

Mr Kenneth D. Collins
President of the
Committee on the Environment,
Public Health and Consumer
Protection
Rue Wiertz 60
1047 BRUSSELS

DFH/SR/ne/I99/17/0

6 April 1999

Dear Sir,

Re: Revision of EMAS Regulation – Adoption of the Valverde Report in the Plenary meeting of the European Parliament on 13 April 1999

UNICE approve of the proposed amendments which allow for the removal of burden on SMEs such as the reduction in the frequency of the validation of environmental statements and elimination of the necessity for SMEs to identify indirect environmental aspects.

UNICE strongly opposes the inclusion of BAT (Best Available Techniques) in the requirements of the Regulation for the following reasons:

- The Regulation already requires the “provision for meeting relevant legislation”, BAT is a tool of specific legislation there is no need for its inclusion in the Regulation.
- BAT is an industrial concept and its application would be inappropriate to non-industrial sectors such as catering and hotels. Consequently, BAT is not verifiable for those sectors and it thus become meaningless.

With regard to the involvement of employee representatives, UNICE believes that the implementation of EMAS should involve the participation of all employees within the relevant organisation and not be restricted to their representatives. Moreover, we question the efficiency of such an involvement as the representatives may not be knowledgeable with regard to environmental issues.

UNICE does not object to the Works Councils being regularly informed of progress.

Many amendments proposed would mean a significant increase of effort within the organisation concerned. The increased efforts would not bring commensurate benefits.

Moreover, many amendments are vague and render validation more difficult. For example, the amendment on Annex VI, point 6.3a related to client follow-up policy requires significant amount of information to be gathered by the organisation.

Amendments which require the ensuring of legal compliance (Article 2, Annex IB). No management system can ensure legal compliance. The implementation of an effective management system can only result in a reduction of the frequency of occurrences of non compliance. UNICE believes that the “provision for compliance” is a term well understood by participating organisations and this phraseology should be maintained.

We believe that the delegation of “preliminary registration” to lower levels of competence such as local or regional bodies will merely give rise to an unnecessary degree of complexity and red-tape.

UNICE questions the inclusion of public procurement contracts as a reward for EMAS registration as it would jeopardise the voluntary character of EMAS and progressively make it, de facto, mandatory. This would also represent a distortion of fair competition

UNICE believes that EMAS should not be extended to products. We do not believe that EMAS should be consumer-related since many organisations which become EMAS-registered will have little influence on customers regarding products and how they will be used. In addition, many labels and symbols are already applied to products including the EU Eco-label which is specifically product-oriented.

Yours sincerely,

Dirk F. Hudig
Secretary General