Decree 509/2007, on 20 April approves the Regulation for the development and implementation of Law 16/2002 and includes in the article 8 the possibility of establishing by competent authority measures to streamline and simplify procedures for the <u>granting and renewal of the environmental permits</u>, as well as measures to verify the compliance of the obligations included in the environmental permits in companies certificated or registered according to standard ISO 14001 and/or EMAS Regulation.</p>

n.2	Environment - Directive 2010/75/EU																						
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Legal reference	<p><i>Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)</i></p> <p>Article 21.- Reconsideration and updating of permit conditions by the competent authority</p> <ol style="list-style-type: none"> 1. Member States shall take the necessary measures to ensure that the competent authority periodically reconsiders in accordance with paragraphs 2 to 5 all permit conditions and, where necessary to ensure compliance with this Directive, updates those conditions. 2. At the request of the competent authority, the operator shall submit all the information necessary for the purpose of reconsidering the permit conditions (...) 3. (...) 4. (...) 5. (...) 																						
Proposal	<p>Add following paragraph at the end of the article 21.2 the:</p> <ul style="list-style-type: none"> - Where annual information supplied in accordance with the requirements provided in the 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- (Environmental Statement validated by an environmental verifier) fulfils any of the requirements of paragraph 2, that information may be included in, or attached to, the application. 																						

<p>Motivation</p>	<p>It is undoubted that the most of the data to be submitted to the environmental permit could be drawn from the Environmental Statement, which has been previously validated by Environmental Verifier, ensuring the accuracy and consistency of the data contained in it. Therefore, it seems reasonable to establish a simplified procedure for renewal of environmental permit for organisations EMAS registered and with an Environmental Statement previously validated by Environmental.</p> <p>In this sense, it could be established a procedure for the automatic renewal of environmental permits for organisations registered according to EMAS Regulation. The EMAS registered companies fulfil the obligations contained in the permit when they renew the environmental permit if they have been presented annually the Environmental Statement previously validated by an environmental verifier.</p>
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Legal reference	<p><i>Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)</i></p> <p>Article 14.- Permit conditions</p> <p>1. Member States shall ensure that the permit includes all measures necessary for compliance with the requirements of Articles 11 and 18.</p> <p>Those measures shall include at least the following:</p> <ul style="list-style-type: none"> (a) emission limit values for polluting substances listed in Annex II (...) (b) appropriate requirements ensuring protection of the soil and groundwater (...) (c) suitable emission monitoring requirements specifying (...) (d) an obligation to supply the competent authority regularly and at least annually, with (...) (e) (...) <p>2. (...)</p>																						
Proposal	<p>Add the following paragraph at the end of the article 14:</p> <ul style="list-style-type: none"> - Member States and Competent Authorities can use the Environmental Statement as a tool for the annual communication foreseen by the Article 14, paragraph 1 letter (d). 																						

<p>Motivation</p>	<p>According to EMAS Regulation, the EMAS registered organizations are required to prepare annually an Environmental Statement, which must be validated by an environmental verifier. This information should be made available by regional competent authority through the European Commission.</p> <p>Likewise, according to Directive IED, the organizations included in Annex I are required to report annually to the competent authority the information specified in Article 14, letter (d).</p> <p>The most of the data proving to article 14, letter (d), could be drawn from the Environmental Statement, which has been previously validated by Environmental Verifier.</p> <p>Therefore, it could establish a simplified procedure of environmental communication for EMAS registered organisations who show annually an Environmental Statement validated by an environmental verifier with the purpose to avoid sending duplicate environmental information.</p>
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n.4	Environment - Directive 2010/75/EU																						
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Legal reference	<p><i>Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)</i></p> <p>Article 23.- Environmental inspections</p> <ol style="list-style-type: none"> 1. Member States shall set up a system of environmental inspections of installations addressing the examination of the full range of relevant environmental effects from the installations concerned (...) 2. Member States shall ensure that all installations are covered by an environmental inspection plan (...) 3. Each environmental inspection plan shall include the following (...) 4. Based on the inspection plans, the competent authority shall regularly draw up programmes for routine environmental inspections, including the frequency of site visits for different types of installations (...) <p>The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks.</p> <p>If an inspection has identified an important case of non-compliance with the permit conditions, an additional site visit shall be carried out within 6 months of that inspection.</p> <p>The systematic appraisal of the environmental risks shall be based on at least the following criteria:</p> <ol style="list-style-type: none"> a) the potential and actual impacts of the installations concerned on human health and the environment taking into account the 																						

	<p>levels and types of emissions, the sensitivity of the local environment and the risk of accidents;</p> <p>b) the record of compliance with permit conditions;</p> <p>c) <i>the participation of the operator in the Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009.</i></p> <p>The Commission may adopt guidance on the criteria for the appraisal of environmental risks.</p>
<p>Proposal</p>	<p>The article 23, paragraph 4, of this Directive includes the EMAS Regulation as a criteria to assess the risks of installations, though the Member States have to include this amendment in your national policy.</p>
<p>Motivation</p>	<p>The paragraphs 8 and 13 of the Regulation EMAS include:</p> <p>(8) Organisations should be encouraged to participate in EMAS on a voluntary basis and may gain added value in terms of <i>regulatory control</i>, cost savings and public image provided that they are able to demonstrate an improvement of their environmental performance.</p> <p>(13) The mechanism for establishing an organisation's compliance with all applicable legal requirements relating to the environment should be strengthened in order to enhance the credibility of EMAS and, in particular, to enable Member States to reduce the administrative burden of registered organisations by way of <i>deregulation or regulatory relief</i>.</p> <p>In this sense, some Member States must to include this measures of simplifications between their Environmental Policies. The EMAS Regulation will not exempt from any of the activities included in the programmes for routine environmental inspections included in the article 23, but the Member States could simplify or reduce the frequency of these activities in the EMAS registered organisations.</p>

n.5	Employment and social rights - EU Cohesion Policy 2014-2020, ESF (European Social Fund)		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit	
		self declaration in the permitting procedures to obtain a permit	
		extension of permit period	
		fast track permits	
		modification in the scope of application	
		Information required for permits	
		reduced reporting and monitoring requirements	
		reduced inspection frequencies	
		financial guarantee required for specific activities	
		reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits	
		public procurement	
		credit access	
		funding support	x
technical and information support			
Legal reference	<p><i>European Commission COM (2011) 607 final/2: Proposal for a regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Council Regulation (EC) No 1083/2006</i></p> <p>CHAPTER I: GENERAL PROVISIONS Article 3: Scope of support</p> <p>2. Through the investment priorities listed in paragraph 1, the ESF shall also contribute to the other thematic objectives listed in Article 9 of Regulation (EU) No [...], primarily by:</p> <p>(a) Supporting the shift towards a low-carbon, climate-resilient, resource-efficient and environmentally sustainable economy, through reform of education and training systems, adaptation of skills and qualifications, up-skilling of the labour force, and the creation of new jobs in sectors related to the environment and energy;</p> <p>(b) Enhancing the accessibility, use and quality of information and communication-technologies, through the development of digital literacy, investment in inclusion, e-skills and related entrepreneurial skills;</p> <p>(c) Strengthening research, technological development and innovation, through the development of post-graduate studies, the training of researchers, networking activities and partnerships between higher education institutions, research and technological centres and enterprises;</p> <p>(d) Enhancing the competitiveness of small and medium-sized enterprises, through promoting the adaptability of enterprises and workers and increased investment in human capital.</p>		
Proposal	<p>Add the following paragraph at the end of the letter (d), Article 3 :</p> <p>- Including through means of promotion and incentive of voluntary</p>		

	<p>environmental management instruments and labelling systems foreseen in European Regulations (EMAS, Ecolabel).</p>
<p>Motivation</p>	<p>EMAS or Ecolabel can enhance the competitiveness of SMEs, as demonstrated by several studies, as “The Influence of the EU Environmental Management and Auditing Scheme on Environmental Innovations and Competitiveness in Germany: An Analysis on the Basis of Case Studies and a Large-Scale Survey”, done by Zentrum für Europäische Wirtschaftsforschung GmbH. This study shows a positive influence of EMAS on environmental organizational, process and product innovations: facilities with high learning processes by environmental management systems have a significantly better performance concerning turnover and exports.</p> <p>Addressing investment priorities of ESF to companies with EMAS or Ecolabel could help assure the good use of the funding in valorisation of human capital. It will make rise the acknowledgement of EMAS as reliable environmental management tool and Ecolabel as instrument for virtuous green production.</p>

n.6	Regions and local development - EU Cohesion Policy 2014-2020, ERDF (European Regional Development Fund)		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit	
		self declaration in the permitting procedures to obtain a permit	
		extension of permit period	
		fast track permits	
		modification in the scope of application	
		Information required for permits	
		reduced reporting and monitoring requirements	
		reduced inspection frequencies	
		financial guarantee required for specific activities	
	Better regulation	fiscal benefits	
		public procurement	
		credit access	
		funding support	x
technical and information support			
Legal reference	<p><i>European Commission COM (2011) 615 final/2: Proposal for a regulation of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund covered by the Common Strategic Framework and laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Council Regulation (EC) No 1083/2006.</i></p> <p>TITLE V: FINANCIAL SUPPORT FROM THE FUNDS Article 111: Modulation of the co-financing rates The co-financing rate from the Funds to a priority axis may be modulated to take account of:</p> <ul style="list-style-type: none"> (1) the importance of the priority axis for the delivery of the Union strategy for smart, sustainable and inclusive growth, having regard to the specific gaps to be addressed; (2) protection and improvement of the environment, principally through the application of the precautionary principle, the principle of preventive action and the polluter pays principle; (3) the rate of mobilisation of private financing; (4) the coverage of areas with severe and permanent natural or demographic handicaps defined as follows: (...) 		
Proposal	<p>Add the following paragraph at Article 111 paragraph 2:</p> <ul style="list-style-type: none"> - 2bis) organizations that uses voluntary environmental management instruments and labelling systems foreseen in European Regulations (EMAS, Ecolabel). 		
Motivation	<p>The aim of the measure is promoting the development through the co-financing rates for organizations with an environmental management system complied with EMAS scheme or with Ecolabel products. This simplification measure is based on the assumption that EMAS registered organizations have a lower environmental risks linked to their activities and promote sustainable development.</p>		

n.7	Energy Efficiency Directive 2012/27/CE		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit	
		self declaration in the permitting procedures to obtain a permit	
		extension of permit period	
		fast track permits	
		modification in the scope of application	
		Information required for permits	
		reduced reporting and monitoring requirements	
		reduced inspection frequencies	
		financial guarantee required for specific activities	
	Better regulation	reduction of administrative fees (environmental law)	
		fiscal benefits	
		public procurement	
		credit access	x
funding support			
technical and information support			
Legal reference	<i>Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC</i>		
Proposal	<p>Change the paragraph 3 of Article 6 as follows:</p> <ul style="list-style-type: none"> - Member States shall encourage public bodies, including at regional and local levels, with due regard to their respective competences and administrative set-up, to follow the exemplary role of their central governments to purchase only products, services and buildings with high energy-efficiency performance. As regards purchased products which satisfy energy performance requirements within the Ecolabel scheme ex reg. 66/2010/EC, a presumption of compliance to requirements of present Directive should be applied. Member States shall encourage public bodies, when tendering service contracts with significant energy content, to assess the possibility of concluding long- term energy performance contracts that provide long-term energy savings. 		
Motivation	The presumption of compliance with Ecolabel certified products simplify the new procurement process stated by the reg. 2012/27/EC. The Ecolabel energy efficiency requirement operates as a benchmark that can also be used choosing products without certification.		

n.8	Energy and Natural Resources - Regulation (EC) No 663/2009		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit	
		self declaration in the permitting procedures to obtain a permit	
		extension of permit period	
		fast track permits	
		modification in the scope of application	
		Information required for permits	
		reduced reporting and monitoring requirements	
		reduced inspection frequencies	
		financial guarantee required for specific activities	
	Better regulation	reduction of administrative fees (environmental law)	
		fiscal benefits	
		public procurement	
		credit access	
		funding support	
		Other: promotional incentives aimed to overcome participation burdens	x
Legal reference	<i>Regulation (EC) No 663/2009 of the European Parliament and of the Council: Establishing a programme to aid economic recovery by granting Community financial assistance to projects in the field of energy.</i>		
Proposal	Change the paragraph (i) of Article 8 as follows: (i) the environmental management scheme in place in accordance to the Regulation (EC) No. 1221/2009 (EMAS).		
Motivation	<p>This measure aims at overcoming a relevant lack of recognition by public institutions, especially related to awarding criteria, towards organizations that have undertaken an environmental commitment through the EMAS registration.</p> <p>The proposed measure shall be developed as amendment since the EMAS registration is already used as a selection criteria or prerequisite in public funding access or call for proposals in some Member States. For example in Germany organizations enter the public administration suppliers list only if they are EMAS registered or ISO 14001 certified. In Italy the certified EMS is often considered as a rewarding criterion that award the organization applying for the call for proposal with additional points. Through this measure, rewarding systems and simplified procedures would be put in place for those EMAS organizations that develop gas and electricity infrastructure projects under European Commission call for proposals. The measure would increment the number of EMAS registrations all across Europe, but also would diminish the abandon rate. Furthermore it could strongly incentivize high environmental and EMS improvement operations, since calls for proposals can establish minimum performance thresholds as prerequisite for the application. The measure would lead to a secondary effect as well, because it would direct all Member States to set up the same minimum performance thresholds criteria to their national call for proposals and public funding.</p>		

n.9	Science and technology - Council Regulation (EC) No 723/2009 - European Research Infrastructure Consortium (ERIC)																						
Type of measure	Regulatory relief	<table border="1"> <tr><td>self declaration in the permitting procedures to obtain the renewing of the permit</td><td></td></tr> <tr><td>self declaration in the permitting procedures to obtain a permit</td><td></td></tr> <tr><td>extension of permit period</td><td></td></tr> <tr><td>fast track permits</td><td></td></tr> <tr><td>modification in the scope of application</td><td></td></tr> <tr><td>Information required for permits</td><td></td></tr> <tr><td>reduced reporting and monitoring requirements</td><td></td></tr> <tr><td>reduced inspection frequencies</td><td></td></tr> <tr><td>financial guarantee required for specific activities</td><td></td></tr> <tr><td>reduction of administrative fees (environmental law)</td><td></td></tr> </table>	self declaration in the permitting procedures to obtain the renewing of the permit		self declaration in the permitting procedures to obtain a permit		extension of permit period		fast track permits		modification in the scope of application		Information required for permits		reduced reporting and monitoring requirements		reduced inspection frequencies		financial guarantee required for specific activities		reduction of administrative fees (environmental law)		
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financial guarantee required for specific activities																							
reduction of administrative fees (environmental law)																							
	Better regulation	<table border="1"> <tr><td>fiscal benefits</td><td></td></tr> <tr><td>public procurement</td><td>X</td></tr> <tr><td>credit access</td><td></td></tr> <tr><td>technical and information support</td><td></td></tr> </table>	fiscal benefits		public procurement	X	credit access		technical and information support														
fiscal benefits																							
public procurement	X																						
credit access																							
technical and information support																							
Legal reference	<p><i>Council Regulation (EC) No 723/2009 of 25 June 2009 on the Community legal framework for a European Research Infrastructure Consortium (ERIC)</i></p> <p>Article 4: Requirements relating to infrastructure</p> <p>The research infrastructure to be established by an ERIC shall meet the following requirements:</p> <ul style="list-style-type: none"> • it is necessary for the carrying-out of European research programmes and projects, including for the efficient execution of Community research, technological development and demonstration programmes • it represents an added value in the strengthening and structuring of the European Research Area (ERA) and a significant improvement in the relevant scientific and technological fields at international level; • effective access, in accordance with the rules established in its Statutes, is granted to the European research community, composed of researchers from Member States and from associated countries; • it contributes to the mobility of knowledge and/or researchers within the ERA and increases the use of intellectual potential throughout Europe; and (e) it contributes to the dissemination and optimisation of the results of activities in Community research, technological development and demonstration. 																						
Proposal	<p>Add the following paragraph</p> <ul style="list-style-type: none"> • The centres (facilities) of an infrastructure research, shall contribute to environmental protection by integrating appropriate environmental management in the activities that take place in them, and the model EMAS, as an environmental management system can be considered one of the means of proof to ensure it 																						

<p>Motivation</p>	<p>Research and development is one of the key aspects contemplated in the European strategy Horizon 2020. The adoption of environmental management systems such as EMAS can allow all research undertaken, should be made with an understanding of the environmental impacts, with its control and in the context of continuous improvement. As an example we can cite the EU JRC¹ in Ispra (Italy), where mention is made clear to the EMAS regulation, within its strategic objectives.</p> <p>http://ec.europa.eu/dgs/jrc/index.cfm?id=6300&lang=en</p> <p>“Strategic objectives</p> <p>ISM has elaborated a set of objectives providing a multi-annual perspective with respect to four principal areas for operational and organisational development:</p> <ul style="list-style-type: none"> • Sustainability <p>Commitment to the 20/20/20 targets of the Europe 2020 policy initiative. This includes in particular plans for reducing the Ispra site's carbon footprint by using renewable energy and by reducing energy consumption. These actions will be performed using the environmental management system which was set up and certified according to ISO 14001 in 2010. The site is also moving towards the "Eco-management and Audit Scheme" (EMAS), in line with the other Commission premises in Brussels and Luxembourg”</p>
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¹ http://cordis.europa.eu/fp7/jrc/home_en.html

n.10	Regions and local development - Decision 661/2010/EU - European Transport Network		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit	
		self declaration in the permitting procedures to obtain a permit	
		extension of permit period	
		fast track permits	
		modification in the scope of application	
		Information required for permits	
		reduced reporting and monitoring requirements	
		reduced inspection frequencies	
		financial guarantee required for specific activities	
	Better regulation	reduction of administrative fees (environmental law)	
		fiscal benefits	
		public procurement	
		credit access	
funding support		X	
technical and information support			
Legal reference	<p><i>Decision 661/2010/EU of the European Parliament and of the Council of 7 July 2010 on "Union guidelines for the development of the trans-european transport network".</i></p> <p>ANNEX II</p> <p>CRITERIA AND SPECIFICATIONS FOR PROJECTS OF COMMON INTEREST</p> <p>Section 5: Seaports.</p> <p>Section 6: Airports</p>		
Proposal	<p>Add the following paragraphs at section 5 and 6 to include environmental management systems as a measure of improvement of environmental compatibility of seaports and airports in the list of criteria and specifications,</p> <ul style="list-style-type: none"> - Section 5: Seaports <ul style="list-style-type: none"> III. Port infrastructure within the port area - Section 6: Airports <ul style="list-style-type: none"> III. Improvement of protection against nuisances generated by airport activities 		
Motivation	<p>In the same introduction of this decision is included the following statement or considering:</p> <p>"Environmental assessment pursuant to Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment will in the future be carried out for all plans and programmes leading to projects of common interest. Funding for transport infrastructure should also be conditional on compliance with the provisions of Union environmental legislation, in particular Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment), Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)"</p> <p>There are references to a voluntarily introduction into the ports, of voluntary environmental management systems, as is the cases of ECOPORTS</p>		

(<http://www.ecoport.com/about>), demonstrating that it is possible the articulation of economic activities, with respect for the environment.

For airports, we can find similar references to concerns about the environmental aspects of its activities, as in the case of AENA, that agglutinates the Spanish Airports:

<http://www.aena-aeropuertos.es/csee/Satellite/sostenibilidad/en/Page/1237549051781/Environmental-action.html>

There are currently 46 Spanish airports and 1 heliport that have an EMS certified in accordance with the international benchmark regulation ISO 14001.

Thus, it is considered that the criteria and specifications for EMS (EMAS) to add is affordable and feasible.

n.11	Science and technology - Regulation (EC) No 1906/2006 - VII Framework Programme		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit	
		self declaration in the permitting procedures to obtain a permit	
		extension of permit period	
		fast track permits	
		modification in the scope of application	
		Information required for permits	
		reduced reporting and monitoring requirements	
		reduced inspection frequencies	
		financial guarantee required for specific activities	
		reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits	
		public procurement	x
		credit access	
funding support			
technical and information support			
Legal reference	<p><i>Regulation (Ec) No 1906/2006 of the European Parliament and of the Council of 18 December 2006 laying down the rules for the participation of undertakings, research centres and universities in actions under the Seventh Framework Programme and for the dissemination of research results (2007-2013)</i></p> <p>Subsection 2 Evaluation and selection of proposals and award of grants</p> <p>Article 15: Evaluation, selection and award</p> <p>1. The Commission shall evaluate all the proposals submitted in response to a call for proposals on the basis of the principles for evaluation, and the selection and award criteria set out in the specific programme and the work programme.</p> <p>(a) The following criteria shall apply for the ‘Cooperation’ and ‘Capacities’ Programmes:</p> <ul style="list-style-type: none"> — scientific and/or technological excellence, — relevance to the objectives of these specific programmes, — the potential impact through the development, dissemination and use of project results, — the quality and efficiency of the implementation and management. <p>(b) The following criteria shall apply for the ‘People’ Programme:</p> <ul style="list-style-type: none"> — scientific and/or technological excellence, — relevance to the objectives of this specific programme, — quality and implementation capacity of the applicants (researchers/organisations) and their potential for further progress, — quality of the proposed activity in scientific training and/ or transfer of knowledge. <p>(c) For support for ‘frontier’ research actions under the ‘Ideas’ Programme the sole criterion of excellence shall apply. For coordination and support actions, project-related criteria may apply.</p> <p>Within this framework the work programmes shall specify the evaluation and selection criteria and may add additional requirements, weightings and thresholds, or set out further details on the application of the criteria.</p> <p>ranking.</p>		

<p>Proposal</p>	<p>Add the following paragraph at the end of the Article 5: “In the case of proposals that can generate some kind of direct or indirect environmental impact, demonstrate proper environmental management during the development of the action for which aid is claimed”</p>
<p>Motivation</p>	<p>In the case of aid coming from European Regional Development Fund, the applicant is requested a "Declaration of compliance with Community environmental policies of the European Union horizontal". For instance: In the manual for aids received justification of OPERATIONAL PROGRAMME CV 2007-2013 ERDF: Priority 1: Development of the Knowledge Economy (R & D + i), Education, Information Society and ICT. Priority Topic 02: RTD Infrastructures and Technology Centers with Specific Competency.</p> <p>EMAS registration is one way to ensure this compliance, as we can see:</p> <div data-bbox="603 893 1315 1534" style="border: 1px solid black; padding: 10px;"> <p style="text-align: center;">UNIÓN EUROPEA Fondo Europeo de Desarrollo Regional "Una manera de hacer Europa"</p> <p style="text-align: right;">IMPIVA GENERALITAT VALENCIANA</p> <p style="text-align: center;">DECLARACION DEL CUMPLIMIENTO DE POLITICAS HORIZONTALES COMUNITARIAS EN MATERIA MEDIOAMBIENTAL</p> <p>Señale y complete los datos que correspondan como acreditación del cumplimiento de la normativa medioambiental en las actividades o instalaciones del beneficiario. Se estará a lo dispuesto en la Ley 2/2006, de 3 de mayo, de Prevención de la Contaminación y la Calidad Ambiental. Necesariamente deberá señalarse una de las opciones descritas a continuación:</p> <p>1.- EMAS: Indique el número y la fecha del DOCV donde fue publicada la resolución acordando su inscripción en el Registro EMAS: Número: _____ Fecha: _____</p> <p>2.- AUTORIZACIÓN AMBIENTAL INTEGRADA: Indique el número y la fecha del DOCV donde fue publicada la resolución administrativa por la que se otorga la Autorización Ambiental Integrada: Número: _____ Fecha: _____</p> <p>3.- LICENCIA AMBIENTAL: Señale una de las 3 opciones y adjunte, en su caso, el documento correspondiente:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Se adjunta Informe emitido por una Entidad Colaboradora en Materia de Calidad Ambiental (ECMCA) sobre la comprobación del cumplimiento de la normativa ambiental. <input type="checkbox"/> Se adjunta fotocopia de la resolución de la licencia ambiental, otorgada por el Ayuntamiento. <input type="checkbox"/> Se adjunta declaración responsable (documento Anexo 5 bis), de acuerdo con el artículo 71 bis de la ley 30/1992, de 26 de noviembre, de Régimen Jurídico de las Administraciones Públicas y del Procedimiento Administrativo Común. </div>

n.12	Regions and local development - Guidelines on national regional aid for 2007-2013 - Regional Funds		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit self declaration in the permitting procedures to obtain a permit extension of permit period fast track permits modification in the scope of application Information required for permits reduced reporting and monitoring requirements reduced inspection frequencies financial guarantee required for specific activities reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits public procurement credit access funding support technical and information support	X
Legal reference	<p><i>Guidelines on National Regional Aid for 2007-2013 (2006/C 54/08).</i></p> <p>Article 6. Aid for newly created small enterprises Point 87</p> <p>The eligible expenses are legal, advisory, consultancy and administrative costs directly related to the creation of the enterprise, as well as the following costs, insofar as they are actually incurred within the first five years of the creation of the enterprise thereafter:</p> <ul style="list-style-type: none"> — interests on external finance and a dividend on own capital employed not exceeding the reference rate; — fees for renting production facilities/equipment; — energy, water, heating, taxes (other than VAT and corporate taxes on business income) and administrative charges; — depreciation, fees for leasing production facilities/equipment as well as wage costs including compulsory social charges may also be included provided that the underlying investments or job creation and recruitment measures have not benefited from other forms of aid. 		
Proposal	<p>Add the following paragraph in the point 87</p> <ul style="list-style-type: none"> - All costs arising from the implementation, commissioning and verification / certification of environmental management systems 		
Motivation	<p>There are several initiatives in the European Union to facilitate SME access to EMAS registration. As an example we can mention:</p> <p>EMAS EASY http://ec.europa.eu/environment/emas/tools/emaseasy_en.htm</p> <p>EMAS TOOL KIT http://ec.europa.eu/environment/emas/toolkit/index.htm</p> <p>In the Report from the Commission to the European Parliament and the Council on incentives for EMAS registered organisations in the period 2004-2006 {SEC(2009)59}, pages 10-11 we can find information related to funding support as a type of incentive. Thus is stated that:</p>		

“Funding Support

As regards support given to SME's, the absence of fees is a good incentive for SMEs, as well as other organisations. Finland, Romania and the United Kingdom take into account the size of the organisation when determining the reduction of the fees, or limit the reduction to SME's. Apart from the fees, funding support specifically directed at SME's is available in the Czech Republic, Greece, Italy, Portugal, Slovakia, Spain and the United Kingdom.”

It is desirable that funding support be extended to this group of organizations that have a great importance in the European Union and the introduction as eligible cost in this type of regional aid may be of interest. In the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions “Think Small First” A “Small Business Act” for Europe {SEC(2008) 2101} {SEC(2008) 2102}, as one of ten principles to guide the conception and implementation of policies both at EU and Member State level the following one:

IX Enable SMEs to turn environmental challenges into opportunities

They should provide more information, expertise and financial incentives for full exploitation of the opportunities for new “green” markets and increased energy efficiency, partly through the implementation of environmental management systems in SMEs

To translate this principle into practice:

the Commission:

- is facilitating SMEs’ access to the Eco-Audit and Management Scheme (EMAS) through lighter environmental procedures, reduced fees, and the option of cluster registration
- will finance a network of environment and energy efficiency experts in the Enterprise Europe Network providing advice on eco-efficient operations, markets potential and funding opportunities for more efficient operations in particular for SMEs
- is developing new forms of support for innovative start-ups and SMEs in the field of ecoinnovation, with a view to facilitating market access, technology transfer, use of standards and access to finance, in line with existing State Aid provisions the Member States are invited to:
 - provide incentives for eco-efficient businesses and products (e.g. tax incentive schemes and prioritising subsidies for funding sustainable business) in line with the Community Guidelines on State Aid for Environmental Protection and make use of the simplified approach to environmental aid for SMEs developed in the GBER
 - make full use of the around €2.5 billion allocated in Cohesion Policy programmes for the support of eco-friendly products and processes in SMEs.

n.13	Business - Regulation EC n.680/2007 of the European Parliament and of the Council: General rules for granting of Community financial aid in the field of the trans-European transport and energy networks		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit self declaration in the permitting procedures to obtain a permit extension of permit period fast track permits modification in the scope of application Information required for permits reduced reporting and monitoring requirements reduced inspection frequencies financial guarantee required for specific activities reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits public procurement credit access funding support technical and information support	 x
Legal reference	<p><i>Regulation EC n.680/2007 of the European Parliament and of the Council: General rules for granting of Community financial aid in the field of the trans-European transport and energy networks</i></p> <p>Article 5 paragraph 4 letter e) the CE takes into account the management of environmental impact of an organization to give the financial contribution</p>		
Proposal	<p>Add the following paragraph at the end of the letter (e), paragraph 4, article 5:</p> <ul style="list-style-type: none"> - (e) certified EMS (EMAS or ISO 14001) firms are allowed to validated the improving of their environmental impact with an auto certification of its contents. 		
Motivation	<p>The content of the present letter (e), paragraph 4, article 5, is general and it should be useful for a certified firm to know that the auto certification of his own proposal's better impact on the environment is sufficient to obtain a positive evaluation by the authority who decides the financial contribution allowance.</p>		

n.14	Business - Regulation EC n.1337/2008 of the European Parliament and of the Council “Facility for rapid response to soaring food prices in developing countries”		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit	
		self declaration in the permitting procedures to obtain a permit	
		extension of permit period	
		fast track permits	
		modification in the scope of application	
		Information required for permits	
		reduced reporting and monitoring requirements	
		reduced inspection frequencies	
		financial guarantee required for specific activities	
		reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits	
		public procurement	
		credit access	
funding support		x	
technical and information support			
Legal reference	<p><i>Regulation EC n.1337/2008 of the European Parliament and of the Council</i> <i>“Facility for rapid response to soaring food prices in developing countries”</i> Art. 4 Criteria to choose the subjects in favour of which decide to give supporting funds</p>		
Proposal	<p>Add the following paragraph to article 4 , par. 1, letter ii):</p> <ul style="list-style-type: none"> - The certified firms are entitled to facilitated access to financing through auto certification concerning the capability of their programs to reach the goals of the regulation 		
Motivation	<p>It is very important that private subjects and not only institutional organizations can find an easier way to demonstrate their effective capability to reach the goals</p>		

n.15	Business - Directive n. 2004/10/CE		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit	
		self declaration in the permitting procedures to obtain a permit	
		extension of permit period	
		fast track permits	
		modification in the scope of application	
		Information required for permits	
		reduced reporting and monitoring requirements	
		reduced inspection frequencies	x
		financial guarantee required for specific activities	
		reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits	
		public procurement	
		credit access	
		funding support	
technical and information support			
Legal reference	<p><i>Directive 2004/10/CE Approximation of the law, regulations and administrative provisions relating to applications of the principles of good laboratory practice ,</i></p> <p>Article 3- Definition.</p>		
Proposal	<p>Add the following paragraph to article 3, paragraf1:</p> <ul style="list-style-type: none"> - It's presumed that certified firms are able to apply the best procedures in the laboratories therefore it is not necessary to adopt criteria to control the application of the OCSE rules 		
Motivation	<p>Certified firms deserve a reduction of control procedures on their methods</p>		

n.16	Agriculture, fisheries and foods - COM (2011) 625 final		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit self declaration in the permitting procedures to obtain a permit extension of permit period fast track permits modification in the scope of application Information required for permits reduced reporting and monitoring requirements reduced inspection frequencies financial guarantee required for specific activities reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits public procurement credit access funding support technical and information support	X
Legal reference	COM(2011) 625 final/2 "Proposal for a Regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy"		
Proposal	<p>Add the following paragraph in the Article 29 stating that EMAS registered firms are considered compliant with the agricultural practices beneficial for climate and the environment required to be entitled a payment under the basic payment scheme.</p> <ul style="list-style-type: none"> - Art. 29, General rules, paragraph 4 "Farmers complying with the requirements laid down in Article 29(1) of Regulation (EC) No 834/2007 as regards organic farming, as well as farmers whose firms are registered according to the Regulation (EC) No. 1221/2009, shall be entitled ipso facto to the payment referred to in this Chapter" 		
Motivation	<p>The most interesting and innovative part of the European Commission proposal for the 2013 Common Agricultural Policy reform is the so called "greening element": some 30% of direct payments would be conditional on the adoption of specific measures able to guarantee specific environmental quality on the farm and its improvement and maintenance over time. As a consequence, farmers will have to implement "greening plans" and set targets and goals in order to meet the requirements to get the financial support.</p> <p>Now, across Europe, several projects have demonstrated that the introduction of EMAS in agriculture can be mutually beneficial for farmers (cost savings and better marketing) and the environment (waste management, better soil management, biodiversity conservation, etc.). Examples include the development of an integrated environmental management system for farms' coop-</p>		

erative and the promotion of EMAS in agricultural smallholdings.

The Spanish 2001-2004 *EMAS-FARMING PROJECT*, for example, implemented an adapted version of the EMAS model and considered it effective in implementing a systematic approach to enhance environmental management to a collaborative approach that could also led to cost savings. Tangible outcomes from the project resulted in new environmental friendly procedures for managing dangerous waste containers carrying phytosanitary and zoosanitary products.

Another example is the EMAS-Agrifood Cluster in Lower Saxony (Germany), 2004 and 2010 project that focused on the implementation of the Ecomapping/EMAS EASY methodology to analyse the weak point in the environmental management of a cluster of farms in order to establish a management system for continuous improvement. As a result, for instance, the methodology helped the farmers to enhance groundwater protection.

Experience, therefore, tends to show that if applied in agriculture environmental management schemes can help farmers to meet environmental challenging goals in terms of environmental protection and resources saving.

As a consequence, the automatic entitlement of direct payments to EMAS registered farms, without any additional proof of compliance with the environmental criteria required by the basic payment scheme, would be rewarding toward farmers with a higher environmental performance and trigger further improvement. Still, the measure would increase public authorities' acknowledgement of the EMS as environmentally beneficial for agriculture and farmers, as well as contribute to a wider adoption of EMAS in the sector if directly linked to financial support.

n.17	Agriculture, fisheries and foods - COM (2011) 627 final		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit self declaration in the permitting procedures to obtain a permit extension of permit period fast track permits modification in the scope of application Information required for permits reduced reporting and monitoring requirements reduced inspection frequencies financial guarantee required for specific activities reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits public procurement credit access funding support technical and information support	X
Legal reference	COM(2011) 627 final/2 <i>“Proposal for a Regulation of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)”</i> Article 46 paragraph 2- Investments:		
Proposal	Add the following paragraph stating that EMAS registered firms can provide their Environmental Review as evidence, for the corresponding parts, that the investment concerned is environmentally sustainable and has no negative environmental impact. The EMAS Environmental Review would, therefore, exempt EMAS firms from providing the assessment of the expected environmental impact as required by art. 46. - Article 46 paragraph 2 Firms that have implemented an environmental management system in accordance to the Regulation (EC) No. 1221/2009 can provide their Environmental Review as substitute for the assessment of the environmental impact required by paragraph 1		
Motivation	The very features of EMAS, such as the focus on legal compliance, performance assessment over time, continuous improvement and stakeholders engagements, makes it particularly fit to guarantee that a registered organization has a serious engagement on the environment and that is fully transparent on its environmental performance. Within the management system, the initial <i>Environmental Review</i> is an essential preliminary step to understand what aspects of the organisation have a significant environmental impact and to ensure that the EMS's elements - policy, objectives, targets and management programme - are focused on those areas where you can gain the most benefits. The Environmental Review may relate to current operations as well		



Better Regulation Aimed at Valorising Emas

	<p>as to future or planned ones.</p> <p>That said, as far as the simplification measure proposed is concerned, EMAS Environmental Review could serve as guarantee document that, in promoting the investment, the firm applying for funding has taken into account the potential impact on the environment and all available actions to avoid or minimize it. Furthermore, if we consider the benefits for the organization this simplification measure would relieve firms from documentary overload and duplication, with consequent tangible benefits in terms of cost reduction and time saving, as well as easier access to funding.</p> <p>Still, the simplification measure would increase public authorities' acknowledgement of EMAS as reliable environmental management tool.</p>
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During the revision of second version of EMAS Regulation the European Commission already invited the Member States to adopt several measures such as longer permit validity to incentive the EMAS adoption.

This kind of simplification was adopted in some Member States such as Slovak Republic (the duration of IEA is extended from 8 to ten years) and Italy (extension of the validity of the Integrated Environmental Authorization from 5 to 8 years; extension of the validity of the authorization released to treatment plants for dismissed vehicles from 5 to 8 years).

In particular in Italy, the BRAVE survey on EMAS-registered Italian companies highlighted that the 71% of the organizations benefited the longer validity of an environmental permits declared that the role of legislative simplification measures was important or very important in the decision to adopt an EMAS according to the EMAS scheme.

Therefore, the inclusion of such measure in the EU Water Framework Directive shall stimulate the diffusion of this appreciated measure in more European Member States.

n.19	Environment - Directive 99/31/EC		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit self declaration in the permitting procedures to obtain a permit extension of permit period fast track permits modification in the scope of application Information required for permits reduced reporting and monitoring requirements reduced inspection frequencies financial guarantee required for specific activities reduction of administrative fees (environmental law)	 X
Legal reference	<p><i>Directive 99/31/EC of 26 April 1999 on the landfills of waste</i></p> <p>Article 8: Conditions of the permit</p> <p>Member States shall take measures in order that:</p> <p>(a) The competent authority does not issue a landfill permit unless it is satisfied that:</p> <p>(....)</p> <p>(iv) adequate provisions, by way of a financial security or any other equivalent, on the basis of modalities to be decided by Member States, has been or will be made by the applicant prior to the commencement of disposal operations to ensure that the obligations (including after-care provisions) arising under the permit issued under the provisions of this Directive are discharged and that the closure procedures required by Article 13 are followed. This security or its equivalent shall be kept as long as required by maintenance and after-care operation of the site in accordance with Article 13(d). Member States may declare, at their own option, that this point does not apply to landfills for inert waste.</p>		
Proposal	<p>Add the following paragraph at the end of the point (iv) Article 8:</p> <ul style="list-style-type: none"> - (iv) Member States may declare, at their own option, that this point does not apply to landfills for inert waste and to EMAS registered companies or, in the latter case, may provide for a reduction in the economic value of this security or its equivalent. 		
Motivation	<p>The reduction or the exemption to provide a financial security or its equivalent by EMAS- registered landfills lays on the reduction of environmental risks that an EMS complied with EMAS requirements guarantees.</p>		

This simplification measure was already included by Italy in the Legislative Decree 36/2003 that brings into force the provisions of this Directive.

Moreover, several other examples of this kind of simplification measures were included by Italian Legislator in the national laws:

- Reduced financial security for transboundary waste shipment carried out by EMAS registered companies guarantee (50% less) - Legislative Decree 152/06 –Italian Environmental Act, Art. 194
- Reduced financial security for firms operating in the waste treatment and recovery plants if EMAS registered (50% less) - Legislative Decree 152/2006 – Italian Environmental Act, Art. 212
- Reduced financial security for firms operating in restoration of contaminated sites (30% less) - Ministerial Decree of the 5/7/2005

In particular in Italy, the BRAVE survey on EMAS-registered Italian companies highlighted that the 77% of the organizations benefited the reduction of financial security declared that the role of legislative simplification measures was important or very important in the decision to adopt an EMAS according to the EMAS scheme.

Therefore, the inclusion of such measure in the EU Waste landfill Directive shall stimulate the diffusion of this appreciated measure in more European Member States.

n.20	Environment - DIRECTIVE 2011/92/EU		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit self declaration in the permitting procedures to obtain a permit extension of permit period fast track permits modification in the scope of application Information required for permits reduced reporting and monitoring requirements reduced inspection frequencies financial guarantee required for specific activities reduction of administrative fees (environmental law)	 X
Legal reference	<p><i>Directive 2011/92 on the assessment of the effects of certain public and private projects on the environment</i></p> <p>Article 4.</p> <p>1. Subject to Article 2 (3), projects of the classes listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.</p> <p>2. Projects of the classes listed in Annex II shall be made subject to an assessment, in accordance with Articles 5 to 10, where Member States consider that their characteristics so require. To this end Member States may inter alia specify certain types of projects as being subject to an assessment or may establish the criteria and/or thresholds necessary to determine which of the projects of the classes listed in Annex II are to be subject to an assessment in accordance with Articles 5 to 10.</p>		
Proposal	<p>Add the following third paragraph in the article 4:</p> <ul style="list-style-type: none"> - Paragraph 3. When a new project is part of an enlargement of a EMAS registered company and the activity is in the scope of the EMAS registration, the thresholds listed in the Annexes I and II are increased of 15% 		
Motivation	<p>This simplification measure is based on the assumption that an EMAS registered company has a lower environmental risks linked to their activities. The adoption of an environmental management system complied with EMAS scheme requirement allows to better manage the interaction of the company's activities with the environment and, as a consequence, to reduce its environmental risk.</p> <p>Several experiences at regional level can be accounted. For instance, in Italy, 3 regional governments (Emilia Romagna, Liguria and Marche) have increased the thresholds to determine the scope of Environmental Impact Assessment for EMAS-registered organizations.</p>		

n.21	Environment - Directive 91/271/EEC		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit self declaration in the permitting procedures to obtain a permit extension of permit period fast track permits modification in the scope of application Information required for permits reduced reporting and monitoring requirements reduced inspection frequencies financial guarantee required for specific activities reduction of administrative fees (environmental law)	 X
Legal reference	<p><i>Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment</i></p> <p>Article 15</p> <p>1. Competent authorities or appropriate bodies shall monitor:</p> <ul style="list-style-type: none"> - discharges from urban waste water treatment plants to verify compliance with the requirements of Annex I.B in accordance with the control procedures laid down in Annex I.D, - amounts and composition of sludges disposed of to surface waters. <p>2. Competent authorities or appropriate bodies shall monitor waters subject to discharges from urban waste water treatment plants and direct discharges as described in Article 13 in cases where it can be expected that the receiving environment will be significantly affected.</p> <p>3. In the case of a discharge subject to the provisions of Article 6 and in the case of disposal of sludge to surface waters, Member States shall monitor and carry out any other relevant studies to verify that the discharge or disposal does not adversely affect the environment.</p> <p>4. Information collected by competent authorities or appropriate bodies in complying with paragraphs 1, 2 and 3 shall be retained in the Member State and made available to the Commission within six months of receipt of a request.</p> <p>5. Guidelines on the monitoring referred to in paragraphs 1, 2 and 3 may be formulated in accordance with the procedure laid down in Article 18.</p>		
Proposal	<p>Add the following paragraphs to the article 15:</p> <ul style="list-style-type: none"> - Paragraph 6. In the planning of inspections the competent authorities shall take into account relevant available information such as self 		

	<p>monitoring data, environmental audit information and Environmental Statements produced by controlled installations registered according to the Community eco-management and audit scheme (EMAS)</p>
<p>Motivation</p>	<p>The proposal is coherent with the requests of Recommendation 2001/331/EC on environmental inspections.</p> <p>“In 2001, recognizing that there was a wide disparity between inspection systems in the Member States, the European Parliament and the Council adopted Recommendation 2001/331/EC providing for minimum criteria for environmental inspections in the Member States” (source: http://ec.europa.eu/environment/legal/law/inspections.htm).</p> <p>On 17 November 2007 the Commission adopted a Communication on the review of Recommendation 2001/331/EC outlining its initial views on how to further develop the Recommendation and a Report on the implementation of the Recommendation in Member States summarizing the information received from Member States.</p> <p>In this Communication the Commission concludes from the reports received from Member States that, although the Recommendation has led to improvements of environmental inspections in some Member States, it has not been fully implemented in all Member States.</p> <p>In addition the reduction of inspections frequency for EMAS registered companies is also included in other EU official acts (e.g. art. 23 paragraph 4 of Directive 75/2010)</p>

n.22	Transport and travel - Directive 92/106/EEC		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit	
		self declaration in the permitting procedures to obtain a permit	
		extension of permit period	
		fast track permits	
		modification in the scope of application	
		Information required for permits	
		reduced reporting and monitoring requirements	
		reduced inspection frequencies	
		financial guarantee required for specific activities	
		reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits	X
		public procurement	
		credit access	
funding support			
technical and information support			
Legal reference	<p><i>Council Directive 92/106/ EEC of 7 December 1992 on the establishment of common rules for certain types of combined transport of goods between Member States.</i></p> <p>Article 6 paragraph 1:</p> <p>Member States shall take the measures necessary to ensure that the taxes listed in paragraph 3 which are applicable to road vehicles (lorries, tractors, trailers or semi-trailers) when routed in combined transport are reduced or reimbursed either by a standard amount, or in proportion to the journeys that such vehicles undertake by rail, within limits and in accordance with conditions and rules they fix after consultation with the Commission.</p> <p>The reductions of reimbursements referred to in the first paragraph shall be granted by the State in which the vehicles are registered, on the basis of the rail journeys effected within that State. Member States may, however, grant these reductions or reimbursements on the basis of the rail journeys which take place partially or wholly outside the Member State in which the vehicles are registered.</p>		
Proposal	<p>Add the following paragraph to the article 6, paragraph 1:</p> <ul style="list-style-type: none"> - Member States are invited to foresee tax reductions for transport companies in the scope of the Directive and registered according Regulation 1221/2009 (EMAS) 		
Motivation	Tax relief is a good tool to spread EMAS as resulted by the BRAVE survey		

n.23	Transport and travel - Regulation (EC) N. 391/2009		
Type of measure	Regulatory relief	self declaration in the permitting procedures to obtain the renewing of the permit self declaration in the permitting procedures to obtain a permit extension of permit period fast track permits modification in the scope of application Information required for permits reduced reporting and monitoring requirements reduced inspection frequencies financial guarantee required for specific activities reduction of administrative fees (environmental law)	
	Better regulation	fiscal benefits public procurement credit access funding support technical and information support	 X
Legal reference	<p><i>Regulation (EC) No 391/2009 on common rules and standards for ship inspection and survey organisations</i></p> <p>Article 8 paragraph 2: 2. In selecting the recognised organisations for assessment, the Commission shall pay particular attention to the safety and pollution prevention performance of the recognised organisation, to the casualty records and to the reports produced by Member States in accordance with Article 10 of Directive 2009/15/EC.</p>		
Proposal	<p>Change the paragraph as follows:</p> <ul style="list-style-type: none"> - Paragraph 2. In selecting the recognised organisations for assessment, the Commission shall pay particular attention to the safety and pollution prevention performance and/or EMAS registration of the recognised organisation, to the casualty records and to the reports produced by Member States in accordance with Article 10 of Directive 2009/15/EC. 		
Motivation	<p>EMAS registration is coherent with the conditions already written in the paragraph (pollution prevention performance).</p>		