



Bayerisches Staatsministerium für  
Umwelt und Gesundheit



# Promoting EMAS!

## Administrative incentives for EMAS – registered organisations in Bavaria (Germany)

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# 1. Introduction: Main principles of german environmental law (I)

**German environmental policies and the implementation of environmental laws are based on three main principles:**

- **„Precautionary principle“ (Vorsorgeprinzip)** is aimed at avoiding or minimising the possibility of pollution or threats to the environment at an early stage. Natural resources shall be preserved.

(See Spieth/Ramb Freshfields Bruckhaus Deringer LLP ENVIRONMENT LAW  
2010 Germany)

# 1. Introduction: Main principles of german environmental law (II)

- **„Polluter pays principle“ (Verursacherprinzip)** means that anyone responsible for endangering, polluting or causing damage to the environment will be liable for the costs related to avoidance or clean up.
- **„Cooperation principle“ (Kooperationsprinzip)** means that the environmental policy must be developed in close co-operation (exchange of information, public hearings etc.) with all relevant public and private organisations to prevent future harm from the environment and to clean up damage caused in the past. **Example: Bavaria Pakt**

(See Spieth/Ramb Freshfields Bruckhaus Deringer LLP ENVIRONMENT LAW 2010 Germany)

## 2. EMAS (The European Eco-Management and Audit Scheme) (I)

**Why do we need environmental management?**

**Problem financial crisis:**

- lack of resources (personal/financial)
- deficit of administrative enforcement



**Solution:**

- better legislation
- regulatory innovation
- **new instruments (EMAS)**

## 2. EMAS (The European Eco-Management and Audit Scheme) (II)

**Instead of**

- command and control
  - bureaucracy



**intelligent system of implementation and enforcement of  
(environmental) laws**

- cooperation instead of confrontation
- self-responsibility/voluntary agreements
- environmental management-systems
- compliance approach (!)

## 2. EMAS (The European Eco-Management and Audit Scheme) (III)

**intelligent administration**

win – win – win situation



environment – citizen/business – government

## 2. EMAS (The European Eco-Management and Audit Scheme) (IV)

- EMAS is based on the European Regulation (EC) No 1221/2009 and was implemented into German law by Environmental Audit Act (Umweltauditgesetz).
- EMAS verifiers are accredited or licensed and supervised by a particular body appointed in each Member State. In Germany the state approved German Accreditation, Licensing and Supervising Body is called DAU GmbH.

## 2. EMAS (The European Eco-Management and Audit Scheme) (V)

### Key elements of EMAS:

- **Performance:** EMAS is a voluntary environmental management system based on a harmonised scheme throughout the EU. Its objective is to improve the environmental performance of organisations by having them commit to both evaluating and reducing their environmental impact and continuously improving their environmental performance.



## 2. EMAS (The European Eco-Management and Audit Scheme) (VI)

### Key elements of EMAS:

- **Credibility:** The external and independent nature of the EMAS registration process (Competent Bodies, Accreditation/Licensing Bodies and environmental verifiers under the control of the EU Member States) ensures the credibility and reliability of the scheme, including both the actions taken by an organisation to continuously improve its environmental performance and the organisation's information to the public through the environmental statement.

## 2. EMAS (The European Eco-Management and Audit Scheme) (VII)

### Key elements of EMAS:

- **Transparency:** Providing publicly available information about an organisation's environmental performance is an important aspect of the scheme's objective. It is achieved externally through the environmental statement and within the organisation through the active involvement of employees in the implementation of the scheme.

## 2. EMAS (The European Eco-Management and Audit Scheme) (VIII)

### **compliance approach:**

- An EMAS – registration is only possible for organisations which are compliant with all applicable environmental law.
- The compliance is checked and confirmed by EMAS verifiers.  
Why should we do it twice → standardisation?

## 2. EMAS (The European Eco-Management and Audit Scheme) (IX)

### EMAS and EN ISO 14001

EMAS is currently the most credible and robust environmental management system on the market, **adding four pillars** to the requirements of the international standard for environmental management systems ISO/EN ISO 14001:

- **Continual improvement of environmental performance**
- **Compliance with all applicable environmental law**
- **Public information through annual reporting**
- **Employee involvement**

### 3. Administrative (legal) incentives for EMAS-registered organisations in Bavaria (Germany) (I)

**EMAS approach:** compliance through self responsibility



„functional equivalence“

traditional „command and control“ policy



possible privileges for EMAS – registered organisations

### 3. Administrative (legal) incentives for EMAS-registered organisations in Bavaria (Germany) (II)

- **Privileges (enforcement):**
  - reduction of state's inspections
  - reduction of reporting obligations (available EMAS – documentation)
  - simplification of permitting procedures

Actual example: implementation of the IED on the federal level (EMAS-Privilegierungs-Verordnung)

### 3. Administrative (legal) incentives for EMAS-registered organisations in Bavaria (Germany) (III)

- **30% reduction of licence fees** for industrial installations with EMAS-registration
- **50% reduction of charges for water use** for companies with EMAS-registration
- **Reduction of charges for special waste control** for companies with EMAS-registration