

CIS 11

Edition 1 September 2016

UKAS Supplement for the Accreditation of Environmental Verifiers for EMAS (the EU Eco Management and Audit Scheme Regulation 1221/2009)

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Changes since last edition

Publication reference CIS 11 assigned.

Reference to TPS 50 in section 7 amended to CIS 12. UKAS contact details update.

No change to technical content.

1. Introduction

The revised EMAS Regulation (1221/2009), known as “EMAS III” entered into force on 11 January 2010.

In due course, new guidance will be introduced by the Competent Body in the UK in relation to the new Regulation on;

- Revised guidance on breaches of legal requirements.

New guidance has been introduced in the UK, a user’s guide setting out the steps needed to participate in EMAS, under Regulation (EC) No 1221/2009. This is the Commission Decision of 4 March 2013 (2013/131/EU).

New Sectoral reference documents are also being developed whose objective is to provide guidance to organisations to facilitate the practical implementation of the requirements of EMAS.

The full text of the revised Regulation is available on the Institute for Environmental Management and Assessment (IEMA) website;

<http://ems.iema.net/emas/regulation>

Under the new Regulation, IEMA remains as the Competent Body for the UK and UKAS (United Kingdom Accreditation Service) remains as the accreditation body designated by Government for the accreditation of environmental verifiers in the UK and for the supervision of foreign verifiers.

The basic criteria for this accreditation are set out in ISO/IEC 17021 applicable to certification bodies performing ISO 14001 certifications and verifications for EMAS since most of the functions are the same. However, there are some differences between certifying the conformity of environmental management systems with standards such as ISO 14001 and verifying the compliance of organisations with EMAS. The purpose of this document therefore, is to highlight those key differences and the areas of change since the previous version of the Regulation. It does not introduce any additional requirements.

2. Tasks of the Environmental Verifier

The tasks of an environmental verifier are set out in Article 18 of the Regulation and detail those areas that the accredited Environmental verifiers shall verify during the course of an assessment specifically:

- a) compliance with all the requirements of the Regulation with respect to the initial environmental review, environmental management system, environmental audit and its results and the environmental statement or updated environmental statement;
- b) compliance of the organisation with the applicable Community, national, regional and local legal requirements relating to the environment;
- c) the organisation's continuous improvement of environmental performance; and
- d) the reliability, credibility and correctness of the data and information in the environmental statement.

The UKAS assessment will seek to confirm that the above tasks are being performed in accordance with Article 18 of the Regulation and that there are appropriate records to support the areas assessed.

3. The Correspondence between EMAS and ISO 14001

There is a clear overlap between environmental management system requirements and the Regulation and this forms the basis for combining ISO 14001 and EMAS verifier activities.

The Regulation allows for the correspondence between European and International standards and the Regulation to be considered, so that organisations complying with those standards shall be considered as meeting the corresponding requirements of the Regulation. Specifically the Regulations states in Annex II that EMAS-registered organisations are required to address a number of additional issues that have a direct link to a number of elements in Section 4 of EN ISO 14001:2004.

Verifiers must ensure that they understand and meet the additional requirements set out in the Regulation and that these are addressed when combining ISO 14001 and EMAS verifier activities. In particular verifiers should note that EMAS stipulates more detailed requirements for Environmental review (Annex I), Internal Auditing (Annex III), and Environmental Reporting (Annex IV).

4. The Accreditation Process

As with Certification Bodies, UKAS accredits organisations rather than individuals as environmental verifiers.

In all cases the application process starts with the submission of an application form; payment of appropriate fees, and declaration of the requested scope of accreditation. This shall be supported by documentation that provides a justification for the requested scope and includes as a minimum the following:

- i) Definition of the industrial or other activities by reference to the relevant NACE Rev 2 code headings;
- ii) Description of the typical environmental legislation, aspects and impacts of these activities;
- iii) Details of the competencies necessary to provide environmental verification and respond to the environmental aspects and impacts of the activities to be covered by the requested scope of accreditation;
- iv) Evidence that those person(s) involved in the verification process have been evaluated against the competencies defined by the verifier.

Organisations that are not already accredited as an EMS certification body under ISO 17021 will have to demonstrate their compliance with all the relevant requirements of ISO/IEC 17021:2011 Conformity assessment - Requirements for bodies providing audit and certification of management systems. (ISO/IEC 17021-1:2015 is due to be published in the middle of 2015 which will replace ISO/IEC 17021:2011 after a two-year transition period).

Organisations already accredited as certification bodies by UKAS will be subject to a gap analysis and undergo an assessment in respect to the additional requirements of EMAS.

The following represents a typical accreditation procedure in the case of an initial accreditation:

- a) Document Review of the competency, procedures and other documents submitted as part of the application.
- b) Head Office Assessment of procedures, competence criteria for verifiers and records related to EMAS verification and validation activities. UKAS will need to ensure that the requirements of Article 18, 19, 20, 21 and 22 are fully met for those scope areas to be covered by the accreditation.
- c) Witnessed Assessments (one or more depending on scope of application), which cover the verification of the EMAS system and/or the validation of the environmental statement and will include a documentary review of the environmental statement subject to validation, which is to be submitted to UKAS four weeks in advance of the witnessed assessment.

The purpose of the witnessed assessment will be for UKAS to observe the competence of the audit team and how the verifier covers the requirements of the Regulation and in particular the following aspects:

- The organisation's position relevant to all relevant aspects and impacts.
- Where issues have been omitted that the basis for this has been justified.
- That there is a consistency between key elements of the overall system e.g. environmental review, policy, management system and information to be validated.
- Statements and claims regarding performance, systems, objectives and targets are well-founded within the system, and presented in such a way that clear understanding of the issues is given.
- Procedures for defining the level of accuracy required of methods to measure or quantify performance data.
- Interfaces between the site or business unit's EMS and relevant Head Office functions.
- Internal audit procedures.
- The selection and qualification of the audit personnel appointed by the verifier to lead/conduct the assessment.

Accreditation will be offered on completion of the assessment, when any Mandatory Findings found have been closed through the implementation of corrective and preventative actions by the environmental verifier and verification of their effective implementation by UKAS.

Confirmation of Accreditation will be confirmed in the form a certificate and schedule of accreditation referencing those NACE codes that the verifier has demonstrated their competence to assess. The schedule of accreditation will be made publically available on the UKAS website www.ukas.com

In addition a unique environmental verifier number will be allocated at the time of accreditation and will be allocated in line with the FALB Guidance on the EMAS Accreditation Number dated 20 November 2006. This number will be displayed on the UKAS schedule of accreditation.

Once accredited as an EMAS Verifier, UKAS will undertake annual assessments (which will normally include at least 1 witnessed assessment) to monitor the quality of the verifications and validations undertaken within the normal four-yearly accreditation cycle to ensure continuing compliance with accreditation requirements. For an EMS certification body that is an environmental verifier, the reassessment may be aligned with the reassessment of the certification body during the 4-year cycle, subject to their agreement.

If an environmental verifier does not conduct any verification or validation activity for two years then UKAS will consider suspension or a further review after an additional year. If no activity has taken place during the three year period, withdrawal of accreditation will be initiated.

In line with Article 23 clause 7, where a recommendation to terminate, suspend or restrict the scope of registration has been made the environmental verifier will be given the opportunity to comment ahead of any final decision.

5. Competent Persons

The competence requirements for environmental verifiers are detailed in Article 20 of the Regulation. Largely, these are consistent with those covered by ISO/IEC 17021. However, in the assessment of verifiers UKAS recognises that there are some areas where additional competencies will be required, over and above those for ISO 14001 audits.

EMAS verification includes making judgements on the following:

- technical validity of the environmental review and/or identification and evaluation of environmental aspects in relation to impacts of activities, services and products;
- reliability, credibility and correctness of data and information that is included in the environmental statement and environmental information to be validated. Where large and/or complex organisations are concerned verifiers will need to provide the necessary competencies and time for completion of verification that is suitably thorough.

As a result of the above, organisations accredited as environmental verifiers will be required to demonstrate that they have (a) named competent person(s) to be part of the team or to lead on the statement and data/information validation aspect of each verification assessment.

Competent persons must be assessed by UKAS. This will normally take place in association with a witnessed assessment in which the competent person is participating. The assessment will include the following elements:

1. Review of competence

The competent person's competence will need to be defined in line with ISO 17021 and include those additional requirements as detailed in the Regulation Article 20. Verifiers should specifically note the requirement to demonstrate continual professional development in the fields for which the competent person has been approved.

Recognition may be given to professional registers and membership of professional bodies as part of the overall demonstration of competence alongside any relevant experience and professional qualifications.

2. Evidence of effective practice

The competent person's demonstration of competence and validation of the environmental statement will normally be confirmed via a witnessed assessment. An interview by a UKAS assessor will normally be conducted in association with the witnessed assessment to evaluate the applicants understanding of the areas where judgements are required.

6. Specific EMAS Accreditation Aspects

As stated above, UKAS's overall criteria for accreditation as an environmental verifier for EMAS are found in the accreditation standard ISO/IEC 17021. However, there are additional requirements in the Regulation which are above those specified in the accreditation standard and as such UKAS will seek via assessment, confirmation that these requirements have been appropriately addressed by the verifier.

In particular verifiers will be expected to demonstrate to UKAS that they have taken account of the following which are key changes from the previous EMAS Regulation:

- a) no certificate is issued, instead the verifier validates the environmental statement as meeting the requirements of the Regulation and signs the declaration referred to in Article 25(9). The revised EMAS Regulation requires that this Environmental Statement must now document the environmental performance of the body seeking EMAS registration. A new feature introduced is that organisations will be required to report as appropriate against a set of core indicators. These core indicators are Energy efficiency, Water, Waste, Biodiversity and Emissions. The regulation provides guidance in Annex IV on how core indicators should be reported.
- b) One of the conditions of EMAS registration is that the organisation must meet legal requirements regarding environmental protection. The revised Regulation expands on the requirements of the previous version, by requiring organisations to: “provide material or documentary evidence showing that the organisation complies with all applicable legal requirements relating to the environment” (Article 4.4.). This represents a change from the previous Regulation.
- c) The new Regulation provides some flexibility in the periods for which small organisations are required to publish their environmental statement and the frequency of the renewal process. Further details on the definition of a small organisation and what these allowances are can be found in Articles 2 and 7 of the Regulation.
- d) There is now only one version of the EMAS logo for organisation to use under the EMAS Regulation. Guidance on how the logo may be used by organisations is provided in Article 10 of the Regulation and the associated Annex 5. The regulation precludes the use of the EMAS Logo on products or their packaging.
- e) The regulation requires the verifier to provide advanced notification of each verification in a Member State. The environmental verifier shall notify UKAS of the time and place of the verification and this shall be provided at least 4 weeks in advance of the verification.

Accredited environmental verifiers will also be expected to demonstrate compliance with the requirements of Article 24 regarding verification activities in a Member State other than where the accreditation was granted.

7. Further Information

Further information on the Regulation or registration requirements, can be obtained from IEMA at emas@iema.net or <http://www.iema.net>.

Details of the requirements for notification of verifications to be performed in the UK by environmental verifiers accredited in other EU Members States are included in the document [CIS 12](#) available on the UKAS website.

Verifiers with enquiries about accreditation or supervision requirements of the Regulation should contact their Assessment Manager or if not currently accredited by UKAS info@ukas.com.