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FITNESS CHECK

Accompanying the document

REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND TO THE COUNCIL
on the review of implementation of Regulation (EC)No 122/2009 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) and the Regulation (EC) No 66/2010 of the parliament and of the Council of 25 November 2009 on the EU Ecolabel

{COM(2017) 355 final}
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Section 2 Introduction

This fitness check covers Regulation (EC) No 1221/2009 of the European Parliament and Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)[1] and Regulation (EC) No 66/2010[2] of the European Parliament and Council of 25 November 2009 on the EU Ecolabel, and their contribution to the sustainable consumption and production (SCP) policy framework. It is a retrospective exercise, aiming to assess the two Regulations' actual performance.

The purpose of the fitness check is to evaluate the implementation of EMAS and EU Ecolabel Regulations and to assess their effectiveness, efficiency, relevance, coherence and EU added value. The fitness check is not evaluating the performance of the SCP policy framework as a whole, nor individual instruments other than EMAS and the EU Ecolabel.

The fitness check falls under the Commission's Regulatory Fitness and Performance Programme. The work presented here is guided by the fitness check mandate for the EMAS and EU Ecolabel Regulations[3]. As the fitness check is a retrospective exercise, it does not answer forward-looking questions included in the mandate.

The fitness check will be used by the Commission as a basis to inform future policy decisions on both schemes.

Section 3 Background to the initiatives

3.1 EMAS and the EU Ecolabel as part of the sustainable consumption and production framework

Economic activities connected to products and services have an impact on the Environment and on people's health and quality of life. Sustainable consumption and production mitigate the negative environmental impacts of such activities and balance the need for such mitigation with the need for economic and social development. Instruments like EMAS and the EU Ecolabel encourage voluntary activities with reduced environmental impact and improve their economic potential.

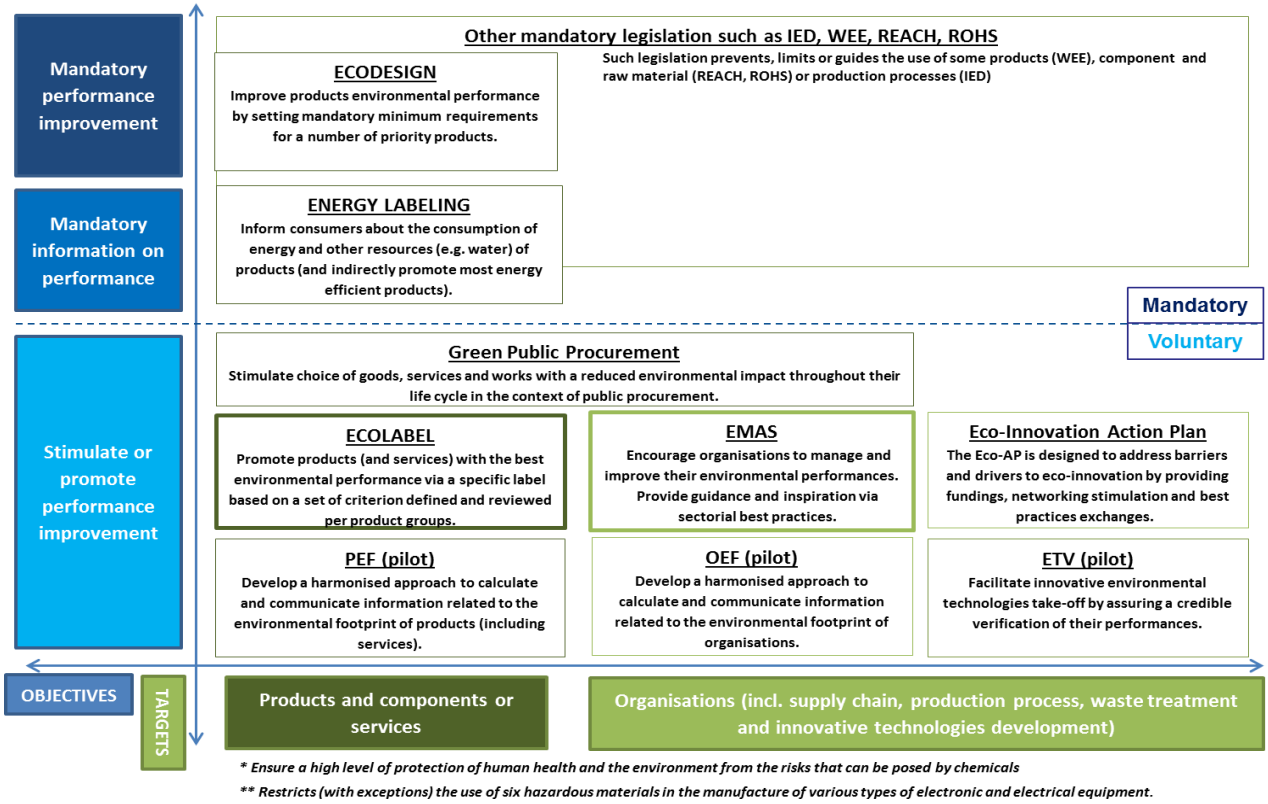
EMAS and the EU Ecolabel are part of the EU policy framework for sustainable consumption and production. The EU Ecolabel was created in 1992 and EMAS in 1995 but both were re-launched as part of the Communication on sustainable consumption and production and the sustainable industrial policy action plan (SCP action plan)[4] in 2008. Since 2008, several initiatives have further developed the framework on sustainability. These include: the Communication on EUROPE 2020

[1] Regulation (EC) No 1221/2009 of the European Parliament and Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).
[2] Regulation (EC) No 66/2010 of the European Parliament and Council of 25 November 2009 on the EU Ecolabel and their contribution to the Sustainable Consumption and Production (SCP) policy framework.
[3] Fitness check Mandate for EU-EMAS and EU-Ecolabel regulations.
[4] COM(2008) 397.

— a strategy for smart, sustainable and inclusive growth;[5] the Communication on a Roadmap to a Resource Efficient Europe;[6] the seventh EU Environmental action programme calling for a more effective and coherent SCP policy framework[7] and the 2015 EU action plan for the circular economy.[8]

In the Communication 'Building the single market for green products — facilitating better information on the environmental performance of products and organisations'[9], the Commission recognised the need for a common method to quantify the environmental impact (footprint) of products and organisations and benchmark them against each other (within the same product group[10] or sector). Such work has clear links to both the EU Ecolabel and EMAS, but as this work is still in the pilot phase, results were not available for inclusion in this fitness check.

Figure 1: **EMAS, the EU Ecolabel and other SCP tools**



[5] COM(2010) 2020.
[6] COM(2011) 571.
[7] Decision No 1386/2013/EU.
[8] COM(2015) 614/2.
[9] COM(2013) 196.
[10] The EU Ecolabel Regulation defines a product group as 'a set of products that serve similar purposes and are similar in terms of use, or have similar functional properties, and are similar in terms of consumer perception.

It is important to understand certain key characteristics of EMAS and the EU Ecolabel within this framework. In particular, there are key differences in the nature and role of the two Regulations compared to other SCP-related policies which also introduce specific limitations to this fitness check. For further information see sections 3.2 (objectives), 3.3 (intervention logic) and 5.3 (limitations).

Voluntary vs mandatory: EMAS and the EU Ecolabel are voluntary Regulations giving support to producers and organisations that go beyond what is required by legislation in their efforts to protect the environment and quality of life. In that sense, they are intended for environmental frontrunners and their uptake will naturally depend on the attractiveness and promotion of the schemes to producers and consumers. Other key EU legislative interventions in the SCP toolbox are mandatory instruments with the expectation of full uptake on the market. Ecodesign sets mandatory minimum requirements for energy related products on the market and the Energy Label obliges mandatory consumer information intended for comparison of products with a primary focus on energy consumption in the use-phase.

Products and organisations: The EU Ecolabel, Ecodesign and the Energy Label are policies for products. EMAS is the only EU-driven SCP instrument focused on achieving progressive environmental improvements in organisations. At global level it competes with ISO 14001 - a voluntary initiative also focusing on the environmental management of organisations. Both EMAS and ISO look at the potential for improvement within the *individual* organisation and rely on knowledge, understanding and data about the specific organisation. For EMAS this is supported by guidance for specific sectors provided in Sectoral Reference Documents (SRD's).

The SCP product policies use knowledge, understanding and data about products to establish benchmarks or categories *on the market* based on individual environmental concerns or overall environmental performance. For the EU Ecolabel, this benchmark is defined by the EU Ecolabel criteria requirements.

Scope: Whilst the Ecodesign and the Energy labelling Directives are limited to energy-related products[11], the EU Ecolabel can be extended to all types of products and EMAS to all types of organisations. The EU Ecolabel addresses overall environmental performance throughout the life cycle (material extraction, production, use and end of life) and weighs different impacts against each other. Ecodesign and the Energy Label focus on energy consumption in the use phase but in particular Ecodesign can include additional significant environmental impacts.[12] For EMAS, the evaluation and establishment of concrete performance targets is individual for the company; however, a set of core indicators is established for all EMAS registered organisations.

Green public procurement and eco-innovation activities can support other (SCP) instruments including Ecolabel and EMAS. The public sector are important buyers - public procurement accounts for around 14 % of EU GDP across a wide range of sectors (e.g. energy, transport, waste management, social protection, some health and educational services). Green public procurement can pull green products and services (such as EU-Ecolabelled products, products with a good energy performance or organisations that implement a transparent management scheme) on to the

[11] Energy-related products include products that use energy or have an indirect impact on energy consumption (e.g. windows or taps and showers). Other products — such as furniture, textiles, paper, beauty and healthcare products — do not fall under the scope of the Ecodesing and the Energy Labelling Directive.

[12] A number of Ecodesign regulations set limits for pollutant emissions; two regulations address minimum durability. Some Energy Labels provide additional information related to noise emissions and water consumption in the use-phase.

market. Eco-innovation activities can push certain product, production or service performance standards by developing new, cleaner or more efficient solutions or by making the best currently available technologies cheaper and more accessible.

3.2 Objectives of EMAS and the EU Ecolabel Regulations

The objective for the EU Ecolabel as stated in Recital 1 of the current Regulation is:

'...to promote products with a reduced environmental impact during their entire life cycle and to provide consumers with accurate, non-deceptive, science-based information on the environmental impacts of products'

The objective for EMAS as stated in Article 1 of the Regulation is:

'...to promote continuous improvements in the environmental performance of organisations by establishment and implementation of environmental management systems by organisations, the systematic, objective and periodic evaluation of the performance of such systems, the provision of information on environmental performance, an open dialogue with the public and other interested parties and the active involvement of employees in organisations and appropriate training.'

Whilst each Regulation has its own objectives, for the purpose of the fitness check, these have been combined to define a set of general, specific and operational objectives:

The **general objective**, which refers to the overall policy goal and is common for both schemes, is:

> *to contribute to the reduction of the environmental impact of consumption and production.*

The **specific objectives** refer to what the Regulations were meant to achieve, and these differ:

> for EMAS: *to promote continuous improvements in the environmental performance of organisations.*
>
> for the EU Ecolabel: *to promote products with reduced environmental impacts.*

The specific objectives are simplified versions of the objectives set out in the Regulations and in the associated impact assessments.

The **operational objectives** are the same for both schemes, although they are achieved in different ways.

> Operational objective 1: *Ensuring environmental performance through EMAS and the EU Ecolabel.*

For EMAS, environmental benefits are achieved by the individual organisations. In order to be EMAS-registered, each organisation must commit to improving and reporting on its environmental performance. The EMAS Regulation (Annex IV) provides a set of six core indicators that must be considered: energy efficiency; material efficiency; water; waste; biodiversity; emissions to air.

These core indicators can be seen as environmental priorities, for instance regarding the link between CO_2 reduction/resource depletion and cost savings (energy/material efficiency). The

EMAS Regulation also requires the organisation to report on its compliance with other relevant pieces of environmental legislation.

For the EU Ecolabel, the environmental benefits are achieved by a product when it complies with product specific EU Ecolabel criteria requirements. These are pass/fail criteria intended (according to Annex 1 to the Regulation) to reflect the best 10-20 % of products on the market in terms of environmental performance, taking into account the whole life cycle of the product.

Operational objective 2: *ensuring uptake of EMAS and the EU Ecolabel*

Uptake multiplies the environmental effects achieved by EMAS-registered organisations or by products that carry the EU Ecolabel. For EMAS, uptake is the number of registered organisations. If each organisation achieves the desired benefits, the two operational objectives should say something about the contribution to sustainable consumption and production.

For the EU Ecolabel, uptake is the number of EU Ecolabel licences awarded and the number of products carrying the EU Ecolabel. The number of licences and products should demonstrate how attractive the EU Ecolabel is to industry. Indirectly, this should also say something about the uptake among consumers (there is no access to market share data as these are not collected as part of the monitoring obligations of the scheme (see limits to data – section 6.2). As a supplement to data on uptake by producers, consumer awareness of the EU Ecolabel can also tell something about the role of the EU Ecolabel on the market.

Both schemes should give a trustworthy reference point for environmental performance or compliance checked by a third party to public authorities, consumers or buyers in business-to-business transactions. This is reflected in the intervention logic as an intermediate output, but should be considered a separate although not quantifiable objective related to the trustworthiness of the schemes.

For EMAS, the fact that environmental compliance is integrated into the system together with independent third party verification is intended to enable better integration into environmental policies. It should also allow e.g. for the exploitation of regulatory relief and synergies in implementation of environmental legislation in Member States (e.g. environmental inspections)[13]. This only happens if there is trust in the scheme as a guarantee for environmental performance and compliance.

For the EU Ecolabel the development and implementation of third-party verified criteria requirements should help to reduce green washing and unsubstantiated environmental claims[14]. Credibility and trustworthiness are about both performances of criteria requirements in terms of environment and functionality[15] and also the business model of the scheme. The final effect of the

[13] Regulatory relief is understood as an ease in regulatory or administrative burden (such as frequency of environmental inspection, fast track procedures, lower fee or taxes etc.) resulting from compliance with EMAS. In order to effectuate a regulatory relief it is important that national authorities have a guarantee that this is not misused. Therefore it is considered important that national authorities have access to and can control information on environmental performance and that there is general transparency of such information before relief is granted.

[14] Green washing can happen when an unsubstantiated and unverifiable environmental claim is made and used to promote e.g. a product or an organisation. By offering generally agreed criteria, transparency and a third-party verification the EU Ecolabel and EMAS offer both scientific criteria for comparison and a credible label/certification for companies that are willing to go beyond mandatory requirements.

[15] Aside from environmental performance, EU Ecolabel products also need to perform their intended function (e.g. as a detergent) otherwise consumers will lose faith in EU-Ecolabelled products.

EU Ecolabel is achieved when the scheme is able to shift choice (professional or private) towards more environmentally friendly consumption. This only happens if consumers trust the scheme.

For voluntary tools such as EMAS and the EU Ecolabel there is an operational trade-off between the two operational objectives mentioned here as in general, increased costs of compliance (e.g. through reporting obligations) can be expected to reduce (voluntary) involvement in the two schemes. This happens because costs of compliance (a barrier to uptake) can be expected to increase with environmental performance requirements (e.g. top 10-20 % of environmental performance on the market, avoiding hazardous substances, reporting on key indicators) and increased trustworthiness and credibility. On the other hand producers and organisations rely exactly on that credibility.

EMAS and the EU Ecolabel should also support the good functioning of the single market by providing clarity and common reference on the environmental features and characteristics of products and organisations. This is provided e.g. through the agreed EU Ecolabel criteria and the EMAS sectoral reference documents that are common, valid and provide guidance on the whole EU market. This should mean that manufactures and organisations do not have to spend resources on developing internal programmes/systems for advancing environmental claims or need to join a multitude of individual schemes, criteria or commitments that — with the exception of ISO standards — would only cover limited parts of the single market.

No specific performance targets were set for the Regulations. The impact assessment for the most recent revision of EMAS (EMAS III — 2011) expected increased participation of companies (theoretically achieving 23 000 registered sites after five years after the entry into force of the revised EMAS[16] should all MS perform to the level of the best performing), reduced administrative burden and costs to small and medium sized enterprises (SMEs). The revised Ecolabel was to be a "label of excellence" with criteria aiming for top 10 to 20% of the market in terms of environmental performance within the product group at the time of adoption. The process to obtain the label was to be revised and simplified.

3.3 The intervention logic of EMAS and the EU Ecolabel[17]

The intervention logic presented in Figure 2 builds on the objectives explained above. The intermediate outputs reflects that the main actions established by the Regulations should result in schemes that are attractive to organisations and producers while provide the trustworthiness and credibility needed to meet consumer concerns, and be used and integrated in wider environmental policies e.g. for regulatory relief or in green public procurement. External factors (such as the general macroeconomic development, existence of competing instruments, market trends and technological development) also affect the outcome.

The intervention logic set out the framework that enables organisations and producers to participate in the schemes and apply for the EU Ecolabel or for EMAS certification.

For the EU Ecolabel, this is done by:

[16] This estimation is based on an extrapolation of the registrations in the three best performing Member States.
[17] Figure 2 gives a general overview of how the schemes work. See also Annex 3a (EMAS) and Annex 3d (EU Ecolabel).

- selecting product groups and providing a set of criteria that defines products as having the best environmental performance — corresponding to the best 10-20 % on the market in terms of environmental performance (operational objective 1);
- providing the institutional setup that guarantees impartial third-party verification of compliance with these criteria and the registration of products. The compliance label is the EU Ecolabel i.e. the flower (intermediate output).

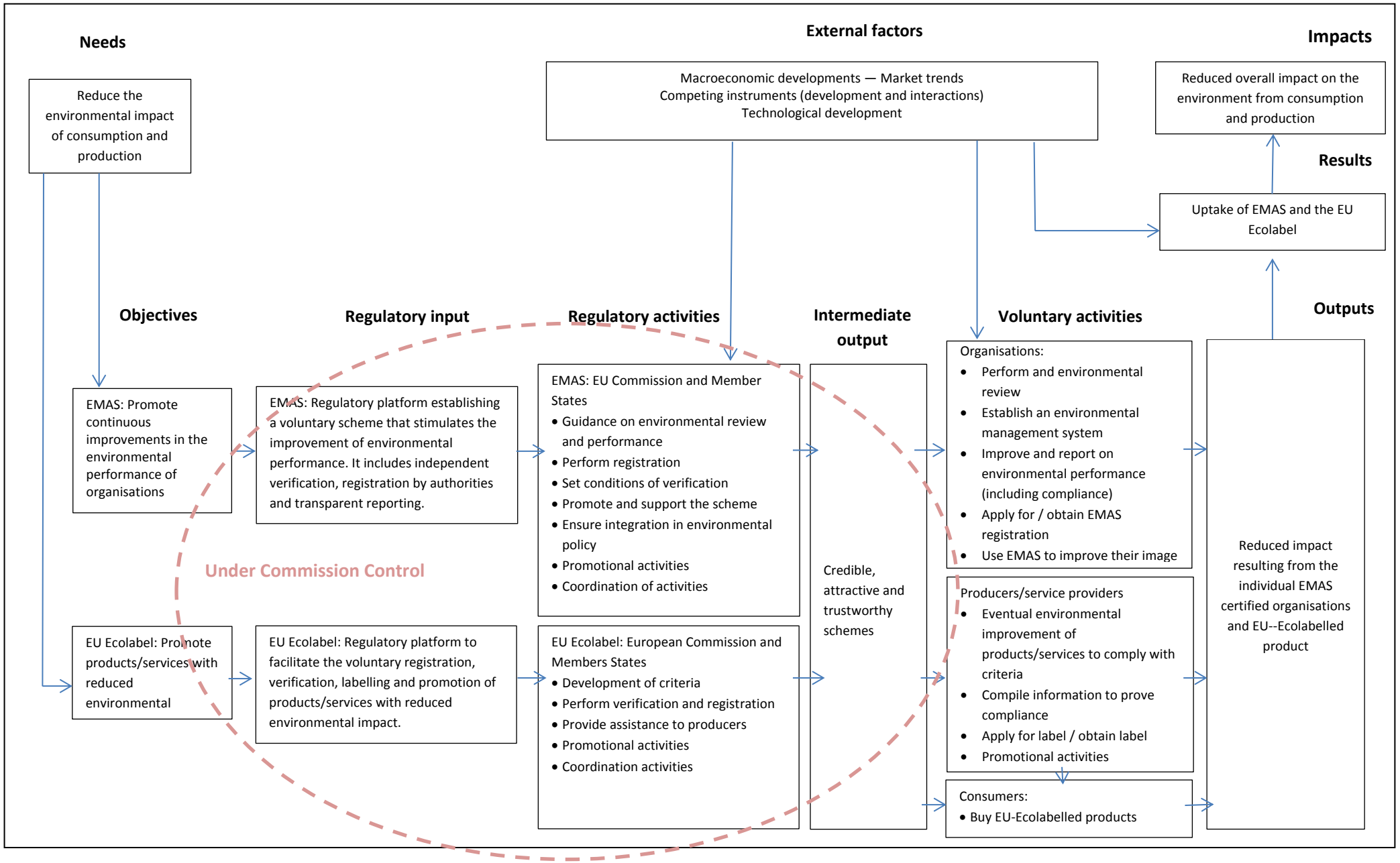
For EMAS, this is done by:

- providing guidance on the environmental review and performance of organisations (operational objective 1);
- providing the institutional setup to guarantee impartial and third-party verification of compliance with continuous improvements (intermediate output).

Setting up this framework as an intermediate output enables the schemes to achieve uptake by producers, who will then have to comply with the criteria (operational objective 2). To further support this, the Regulations also set out ways of making the schemes more attractive to possible participants through promotional activities or by ensuring benefits from integration into wider environmental policies.

For both schemes it is/was expected that the national authorities set up a competent body to check compliance and award the EU Ecolabel or the EMAS certificate. Organisations and producers should apply for registration through the competent body. The competent body should then request information on the product's performance or the proper implementation of the EMAS environmental management and audit system. The producer and organisation should gather this information and submit it to the competent body to prove compliance. For EMAS this should be done through reporting on activities and performances based on the organisation's commitments to improve environmental performance and should lead to the organisation becoming EMAS registered. For the EU Ecolabel, information would need to be provided to prove that the product's environmental performance is compliant with the EU Ecolabel criteria for the relevant product group.

Figure 2: Intervention for EU Ecolabel and EMAS



Figures 3 and 4 illustrate how the schemes work in different ways. The EU Ecolabel targets the segment of the market that produces products that deliver environmental excellence. Any organisation can apply for EMAS if it is willing to commit to environmental improvements and report on efforts and achievements. As this is more demanding than mandatory regulation and the more widely adopted, comparable ISO 14001 standard, the EMAS Regulation attracts organisations willing to go further than mainstream organisations, including those participating in the ISO 14001 environmental management system. In this sense, EMAS-registered organisations can be considered frontrunners.

Figure3: Steps in the EU Ecolabel model

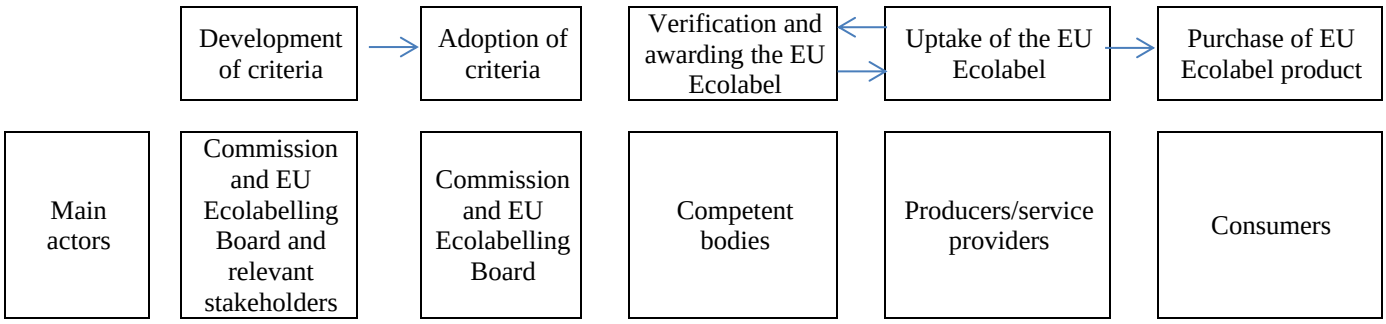
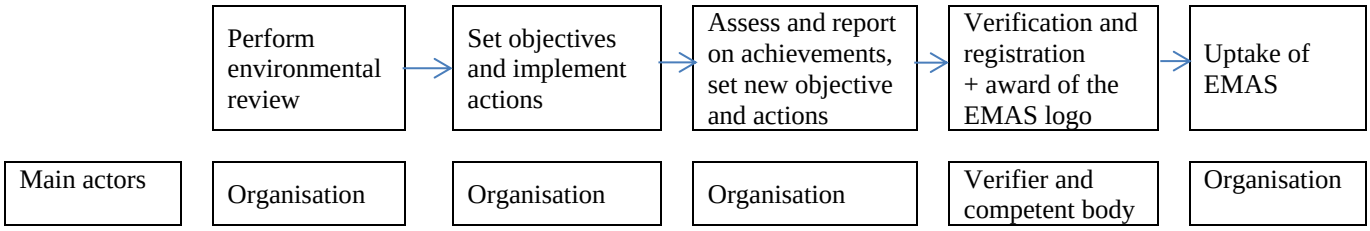


Figure 4: Steps in the EMAS Model



Under EMAS, the process is expected to be cyclical. Reporting on achievements, setting new objectives and actions and checking them has to be done by the organisations every third year. This should allow for continuous environmental improvement and ensure that national authorities are regularly updated on environmental compliance. Under the EU Ecolabel the criteria should be regularly updated to ensure that they reflect environmental excellence.

nder EMAS, the environmental benefit should be achieved when organisations improve their performance. Under the EU Ecolabel, the environmental benefit should be achieved when the product replaces another product with a worse environmental profile. In other words, the final environmental effect depends on consumer choice.

EMAS and the EU Ecolabel are voluntary schemes, meaning that producers and organisations freely decide whether they want to apply to participate. When deciding whether to apply, they will consider both the cost (e.g. the fee and the internal cost for preparing the application or for implementing changes) and the benefits. Examples of expected benefits for applicants could be as follows:

EMAS	EU Ecolabel
Resource and energy efficiency leading to cost reduction	Increased focus on environmental performance and efficiencies in the production processes
Image improvement leading to increased attractiveness for clients and stakeholders	Image improvement given by the label, proving excellent environmental performance of products and services and enabling consumers to make informed choices on the basis of environmental performance
Better compliance with environmental legislation, leading to a decrease in risk of sanctions and environmental incidents	Compliance with one set of requirements per product group recognised and accepted across the single market and providing the ability to substantiate environmental claims via the required third-party verification. This could be considered especially important for SMEs since they may not have the in-house capacity to sign up to different labels or develop their own.
Recognition by public authorities leading to regulatory relief and administrative incentives	Recognition of performance by green public and private procurement

Producers' uptake of the EU Ecolabel (licences and products) and organisations' uptake of EMAS (registration of organisations and sites) should be monitored at Member State level and for individual product groups. There are no required measures related to monitoring the impact of the EU Ecolabel on sales and market share for the EU Ecolabel.

Section 4 Evaluation questions

The retrospective evaluation questions published in the mandate seek to assess implementation with regard to: relevance, EU added value, Effectiveness, Efficiency and coherence. The evaluation questions are dealt with together for both Regulations, but where necessary, relevant conclusions are presented for the individual Regulations. The individual questions are presented and addressed in section 7. The general understanding of the five evaluation criteria applied for the Fitness check is as follows:

Relevance: What is the relationship between the needs and the problems in society and the objectives of the intervention and the current policy agenda?

EU added value: Has intervention at EU level on EMAS and the EU Ecolabel caused changes that would otherwise not have occurred?

Effectiveness: How successful has EU action been in achieving or progressing towards its objectives?

Efficiency:	What is the relationship between the resources used in an intervention and the changes it brought about?
Coherence:	How well do the EU Ecolabel and EMAS work together with other actions?

Section 5 Method

5.1. Purpose and scope of the Fitness Check

The purpose of the fitness check is to assess if the EMAS and EU Ecolabel Regulations are fit for purpose, in particular checking that the regulations do not apply unnecessary or disproportionate regulatory burden, and to gain a better understanding of the experiences in implementing the schemes by focusing on the criteria of relevance, effectiveness, efficiency, coherence and EU added value.

In addition, both the EMAS and EU Ecolabel Regulations require that a report shall be sent to Council and Parliament on their implementation.

This fitness check focuses exclusively on the EMAS and the EU Ecolabel Regulations and their performance. It does not cover the wider SCP tools (see figure 1, section 3.1) which were at different stages of development. For example, the work streams on the product and organisation environmental footprints and on environmental technology verification are still in the pilot phase and data are not yet available from them. They will be evaluated in the context of the pilot phase. However the 2008 SCP Action Plan is important in providing the context and links to other tools and is addressed in the section on coherence (section 7.4).

Equally, given the recent reviews of the Ecodesign and Energy Labelling Directives as well as the Public Procurement Directive (which has an impact on the potential for using Green Public Procurement as a way to stimulate the market for green products) these directives were excluded from the direct scope, but are covered under coherence. This also means that any potential impact on EMAS and the EU Ecolabel resulting from changes in the way these Directives are implemented are unknown at the time of this fitness check.

In terms of the time period covered, this fitness check is not limited to the impacts resulting from the most recent revisions in 2009 but attempts to evaluate the overall performance of both Regulations since their inception.[18]

The differences between voluntary and mandatory tools, between products and organisations as well as differences in scope of the different SCP instruments (see section 3.1.) and the limited and scattered access to data means that it has not been possible to do a cumulative cost and benefit analysis of EMAS and the EU Ecolabel together within this fitness check; nor for the instruments in the SCP action plan as a whole.

[18] However, issues on data availability and consistency do not allow for a full description of performance.

5.2. Evaluation studies

This fitness check draws on two supporting studies (one for EMAS[19] and one for the EU Ecolabel[20]) carried out between January 2014 and December 2015. Both studies had access to general information (collected via competent bodies and the EU Ecolabel and EMAS Helpdesks) about uptake of the two schemes, products covered, etc. Due to the nature of this data, no study-specific modelling was conducted.

Stakeholder consultation[21]

Both supporting studies used the results of stakeholder consultations conducted through online questionnaires (distributed during the summer of 2014), face-to-face and phone interviews, and stakeholder workshops.

For the EU Ecolabel, 364 responses were received following a 12 week open public consultation. A sample of six Member States was investigated more closely. The countries were chosen after categorising Member States by uptake (high, medium, low). Account was also paid to the need to address countries with strong national Ecolabels (e.g. Blue Angel in Germany) or regional ecolabels (the Nordic Ecolabel that Denmark shares with the other Nordic countries) and to balancing older Member States with those who joined after 2004. Two Member States were selected from each group: Denmark and Italy with a relatively high uptake, Germany and the Czech Republic with a medium uptake and the United Kingdom and Poland with a low uptake.

Telephone or face-to-face interviews were carried out in all six Member States. Further interviews were also conducted with key stakeholders and a stakeholder workshop was held to discuss key emerging results from the consultation process. Throughout the process, the EUEB (European Union Ecolabelling Board) and competent bodies were consulted.

For EMAS, a different approach was chosen, based on:

- a survey targeting EMAS organisations;
- a set of interviews addressing all stakeholders;
- a specific survey addressing Member States.

A focused survey of EMAS-registered organisations was considered the best use of resources rather than an open consultation. The survey received a high-level of participation, with representation proportionate to the number of registrations in the different Member States and sectors. 467 responses to the online questionnaire were received from organisations.

Additionally, EMAS stakeholders were contacted, including:

- competent bodies;
- environmental verifiers;
- different types of EMAS-registered organisations (public and private, large and small, national and global, manufacturers and service providers);
- Member State representatives.

[19] EMAS study available at https://publications.europa.eu/s/cXBw

[20] EU ECOLABEL study available at https://publications.europa.eu/s/cX72 and EU Ecolabel synthesis report available at https://publications.europa.eu/s/cX70

[21] See also Annex 2. More detailed results of consultation can be found in the two supporting studies.

Interviews were also carried out with non-EMAS-registered organisations and organisations that withdrew from EMAS.

The EMAS study looked more specifically at a limited selection of Member States representing different levels of uptake. For this purpose, Member States were divided into three categories and evaluators were asked to get feedback from all three groups, but to give priority to Member States where most experience and information could be found. A separate and focused questionnaire was sent to Member States with 20 responses and six partial responses were received.

A workshop was held to discuss key results from the questionnaire and the desk research. Throughout the process, the competent bodies were consulted.

Desk research

An extensive review of specialist literature/desk research was a central part of the methodology for both studies.

For the EU Ecolabel, evaluators looked closer at four product groups. The selection was intended to cover different types of products, with the following selected for closer investigation:

- one article: tissue paper;
- one mixture: paints and varnishes;
- one service: tourist accommodation;
- an electrical product: televisions.

For environmental management schemes particular attention was paid to the most popular alternative system to EMAS - the ISO 14001 global environmental management system. The aims were to cover potential synergies and conflicts and look at the EU added value.

5.3 Limitations to the Fitness Check

Whilst the work presented here attempts to follow the latest Commission guidelines on evaluation[22] it should be noted that the Fitness Check started before they were adopted. In practice this means that substantial (external) work had already been commissioned by the time of their adoption and it was not possible to adapt to all the methodological and data needs now enshrined in the Guidelines. This provides limitations to the analysis that can be presented, particularly given the data issues explained below.

The assessment of the consultation done in the supporting studies built on the responses received, which were largely from existing stakeholders and active participants in the schemes. However, barriers and drivers will largely be the same for those involved and for those who have considered applying but chosen not to, although the final weighting of the consequences (costs and benefits) has been different.

The studies tried to gather additional information from Member States concerning costs and revenues linked to the implementation of the schemes. However, such information remains limited, incomplete and with variations in coverage and quality. Costs for implementing one Regulation cannot easily be separated from other policy initiatives and the income from registration fees is, to

[22] New guidelines covering all aspects of Better Regulation including evaluation were adopted in 2015. They can be found at: http://ec.europa.eu/smart-regulation/guidelines/toc_guide_en.htm.

varying degrees, reinvested in implementation or goes directly to the state budget to balance costs. For this reason, information should be treated with caution as only providing broad and partial information.

There are similar problems relating to benefits data, meaning that at this point in time they cannot be quantified in monetary terms or in absolute environmental improvements in a credible and comprehensive manner. Benefits can be associated with a range of stakeholders and issues including increased sales, improved production processes, resource savings, better supply chain management, access to public procurement, regulatory relief, higher awareness among employees, better image, easier access to markets through harmonised procedures or fewer accidents or infractions resulting from better environmental management.

Because of this lack of data an overview of net benefit or cost cannot be provided. In addition, costs and benefits will depend on implementation in individual Member States, on the different sectors and product groups involved and the individual structure of the organisation or production process. For the same reason it is not possible to calculate a cumulative impact. The fact that both Regulations are voluntary means that no systematic data on the environmental profile or on the market as such is available or reported for either products or organisations which do not follow the two schemes. Environmental data is available for products or organisations who participate in the schemes; it is collected and verified by third parties but no market share data is collected and reported by the schemes. Considering the voluntary nature of the schemes adding requirements could add to the administrative burden or oblige sharing of information that is preferably kept in-house and thus in some instances act as a deterrent to joining the schemes. However, for the purpose of establishing a full picture of the environmental performance on the market this a limited and biased sample. Furthermore this information it only available when they participate and not at the time when the first set of EU Ecolabel criteria is defined. This can cause a significant limitation.

It has not been possible to gather comparative information on implementation costs for competing schemes. Given that such schemes operate under different national, regional (such as the Nordic countries) or global conditions, any direct comparison would in any case be difficult. Similarly, there are limitations relating to the limited availability of consistent pan-European data on the actual environmental performance of products and organisations. As a result, comparison with an average product or organisation — or general baseline — is not possible.

EU Ecolabel-specific limitations

Availability of data on environmental performance has been a limiting factor. A full set of complex data would have had to be generated at product level for all products within a product group in order to compare and benchmark environmental performance of the EU Ecolabel products against average products on the market. Given the complexity of products and services, the wide range of components each one may contain and the voluntary nature of the scheme, the need for enormous amounts of data and the limited availability of such data would require disproportionate resources in order to perform a fitness check at the same level of quantification and detail that could be expected e.g. for Energy Labelling.

Where possible, the evaluation study addressed the lack of data on environmental performance by performing a life cycle assessment or comparing the performance of products to requirements in mandatory legislation. In general however, the suitability of the EU Ecolabel criteria has been assessed by looking at the procedures to set criteria for the EU-Ecolabelled products.

An additional limitation is that the data reporting method was changed in 2010. Under the new method, producers were asked to report directly through a common database rather than through

competent bodies. This method of counting the number of licences and products and reporting was only harmonised in 2014. This means that pre-2014 data is not easily compared and that aggregate data cannot be considered specific but rather as indicating broad trends. This therefore limits the statistics available for this fitness check.

EMAS-specific limitations

For EMAS, a recent update (September 2015) of the ISO 14001 global environmental management system has adopted some of the elements of EMAS, although distinct features still remain. Due to its recent adoption the potential impact of the ISO revision on EMAS cannot be estimated. Annex 3b illustrates the main differences before and after the revision. One of the (remaining) distinct features that distinguishes EMAS from ISO is that EMAS includes mandatory transparent reporting, ensuring that the required information is available for EMAS registered organisations. Since ISO-registered companies are not requested to report publicly on their achievements, it was not possible to directly compare the environmental performance of EMAS and ISO-certified organisations, although this fitness check draws on what information could be found in other studies. Moreover, it is not possible to compare the performance of EMAS-registered organisations with that of an average organisation due to the lack of relevant data available for the latter. However, because each EMAS registered organisation defines its individual targets based on its own processes and procedures and building on its own data sets, even with access to data from other organisation direct comparison would be difficult.

The EMAS questionnaire was directed towards EMAS organisations. This targeted approach gives more detailed results on experiences, but at the same time, it established a biased sample. This is a limitation in the use of the questionnaire that was recognised by the study and compensation was sought through desk research and interviews with non-EMAS stakeholders.

The distribution of the sample across Member States has a bias towards Member States with more mature policies in support of EMAS. While it is natural that there will be more responses from Member States with large numbers of registrations, this bias needs to be taken into account. However, the study also splits the results into three categories: Member States with high, medium, or low level of registrations.

Section 6 State of play of the implementation (Results)

6.1. Reporting on monitoring activities

The statistical results reflect the monitoring activities put in place as part of the implementation of the most recent Regulations.

6.1.1 EU Ecolabel

Given the uncertainty of the data, the statistics should be treated with caution. The number of licences and products under the EU Ecolabel has been generally increasing in the period since the

revision in 2010.[23] This also reflects the increased number of product groups for which criteria have been developed. In 2010, criteria were in place for 26 product groups, in 2014 for 38 product groups, and in 2015 for 33 product groups (see Annex 4).

Figure 6: EU Ecolabel licences

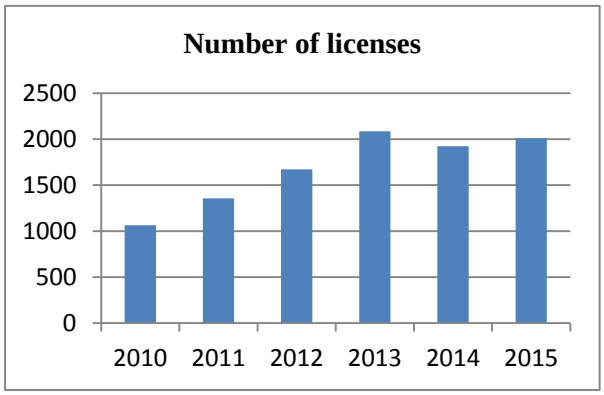
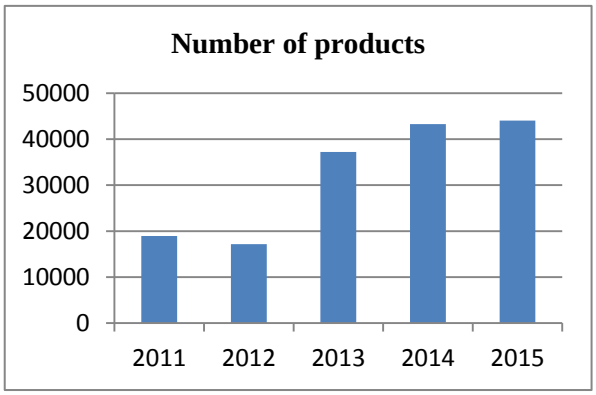


Figure 7: EU-Ecolabelled products



Uptake varies greatly among product groups. Generally speaking, products related to health and hygiene, such as soaps and shampoos, all-purpose cleaners and dishwashing detergents, show higher uptake, together with paper products and paints. The number of licences for tourist accommodation and campsite services is among the highest (650 and 123), but this should be considered in light of the overall very high number of existing tourist accommodations.[24] Seven product groups have no uptake and a number of product groups have very little uptake.

The statistics also show significant differences in uptake across Member States. Five countries (Austria, France, Italy, Germany and Spain) have more than 100 licensees and count for approximately 75 % of all licences. One observation is that Member States with strong national or regional labels (such as the Blue Angel or the Nordic Swan) are well represented among the countries with higher uptake considering also size of the Member State. Italy's share of EU Ecolabel products is caused by a dominant position in the 'hard coverings' product group, where Italy has 14 licences covering 14 352 products. Although some Member States dominate some product groups, almost a third of the product groups have uptake in ten or more Member States. Tourist accommodation, all-purpose cleaners, tissue paper, indoor paints and varnishes have the most widespread uptake among Member States.

[23] Numbers for 2015 are not for the full year.

[24] Tourist accommodation is different from other product groups because typically each tourist accommodation will receive a licence, whereas when a licence is issued for a detergent, all the individual products of that type can be sold with the label.

Table 2: Distribution of licences across product groups and Member States

	AT	BE	BG	HR	CY	CZ	DK	EE	FI	FR	DE	GR	HU	IS	IE	IT	LV	LT	LU	MT	NL	NO	PO	PT	RP	SK	SI	ES2	SE	UK	Total per PG
Soaps, shampoos, and hair conditioners	2	2			1		5			15	6	1				15	1				10						2	4	4	8	76
Rinse-off cosmetics																							2					1			3
Absorbent hygiene products							1																								1
All-purpose cleaners and cleaners for sanitary facilities	13	9	1		2		7		1	31	44	2	11			20	1	2			31	2	5	5			1	53	2	21	264
Detergents for dishwashers	1	1					4			7	6					1			1		2							4			27
Industrial and institutional automatic dishwasher detergents	3							1		3	8					1												3	1	1	21
Hand dishwashing detergents	7	7			1		3			25	14	2				12	2	1			7		2				2	31		8	124
Laundry detergents	1	3					3			10	7	1	1			4		1			2						1	4	1	2	41
Industrial and Institutional laundry detergents	2										1																	1			4
Textiles	4	1				2	5				2					12					3	1			1			1		2	34
Footwear									1		1					5												3	1		11
Indoor paints and varnishes		6			1		6	1	1	38	15	21				12					3	2	2	7	15		1	18	12		161
Outdoor paints and varnishes					1		2			19	5	9																	1		37
Indoor and Outdoor paints and varnishes										7											1		3					10		5	26
Imaging Equipment																															
Personal computers																															
Portable computers																															
Televisions													1								1		3					2			7
Wooden floor coverings																1															1
Hard coverings															1	14												1		1	17
Textile floor coverings																															
Wooden furniture																1							1					1			3
Soil improvers		2					2			7			1			1															13
Growing media										5		1				2					3							1			12
Light sources																															
Heat pumps		1																												3	4
Water-based heaters																															
Lubricants	3	1				1			1	10	36										9		2					1		16	80
Bed mattresses	1						1																								2
Sanitary Tapware																							1								1
Flushing Toilets and urinals																															
Converted paper										1																					1
Newsprint paper	1								2	1																		1			5
Printed paper	37					2	6	1	3		22		2			3					1		4		1	1				4	87
Copy and Graphic paper	6								5	8	20					1					2	2	2	1			1	4	7	1	60
Tissue Paper	1	1	2			2	1		1	13	40					36		1			3		2	2		2	1	14	6	7	135
Campsite services	11						4			69	9					25											1	4			123
Tourist accomodation services	88	1			1	4	3		2	286	3	12	1		1	193				1	5		2	4	3	2	5	30	1	2	650
Total pr CB	181	35	3	0	7	11	53	3	17	555	239	49	17	0	2	359	4	5	1	1	83	7	31	19	20	5	15	192	36	81	2031

Table 3: Distribution of products across product groups and Member States

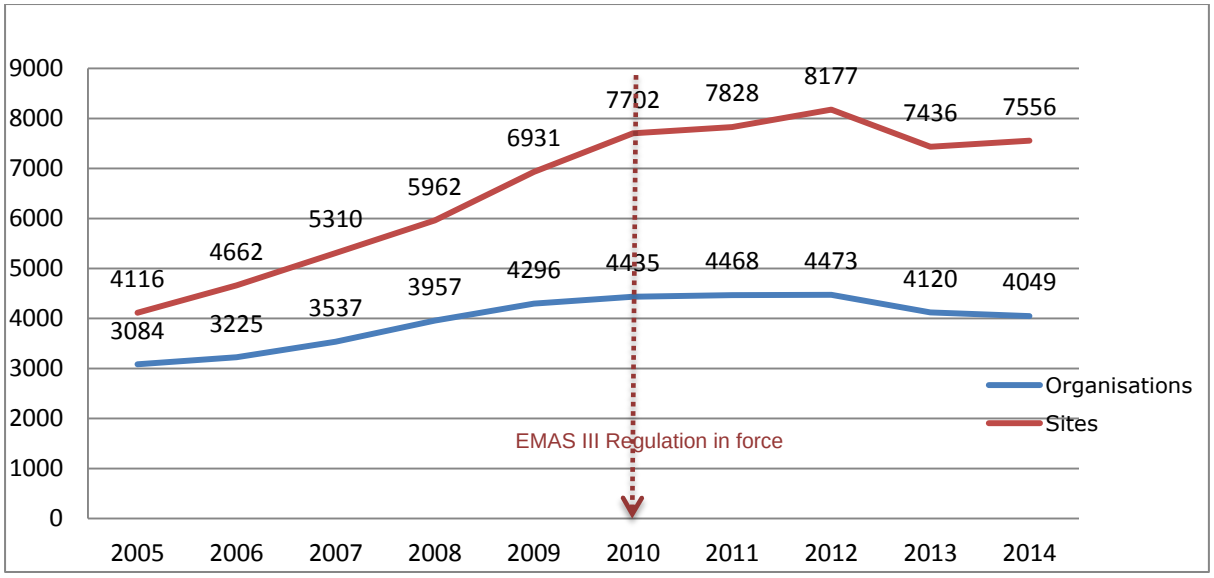
	AT	BE	BG	HR	CY	CZ	DK	EE	FI	FR	DE	GR	HU	IS	IE	IT	LV	LT	LU	MT	NL	NO	PO	PT	RP	SK	SI	ES2	SE	UK	Total pr PG
Soaps, shampoos, and hair conditioners	4	13			1		61			446	28	2				310	2				54						5	20	30	83	1059
Rinse-off cosmetics																							5					2			7
Absorbent hygiene products							3																								3
All-purpose cleaners and cleaners for sanitary facilities	93	206	9		2		98		4	978	195	16	18			346	2	3			125	7	26	8			6	536	6	88	2772
Detergents for dishwashers	5	12					45			74	7					5			6		6							13			173
Industrial and institutional automatic dishwasher detergents	16							5		33	49					6												10	1	2	122
Hand dishwashing detergents	15	67			1		63			218	46	11				70	4	2			15		4				4	82		13	615
Laundry detergents	2	75					48			117	23	3	1			28		3			8						4	20	2	3	337
Industrial and Institutional laundry detergents	9										14																	14			37
Textiles	16	158				4	63				8					1247					52	1			1			3		948	2501
Footwear									48		1					126												35	46		256
Indoor paints and varnishes		497			2		337	3	22	1722	66	274				745					17	94	228	8	26		6	1222	748		6017
Outdoor paints and varnishes					1		172			312	19	89																	71		664
Indoor and Outdoor paints and varnishes										91											3		253					134		758	1239
Imaging Equipment																															0
Personal computers																															0
Portable computers																															0
Televisions													887								40		588					266			1781
Wooden floor coverings																1															1
Hard coverings															35	14352												40		14	14441
Textile floor coverings																															0
Wooden furniture																38							1					3			42
Soil improvers		5					4			44			1			13															67
Growing media										42		1				5					16							1			65
Light sources																															0
Heat pumps		467																												6	473
Water-based heaters																															0
Lubricants	4	1				7			4	67	139										41		3					3		44	313
Bed mattresses	24						54																								78
Sanitary Tapware																							8								8
Flushing Toilets and urinals																															0
Converted paper										586																					586
Newsprint paper	2								21	3																		6			32
Printed paper	215					8	10	4	10		31		2			10					4		26		2	5				4	331
Copy and Graphic paper	87						0		2459	288	57					10					100	5	64	539			5	14	285	8	3921
Tissue Paper	84	77	9			6	5		37	810	105					2059		85			587		23	53		122	5	531	1103	258	5959
Campsite services	11						5			69	9					26											1	4			125
Tourist accomodation services	88	1			1	4	3		2	286	3	12	1		1	196				1	32		2	4	3	2	5	30	1	8	686
Total pr CB	675	1579	18		8	29	971	12	2607	6186	800	408	910		36	19593	8	93	6	1	1100	107	1231	612	32	129	41	2989	2293	2237	44711

6.1.2 EMAS

From 2005 to 2012, the number of EMAS-registered organisations and sites[25] showed a slow, but steady increase (see Figure 8 below). The number of EMAS-registered organisations increased by nearly 50 %, from 3 084 in 2005 to 4 473 in 2012, but still remains a small proportion of the total number of organisations/companies in the EU. Between 2012 and 2014, both the number of organisations and the number of sites decreased, reaching 4 049 organisations and 7 556 sites in mid-2014. The decrease has mainly been caused by a drop in Italy and Spain (see figure 10 below showing Member State evolutions) coinciding with the economic crisis.[26]

In 2010, EMAS III introduced the concept of 'EU corporate registration' that enables a single organisation to register multiple sites in different countries under one registration number. As a result, the number of sites has been growing faster than the number of organisations. Some organisations have also decided to regroup their registered sites under one registration number (negatively impacting the organisation registration figures). In 2015, the helpdesk identified 736 corporate registrations, including a total of 4 213 sites.

Figure 8 — Number of EMAS-registered organisations and sites

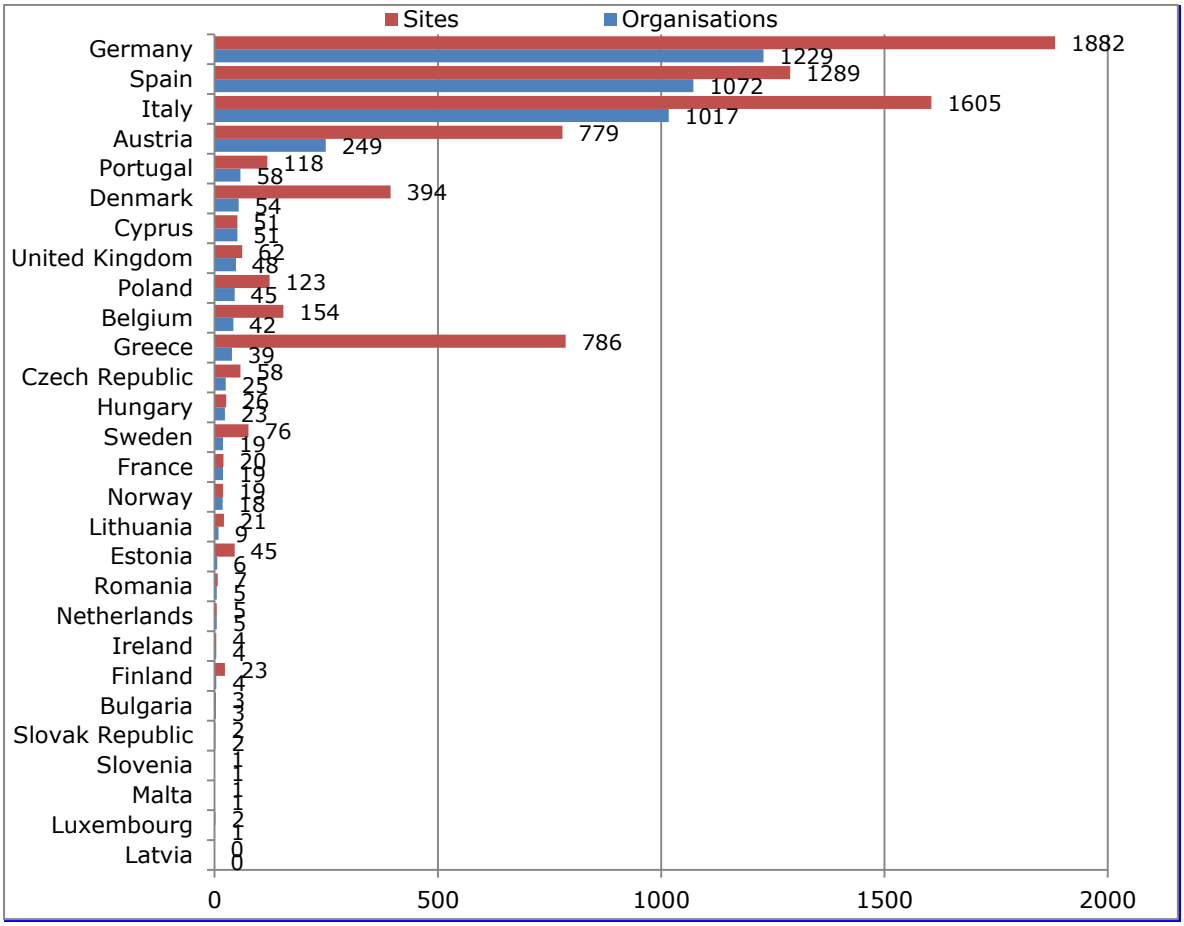


There are significant differences in the number of organisations per Member State: the vast majority of EMAS registrations (82 %) are in four countries (Germany, Spain, Italy and Austria) while Latvia, Luxembourg, Malta and Slovenia each had only one or no registrations. Many of the same Member States (Italy, Germany, Spain and Austria) are at the forefront of both EMAS and the EU Ecolabel implementation, with the noticeable exception of France, which is a leader for the EU Ecolabel only.

[25] To focus on the most recent trends in EMAS registrations, the project team examined the period from the last EMAS evaluation study (Iraldo et al. 2006) in 2005 until the middle of 2014. The analysis of both organisation and site numbers is essential for evaluating EMAS registration trends during this time period, as the EMAS III Regulation introduced the concept of 'EU corporate registration'. As a result, one organisation can now register multiple sites in different countries under one registration, possibly impacting overall registration figures.

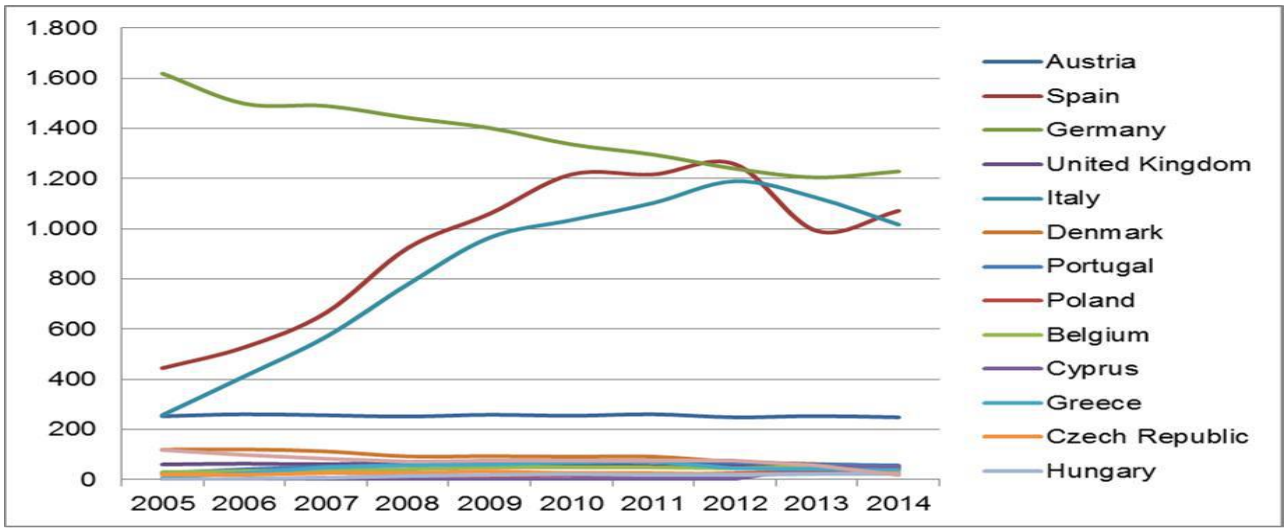
[26] In Italy some more specific factors have been identified such as administrative restructuring with the merging of smaller municipalities into one (affecting the number of registered public administrations) and a lack of benefit for small and micro organisations since most of benefits and incentives reward mostly medium-sized and large organisations.

Figure 9: Number of EMAS-registered organisations and sites per Member State (April 2014)



Among the leading countries, the numbers of registrations in Germany have actually declined gradually since 2005, whereas for all other countries registrations remained steady or increased until 2012. In contrast, Spain and Italy experienced a steady growth year by year, with Italy starting at roughly the same level as Austria in 2005 and increasing to over 1 000 organisations by 2010. After increasing up until 2012, both Spain and Italy experienced a significant drop in registrations in 2013. This downward trend stopped in 2014 for Spain and Germany.

Figure 10: Changes in EMAS registrations over time for Member States



Differences in uptake can also be observed among the different industrial and service sectors. This specific point will be analysed in more detail under point 7.2.5 of this report.

6.2 Adequacy of existing data monitoring

The environmental impact of EMAS is directly connected to the number of registrations, while the effects of the EU Ecolabel are achieved if and when a product with the EU Ecolabel replaces a product with a worse environmental performance. However, even with market share data it would be impossible to estimate the environmental profile of the product that is replaced as data is not available for all products on the market. The EU Ecolabel is a voluntary tool, meaning that there may be products on the market with a similar or even better environmental profile than the EU Ecolabel but where the producer decides not to obtain the EU Ecolabel. Rather than providing a better understanding and quantification of the environmental impacts, an analysis of market share data would provide a better understanding of uptake, consumer recognition and recognition between different product groups.

For some product groups with a low uptake by producers, market penetration must be assumed to be very low. For product groups for which no products have the EU Ecolabel, the figure is zero. For other product groups, such as cleaning products, paints and paper products, additional knowledge on market share could help us to better understand the role of the EU Ecolabel as a possible driver within certain product groups. It is possible that the EU Ecolabel has become more firmly established and recognised by consumers within certain product groups and for that reason producers have been driven to develop a product that fulfils the criteria. The lack of market share data in the monitoring of the EU Ecolabel scheme has prevented further analysis of the EU Ecolabel's possible impact and differences in impact for specific product groups. Such data may be gathered directly or as estimations of market share provided by industry associations but should take into account the associated cost and potential burdens or issues of transparency that may negatively affect uptake by producers.

For EMAS the situation is slightly different. As described in section 7.2.1, the environmental savings can be measured for organisations through the mandatory reporting on core indicators as part of their environmental statements. There is also a more direct link between the number of registrations and the environmental savings. However, as described in section 7.5.1, a difference has been identified between the environmental savings perceived and reported in the context of the stakeholder survey and the savings identified through the analysis of a sample of environmental statements. This suggests that the core indicators may not be equally valuable across all sectors. Indeed, although there can be similarities (e.g. energy consumption and water consumption) between industrial production sites and service providers, there can also be differences (e.g. material consumption or waste generation) where the results of the same indicators have to be interpreted differently.

For both Regulations it should be remembered that asking those who participate in the schemes for more information would increase the schemes' (at least indirect) compliance cost and thus make voluntary participation less attractive. However, it does not solve the general problem that there are no data available for the products and organisations that do not participate since there is currently no obligation to report this.

The absence of market share data for EU-Ecolabelled products prevents a better understanding of consumer uptake and recognition and a better understanding of possible different dynamics within and between product groups. For EMAS the core indicators (especially for waste and material management) may not be the most appropriate for all organisations.

Section 7 Answers to the evaluation questions

7.1 Relevance

This section looks at the relationship between the needs and the problems of society and the objectives of the intervention. It has been guided by the following evaluation questions:

Q1: Do the objectives of the Regulations still match societal needs?

Q2: Are the Regulations consistent with current Commission policies in this field?

Q3: How relevant are the Regulations for driving improvement in the environmental performance of products and organisations in the context of the sustainable consumption and production toolbox?

7.1.1. Relevance in terms of societal needs

According to the 'European Environment — State and Outlook 2015 (SOER2015)'[27] synthesis report, current consumption and production patterns have significant environmental impacts. Europe continues to face considerable challenges and further action is needed to achieve the current environmental policy objectives. A summary of the environmental outlook for the next 20 years from SOER2015 (see table 1) shows that out of 20 indicators, 12 shows that we are only partly on track and 7 show that we are largely not on track to achieve key policy targets.

The report notes that while policies and instruments are having a positive effect on reducing the environmental impacts of consumption and production, the economic crisis and the subsequent recession have also contributed to the overall reduction of some pressures.

Although the environmental footprint of household consumption remains unsustainable and absolute material and water use has increased, the report highlights some results in decoupling environmental pressures from expenditures that have been achieved through improved eco-efficiency in the production of goods and services rather than by changing consumption patterns. While such effects from more efficient products may deliver real environmental benefits, chances

[27] SOER2015.

are that these will be offset by increased consumption resulting from behavioural change or systemic responses known as the 'rebound effect'[28]

Table 4: Summary of environmental trends

Table ES.1 An indicative summary of environmental trends

	5–10 year trends	20+ years outlook	Progress to policy targets	Read more in Section ...
Protecting, conserving and enhancing natural capital				
Terrestrial and freshwater biodiversity			☐	3.3
Land use and soil functions			No target	3.4
Ecological status of freshwater bodies			☒	3.5
Water quality and nutrient loading			☐	3.6
Air pollution and its ecosystem impacts			☐	3.7
Marine and coastal biodiversity			☒	3.8
Climate change impacts on ecosystems			No target	3.9
Resource efficiency and the low-carbon economy				
Material resource efficiency and material use			No target	4.3
Waste management			☐	4.4
Greenhouse gas emissions and climate change mitigation			☑/☒	4.5
Energy consumption and fossil fuel use			☑	4.6
Transport demand and related environmental impacts			☐	4.7
Industrial pollution to air, soil and water			☐	4.8
Water use and water quantity stress			☒	4.9
Safeguarding from environmental risks to health				
Water pollution and related environmental health risks			☑/☐	5.4
Air pollution and related environmental health risks			☐	5.5
Noise pollution (especially in urban areas)		N.A.	☐	5.6
Urban systems and grey infrastructure			No target	5.7
Climate change and related environmental health risks			No target	5.8
Chemicals and related environmental health risks			☐/☒	5.9

Indicative assessment of trends and outlook		Indicative assessment of progress to policy targets	
	Deteriorating trends dominate	☒	Largely not on track to achieving key policy targets
	Trends show mixed picture	☐	Partially on track to achieving key policy targets
	Improving trends dominate	☑	Largely on track to achieving key policy targets

The SOER makes it clear that living well within the earth's ecological limit remains an issue to be addressed and will require a fundamental transition in the systems of production and consumption, which are at the root of environmental and climate pressures. As described in section 3.1. the SCP Action plan in general and the EU Ecolabel and EMAs specifically are intended to address these issues. Moreover, an increasing part of the environmental impact of European consumption occurs outside Europe, whereas most EU policies and instruments target lifecycle impacts of products that occur within Europe.

The objectives of the EMAS and EU Ecolabel remain relevant to the task of matching societal needs because:

- *there is a need to mitigate environmental impacts and to ensure protection of the environment;*
- *a transformation of consumption and production patterns is needed to stay within the earth's ecological limits;*
- *there continues to be a need for appropriate policy responses.*

7.1.2. Relevance in relation to recent policy objectives

The second priority objective of the seventh environmental action programme (7EAP) is to turn the EU into a resource efficient, green and competitive low carbon economy. The programme calls for a framework that gives appropriate signals to producers and consumers to promote resource efficiency and the circular economy and for measures to be taken to improve the environmental performance of goods and services. The programme also calls for a more coherent and effective sustainable consumption and production policy framework, with a special focus on resource efficiency.

The EU2020 strategy on sustainable and inclusive growth identifies a priority for a more resource efficient, greener and more competitive economy and the *Resource efficiency roadmap* builds on sustainable consumption and production as a way to stimulate environmental improvements and to support companies and organisations to grow while taking into consideration and exploring options to improve their environmental performance.

The *Commission's Communication on the circular economy* explores the idea of reducing environmental impact of consumption and production by focusing on products with reduced environmental impact and more efficient (re)use and recycling of resources in the production and consumption phase. By focusing on keeping resources in the economy, the communication emphasises the link between the different life cycle stages and how resources can be kept or reintroduced into the circle through clever product design that allows for re-manufacturing, disassembly, reuse of components and recycled materials, minimal use of chemicals of concern that may prevent recycling, etc.

The objectives of the EU Ecolabel and EMAS as environmental management, communication and transparency tools remain in line with the policy objectives outlined above. EMAS requires mandatory reporting on specific core indicators identified as relevant in the European context (e.g. material and energy efficiency or waste management) and offers an opportunity for integration with other environmental policies. The strategic potential to use EMAS in pursuit of specific EU environmental objectives (e.g. material and energy efficiency in the circular economy) and for policy integration (e.g. by open and transparent reporting and access to information) cannot be achieved through national or global schemes. The 2015 update of the ISO 14001 global environmental management system will incorporate some of the distinct features of EMAS. However, other distinct features continue to exist for EMAS (see Annex 3b). These include: a clear focus on the continuous improvement of environmental performances (ISO focuses on improving the management system); mandatory transparent reporting, including reporting on key indicators; an obligation on employee involvement; an obligation to demonstrate legal compliance.

EU Ecolabel criteria are already reflecting circular economy concepts by setting requirements for e.g. recycled content, recyclability, reparability and longer life of products. The EU Ecolabel has already been used in support of the circular economy with such requirements for most product groups including textile products, converted paper products, wooden furniture, bed mattresses, imaging equipment, heat pumps, PCs and notebook computers. However, experience has also shown that some requirements such as re-manufacturing (e.g. of furniture) have not been possible to integrate.

The strict rules on the use of hazardous substances laid down in Article 6(6) of the EU Ecolabel Regulation do not always support the use of some chemicals that could be relevant

in the context of the circular economy, e.g. when chemicals which could be used to prolong durability or when their presence (if possible to determine) affects the ability to recycle. Similarly, the chemical content of secondary materials may not be possible to determine accurately to ensure adequate information and verification. This issue is recognised by the circular economy action plan and the work the Commission is doing with regard to the future EU strategy for a non-toxic environment.

The objectives of the EU Ecolabel and EMAS remain relevant because:

- *they are in line with recent strategic policy objectives including the EU2020 strategy, the resource efficiency roadmap, the 7EAP and the communication on the circular economy.*

However:

- *while at a practical level, some synergies are already implemented, there are also issues (such as the interface between products and chemicals in a circular economy) that are still to be addressed in the context of the recent communication on the circular economy.*
- *while both schemes address a relevant need (reduce the environmental impact of consumption and production); the ability to adequately address that need depends on the schemes' effectiveness both in their ability to identify enhanced environmental performance and to achieve uptake (see effectiveness 7.2).*

7.1.3. Relevance to the sustainable consumption and production policy toolbox

According to the 2014 environmental indicator report on environmental impacts of production and consumption systems in Europe,[29] the scope of the current EU policy framework that regulates the life cycle impacts of the production-consumption system is limited to mostly addressing the direct impacts that occur within Europe. Policies that address the global environmental impacts of products and their consumption are still at their very early stages, except for those on the energy efficiency of energy related products, for which both the Ecodesign and the Energy label Directives are in place.

The review of the Ecodesign and Energy Labelling Directives (published July 2015[30]) concluded that the ecodesign and energy labelling measures in place are effective in that they bring tangible and substantial energy and cost savings. They do so by both setting minimum efficiency requirements for access to the European Market for energy-related products and by offering the best performers the opportunity to showcase that through the use of the mandatory Energy Label. The review found that although some measures have addressed environmental impacts other than energy in the use phase, potential for further reduction of such impacts exists, for example on aspects of durability, reparability, reusability,

[29] Environmental Indicator Report 2014 — Environmental Impacts of Production and Consumption Systems in Europe.
[30] COM(2015) 345

recyclability, and recoverability, recycled content, use of priority materials, hazardous substances. It concluded that these issues can be taken up more systematically under ecodesign measures without the need for changing the legislative framework. In the Circular Economy Action Plan[31] of December 2015 the Commission committed to promote the reparability, upgradability, durability, and recyclability of energy-related products by developing product requirements relevant to the circular economy in its future work under the Ecodesign Directive, as appropriate and taking into account the specificities of different product groups.

EMAS and the EU Ecolabel, along with green public procurement, are the only policies at EU level that focus on environmental excellence and on continuous environmental improvement while addressing the overall environmental impact. Whereas green public procurement focuses on the demand side, EMAS and EU Ecolabel focus on the supply side. With a focus on lifecycle impacts (i.e. impacts that happen in extraction, production, transport, use and disposal of products) impacts that happen outside the EU are addressed for imported products (as many products, parts of products or materials for products are imported). While Ecodesign and the Energy Label can include requirements other than energy (technical or informational) they are still mainly focusing on energy consumption in the use phase. Finally, EMAS and the EU Ecolabel are the only tools at EU level that support / stimulate organisations and producers to consider being frontrunners. Rather than the more traditional regulative approach used in other aspects of SCP policy (e.g. Ecodesign and Energy Label directives), these two schemes follow different but complementary strategic path – incentivising market players to go beyond what is required by mandatory legislation in terms of reducing overall environmental impact.

The supporting studies find that the role of the EU Ecolabel and EMAS are still useful and relevant as tools to improve overall environmental performance of products and organisations and to communicate environmental excellence.

The Regulations remain relevant in the context of the sustainable consumption and production toolbox because:

- *at EU level, EMAS and the EU Ecolabel are unique instruments that focus on the overall environmental impacts of organisations and products respectively;*
- *EMAS and the EU Ecolabel also address the major and increasing share of impacts from European consumption and production that happen outside Europe;*
- *EMAS and the EU Ecolabel are the only tools in the sustainable consumption and production toolbox that directly support organisations and producers who as frontrunners are willing to go beyond what is required by mandatory legislation.*

[31] COM(2015) 614

7.1.4. Summary:

Q1: Do the objectives match a societal need to mitigate the environmental impact of European consumption and production?

The EMAS and EU Ecolabel Regulations and their objectives remain relevant as part of a package of tools to mitigate the environmental impact of consumption and production and are designed to play a specific role within that context. Whilst they respond to an identified societal need to mitigate the environmental impacts of European consumption and production, they focus on "frontrunners" who voluntarily wish to go further that the standard requirements.

Q2: Are the Regulations consistent with current Commission policies in this field?

Within this context, the EMAS and EU Ecolabel Regulations are in line with current Commission policies in this field including the EU2020 strategy for sustainable and inclusive growth, the resource efficiency roadmap, the seventh environmental action programme and the circular economy action plan.

Q3: How relevant are the Regulations for driving improvement in the environmental performance of products and organisations in the context of the SCP toolbox?

The EMAS and EU Ecolabel Regulations remain relevant to the extent that they have a unique focus (compared to other sustainable consumption and production tools) on the overall environmental impacts of organisations and products and in directly supporting organisations and producers who wish to focus on environmental excellence and continuous improvement, going beyond what is required in mandatory legislation. The EU Ecolabel is the only EU policy tool addressing overall environmental performance of products and EMAS is the only EU policy tool addressing overall environmental performance in organisations. Their ability to drive improvement is linked to their ability to identify environmental performance and generate uptake (see effectiveness below).

7.2. Effectiveness

This section investigates how successful EU action has been in achieving or progressing towards its objectives. This part of the evaluation has been guided by the following questions:

> *Q4: What links can be drawn between the measures taken and progress towards achieving the stated objectives?*
>
> *Q5: What are the main drivers and barriers to achieving the objectives and have these been addressed by the Regulations?*
>
> *Q6: What additional changes (positive or negative), if any, can be linked to the measures in the Regulations that go beyond what was expected? Why have they occurred?*

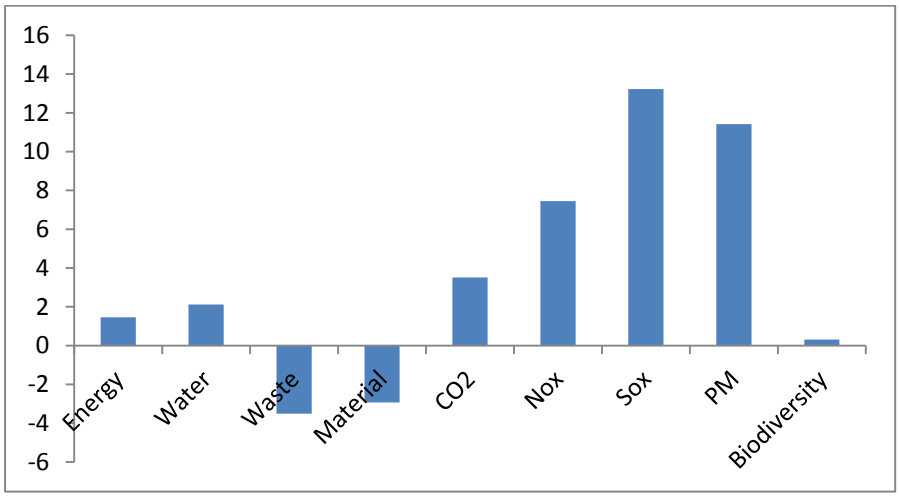
7.2.1. Effectiveness: ensuring environmental performance (operational objective 1)

As explained, there is no data available to compare performance differences between EMAS and non-EMAS registered businesses. However, when analysing the core indicators reported in environmental statements over time, the EMAS supporting study found that EMAS-registered companies had an average improvement rate for seven out of nine environmental parameters, experiencing savings on energy, water, emissions to air (SOx, NOx, PM and CO_2) and for biodiversity (see Figure 11). For waste and material consumption, however, a negative evolution was observed on average, with a majority struggling to achieve their performance improvement.

However, as reported under the 'EU added value' section, when questioned on this topic in the evaluation study survey, more than 75 % of EMAS-registered organisations reported experiencing improvements also on material efficiency and waste. This suggests that the 'generic' core indicators do not always correspond to the most relevant indicators for many companies that often go for very specific and targeted reductions (e.g. reduction in paper use). Moreover, applying indicators in the same manner to different sectors can be misleading (example, applying the waste outflow indicator to a waste treatment site).

The study also shows that positive effects increased for companies registered for more than four years. This suggests that a business which adopts EMAS tends over time to improve its environmental performance – which would seem logical, given that they have voluntarily committed to do so by registering with EMAS in the first place.

Figure 11: Average environmental performance of EMAS-registered companies (%)



For comparison, the evaluation study refers to recent research on the impacts of EMAS and ISO 14001 on the reduction of carbon anhydride emissions in 229 energy intensive plants in Italy. The research found that over the short term, ISO 14001 certified companies outperformed EMAS-registered organisations but that this was reversed over the longer term, with EMAS-registered organisations performing more strongly. This is explained by a stronger involvement of competent authorities in the verification phase; the opportunity

EMAS provide for developing transparent and collaborative relations with relevant stakeholders and a stronger push towards continuous improvements.[32] This is supported by the findings of the REMAS study performed in the UK[33] and based on the data of 320 sites in Europe that concluded *'there is evidence that overall environmental management is better under EMAS than under ISO14001; driven largely by better performance for Performance Monitoring, Documentation Control and Reporting Environmental Performance'.*

The EU Ecolabel rely on criteria developed based on a scientific assessment of the most significant environmental impacts and a qualified assessment of the most adequate pass-fail criteria for selected impacts; independence from specific industrial interest is ensured through the criteria development process (see annex 4d for more detail). In the absence of comprehensive data and an adequate methodology to set benchmarks, this process relies on extensive stakeholder consultation before criteria are agreed with Member States.

The evaluation study found that the existing process ensures that criteria are set at a level that reflects the best performing products on the single market. However, it is impossible to say if the target of identifying the 10-20 % best performing products in terms of environmental performance is being met (the on-going work on the Product Environmental Footprint is in place to try and develop a methodology for this). This is the natural consequence of the lack of data and methodology for quantification and benchmarking and the complexity involved with the multi-criteria labelling and the life cycle stages covered.

The evaluation study found that in cases where criteria are not timely updated to keep up with the latest developments, existing criteria may no longer reflect the best performing products. As shown in Annex 4 that the validity of criteria is often prolonged. This prolongation replaces a thorough revision of the criteria and their continued reference to environmental excellence. Revising criteria is resource intensive almost to the same extent as developing new criteria where market conditions and product performance have to be investigated. At the same time the sustainable consumption and production action plan and the impact assessment for the latest revision prioritised the inclusion of more product groups.

Effectiveness in terms of ensuring environmental performance for organisations and products is facilitated because:

- *EMAS-registered organisations deliver environmental benefits and products carrying the EU Ecolabel must live up to strict criteria reflecting improved environmental performance.*

However:

- *Based on an analysis of a sample of environmental statements EMAS-registered organisations observed a negative development on the core indicators for waste and material. Further investigation of this indicates that the core indicators do not always reflect the specific situation in a sector or the actions actually taken.*
- *It is not possible to establish if the EU Ecolabel actually meets its objective of identifying products at the top 10-20 % of the market in terms of environmental performance. Barriers to assessing this include lack of methodology and data.*
- *When prolonged without revision EU Ecolabel criteria may no longer present environmental excellence.*

7.2.2. Effectiveness: ensuring general uptake (operational objective 2)

For both EMAS and the EU Ecolabel, the overall uptake by producers and organisations remains low. However, there is significant variation between different Member States and different product groups or types of organisations.

For EMAS, the theoretical target of 23 000 sites mentioned in the impact assessment has not been achieved. This target was calculated based on the assumption that all Member States should reach the same level of registrations as the leading Member States. This did not happen and the leading Member States (Germany, Spain, Italy and Austria) still represent more than 80 % of the EMAS registrations. Reaching that target would require all Member States to also implement the actions ('specific measures aiming at promoting the scheme', 'using its reporting dimension in combination with other policies' and 'recognising its capacity to trigger regulatory relief') implemented by the leading Member States and emphasised by the regulation (Articles 32 to 38). As described in this section part of the reason that this has not happened can be seen in the combination of drivers and barriers. While, drivers for Members States to act rely on demand from organisations; demand from organisations rely on Member States delivering the benefits (e.g. through regulatory relief).

For the EU Ecolabel, there has been an general increase in both licences and products since 2010 with the number of licences roughly doubling from 2010 to 2013. While, this is not necessarily an expression of its greater acceptance or penetration in individual product groups it shows an acceptance and effect of the label; even if it is difficult to compare across the different years.[34] It also shows that while for some product groups uptake has been significant for other product groups it has been limited or for some even zero (see section 6.1.1). For EMAS, uptake increased by about 50 % from 2005 to 2012. Since then uptake has been decreasing mostly due to the economic crisis in Italy and Spain that impacted support measures but also the existence of some organisation. At the European level the number of registered organisation has also been influenced by the introduction in 2010 of the concept of 'EU corporate registration' that enables a single organisation to register multiple sites in different countries under one registration number only. Given the total numbers and the share of producers and organisations that have chosen to sign up for EMAS and the EU Ecolabel, the total environmental effects as a response to societal needs achieved directly by those products and organisations must be considered limited compared to mandatory regulation (see section 7.2.8) and not enough to ensure an absolut better state of the environment, even if individual environmental effects for organisations or products could be significant. Limitations in terms of uptake also means that taken in isolation the EU Ecolabel and EMAS generally have not been able to significantly affect the consumer market or create a general transformation of European production patterns although it may be the case for individual product groups or organisations.

The two main barriers to better uptake by producers and organisations are:

1. **Lack of awareness** (market recognition) from consumers and business partners due to the lack of adequate and large-scale promotional activities. The impact assessment for the latest revision of the Regulation mentioned a medium-term objective that the EU Ecolabel should be recognised at the same level as the Nordic Swan and the Blue

[34] Harmonised guidelines for counting products and licences were only issued in 2014. When following the SCP action plan, criteria are developed for more product groups. This generates more licences and products without necessarily saying much about the effect of the label as such for particular product groups.

Angel labels in their respective countries. A Nordic study[35] comparing national/regional schemes to the EU Ecolabel reported that the EU Ecolabel was recognised by about 25 % in Austria, less than 10 % in Germany, 35 % in Denmark, 20 % in Finland and 17 % in Sweden. The consumer market study on environmental claims for non-food products[36] found that 36 % of consumers were aware of the EU Ecolabel, while 80 % were familiar with the term 'recyclable' and 69 % with the term 'environmentally friendly'. The same study also found that the 'Blue Angel' was recognised by 90 % of Germans. In the Nordic countries, the average awareness of the 'Nordic Ecolabel is 91 %.[37] For EMAS, the survey conducted for the study concluded that the '*lack of EMAS recognition from the market*' was the first barrier preventing organisations from opting for EMAS registration. This barrier is particularly strong in Member States where EMAS did not reach a significant number of registrations (this is the case in a majority of Member States). It remains a fact that ISO 14001 has a stronger foothold as the 'licence to operate' and hinders awareness and recognition of other schemes, irrespective of their environmental added value[38].

2. **Lack of recognition** of the instruments by public authorities. Producers often have expectations that products with an EU Ecolabel may benefit more directly e.g. through green public procurement, from a different tax relief or other privileged measures at Member State level (see discussion under 7.4.1). EMAS-registered organisations expect to benefit from regulatory relief, tax breaks or facilitated access to public procurement as a reward for their performance improvement and for their transparent and validated environmental reporting. This point was identified as the second main barrier in the EMAS survey. In general, the experience is that such expectations are not met in practice at Member State level, although there are significant variations.

3. **The cost of compliance**: (see section 7.3. on efficiency)

The causes of this lack of awareness and recognition can be identified through the intervention logic in figure 2. They include the lack of resources invested in voluntary promotional activities performed by companies but also a weak implementation of regulatory activities in particular promotional activities and integration into environmental legislation — e.g. regulatory relief (see section 7.3. on efficiency).

For the supporting evaluation studies, companies and organisations reported that expectations of increased sales and access to public recognition are not met. Stakeholders report that they see the EU Ecolabel and EMAS as a way to respond to market pressure and showcase their eco-innovations. However, at least in part due to the barriers identified above, this is not always translated into increased competitiveness and market share. Nevertheless, many producers and organisations maintain their EU Ecolabel licence and EMAS registration.

There are also **specific barriers** that have general relevance for effectiveness of uptake.

For EMAS, the globally recognised ISO 14001 environmental management system is both the main barrier and competitor. EMAS provides a more credible and trustworthy scheme ensuring improved environmental performance. While the ISO 14001 management is

[35] The coexistence of two labels.
[36] Consumer market study on environmental claims for non-food products.
[37] The coexistence of two labels.
[38] For adaptation to barriers see also section 7.2.7.

integrated in EMAS, EMAS has additional requirements that provide greater transparency and accountability (in the form of public reporting), open reporting on important core environmental indicators (energy efficiency, material efficiency, water, waste, biodiversity and emissions to air), employee inclusion and a more stringent validation of legal compliance based on the Article 4.4 of the EMAS Regulation[39]. However in the absence of greater awareness and recognition of this potential, ISO 14001 has become 'the licence to operate' on the market.

These requirements are intended for better and more integrated environmental performance as well as openness and transparency that should benefit EMAS companies in their external communication and compliance management as well as facilitate regulatory relief. However at present these expectations are not being met in the vast majority of Member States. These also make EMAS slightly more expensive to operate and less flexible than ISO 14001, if or when such extra efforts are not sufficiently rewarded by the business partner or public authorities.

For the EU Ecolabel, a barrier for producers is the number and rigidity of certain criteria requirements that companies in some cases must meet in order to obtain the EU Ecolabel. With an increase in the number of criteria, the time, resources and effort needed by companies to build the evidence pack to demonstrate compliance also increase. Moreover, the Regulation requires that adequate attention is paid to all aspects of a product's impact throughout its life cycle and that environmental excellence is achieved. The strict reference to environmental excellence is also what ensures consumer trust in the EU Ecolabel and is what differentiates the EU Ecolabel from other environmental claims available for producers.

This means that there is a trade-off between the need for solid requirements to demonstrate overall environmental excellence and the need for uptake by producers. Nevertheless, the EU Ecolabel supporting study suggests that environmental excellence could also be maintained with fewer criteria, although a full analysis of this has not been done. In any case, this would be product specific.

Effectiveness in terms of uptake of EMAS and the EU Ecolabel has to be considered in light of their voluntary nature and their narrow focus on frontrunners, who will always be a small subset of the whole market. The analysis show that there is uptake of the schemes; that this has generally been increasing, but with significant variations. It also showed that effectiveness has been limited by the:

- *lack of recognition by business partners and consumers related to lack of promotional activities;*
- *lack of recognition and integration in environmental policy;*
- *cost of compliance.*

The analysis under coherence (section 7.4) identifies factors linked to overlaps or potential confusions between instruments (e.g. Energy Label, EU Ecolabel and EMAS) that possibly could affect effectiveness.

In addition:

- *for EMAS, the advantages compared to the global competing scheme (ISO 14001) do not materialise sufficiently for EMAS organisations to significantly increase the uptake.*

- *The number and stringency of EU Ecolabel can be a barrier for uptake by producers*

7.2.3. Differences in uptake among Member States

Uptake of EMAS and the EU Ecolabel varies significantly and reflects the different levels of activities in Member States — including human and financial investments.

Available data on Member State expenditure gathered during the supporting study indicate that between EUR 1 000 and EUR 900 000 is spent annually on implementing the EU Ecolabel. For EMAS, the responses received from Member States confirm that similar differences also exist. The total annual budget reported ranged from EUR 3 280 to EUR 285 000.[40]

The relative uptake of the EU Ecolabel does not suggest that the existence of strong competing national or regional label limits the uptake of the EU Ecolabel compared to Member States where such alternatives do not exist. Rather the labels can co-exist, even if there is competition. A study on the coexistence of the EU Ecolabel and the Nordic Ecolabel showed that the EU Ecolabel is primarily chosen among exporting companies that are present in markets outside the Nordic countries and among producers who want to distinguish themselves from competitors[41]. In Italy, the existence of a private label for tourism (Legambiente Tourismo) has not prevented a large uptake of the EU Ecolabel on tourist accommodation and companies have received regional financial support to apply for the EU Ecolabel. It is possible that national labels may have a spill-over effect on uptake, on awareness and maturity of markets and on resources invested. For instance the study on coexistence of the Nordic Ecolabel and the EU Ecolabel found that synergies between the Nordic Swan and the EU Ecolabel are exploited in licensing, auditing, joint communication and marketing, while an overlap in staff can ensure effective cooperation. Also, the additional burden for companies who have already obtained a comparable national or regional label may be less than for a company that needs to start from the beginning.

Since European producers should apply for the EU Ecolabel in the country in which the products originates, country uptake also reflects different industrial patterns and strengths of different European Economic Area (EEA) countries. For instance, Denmark has focused on attracting the textile industry to the label[42] while Italy and France have particularly high uptake in the tourism sector.

The latest study on the uptake of green public procurement showed an uptake between 40-60 % of contracts in four countries, followed by a group of countries with between 20 and 40 % and 12 countries with an uptake below 20 %.[43] It has not been possible to establish any clear link between green public procurement activities in Member States and the uptake of EMAS or the EU Ecolabel.

For EMAS the situation is slightly different, with uptake largely dominated by four countries (82% of 4049 organisations registered in 2014). The relative success of EMAS in those four countries reflects the efforts that have been put into the scheme. The evaluation study on EMAS shows that the success of those efforts are not directly related to the number of activities, but rather to the effectiveness of the selected measures or groups of measures. Different effective long term strategies can be identified in countries such as Austria, Italy

[40] Due to their decentralised structure, neither Germany nor Spain has reported its budget. Based on their size and number of EMAS registrations, both could exceed the current maximum budget reported (€285K)?
[41] The coexistence of two Ecolabels
[42] The coexistence of two Ecolabels
[43] The uptake of green public procurement in the EU-27.

(tax credit and reduced permit fee), Spain (e.g. strong focus on a particular sector (tourism) and a specific effort on legislative liaison, resulting in EMAS being promoted in several Spanish environmental regulations) and Germany (where there has been a fuller integration of EMAS into environmental rules, including on exploiting the opportunities for regulatory relief). Other countries that took measures included Poland (in the waste sector), Greece (reduced insurance fee for environmental remediation), France (relief on environmental reporting). For the latter group of countries, these measures are, however, either too recent or not yet sufficiently promoted to close the registration gap with the top four countries listed above.

It should be stressed that some existing measures related to regulatory relief, financial support or lower inspection frequency are in place that do result in preferential treatment of EMAS-registered organisations compared with ISO 14001-certified organisations.[44] Member States justify those differentiated benefits through increased trust created by EMAS registration thanks to its unique validated reporting feature and its more stringent compliance requirements.

To complement the evaluation study an additional analysis of the different measures taken by the Member States has been conducted.[45] This analysis was based on the measures reported by the different Member States to the Commission in the EMAS committee. The analysis confirms that countries with higher registration numbers undertake specific activities that are in line with those considered by EMAS-registered organisations as the most needed.

Uptake in Member States is varied and fragmented and reflects:

- *the different level of recognition and resources invested in the schemes;*
- *that a strong national label can both compete and coexist with the EU Ecolabel; and that the EU Ecolabel is most attractive to exporting companies;*
- *having systemic long-term strategies based on integrating benefits connecting the transparency and trustworthiness of EMAS to environmental policies, including through specific regulatory relief helps Member States achieve better uptake (i.e. over 1000 registered organisations).*

[44] Although the evaluation study did not conduct a systematic analysis of those measures, such differentiation can be highlighted in different frameworks such as:
- the IED (lower inspection frequency in Catalonia, France, etc.);
- the Energy Efficiency Directive in Germany (exemption from energy audit for EMAS-registered organisations, not for ISO 14001);
- the non-financial reporting legislation in France (recognising the EMAS environmental statement as an equivalent to the mandatory environmental reporting);
- Italian regional laws, which provide higher financial support to EMAS-registered organisations than to ISO certified organisations.

[45] See Annex 4c.

7.2.4. Factors affecting uptake between EU Ecolabel product groups

A number of product groups have limited or no uptake while others have a more significant uptake. Because of the difference in product groups (including the market) it is not possible to establish one horizontal measure for significance. However, the evaluation points to some factors contributing to difference in uptake.

Article 6(6) of the EU Ecolabel Regulation states that no product that is awarded the EU Ecolabel may contain substances or preparations/mixtures meeting the criteria for classification of toxic, hazardous to the environment, carcinogenic, mutagenic or toxic for reproduction in accordance with the Regulation on classification, labelling and packaging of substances and mixtures. Article 6(7) lays down conditions for granting derogations to Article 6(6) and specifies which substances can never be contained in an article or in any homogeneous part of it at a concentration higher than 0.1 %.

For a range of product groups such as imaging equipment, PCs, laptops, toilets and urinals, compliance with this provision has proven problematic for producers. This is particularly true for more complex products for which it is more difficult to have a complete inventory of the substances used in the different components, which often arrive from different suppliers.

Article 6(6) aims to ensure that when consumers buy a product with an EU Ecolabel it does not contain hazardous substances. For certain consumer groups concerned about potential health or reproductive implications of hazardous substances, a ban has significant advantages and can ease communication. However, since only the presence of the chemical is examined rather than the risk it poses, the development of criteria does not take into account potential adverse environmental effects (e.g. when substitution results in decreased durability, as has been the case for paints).

Article 6(6) illustrates the need to strike a balance between uptake by producers and uptake by consumers. Strict criteria and a ban on hazardous substances is a guarantee to consumers, but compliance can be burdensome for producers and could potentially lead to a ban on products that may contain hazardous chemicals while still having a low environmental impact.

Specific product characteristics, the purchase situations and exposure to products with the label should have an impact on awareness and market opportunities. For instance, in Germany, using the Blue Angel label on school paper has helped raise awareness about the label. The EU Ecolabel evaluation study pointed to low awareness by consumers of the label being used for electrical products and that the considerations given to the purchasing decision were unclear when product groups were selected for the development of criteria.

For electrical products, there can be an overlap with the mandatory Energy label, which is better known by consumers and retailers and maybe for that reason is the dominant factor in the consumers' purchase decision. Although this aspect was not further analysed, the evaluation study also pointed to the fact that consumers on the whole have a high awareness of the EU Ecolabel for beauty care and cleaning products and that many of the product groups that are bought on a regular basis by a wider consumer base (e.g. soaps and shampoos, detergents, all purpose cleaners or tissue paper) are among the ones with higher uptake. However, some product groups with low uptake are not bought on a regular basis (e.g. computers, imaging equipment, toilets and urinals or water-based heaters). For such products, environmental and commercial gain could be achieved through large-scale public

procurement activities, without contributing to raising the general exposure and awareness of the label.

The 2008 sustainable consumption and production action plan stated that criteria should be developed for more products. Similarly, the EU Ecolabel Regulation mentions that in order to avoid proliferation of labels and to encourage higher environmental performance in all sectors, the possibility of using the EU Ecolabel should be extended. However, no specific guidelines on how these product groups should be selected and evaluated have been developed. No systematic investigation of the individual reasons for the lack of uptake among a significant set of product groups has been carried out. This results in lack of understanding about which type of product groups might perform well in terms of uptake.

While some product groups have significant uptake, a significant number of product groups have limited or no uptake. Differences in uptake between product groups reflect:

- *difficulties in complying with Article 6(6) which relates to the use of hazardous substances, which is a barrier to uptake for a range of products, including all IT products where there is an overlap with the Energy Label;*
- *the fact that health and hygiene related products have relatively high uptake and are traded quite frequently across a wide consumer base.*

However:

- *there is a lack of knowledge about why certain products and types of products may perform well in terms of uptake;*
- *there is no strategic approach to select product groups for criteria development.*

7.2.5. Factors affecting EMAS uptake among different types of organisations

The EMAS scheme allows each organisation to establish indicators and targets based on its core activities and identified environmental impacts and in practice this leads to a reflection of industry issues. This means that EMAS is open to a wide range of sectors and organisations. The fact that 78 % of EMAS-registered organisations are SMEs (approx. 3160) confirms the scheme's capacity to attract organisations of all sizes.

According to the evaluation study, some specific industrial and service sectors account for the majority of EMAS registrations. Within the industrial sectors, 'waste and disposal' has dominated since 2009 with more than 400 registrations (approx. 10% of 2014 total), followed by 'electricity, gas, steam and hot water production', 'chemicals', 'fabricated metal products', and 'food and beverages'. Those four sectors range from 150 to 250 registrations.

In the service sector, 'public administration' is leading with more than 400 registrations, followed by 'accommodation', 'activities of membership and organisations', 'education' and 'architectural and engineering activities, all ranging between 100 and 200 registrations.

Although the evaluation study did not assess the extent to which the EMAS scheme appeals in each sector, the figures indicate that EMAS is particularly attractive for companies having a stronger link with the environment or resource issues as part of their main activities. This

connection could be linked to a potentially higher environmental impact (e.g. for companies in industrial sectors) which would make EMAS a more useful as a tool to improve environmental management and achieve resource efficiency gains, avoid accidents and gain access to existing regulatory relief. However, the higher level of EMAS registrations in some sectors is also certainly due to the specific policies and incentives in the Member States to encourage EMAS registration in targeted sectors (such as waste in Poland, tourism in Spain, and SMEs in Italy).

There is no clear understanding of what drives uptake of EMAS in different sectors, however:

- *Registrations seem to be highest where the sector is engaged in activities more directly related to environmental issues or resource use and where EMAS may provide more direct benefits.*

7.2.6. Additional effects

Both schemes send a signal of support to organisations and producers that are willing to go further than what is required. Even when producers and organisations choose not to engage directly in the schemes, they can serve as an inspiration and a point of reference for others. This is the case for the EMAS sectoral reference documents,[46] which are publicly available and can serve as a reference point for organisations that are trying to increase resource efficiency or reduce their environmental impact even if they are not applying for EMAS.

The same holds for the EU Ecolabel, where the criteria development process is often followed by stakeholders including those that may deliberately choose different marketing strategies than the EU Ecolabel. EU Ecolabel criteria can serve both as reference for producers that want to decrease the environmental impact and resource use of their products and as a reference for public procurement tenders. When public tenders refer to the criteria underlying the EU Ecolabel, the criteria also becomes the benchmark for those companies that do not apply for the label.

The latest revision of the ISO 14001 standard has taken inspiration i.a. from the EMAS Regulation and incorporates some of its distinct features, for example: environmental performance improvement as being the ultimate objective; better description of environmental aspects (as provided in the EMAS environmental review); revised management of compliance; and inclusion of an optional external communication that have been part of EMAS for a long time.[47]

In this case EMAS has acted as a driver for further environmental improvement and transparency for the many companies that will continue with a new and improved ISO standard. EMAS has therefore had an effect far beyond the number of EMAS registrations.

[46] EMAS SRDs provide organisations of a defined sector with specific indicators, best practices and benchmarks of excellence to help them further improve their environmental performance.

[47] See evaluation study p. 184. This assertion was mentioned in the interview carried out in preparation for the evaluation study by a Member State representative closely involved in revising ISO 14001who wished to remain anonymous. For further comparison of EMAS and ISO 14001 see Annexes 4a and 4b..

This would confirm the importance of an EU-driven tool that can set the agenda and influence other (private) schemes.

For the EU Ecolabel, the supporting study also pointed out that stakeholders gain valuable knowledge about the environmental profile of products and their processes. In some cases this can help rationalise the production process, leading to efficiency gains and environmental improvements.

In addition to uptake, both the EMAS and the EU Ecolabel provide additional effects by:

- *supporting producers and organisations willing to go beyond what is required by legislation;*
- *serving as an inspiration and point of reference for others to gain knowledge about the environmental profile of their products and processes or for purchase decisions;*
- *For EMAS, an additional effect should include its influence as a driver for some of the changes being made in the new global ISO standard that extends effects to many more companies.*

7.2.7 Adaptation to barriers

For the EU Ecolabel and EMAS, identical barriers to those referred above came up in the most recent revisions. For the EU Ecolabel Regulation the need for a common strategy on promotional activities was emphasised, while for EMAS Member States were asked to develop their own strategies, including further integration with environmental policies and incentives based on better regulation. A common strategy to promote the EU Ecolabel has not yet been developed and in many Member States a strategy to promote EMAS has either not been developed or has been developed without real ambitions. Perhaps more importantly, the potential success of such strategies depends on a clear identification of agreed priorities, appropriate division of responsibilities, clear and focused objectives as well as on the resources invested in commercial activities by all stakeholders. These are in general very limited.

The evaluation study found that that the financial resources available to promote the uptake and improve the effectiveness of the EU Ecolabel in some Member States are limited or almost non-existent. Low budgets for implementing EMAS in some Member States indicate that the situation is the same for EMAS.

The Commission has carried out some communication activities for both EMAS and the EU Ecolabel, but for the EU Ecolabel focus has rather been to develop criteria for more product groups in line with the 2008 sustainable consumption and production action plan and the EU Ecolabel Regulation.

Similarly, the potential of integrating both EMAS and the EU Ecolabel into other environmental policies at Member State level (such as green public procurement or environmental inspection, and permitting regulatory relief) is recognised for both Regulations. However, success to a large extent depends on the implementation and level of ambition in individual Member States and there is no effective monitoring or enforcement in

place. Existing examples show that reference to EMAS in EU legislation such as in the Industrial Emissions Directive or the Waste Directives can be followed by the creation of new benefits leading to an increase in registrations, provided that initiatives are taken jointly at EU and Member State level.

The need to address issues such as more promotional activities and better integration with the implementation of other pieces of environmental legislation is reflected in the Regulations. However the number of activities or measures is not clearly set out and depends on the voluntary commitment from all stakeholders to carry out such activities, and there are no tools to ensure that this is monitored or enforced. The evaluation studies do not provide evidence to suggest that companies and organisations themselves take any significant measures to better target their commercial activities to align them with a promotion of the EU Ecolabel or EMAS. This could be done e.g. indirectly through reference that an environmental claim is qualified scientifically and independently verified by EMAS or the EU Ecolabel.

The introduction of Article 6(6) into the EU Ecolabel Regulation in 2010 created a new challenge to both the effectiveness and the efficiency of the scheme. While this has been recognised in the implementation and a pragmatic approach has been sought through negotiation and derogations in specific cases, the overall application still has to comply with the spirit and letter of the Regulation. This creates an obstacle to the uptake of the scheme by a wide range of product groups.

In general, the results of the evaluation study[48] indicate that EMAS organisations do not feel that reforms introduced by EMAS III have had a positive effect. The four main changes are ranked below from the most to the least effective:

- revised audit cycles for SMEs (Article 7);
- environmental core indicators (Annex IV);
- EMAS global (Article 3; Article 11);
- single EMAS logo (Article 10; Annex V).

However, while most of those changes were intended to address specific barriers (costs for SMEs, international recognition, use of the logo, standardisation of reporting), none addressed the scheme's key problem, namely a lack of recognition and specific benefits rewarding organisations for their performance, compliance and transparency. Although Article 33 of the EMAS Regulation requires the Member States to promote the scheme and to establish a promotion strategy the following articles that define the type of promotion measures to be implemented (Articles 34 to 38) leave to a great extent the assessment of the adequate support level to the appreciation of the Member States.

For the EU Ecolabel the most recent revision also pointed to the need for:

- a further strengthening of the scientific basis for criteria;
- the possibility to include social and ethical aspects.

[48] For a deeper analysis see point 5.3. 'Analysis of the effectiveness of the most recent revision to EMAS' in the evaluation study.

Adaption to barriers has been attempted but has had limited impact because:

- *effective implementation depends on Member States, but there are limited powers in the voluntary Regulations to ensure adequate monitoring and enforcement;*
- *the intended strategy has not been developed for EU Ecolabel and for both schemes there is a lack of clear agreed priorities, processes and division of responsibilities.*

7.2.8. Effects in relation to other sustainable consumption and production policies

The review of the Ecodesign and Energy Labelling Directives found that Ecodesign and energy labelling measures are effective since they bring substantial energy and cost savings. The combined effects of the Directives are expected to deliver almost half of the 20 % energy efficiency target by 2020.[49] However, as mentioned under the 'relevance' section, while policies addressing the energy efficiency of energy related products are well developed, policies addressing the environmental impact of products and their consumption are at an early stage. Moreover, such policies are information-based instruments (such as the EU Ecolabel) with limited effects on many consumers.[50] For energy related products the Ecodesign and the Energy Labelling are mandatory applying to all products on the market ensuring effectiveness both through continuously eliminating the worst performing product on the market (Ecodesign) and by incentivising purchase of the best performing (Energy Label). The Energy Label can also more easily be integrated in Green Public Procurement with clear requirements for products to meet a certain Energy Labelling standard. This can be done because the Energy Label is (opposite the EU Ecolabel) a mandatory tool where all products who may live up to that standard also has the Energy Label to prove it. In addition, Annex 3 of the Energy Efficiency Directives states that Central Governments should - where a product is covered by Energy label requirements - purchase only the product that comply with the criterion belonging to the highest energy efficiency possible – when this is considered cost effective, economically feasible and in line with the need to ensure sufficient competition.[51] For the products regulated by both Ecodesign and Energy Labelling it is estimated that the Energy Label delivers about one third of the total savings and Ecodesign the other two thirds. This shows that it is possible and effective to combine push and pull mechanisms. Such a framework is available only to a limited extent for other environmental aspects and not for important issues on land transformation, eutrophication, ecotoxicity, human toxicity, acidification etc. as covered by the ongoing pilot-work on the Product Environmental Footprint. It is not available for other products than energy-related products.

[49] COM(2015) 345.
[50] Environmental Indicator Report 2014 — Environmental Impacts of Production and Consumption Systems in Europe.
[51] Directive 2012/27/UE

In this context it is only natural that the voluntary EU Ecolabel only delivers a marginal contribution. However, it is the only tool that systematically addresses all the most important environmental impacts in products and aims to support producers that are willing to go further in support for the environment and the circular economy.

EMAS is the only EU tool that addresses the overall environmental performance of organisations. Other pieces of legislation regulate specific environmental aspects with regard to minimum requirements, such as the Industrial Emissions, RoHS, WEEE, Nitrates and the Water and Waste Framework Directives. Such legislation generally also affects all types of organisations, either directly or through Member State implementation/interpretation.

EMAS is designed to encourage organisations to comply and to go beyond what is required by these pieces of environmental legislation in order to gain environmental, regulatory and economic benefits. EMAS is constructed so that organisations can also design their own additional objectives and have them validated by a third party verifier together with the verification of their compliance with environmental legislation. The effects of EMAS should be seen as a complement to the effects achieved through implementation of environmental policy. Where Member States have managed to integrate the two (e.g. through regulatory relief or other administrative benefits) there is more uptake and EMAS-registered organisations and national authorities have observed the greatest benefits from EMAS. However, when improved performance and compliance with environmental legislation are not rewarded by any benefit, the engagement of organisations remains low.

The limited scope of some existing policies relating to production and consumption was recognised by the seventh environmental action programme, which called for a framework that gives appropriate signals to producers and consumers to promote resource efficiency and the circular economy. This framework should address the fragmentation and scope limitations of the existing sustainable consumption and production policy framework and identify and, where necessary, fill gaps in policy, incentives and legislation to ensure minimum requirements are in place on the environmental performance of products and services.[52]

The EU circular economy action plan follows up on this by requiring the Commission to examine options for a more coherent policy framework for the different strands of work on EU product policy in their contribution to the circular economy.

The effects of EU Ecolabel and EMAS are, as would be expected, more limited compared to the effects achieved by mandatory regulation.

However:

The EU Ecolabel and EMAS supplement mandatory regulation in providing support for the subset of producers and organisations that address the overall environmental impact and are willing to go beyond mandatory requirements.

[52] Decision No 1386/2013/EU.

7.2.9. Summary:

Q4: What links can be drawn between the measures taken and progress towards achieving the stated objectives?

Effectiveness in terms of environmental performance for organisations and products is facilitated because the schemes can deliver credible and trustworthy improvements and performance. However, the overall effect on sustainable consumption and production is limited by the level of uptake which for both varies across countries and for the EU Ecolabel in particular for some product groups.

There is some evidence that EMAS improves environmental performance over time, at least within the group of registered organisations. With the revision of ISO 14001 which adopts several EMAS ideas these impacts may widen. While delivering performance improvement on seven out of nine core indicators, (energy, water, emissions to air (SOx, NOx, PM and CO_2) and for biodiversity), EMAS registered-organisations on average observed a negative development on the core indicators for waste and material. Further investigation of this indicates that the core indicators do not always reflect the specific situation in a sector or the actions actually taken.

It is not possible to establish if the EU Ecolabel met the top 10-20 % of the market in terms of environmental performance, but the criteria development process ensures that EU Ecolabel criteria reflect improved environmental performance. However, lengthy periods without revision of the EU Ecolabel criteria may no longer ensure environmental excellence.

Q5: What are the main drivers and barriers to achieving the objectives and have these been addressed by the Regulations?

Effectiveness in uptake of EMAS and the EU Ecolabel has been limited by:

- *lack of recognition by business partners and consumers due to the lack of promotional activities;*
- *lack of recognition and integration in environmental policy;*
- *cost of compliance.*

Further to that the analysis under coherence (section 7.4) identifies factors linked to overlaps or potential confusions between instruments (e.g. Energy Label, EU Ecolabel and EMAS) that possibly could affect effectiveness.

In addition, the advantages of EMAS compared to the global competing scheme (ISO 14001) do not materialise sufficiently for EMAS organisations to persuade organisations to increase uptake while the number and rigidity of criteria is a barrier for uptake of the EU Ecolabel by producers.

A significant number of product groups under the EU Ecolabel have limited or no uptake while others have significant uptake. There is a lack of knowledge about why certain products and types of products may perform relatively well in terms of uptake. Nevertheless,

difficulties in complying with Article 6(6) are a barrier to uptake for a range of products, including all IT products where there may be an additional overlap with the Energy Label. Health-related products have relatively high uptake and are traded quite frequently.

There is no clear understanding of differences in uptake of EMAS between sectors. However registrations seem to be strongest where the sector is engaged in activities more directly related to environmental issues or resource use and where EMAS may provide more direct benefits.

Uptake in Member States is varied and fragmented and reflects the different level of recognition and resources invested in the schemes. A strong national label can both compete and co-exist with the EU Ecolabel although at times this co-existence could cause confusion for consumers. At the same time, integrating benefits connected to the transparency and trustworthiness of EMAS is important to increase better uptake.

Q6: What additional changes (positive or negative), if any, can be linked to the measures in the Regulations that go beyond what was expected? Why have they occurred?

Both EMAS and the EU Ecolabel provide support, inspiration and reference for producers and organisations looking to improve their environmental performance. In particular EMAS has inspired improvements at global level through a revised ISO14001.

The ability to overcome barriers is limited by the fact that effective implementation depends on Member States, many of whom, based on current evidence, do not actively support the schemes. There is limited provision in the (voluntary) Regulations to ensure adequate monitoring and enforcement. For this reason the effects of EU Ecolabel and EMAS are also limited compared to the effects achieved by mandatory regulation.

7. 3. Efficiency

This section will investigate the link between the results and effects and the cost involved. This part of the evaluation has been guided by the following questions:

> *Q7: To what extent are the costs and benefits associated with implementation in various Member States and at EU level linked to observed results and impacts? How proportionate are the costs to the benefits?*
>
> *Q8: What good practices can be identified for cost-effective implementation of the Regulations in Member States?*
>
> *Q9: To what extent can the resources spent on developing criteria and publicity be said to be well balanced?*
>
> *Q10: Can any significant differences resulting in significant uptake versus no uptake (including cost differences) be identified across sectors (e.g. in implementation, administration, including the costs for businesses, compliance or monitoring)? If so, what is causing them?*

Q11: Which specific provisions in the Regulations, if any, make cost-effective implementation more difficult and hamper the maximisation of benefits?

7.3.1. Efficiency at Member State level

The evaluation study on EMAS shows that there appears to be a relationship between the resources invested and the number of EMAS registrations. For the EU Ecolabel, only four Member States reported on their implementation cost but their reporting supports a similar conclusion. No estimates of benefits were provided, making a quantitative analysis of efficiency impossible.

The conclusion that can be drawn from what has been made available is that Member States invest quite different amounts of resources in implementing the schemes. This is a result of the weak implementation mechanisms in the voluntary regulations. Member States are left to set their own level of investment and the implementation measures to be taken, based on their own priorities and the demand from local producers or organisations. The limited resources that some Member States seem to be investing likely also reflect their level of interest in the schemes and the level of interest among producers and organisations. However, this works both ways: organisations and producers also report that a lack of commercial activities or reward by public authorities and other authorities are barriers for them to apply the schemes. In this sense there is a chicken and egg dilemma between investment and attractiveness and investment.

The evaluation study found that many Member States consider the criteria development process for the EU Ecolabel to be resource intensive. They also report having insufficient funds to carry out the activities asked of them. This is connected to several factors including: the number of criteria requirements that are discussed; the negotiations on individual preferences for criteria; possibilities for derogation (especially Art. 6.6); availability of data.

The Regulations require a minimum degree of implementation by Member States. Some may consider it efficient to keep the cost low if they do not expect many companies or organisations to apply. Other Member States where the market is better developed or the tools are better recognised expect a greater effect and therefore may consider it efficient to invest more.

For EMAS, national authorities may benefit from implementation if they make an effort to integrate EMAS into their environmental legislation and explore synergies with other practices or controls they perform, such as environmental inspections. The cost of running the scheme could be compensated by such synergies (e.g. synergies resulting in lower inspection costs). However, this has not been separately studied in countries where such integration has taken place (e.g. in Germany).

All in all, both schemes appear to represent a low cost burden on Member States: some Member States have reported annual implementation costs as low as EUR 3 200 and EUR 8 000 for EMAS and the EU Ecolabel respectively. Member States choose how much to allocate to the schemes based on their own calculations of costs and benefits, while also taking into account political goodwill.

There appears to be a link between the amount invested by Member States and the effects of the schemes. The schemes are voluntary and investment reflects a Member State's own judgement of priorities and demand. Current figures imply that the schemes represent a low cost burden in Member States, with reported annual costs as low as EUR 3 200 for EMAS and EUR 8 000 for the EU Ecolabel. No estimation of benefits was provided.

7.3.2. Efficiency at company level

Producers and organisations participate in the schemes based on their own calculation of cost and benefit, still they often consider that the actual benefits of the schemes do not match expectations (e.g. in the form of access to markets or regulatory relief) or reach the full potential. The reasons they cite are: lack of awareness among consumers and business partners; lack of recognition in public policy; verification/compliance costs.

However, for those producers and organisations that apply for, remain and renew their commitment, the EU Ecolabel and the EMAS certification can be considered to provide acceptable benefits.

The main costs for companies are on setting up, verification and compliance. Verification and compliance costs can be divided into:

- the fixed fee cost;
- the administrative and HR cost of the verification and compliance process.

For both EMAS and the EU Ecolabel, a differentiated fee structure was introduced as part of their respective regulations. This sets lower application fees for SMEs and microenterprises.

Table 5: Examples of application fees for the EU Ecolabel (EUR)

	Standard fee	SMEs	Microenterprises
Denmark (EU Ecolabel)	2 000	600	350
Denmark (Nordic Ecolabel)	2 000	2 000	2 000
Germany (EU Ecolabel)	1 200	600	250
Germany (Blue Angel)	250	250	250
Czech Republic (EU Ecolabel)	325	245	245
Poland (EU Ecolabel)	1 230	615	370
UK (EU Ecolabel)	685	480	345
Italy (EU Ecolabel)	1 200	600	350

The fee cost varies considerably between Member States. This reflects the fact that the Regulations allow the fees to be set at national level and that some Member States chose to subsidise the fee levels.

At a rough estimate based on the sample above, the application fees for the EU Ecolabel range from EUR 245, the cheapest for a microenterprise, to EUR 2 000, which is the most expensive standard.

For EMAS, the range is between EUR 50 for microenterprises in Italy to a maximum EUR 2 000 for a large company in Portugal. However, Member States apply very different levels of subsidies (such as fee reductions) for companies seeking to obtain their first registration. By way of comparison, fees paid for ISO 14001 certification are reported to be about EUR 650.

For both EMAS and the EU Ecolabel, the supporting studies found that the application fee is not considered as a significant cost for companies. For the EU Ecolabel, the major cost is building the evidence package needed for applying and verification. These costs of compliance vary considerably and are correlated with the number and complexity of criteria for the given product group and the availability of necessary data, which may be individual data for each producer. The impact assessment for the Regulation's latest amendment found that the cost of testing associated with complying with the (pre 2010) EU Ecolabel could be estimated in very general terms at between EUR 1 000 to EUR 10 000. This indicates the scale of the differences involved. The compliance criteria require producers to obtain a variety of data on many different components throughout the supply chain. These often involve an international set of suppliers, for which there is very limited data on the environmental characteristics of their products.

On the other hand, some producers reported gaining valuable knowledge in the process, which could be translated into benefits such as reducing resource use in the production processes. In turn, these could lead to both reduced environmental impact and lower costs. The fact that the main costs are not connected to the fee but to building the evidence package for compliance means that a reduced fee for SMEs and microenterprises has a limited effect on promoting uptake by SMEs.

For EMAS, the major costs occur during the initial set-up of the management scheme, the cost of consultancy services and the use of internal resources. As with the fee structure, the costs of implementation and verification for EMAS vary depending on the size of the organisation. Based on the 2009 study on costs and benefits (Milieu and RPA 2009) the average cost of consultancy services for the first year of the pre-2009 scheme was: EUR 3 712 for micro organisations; EUR 6 316 for small organisations; EUR 5 957 for medium organisations; EUR 7 773 for large organisations. Comparable costs for ISO are not known.

A similar conclusion can be drawn from the analysis of verification costs as mentioned in the evaluation study. These range from EUR 3 000 to EUR 10 000 depending on the year of verification and size of the organisation. Nevertheless, although the costs may be low, they can still be a substantial burden for SMEs, even when in some cases the costs can be directly compensated by benefits later on from increased efficiency and reduced costs. Again, comparable cots for ISO are not known.

The evaluation study found that improvements in energy efficiency can lead to substantial savings in EMAS-registered companies. For example, total savings resulting from energy efficiency in EMAS companies over two years amount to more than EUR 1.3 billion (of which EUR 1 billion was achieved by companies involved in energy production). Although economic savings can be achieved, it is also clear that the character of such benefits will depend on the type of organisation, both in terms of its size and activities, and on the maturity of its management system.

The requirements of the core management system are similar to ISO14001. However, the main difference lies in the extra requirements set by EMAS and in particular the reporting requirement.

Although stakeholders state that expectations of benefits are often not met they do report significant benefits.[53]

In the EMAS evaluation study, the following benefits were reported by the registered organisations as the most important:

- improved legal compliance;
- reduced risk of sanctions and accidents;
- better management of environmental matters/identification of roles and responsibilities;
- fewer environmental accidents;
- cost savings through reuse, recycling or a decrease in resource or energy use.

In the EU Ecolabel evaluation study, the following benefits were reported by more than 60 % of licence holders who responded to the questionnaire:

- improved competitiveness and market position for the product;
- increased consumer interest and satisfaction;
- improved overall environmental performance for the company.

More than 50 % of the licence holders found that they had gained benefits in terms of:

- ability to respond to a specific request from customer or retailer;
- improved reputation with stakeholders;
- increased sales;
- improved commitment to environmental performance by management;
- meeting export market opportunities.

The findings on the benefits of the schemes confirm that for participating companies, the cost-benefit analysis they individually apply includes much more than the simple economic benefit. Companies reap benefits for their brand and reputation and from making an internal commitment to consider environmental aspects in their processes.

For example when asked about why they enter the schemes the four most important drivers for EMAS registered companies were considered: to improve environmental performance; to improve the organisations public reputation, to contribute to a more sustainable world by reducing negative impacts; improve management and guarantee of legal compliance.

For the EU Ecolabel, the benefits from increased sales and recognition and satisfaction of customer interest do seem to be more important. At the same time, improving environmental performance and product innovation is also considered important.

In the end, these parameters cannot be compared. Due to the limited data available, it is not possible to provide an estimation of the net overall position for companies. Ultimately

[53] See also 7.5.1. Stakeholder perception of EU added value.

producers and organisations do not only choose to join the schemes for the net economic benefit, although it certainly plays a role. For the companies who remain in the schemes it is clear that they themselves consider that the benefits outweigh the cost.

The potential for simplification and burden reduction seems to lie in the set-up and the verification procedures.

For EMAS, this includes the reporting requirement, especially for SMEs but also the frequency and scope of audits that may be unnecessarily heavy compared to the benefits. On audits, special relief has been introduced for SMEs, allowing them to apply for less frequent inspections (once every fourth year instead of every third). However, it is estimated that only about 20 % of SMEs have made use of this option. This can partly be explained by the fact that many are also ISO-certified and need to follow the inspection cycle used there. Nevertheless, the fact that they choose to be certified by both schemes does seem to imply that they consider that EMAS has something to add compared with ISO. The scope of the verification may also be addressed. Under ISO 14001 certification audits can be done based on a sample of sites, whereas EMAS currently requires all registered sites to be examined by a third party verifier.

For the EU Ecolabel, the supporting study identifies issues with the stringency and number of criteria requirements. Some such requirements are directly related to the Regulation (e.g. Article 6(6) and the fact that the EU Ecolabel should be a label of excellence (i.e. covering the top 10-20 % of products)) and contribute to ensuring the scheme's general trustworthiness. Further analysis would be needed to identify concrete requirements.

Costs vary between each individual producer and organisation and it is difficult to generalise. Based on the very limited information available, Ecolabel costs could be in the order €1,000 - €10,000; EMAS could be of the order €6,000 - €20,000). It was found that:

- *The main cost is connected to set-up and maintenance/compliance/verification activities. For the EU Ecolabel, this cost stems from the procedures needed to build the evidence base and increases depending on the number and stringency of criteria (including Article 6(6)). For EMAS, the cost mostly stems from consultancy services, use of internal resources and external verification.*
- *the application fees also represent a cost, but this is secondary compared with the compliance and verification activities.*

Benefits vary for the individual producer and organisation but come in the form of both:

- *direct benefits – such as reduced costs (e.g. 1.3 billion on energy for EMAS registered organisations), better compliance or increased sales;*
- *indirect benefits (e.g. to image and internal procedures, stronger commitment, fewer accidents).*

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7.3.3. Efficiency at Commission level

The cost for the Commission fluctuates depending on the number of criteria and the number of SRDs worked on each year.

Over the last few years there has been a shift in costs for the EU Ecolabel from communication activities to criteria development/revision activities. The increase in criteria development activities reflects the objective in the SCP action plan that criteria should be developed for more product groups. Given that criteria have indeed been developed for more product groups, the burden of maintaining and revising the existing criteria is also increasing, leaving less budget for other activities unless overall resources are increased proportionately. The cost of running helpdesk services for the EU Ecolabel is EUR 150 000 annually. At EU level the distribution of costs between criteria development and communication has been the following:

	Commission spending on Communication (€)	Commission spending on criteria development
2009	212 000	531 000
2010	365 000	880 000
2011	200 000	855 000
2012	175 000	1 580 000
2013	2 000	1 222 000
2014	56 000	780 000

At EU level, the following costs can be directly attributed to EMAS:

- cost of helpdesk: EUR 185 000/year (of which EUR 100 000 on communication and EUR 85 000 on administration of the scheme and maintenance of the register[54]);
- ISO licence cost for use of the 14001 standard in the annex to the Regulation: EUR 25 000/year;
- organisation of regulatory meetings: EUR 40 000/year;
- cost of peer review by the Forum of Accreditation and Licensing Bodies: EUR 50 000/year;
- Administrative arrangements between the Directorate-General for the Environment and the Joint Research Centre (JRC) for the development of up to 11 sectoral reference documents (SRDs): on average EUR 75 000 per SRD (+ cost covered by JRC not taken into account). Time scale: 2011-2017.

Given the figures above, the approximate average annual cost for the Commission (before considering human resources in the Directorate-General for the Environment and other Commission departments) can be roughly estimated at EUR 500 000 for EMAS and EUR 1 100 000 for the EU Ecolabel. Currently there is one administrator/year working on EMAS in the Directorate-General for the Environment and three administrators/year and one assistants/year working on EU Ecolabel.

[54] The specific register maintenance costs could be decreased by implementing a more efficient register interface.

These average annual costs cover:

- the maintenance of the EU Ecolabel scheme involving criteria developed and kept operational at EU level for 33 product groups, 2 000 licences and 44 000 products in 2015; and
- the maintenance of the EMAS scheme at EU level involving 4 000 organisations and 7 500 sites. For EMAS, this corresponds to a yearly cost per EMAS-registered organisation of EUR 125.

In isolation these cost seem relatively low, especially when taken into account that the criteria for the EU Ecolabel are widely 're-used' in green public procurement, criteria development within the Commission and that SRDs also serve as reference point for other companies than those who choose EMAS. However, for the EU Ecolabel the establishment of criteria requirements are only an intermediate output and in case of prolongation without sufficient check on environmental excellence, such efficiency can come at the expense of the final effect as well as the general trustworthiness of the scheme.

The Commission's management work on the scheme, providing the necessary intermediate output, can be roughly estimated at an annual average figure of approximately EUR 1 100 000 for the EU Ecolabel and EUR 500 000 for EMAS. This spending is used to maintain a system of 33 product groups, 2 000 licences and 44 000 products for the EU Ecolabel and 4 000 organisations and 7 500 sites for EMAS.

In recent years there has been a shift in costs for the EU Ecolabel from communication activities to criteria development/revision activities.

7.3.4. EU Ecolabel — efficiency in criteria development

For the EU Ecolabel, the evaluation study reports that on average it takes 30-36 months to develop criteria under the EU Ecolabel, whereas both the Nordic Swan and the Blue Angel reported an average time of about 12 months. Some extra time must be allowed for an international label such as the EU Ecolabel because of the additional need to reach agreement between different Member States - in practice it takes around eight months needed to prepare and carry out consultations of the ad hoc working groups and the EUEB and the legislative procedure to adopt and publish Commission decisions.

However, 30-36 months can be considered too long and the Commission is analysing how the process could be shortened. As part of the most recent revision, initiatives were taken to harmonise and make better use of already existing criteria from similar schemes such as Nordic Ecolabel and Blue Angel. While the need to shorten the process has been in focus during the development of criteria under the EU Ecolabel, in practice it has proven difficult to realise the full potential. Reasons for the long duration include the need to address and align views on issues such as:

- compliance of EU Ecolabel criteria with Article 6(6)
- there are regional and national market differences e.g. on consumer expectations and preferences;
- there are strict requirements on environmental excellence (the goal to cover the top 10-20 % of products).

In particular, discussions on Article 6(6) require several attempts for almost all products, even if guidelines on how to deal with hazardous substances in criteria development have been developed by the JRC. Also, derogations are possible and can be applied where appropriate to ensure uptake.

The number of criteria also increases the time needed to develop them even though in some cases some additional criteria may only marginally contribute to better environmental performance. The current agreement on criteria is again a negotiation process for each product group, which means the number of criteria can vary according to the debate and participation of Member States.

A lengthy and cumbersome criteria development process may ultimately still be acceptable if there is sufficient uptake. However, it is clear that when such efforts do not result in uptake, resources are not being invested efficiently. Currently there is no requirement for industry to give a prior commitment on uptake and there is a lack of knowledge about which products are most suitable for the EU Ecolabel given the different types of purchase that can occur (e.g. business-to-consumer and business-to-business). In addition, no clear strategy has been developed to link selection of product groups and criteria development with the EU Ecolabel's vision, objectives and target audience.

The time used for developing EU Ecolabel criteria is not considered fully efficient as:

- *developing criteria for the EU Ecolabel takes up to three times longer than for the Nordic Swan and the Blue Angel labels;*
- *in particular time is taken up with several rounds of discussions on the implementation of Article 6(6) and on a number of criteria.*

7.3.5. Differences and good practices that may affect efficiency

For both schemes, studies have been carried out to identify and share good practices. A best practice guidance document for the EU Ecolabel was published in 2013[55] dealing with:

- the organisation of competent bodies (e.g. clearly establishing powers of the competent body, ensuring adequate funding, consultation with stakeholders, reporting to the public on performance);
- credibility through impartiality and independence (e.g. developing a data handling and storage policy, appointing staff members to deal with conflicts of interest, separation of award and assessment activities from commercial activities);

[55] EU Ecolabel best practice guidance document.

- the procedure for assessment and award of licences (e.g. producing a comprehensive set of procedures, developing guidance on the application process, accepting electronic applications);
- market surveillance and control (e.g. agreeing a 'control plan' with licence holders, developing a complaints policy);
- promoting the EU Ecolabel (e.g. developing a marketing strategy, creating opportunities for licence holders to meet, arranging seminars and workshops for consultants and advisers;
- penalties (e.g. a specific list of penalties should be produced and publicised).

The document, which was drawn up with the help of competent bodies, shares good practices in the above areas in order to help new staff working on the implementation of the EU Ecolabel and to inspire competent bodies to implement the scheme in a more effective and appropriate manner. The 33 recommendations are based on best practices in Member States, but it has not been possible to quantify the cost-benefit ratio of such measures.

For EMAS, the 'Brave' study (September 2014) identified several opportunities for best practices intended to decrease costs and increase the scheme's benefits for both organisations and authorities. Although the study focuses on better regulation in Spain and Italy, it provides valuable examples that could be replicated in other Member States regarding simplification (on permitting procedures, inspections and controls, environmental communication, green public procurement, financial guarantee, taxes and fees and on financing activities).

Examples of best practices can also be found among Member State initiatives. These have been gathered in a recently published Compendium[56] developed in collaboration with the EMAS helpdesk and the different national competent bodies. Best practices identified include:

- legal instruments such as:
    - recent rules on the waste sector in Poland granting regulatory relief and fee exemption for EMAS-registered companies;[57]
    - the inclusion of EMAS as an alternative to mandatory energy audits in the German law transposing the Energy Efficiency Directive;
    - longer-lasting integrated environmental authorisations[58] or exemption from environmental inspections for EMAS-registered companies in Member States such as Italy, France, Germany, Poland and Spain;
    - France's Grenelle II Act on transparency, allowing an EMAS environmental statement to replace the environmental part of the mandatory reporting on corporate social responsibility;
- economic and financial instruments (such as tax reduction or exemption, reduced or eliminated fees, funds or grants to offset costs of EMAS implementation);

[56] EMAS Promotion and Policy Support in the Member States — Compendium 2015 — http://ec.europa.eu/environment/emas/pdf/EMAS-Compendium.2015.Online.pdf.

[57] Act of 13 June 2013 on packaging and packaging waste; Act of 14 December 2012 on waste; Act of 29 August 2014 changing the act on batteries and accumulators.

[58] Related to the transposition of the Industrial Emissions Directive 2010/75/EC.

- information and promotional instruments and activities.

Best practices have also been identified regarding the robustness of legal compliance. As mentioned earlier,[59] these best practices are closely linked with the capacity of competent bodies to interact with infringement authorities and to provide extra guidance/training to verifiers.

Efficiency in implementation can be achieved through best practices but this is not possible to quantify. Recent good practice guidance documents are available for both schemes, building on best practice in Member States.

7.3.6. Summary

Q7: To what extent are the costs and benefits associated with implementation in various Member States and at EU level linked to observed results and impacts? How proportionate are the costs to the benefits?

There is some evidence linking the investments made (costs) and the effects generated. The schemes represent a low cost burden to Member States and the level of investment probably reflects the fact each Member State decides individually what it considers to be the appropriate balance between cost and benefits. Some Member States report costs as low as EUR 3 200 annually for EMAS and EUR 8 000 annually for the EU Ecolabel.

In recent years there has been a shift in costs for the EU Ecolabel managed by the Commission from communication activities to criteria development/revision activities. As an intermediate output, the Commission's work managing the schemes can be considered to be relatively low cost given that a rough estimate of the average annual cost at EU level is EUR 500 000 to maintain 4 000 EMAS organisations across 7 500 sites; and EUR 1 100 000 for the EU Ecolabel, maintaining a system of 33 product groups, 2 000 licences and 44 000 products.

Costs to businesses vary, but as this is a voluntary scheme, it can be expected that those who commit to the scheme find the cost-benefit ratio sufficiently appealing; there is also evidence that their evaluation of this goes beyond the simple economic benefit, including wider consideration of brand, reputation and environmental commitment.

Q8: What good practices can be identified for cost-effective implementation of the Regulations in Member States?

[59] Page 23 of this report.

Good practices have been identified which improve costs-effectiveness but it has not been possible to quantify the value of such improvements . Recent good practice guidance documents are available for both schemes, building on best practice in Member States.

Q9: To what extent can the resources spent on developing criteria and publicity be said to be well balanced?

This is difficult to answer given the lack of detailed data and information. Since the last revision there has been a shift in costs for the EU Ecolabel from communication activities to criteria development/revision activities. However, a significant number of product groups have limited or no uptake while others have significant uptake. There remains a lack of knowledge about why certain products and types of products perform well in terms of uptake.

A lack of promotional activities for EMAS and the EU Ecolabel has led to lack of recognition of the schemes among business partners and consumers and this in turn has limited uptake.

Based on this limited information, there are some grounds to believe that the resources spent on developing criteria and publicity are not well balanced.

Q10: Can any significant differences resulting in significant uptake versus no uptake (including cost differences) be identified across sectors (e.g. in implementation, administration, including the costs for businesses, compliance or monitoring)? If so, what is causing them?

For the individual producers and organisations participating in the scheme the main cost is connected to set-up and maintenance/compliance/verification activities. For the EU Ecolabel, this cost stems from the procedures needed to build the evidence base and grows depending on the number and stringency of criteria (including Article 6(6)).
For EMAS, the cost mostly stems from consultancy services, internal resources involvement and external verification. Application fees are also a cost, but this is secondary to compliance and verification activities. On the other hand significant savings can also be achieved (e.g. the evaluation study of EMAS found that EMAS organisations had achieved energy savings of EUR 1.3 billion over two years). Comparable costs for ISO 14001 organisations are not collected/reported.

Benefits vary for the individual producer and organisation but can come in the form of both: direct benefits (e.g. reduced costs, better compliance or increased sales) and indirect benefits (e.g. to image and internal procedures, stronger commitment in management, fewer accidents). However due to a lack of data, it is not possible to draw conclusions on the overall net position.

Q11: Which specific provisions in the Regulations, if any, make cost-effective implementation more difficult and hamper the maximisation of benefits?

The time taken to develop EU Ecolabel criteria is not considered efficient: developing criteria for the EU Ecolabel takes up to three times longer than for the Nordic Swan and the Blue Angel labels. Reasons include repeated discussions on the implementation of Article 6(6) and the number and stringency of criteria.

7.4. Coherence

The section on coherence investigates how well the Regulations work internally and with other EU interventions. This part has been guided by the following questions:

> *Q12: To what extent are both voluntary Regulations consistent as policy tools with current and new policy objectives in the seventh EAP, the roadmap to a resource efficient Europe, the circular economy action plan and the single market for green products? Are there opportunities to align further?*
>
> *Q13: To what extent do the voluntary Regulations support the EU single market and the creation of a level playing field for economic operators?*
>
> *Q14: To what extent do the voluntary Regulations satisfactorily complement other SCP instruments, including ecodesign and the Energy Label?*
>
> *Q15: What specific inconsistencies and unjustified overlaps, obsolete provisions and/or gaps, if any, can be identified with other pieces of EU legislation e.g. in terms of definitions, reporting and key concepts? If present, how are they affecting the performance of the Regulations?*
>
> *Q16: What scope is there for aligning key aspects across the Regulations concerned?*
>
> *Q17: To what extent has the scope for policy integration with other policy instruments been fully exploited?*
>
> *Q18: How could any possible obsolete provisions in the Regulations be explained? Are there any provisions that would need more flexibility?*

7.4.1. Coherence with other linked SCP instruments

The SCP policy framework includes instruments dealing with Ecodesign, energy labelling and eco-innovation. These instruments are mainly focused on products and are in that way similar to the EU Ecolabel. In implementing the EU Ecolabel scheme, coherence at product level has been attempted for some product groups that are also covered by the Energy Label and ecodesign i.e. for energy-related products to ensure benefits from aligning the criteria

development process. While this has been explored, it has not yet been fully achieved, not least due to the lack of alignment in the timing of the different work plans.

Furthermore, as a voluntary label the EU Ecolabel relies much more on the recognition of consumers and the nature of the actual purchasing decision than would be the case for a mandatory label such as the Energy Label. At the moment some of the most successful EU Ecolabel products are products that 'normal' consumers come into contact with on a regular basis.

For business-to-business relations, more significant environmental savings may be achieved through single large-scale procurement agreements (e.g. through large public procurement contracts). However, some of the product groups that are relevant for large scale procurements may not do much to increase the general awareness of the EU Ecolabel among the average consumers. These concerns are not the same for the mandatory Energy Label, precisely because it is mandatory and also more dependent on standardised and agreed verification methods. In addition, for some products consumers come into contact not only with the EU Ecolabel but also with the Energy Label (which may include additional information e.g. on water consumption in the use phase). This can cause confusion for consumers and lead to a general reluctance to commercialise the EU Ecolabel among retailers who are more familiar with the mandatory Energy Label.

In some cases, confusion may also result from the different focuses of the EU Ecolabel and the Energy Label. Whereas the EU Ecolabel focuses on total environmental impact over the products' life cycle, the Energy Label focuses on energy consumption in the use phase. This means that in principle we could have a situation where a product is in the best energy label class but with low performance for all other environmental impacts. Similarly, a product with the EU Ecolabel is not necessarily in the best energy performance class. In general, the number of EU Ecolabel products also covered by Energy Label/Ecodesign is currently limited: for some of them the EU Ecolabel has been discontinued (e.g. washing machines and dishwashers) while for others the uptake is negligible.

The conclusion is that even if coherence remains useful when developing criteria and aligning work plans, there is also a need to consider the potential for uptake and the type of purchase (i.e. business-to-consumer, business-to-business or for public procurement) when decisions are taken to develop criteria.

For green public procurement, the procedure adopted in 2010 ensures better coherence to the EU Ecolabel criteria development. The GPP process now follows to a large extent the structure of the EU Ecolabel procedure; both sets of criteria are developed at the Commissions Joint Research Centre (JRC) and the work plans are aligned to ensure maximum coherence and efficiency.

While Ecodesign, Energy Label and Ecolabel address the product side, EMAS is the only instrument currently addressing organisational environmental performance in a holistic manner (for discussion on the limited overlap between Ecolabel and EMAS see 7.4.3). It does so by, for example, emphasising the need to create links between the organisations' environmental performance verified by third parties through EMAS and the potential to integrate the EMAS reporting obligation into the implementation of environmental legislation (see 7.4.2 on coherence with other EU policies). This is natural because EMAS is the only instrument in the SCP toolbox that focuses on organisations and not on products.

The recurrent issue of linking the EU Ecolabel and EMAS with green public procurement also remains relevant. The 2004 Directive on public procurement did not allow products with the EU Ecolabel or, say, EMAS-registered service providers to be directly favoured in public tenders. By contrast, the 2014 public procurement reform created the possibility for direct references to the EU Ecolabel, but left options open for providing equivalent means of proof under specific circumstances.

The full impact of the recent amendments will only be known after the Member States have transposed the new rules (deadline: 2016) and public authorities start applying them. The Directorate-General for the Environment has updated its 'Buying Green' handbook to provide public authorities with guidance on how green public procurement can be done under the new rules, including explanations on the new provision on the use of ecolabels and environmental management scheme rules.

The challenge for the EU Ecolabel is to be prudent in its choice of products for which criteria are developed. The EU Ecolabel becomes irrelevant for public procurement when criteria are developed for products for which there is no or very limited uptake or little purchasing from public authorities.

There is coherence between the SCP instruments, however:

- *there is some incoherence between the EU Ecolabel and Ecodesign/Energy Label, related in part to a lack of alignment between the work plans;*
- *differences and overlaps between the focus, scope and awareness of the EU Ecolabel and the Energy Label mean that it may not always be most appropriate to apply them both to the same product;*
- *the 2014 revision of the public procurement directives should increase the potential to promote the EU Ecolabel and EMAS in public tenders.*

7.4.2. Coherence with other EU policies

Both EMAS and the EU Ecolabel relate to the Unfair Commercial Practices Directive[60], more specifically how that Directive applies to environmental claims (also called 'green claims'). The Directive does not provide specific rules on environmental claims, but its provisions apply to all claims made in the context of business-to-consumer commercial practices, including claims relating to the environment. It also provides a legal basis to ensure that traders do not present environmental claims in ways that are misleading to consumers. As stated in Recital 10 of the Directive, it '*provides protection for consumers where there is no specific sectoral legislation at Community level and prohibits traders from creating a false impression of the nature of the products*'. The Directive's approach to environmental claims can be summarised in two main principles:

- traders must present their environmental claims in a specific, accurate and unambiguous manner, to ensure that consumers are not mislead;

[60] Directive 2005/29/EC

- traders must have the evidence to support their claims and be ready to provide it to competent enforcement authorities in an understandable way if the claim is challenged. [61]

One of the reasons for setting up EMAS and the EU Ecolabel as Pan-European schemes was to provide an alternative to the proliferation of private, national or regional environmental labels or claims and to create consumer confidence in credible schemes. The less such alternative labels or claims are subject to scrutiny, the less attractive the EU Ecolabel and EMAS become as tools of excellence.

EU legislation (i.e. the Unfair Commercial Practice Directive) does not require that such green claims must be validated by third-party verification. In addition, documentation/substantiation requirements are relatively general and hard to implement and check in practice by the relevant national competent bodies. This may lead to a further proliferation of 'easy' green claims. These undermine EMAS and the EU Ecolabel because consumers are not really able to distinguish between credible and non-credible schemes, causing them to lose confidence in these types of information schemes. As highlighted by the EU Action Plan for a Circular Economy, the Commission is also working with stakeholders to make green claims more trustworthy, and will ensure better enforcement of the rules in place, including through updated guidance on unfair commercial practices published in May 2016.[62]

The new circular economy package emphasises the reuse, repair, remanufacturing and recycling of products. For the EU Ecolabel, the need to comply with Article 6(6) means that in some cases it can be difficult to include a priority for recycling. This is because recycled materials may contain significant levels of hazardous substances of the kind referred to in Article 6(6) or simply because it is not economically feasible to establish the chemical content of such materials. Also, in some cases chemicals may be excluded not on the basis of Article 6(6) but on the basis of the requirement for environmental excellence.

As part of the new circular economy package the Commission will develop analysis and propose options on the interface between chemicals, products and waste legislation, including on how to reduce the presence and improve the tracking of chemicals of concern in products. The 7th Environmental Action Programme also called for to the development of an EU strategy for non-toxic environment to replace dangerous substances with non-chemical and sustainable alternatives. In the same way, the concept of new business models as a major component of a circular economy imply a shift away from the more traditional linear model that separates production, use and waste and therefore also include a holistic assessment of impacts[63].

A study on the feasibility of EU Ecolabel criteria for food and feed products also looked at alignment between products certified as organic and eligibility for the EU Ecolabel. The study[64] showed the incompatibility between the two methodological approaches - the organic system takes a practice based approach (putting a ban on certain production processes),

[61] SWD(2016) 163 final
[62] SWD(2016) 163 final
[63] For example, in leasing or renting models it is assumed that the product is taken back and after possible refurbishment should be rented, sold or leased again; in the current general consumer model, the consumer may simply discard as waste.
[64] EU Ecolabel for food and feed products - feasibility study

whereas the EU Ecolabel takes a full life-cycle approach. For instance there are significant environmental benefits which can be identified for organic farming over conventional methods and these are considered by the EU Ecolabel. However, other potentially comparable positive environmental impacts – related for example, to increased yield from advanced non-organic methods - also need to be considered to be in alignment with the life-cycle approach and the objective of the EU Ecolabel regulation. The study concluded that the organic system does not align with the output- based approach used by the EU Ecolabel which can be used to encourage innovation and is recommended by the ISO standards for ecolabelling. On the other hand the study also concluded that output based criteria for food and feed products was currently not sufficiently developed (although future development of methodological approaches may change this). To address this the Commission has included the food and feed category as a central element in the development of the Product Environmental Footprint (PEF) methodology with separate pilot projects for 10 specific food/feed product groups (beer, coffee, dairy, feed for food-producing animals, marine fish, meat, olive oil, packed water, pasta, pet food and wine).

Another central issue identified by the study was a need to avoid possible confusion between a new EU Ecolabel in this area, and the organic label which is well-established label in the food, feed and drink sector. This concern was also raised by stakeholders in the feedback given to the EU Ecolabel supporting study.

At this stage the EU Ecolabel does not cover any food, feed or drink products. Consequently the study to support the implementation of the EU Ecolabel regulation found that currently there is no conflict between the EU Ecolabel and the Organic Label due to differences in the scope of products covered. The supporting study also found that although some synergies did exist (e.g. is possible to include demands for organic food in criteria for accommodation) 61% of the stakeholders involved in the survey for the study did not indicate that they saw any synergies with the organic label.

The EMAS evaluation study and the recent 'Brave' study demonstrate that there is untapped potential and a deeper integration of EMAS into national and EU environmental rules could deliver significant extra benefits for both organisations and authorities. EMAS could be integrated into many pieces of environmental legislation, such as those on permitting procedures, inspections and controls, environmental communication, green public procurement, financial guarantee and environmental taxes and fees. The following benefits could be expected:

- decreasing the administrative burden on organisations by:
    - simplifying the updating and renewal of environmental permitting procedures;
    - decreasing the frequency of controls where possible (if verification has already been undertaken in an EMAS context) and having a simplified control procedure;
    - reducing fragmentation or duplication of reporting by integrating many environmental aspects into a single integrated report (the EMAS environmental statement) and recognising this report as a source of validated information to fulfil additional reporting obligations.

- better allocating environmental incentives (financial guarantee, taxes and fees reduction, financing initiatives) thanks to better targeting of beneficiaries via proven pollution prevention and control measures verified via EMAS;

- helping public administration to save resources by:

    - partly replacing administrative and on-site controls with a voluntary verification process validated by governmental authorities;
    - improving the focus of administrative controls by filtering frontrunners from mainstream players.

Examples show that in some case such integration has already taken place:

- at EU level, in legislative frameworks such as the Industrial Emissions Directive (IED), the Waste Directives and the Environmental Liability Directive;
- in the Member States, for example in environmental investment (Belgium), the Environmental Inspection Programme (Spain: Catalonia) non-financial reporting (France), the Energy Efficiency Law (Germany) and specific measures for SMEs (Italy). In those examples, the benefit for EMAS-registered organisations differs positively compared to those for organisations applying a mainstream EMS.

Nevertheless, some opportunities for legal integration remain unexploited. Such opportunities could be captured by investigating EMAS integration into additional EU and national legislation and by replicating best practices of legal integration in other Member States.

The schemes are coherent with EU policy, however:

- *There is room to explore further synergies with EU policies including the circular economy action plan, the development of the EU strategy for a non-toxic environment, the Unfair Commercial Practices Directive, the Public Procurement Directive and the IED as these could make better use of the opportunities provided by the EU Ecolabel and/or EMAS.*
- *Potential discussions on a EU Ecolabel applied to food should consider the overlap to the Organic label.*

7.4.3. Coherence between EMAS and the EU Ecolabel

EMAS and the EU Ecolabel have different focuses: EMAS deals with organisations whereas the EU Ecolabel deals with products and services. However, some specific cases of overlap have emerged. The development of the EU Ecolabel for services highlights the need for further alignment with the EMAS scheme where they target the same organisations from different perspectives, such as for tourism and campsites.

At the moment, a consumer looking for a tourist accommodation provider with a strong environmental profile can face difficulties to choose between one with an EU Ecolabel (i.e. that fulfil established criteria requirements) and one that is EMAS-registered (i.e. where the organisation has committed to continuously improve their performance against a set of environmental targets), without it being clear which choice would bring more benefit to the environment. The question of prioritising one scheme over the other is obviously also relevant for the organisations themselves.

The current revision of the EU Ecolabel for tourist accommodation takes account of synergies between the two schemes so as to facilitate the uptake of both. This includes a fee reduction for EMAS-registered accommodation and harmonisation of indicators with EMAS SRDs. In addition, a points systems allocates extra points to tourism services that have established an environmental management system, are EMAS-registered or have major suppliers which are EMAS-registered. Criteria are also in place on assessing and reporting environmental performance that is equal to the EMAS standard.

EMAS and the EU Ecolabel are coherent, however:

- *The development of EU Ecolabel criteria for services should be considered in the light of potential confusion and synergies with EMAS.*

7.4.4. Coherence with other (non-EU-driven) instruments

Both EMAS and the EU Ecolabel operate in the context of different environmental claims and competing schemes. For the EU Ecolabel, competing schemes tend to be national or in some cases regional schemes and there is also the global ISO 14024 type 1 environmental labelling programme[65]. The most relevant other environmental management scheme is the global ISO 14001 standard.

When developing criteria the EU Ecolabel is always looking to adopt knowhow from existing criteria, but it is difficult to translate these directly into EU Ecolabel criteria. There are a number of reasons for this. These include: the need to adapt to the specific requirements in the Regulation (e.g. Article 6(6) requirements); the need to ensure that the criteria reflect best performance at the time of adoption (which will be different from the other label) and the negotiation and decision-making process involving all Member States does not make it easy to adapt criteria developed in a specific cultural and geographic context.

There is an extensive exchange of information between schemes that help improve the quality of the work done under the EU Ecolabel. In cases where products which already follow nationally or regionally officially recognised ISO 14024 schemes, decide to extend their coverage to a product group covered by the EU Ecolabel, the EU Ecolabel's role is as a benchmark setting minimum requirements of reference for such schemes (established in Article 11 of the EU Ecolabel Regulation). However, due to lack of resources this has so far not been monitored or used as a basis for further harmonisation of ecolabelling schemes.

EMAS has been designed around and beyond ISO 14001 by using ISO 14001 requirements as the basis of its environmental management system (EMS) and by supplementing the mainstream standard with additional requirements listed in the Annex 2 of the EMAS Regulation.[66] This integration offers advantages to organisations that want to move from ISO 14001 to EMAS. It also offers streamlined implementation and verification procedures. Moreover, the coherence between both schemes enables organisations to be flexible by

[65] Type 1 schemes are voluntary, multi criteria based, third party program that award a licence that authorises the use of environmental labels on products indicating overall environmental preference of a product within a particular product category based on life-cycle consideration.
[66] See also Annex 3b of this Staff Working Document for further illustration.

choosing to implement the mainstream EMS (i.e. ISO 14001) first and then upgrade to the premium scheme (EMAS) when / if it so wishes. The EMAS Regulation also offers the possibility to facilitate step-up from other existing (regional) management systems to EMAS.

ISO 14001 focuses on establishing a reliable EMS, which provides the organisation with the capacities to better manage its environmental impacts. EMAS goes one step further by setting additional requirements such as: more precise guidance on identifying environmental impacts (environmental review); a focus on continuous performance improvement, employee involvement; mandatory external reporting (the environmental statement).

EMAS also includes a significant reporting element by requiring the publication of an environmental statement that must be validated by a third-party verifier, registered by a public authority[67] and made available to any stakeholder. This unique feature was intended to be the basis for further integration of EMAS into the wider overall EU legislative framework. Such integration would: strengthen the benefits for EMAS organisations, facilitate implementation of other environmental policies; lead to administrative simplification and contribute to a more positive cost/benefit assessment.

The revised ISO 14001 standards published in September 2015 do not integrate this reporting obligation but provide organisations with the option to communicate externally if the data communicated are compliant with the EMS. However, the revision integrates some other EMAS-differentiating elements such as a clearer reference to improving environmental performance as the final objective of the EMS and a more systematic analysis of environmental aspects and impacts. This convergence should further streamline how organisations implement both schemes, with the ISO being the core of the management system and EMAS providing the additional reporting and validation features.

EMAS and the EU Ecolabel are coherent with other instruments and international standards, however:

- *while the EU Ecolabel takes inspiration from other schemes, its different requirements, timing and procedures make it difficult to take full advantage of potential synergies;*
- *the EU Ecolabel's role as a benchmark for new ecolabel criteria adopted by other officially recognised Ecolabels has not yet been monitored or encouraged;*
- *EMAS is to a large extent coherent with ISO 14001 but offers additional reporting and validation that can be used as a platform to further stimulate environmental performance and administrative simplification if taken up by stakeholders*

7.4.5. Summary

Where questions posed under the criterion "Coherence" overlap with questions answered in another section the reader is referred to the appropriate questions.

[67] The competent body receives the organisation's environmental statement together with the verifier's declaration of verification. The competent body must be satisfied that there is no breach of legal compliance based on the additional evidence requested and received (such as a written report from the infringement authorities).

Q12: To what extent are both voluntary Regulations consistent as policy tools with current and new policy objectives in the seventh EAP, the roadmap to a resource efficient Europe, the circular economy action plan and the single market for green products? Are there opportunities to align further?

See Q1-Q3 (section 7.1.4 – Relevance)

Q13: To what extent do the voluntary Regulations support the EU single market and the creation of a level playing field for economic operators?

See Q20 (section 7.5.3 – EU Added Value)

Q14: To what extent do the voluntary Regulations satisfactorily complement other SCP instruments, including ecodesign and the Energy Label?

See Q1-Q3 (section 7.1.4 – Relevance)

Q15: What specific inconsistencies and unjustified overlaps, obsolete provisions and/or gaps, if any, can be identified with other pieces of EU legislation e.g. in terms of definitions, reporting and key concepts? If present, how are they affecting the performance of the Regulations?

The earlier section on relevance found that the Regulations are consistent with current and new policy objectives. Section 7.5.2. below discusses added value from harmonisation at EU level.

There is a general coherence between the SCP instruments. However, it has not been possible to achieve full coherence between the EU Ecolabel and Ecodesign/Energy Label because of a lack of alignment between the work plans and differences in the focus and scope of the two labels. These combined with differences in awareness of the EU Ecolabel and the Energy Label also mean that it may not always be most appropriate to apply them both to the same product. There is also room to consider how better to incorporate both the EU Ecolabel and EMAS into public tenders and wider EU legislation.

Q16: What scope is there for aligning key aspects across the Regulations concerned?

See Q15 and Q17 (this section)

Q17: To what extent has the scope for policy integration with other policy instruments been fully exploited?

The schemes are coherent with EU policy. However, there is room to explore further synergies with EU policies including the circular economy action plan, the development of the EU strategy for a non-toxic environment, the Unfair Commercial Practices Directive, the Public Procurement Directive and the IED as these could make better use of the opportunities provided by the EU Ecolabel and/or EMAS.

There is coherence between EMAS and the EU Ecolabel. However, the development of EU Ecolabel criteria for services should be considered in the light of potential confusion and synergy with EMAS.

EMAS and the EU Ecolabel are coherent with other instruments and international standards. However, while the EU Ecolabel takes inspiration from other schemes, its different requirements, timing and procedures make it difficult to take full advantage of the scheme. In addition, the EU Ecolabel's role as a benchmark for new ecolabel criteria adopted by other officially recognised Ecolabels has not yet been monitored or encouraged. EMAS is to a large extent coherent with ISO 14001 but offers an additional reporting and validation element that can be used as a platform to further stimulate environmental performance and administrative simplification when taken up by all stakeholders.

Q18: How could any possible obsolete provisions in the Regulations be explained? Are there any provisions that would need more flexibility?

See Q11 (section 7.3.6 – efficiency)

7.5. EU added value

This section looks at the relationship between the objectives of the interventions and the actions that create EU added value. It has been guided by the following questions:

> *Q19: What is the perception of the Regulations among different stakeholders, including SMEs and consumers?*
>
> *Q20: What is the additional value resulting from the EU intervention(s)?*

7.5.1. Stakeholder perception of EU added value

Flash Eurobarometer 367 (July 2013) revealed that 77 % of the EU population are willing to pay more for environmentally friendly products if they feel that the claim can be trusted. 84 % of EU consumers believe that the environmental impact of products is important. Only about half of EU citizens trust producers' and companies' own environmental claims and 69 % agree that companies should be obliged to report on their overall environmental performance and the environmental performance of their products. This indicates that consumers do attach value to trustworthy third-party verified information on the environmental impact of products and organisations.

As both instruments are voluntary instruments the intention is to create an added value for those who choose to take up the schemes so that they are seen as attractive in themselves. In

relation to added value the nature of the schemes build on the added value to participants as a driver to increase uptake. The percentages discussed below relate to the number of respondents to the consultation activities carried out under the supporting evaluation studies.

The EU Ecolabel

79 % of the 364 who responded on the questionnaire for the EU Ecolabel study[68] considered the EU Ecolabel to be a valuable tool to facilitate higher uptake and free circulation of green products across Europe.

There was full consensus among NGOs (26 replies in total) that the EU Ecolabel is a valuable tool to facilitate the free circulation of green products.

For competent bodies (24 replies in total), the level of agreement is 91 %, while for government bodies (18 replies in total) it is 86 %.

83 % of EU Ecolabel licence holders responding agree that the EU Ecolabel is a valuable tool, while 82 % of consumers who replied regard it as having a good reputation.

Among retailers and trade organisations, 57 % and 47 % of respondents respectively regard the EU Ecolabel as a valuable tool.

87 % of SME respondents and 74 % of large companies respondents regard the EU Ecolabel as a valuable tool.

The notable exception is electrical equipment producers: only 38 % of those who replied consider the EU Ecolabel a valuable tool for achieving the free circulation of green products across Europe.

There was roughly the same distribution between stakeholders results for the response to the question about whether it is beneficial to have a set of common requirements in pursuit of a single market for green products. In this case 87 % of respondents consider it beneficial.

While 95% agreed that the EU Ecolabel should keep existing there was almost a 50-50 split as to whether or not the EU Ecolabel should be maintained as it is now or changed. Only 5 % of the respondents said that it should be abolished. Among current licence holders, responses were mixed - 60 % felt it should be maintained as it is and 40 % that it should be changed.

Among non-licence holders the distribution was reversed, with approximately 40 % of responses in favour of maintaining the EU Ecolabel as it is now. 100 % of NGO responses recommended a change and 82 % of responses from competent bodies thought that a change was needed.

In the evaluation, Member States were grouped as high, medium or lower performance based on how well the scheme performed in that country. 41 % of Member States with high performance and 38 % of those with medium performance were in favour of retaining the scheme as it is. Among those with lower performance, 49 % were in favour of retaining it without change.

[68] For sample see the section on method.

When asked about what changes they would suggest, 97 % of respondents found that more promotion and marketing were needed and 94 % agreed on the need for streamlining the process of developing EU Ecolabel requirements.

A recent study examined aspects of consumer awareness, understanding and trust of different environmental labels and green claims in 11 EU countries, including the EU Ecolabel.[69] It showed that 36 % of respondents were aware of the EU Ecolabel (i.e. 36 % answered positively for the EU Ecolabel in response to the question 'Have you ever seen the following labels or terms?').

Of those respondents that were aware of the EU Ecolabel, over two thirds had a partial understanding of the logo, i.e. they were able to associate the logo with some correct definitions but also gave incorrect answers. Less than a third had no understanding at all, i.e. they associated the logo with incorrect definitions only.

Only half (49 %) of respondents who had seen the EU Ecolabel before were aware that it demonstrates that a product is among the most environmentally friendly in its category.

29 % of respondents indicated that they had 'high trust' in the EU Ecolabel and 39 % 'some trust'. For regional/country specific labels such as Nordic Swan and German Blue Angel, these percentages were slightly higher (45 % 'high trust' and 31 % 'some trust' for Nordic Swan and 45 % 'high trust' and 36 % 'some trust' for Blue Angel).

It was also shown that trust in the labels increased among consumers who were aware of them. This was in particular the case for the EU Ecolabel: 41 % of respondents who were aware of the EU Ecolabel said that they had 'high trust' in it and 42 % said that they had 'some trust' in it, making it one of the more trusted labels.

EMAS

EMAS organisations were asked about their environmental performance. In considering their replies, it should be noted that replies were received from 467 EMAS registered organisations with diverse backgrounds, production processes and EMAS experience and each organisation individually defines its own targets based on its current performance.

:

- 85.3 % reported improved or significantly improved performance on energy efficiency;
- 75.8 % reported improved or significantly improved performance in the use of materials;
- 72 % reported improved or significantly improved performance on water consumption;
- 76.7 % reported improved or significantly improved performance on waste production;
- 32.4 % reported improved or significantly improved performance on biodiversity;
- 60.7 % reported improved or significantly improved performance on air emissions.

[69] See Executive Summary and Chapter 3 'Consumer perceptions' of the Consumer Market Study on Environmental Claims for non-food products.
http://ec.europa.eu/consumers/consumer_evidence/market_studies/environmental_claims/index_en.htm.

This indicates that there is a perception that participating in the scheme generates added value with more than 70 % of all surveyed for the EMAS study finding that they improved or significantly improved performance on energy efficiency, use of materials, water consumption and waste production. This should be seen in the light of the environmental benefits reported under effectiveness in this fitness check, which although lacking quantification, do show improvements to the environmental performance of EMAS registered organisations .

Among the list of potential benefits proposed in the survey, registered organisations acknowledged experiencing 10 of them specifically due to the implementation of EMAS. Typically, when organisations did not acknowledge certain potential benefits, this was connected to lack of recognition (e.g. regulatory relief, recognition by shareholders and financial institutions or competitiveness). This is a good reflection of the barriers identified in the evaluation on recognition and was more or less similar irrespective of companies' size.

On average, EMAS-registered companies indicated environmental reporting as the fourth most important out of eleven factors suggested as important for driving environmental benefits. Other important factors in order where achieving technical progress, implementing the EMS and complying with environmental legislation in general. Interestingly, all these rank higher in importance than environmental fees and taxes.

Stakeholders also reported experiencing improved legislative compliance (verifying legislative compliance is part of EMAS and if this is not done, then the company does not qualify as EMAS. Opposite ISO, with EMAS this verification is being checked by national authorities and can be checked as well by other third parties because of the obligation of open and transparent reporting. With ISO all information remains confidential between the organisation and the ISO verifier without potential for scrutiny), making them less at risk of incurring environmental sanctions. This means that even if EMAS is not integrated into the broader legislative framework, the fact that companies commit themselves to the scheme and as a result improve their legislative compliance can result in fewer breaches of the legislation (with the associated cost that breaches carry for companies and national authorities).

Generally, stakeholders involved in both schemes considered that they provide added value at EU level. However, as described under the effectiveness section, this has not triggered major uptake of the two schemes, primarily due to lack of awareness and market recognition including by national authorities responsible for integrating the schemes into national legislation. The cost of compliance was also found to play a role.

The fact that companies' uptake of the ISO 14001 international standard by far exceeds that of EMAS (which sets more ambitious and more onerous requirements) indicates that the broader target group of companies consider that the additional requirements of EMAS are not offset by enough additional benefits.

The EU population supports the idea of reliable and trustworthy information on the environmental performance of products and organisations. 77 % of the population surveyed for Eurobarometer have indicated that they are willing to pay more for an environmentally friendly product if they feel the claim can be trusted.

Stakeholders involved in the two schemes generally find that the tools provide added value at EU level. This is because:

- *EU Ecolabel stakeholders (79% of 364 replies) consider the scheme to be a valuable tool to facilitate higher uptake and free circulation of green products on the EU market; 95% wanted to keep it either as it is or with changes.*
- *EMAS organisations (more than 70% of 467 replies) find that the scheme helps them achieve improved or significantly improved performance on energy efficiency, use of materials, water consumption and waste production. The environmental reporting element also helps them improve legislative compliance.*

7.5.2. Added value from intervention at EU level

At a general level, harmonising rules and procedures creates an enabling platform that provides an opportunity for producers and service providers to benefit from a common internal market. This is also true for products and services with a positive environmental impact and for the environmental performance of companies and organisations across Europe. As illustrated in the intervention logic (Section 3.3) the EMAS and EU Ecolabel schemes established this platform to support producers and organisations that are willing to go beyond what is required by mandatory measures in their environmental performance. The potential for taking advantage of the internal market are achieved through definition of common EU Ecolabel criteria, sectoral reference documents (for EMAS). This potential is also supported by the reporting platform provided by EMAS which is based on a set common core indicators making organisation performances transparent and comparable. On top of that EU added value is offered by the opportunities provided by the rules and procedures for further integration and streamlining into environmental policy. This is connected to the business model offered by schemes that emphasise not only commonly agreed criteria and sectoral references, but also transparency and access to information by third parties – including national authorities with the potential to grant regulatory relief. This combination is not offered by other tools – including ISO 14001, that may be used by some as a basis for granting regulatory relief, but then based on trust and without the access to information to verify actual compliance offered by EMAS.

Having a level playing field supported by intervention at EU level can be especially useful for SMEs both at a national and intra-EU level. SMEs often do not have the capacity to

develop their own system to communicate credibly about their environmental performance or to apply different systems. Their major problem is that they often do not have the necessary knowledge, which leads them to fear entering markets in other EU countries because they do not know which rules apply.[70] The EU Ecolabel criteria provides easy access to information about the environmental impacts and hotspots for producers of certain products and the sectoral reference documents provide information to organisations within certain sectors about the potentials and best ways to reduce environmental impacts and minimise resource use. While this can be taken up voluntary by producers and organisations who want to engage more actively in the schemes and obtain the EU Ecolabel or the EMAS certification; the information is made freely and easily available for all producers and organisations to consult and implement without applying for EMAS or the EU Ecolabel. This may be an attractive option for many who want to reap the benefits of more resource efficient production or just more environmentally friendly products and production in general – but without engaging actively in the schemes. Therefore the general objective – i.e. to contribute to reduction of the environmental impact of consumption and production (see section 3.2.) is not only achieved through formal uptake of the schemes, but also by its ability to adequately reflect real environmental improvements and inspire changes in general.

The EU Ecolabel creates a level playing field for companies across Europe. By establishing EU-wide scientifically based criteria for environmental performance and insuring third-party verification, it gives credibility, clarity and utility of information to consumers and reduces administrative burdens and complexities compared to the administration of what would potentially be 30 independent national schemes. This situation remains valid in the context of the single market. A study on the Nordic Ecolabel and the EU Ecolabel showed that the EU Ecolabel was used for products intended for export and also to stand out from competitors.[71]

The recent consumer market study on environmental claims for non-food products[72] showed that based on an online consumer survey and behavioural experiment conducted in 10 EU countries almost 60 % of consumers prefer to buy a product with an environmental label. Half of the consumers also look specifically for environmental information on the packaging when purchasing a product.

The study also showed that one of the main distinctions in the vast array of environmental labels is that between non-certified labels and third-party certified labels. When well designed, recognised, understood, trusted and perceived by consumers to be relevant, environmental labels can have a significant influence on consumer behaviour. Under these conditions, labels can be a powerful tool to guide and shape consumer behaviour towards more environmentally friendly choices. Using a reputable labelling scheme with clear criteria will often be one of the most effective ways for businesses to demonstrate to consumers that they are meeting high environmental standards.

Strong competitor labels to the EU Ecolabel exist only in limited parts of Europe and they do not undermine the validity of a common European approach and do not have ambitions of being EU wide. Therefore, it is not the case that the EU Ecolabel is mainly a tool in countries where there is already an existing ecolabel. In fact, countries with strong national or regional labels also perform relatively well in the EU Ecolabel scheme.

[70] SWD(2015)202.
[71] The coexistence of two Ecolabels.
[72] Consumer Market study on environmental claims for non-food products.

The existence of other labels and the proliferation of environmental claims do, however, still confuse consumers who want to make a sustainable choice. The consumer market study on environmental claims of non-food products shows that consumers, feeling 'lost' about the meaning of environmental logos, rarely distinguish between non-certified and third-party certified labels. Overall, the study highlights that consumers are faced with a profusion of labels or environmental claims and find it difficult to differentiate between products and trust the information available. In addition, green claims may not always meet legal requirements for reliability, accuracy and clarity.

EU Ecolabel criteria are agreed among all EEA countries and add value by providing a common reference across Europe for what can be considered an environmentally friendly product. By establishing and serving as a general reference point, the EU Ecolabel criteria also add value beyond the EU Ecolabel itself e.g. when used for green public procurement.

Due to its structure, the EU Ecolabel has not been able to establish itself as a 'market standard' for environmental claims in the same way as, for instance, the organic label, which guarantees that strict standards for certain claims are observed. The consumer market study on environmental claims for non-food products found that 76 % of all products assessed in shops contained an environmental claim, i.e. a message or suggestion that a product or its packaging has certain environmental benefits. It was also found that proactive surveillance or inspections are rather limited and in some cases inspectors have limited knowledge about how to correctly interpret the Unfair Commercial Practices Directive with reference to environmental claims. The study pointed also to possible non-compliance of environmental claims with EU legal requirements, as many of the analysed claims used vague terms and did not meet accuracy and clarity requirements. In addition, some claims seemed to contain untruthful statements

It should be noted that implementation of voluntary labels can still establish a market standard. This can be said for instance for the organic logo, which is voluntary too, but where other claims must be in conformity with the organic logo when terms referred to in Article 23(1) of Regulation (EC) No 834/2007 (e.g. organic, bio, eco) are used.[73]. In this way the organic logo ensures for all organic pre-packaged food produced within the European Union that although other labels may be used, the EU organic logo must also be present.

For EMAS, aside from encouraging better environmental performance and transparency, the use of a voluntary EU tool based on private third-party verification signed off by government authorities has also been used in some Member States as a way to decrease the administrative burden associated with environmental controls and reporting and complement more traditional command and control policies. Existing exemplary initiatives based on EU legislation in different Member States also prove that voluntary tools can be used to decrease or totally relieve organisations of an existing administrative obligation (see 7.2.3).

However, while having a multitude of certifications at national or regional level increases the burden of compliance on organisations that operate in several Member States, the existence of global schemes could potentially reduce the burden further. With more than 105 000 organisations certified in the EU and more than 285 000 worldwide, ISO 14001 clearly represents an alternative to EMAS (4000 registered organisations) for organisations looking to implement a more widely recognised environmental management system without

[73] http://ec.europa.eu/agriculture/organic/documents/logo/organic_logo-faq_en.pdf.

submitting to the reporting, verification and transparency requirements in EMAS. EMAS's added value should therefore also be evaluated in the light of the existence of ISO 14001. However, illustrated by the fact that EMAS deliberately builds on and specifically refer to the core requirements set by the ISO 14001 standard, these schemes where not intended as competitors but should be seen as sequential steps in the process of improving environmental performance and credibility. Indeed, most of EMAS registered organisations are also certified under ISO 14001 and decided to take an extra step to obtain the EMAS registration.

Both EMAS and ISO 14001 are based on the same environmental management systems, but EMAS goes further by also including Sectoral Reference Documents guiding environmental performance improvement and a significant reporting dimension. The reporting, which is signed off by public authorities,[74] is based on three specific requirements laid down in the EMAS Regulation:

- a demonstration of legal compliance;
- a mandatory external communication; which includes reporting on a set of indicators (environmental statement);
- consultation with national authorities on potential outstanding compliance or other issues and registration by the national competent body.

Due to its public nature, its reporting feature and the signing-off of this reporting by public authorities, the EMAS environmental management scheme offers the highest potential for being taken into account by public authorities when considering regulatory relief or integration with other policies. In the period evaluated, EMAS demonstrated a proven capacity to be used to replace legal obligations and to more efficiently manage administrative controls in different Member States and in such cases also to lighten the administrative burden on organisations. While regulatory relief may also be granted on the basis of ISO 14001; in such cases regulatory relief is granted based on trust and without access to information by national authorities on actual compliance and performance of the organisation.

EMAS reporting (i.e. the environmental statement) can also potentially be used to comply with the requirements of other policies such as the new Non-financial Reporting Directive, for international voluntary initiatives such as the UN Global Compact or to show commitment to the UN Sustainable Development Goals on the inclusion of sustainability in environmental reporting.

There is possible added value at Member State level when countries see and trust the potential of EMAS and understand how to integrate the scheme into a strategic environmental framework e.g. by exploiting the synergies between collection and verification of data at organisational level and the streamlining of environmental inspections with the possibilities for regulatory relief. However, a majority of Member States have not recognised this added value or have not invested the resources needed to realise it. According to the supporting study, those differences in recognition are mainly caused by how the EMAS and ISO 14001 schemes are implemented in the different Member States and by the level of trust authorities have in environmental certification in general. Obviously, if there are a low number of registered organisations in a particular Member State, this can discourage that country from making the effort to further integrate the scheme in its environmental framework.

[74] This differentiation, which is intrinsically linked with the public nature of the EMAS instrument, will not be touched during the revision of ISO.

Member States that have recognised this added value (such as Austria or Germany) have also put in place the conditions for robust verification of legal compliance through EMAS registration,[75] contributing to increased trust in the scheme. This has mainly been done by:

- assuring efficient communication between EMAS competent bodies and authorities;
- providing additional guidance to EMAS verifiers, stressing the specific EMAS requirements on verification of legal compliance, which differentiate EMAS from ISO 14001 requirements.

The fact that EMAS competent bodies cannot register and should suspend any organisation accused of a breach of legal compliance until the issue has been solved also strengthens the trust authorities have in EMAS. By contrast, ISO certification can be delivered based on an action plan to solve such issues which would then require control that this is actually done; and without allowing national authorities with access to information.

EMAS offers additional added value because it can differentiate those who are willing to take an extra step from mainstream organisations or those who are ISO certified. Organisations wanting to be recognised (by a third party) for going the extra mile and accepting full transparency on their performance can obtain credible recognition through EMAS registration and production of the required reports. The scheme can demonstrate that organisations have improved their environmental performance on specific environmental aspects monitored through core indicators and sectoral benchmarks of excellence. Although other tools can also contribute to performance improvement, EMAS has the capacity to demonstrate this in a credible and structural way. This allows EMAS-registered organisations to stand out from the 285 000 organisations using ISO 140001 as a licence to operate in the EU.

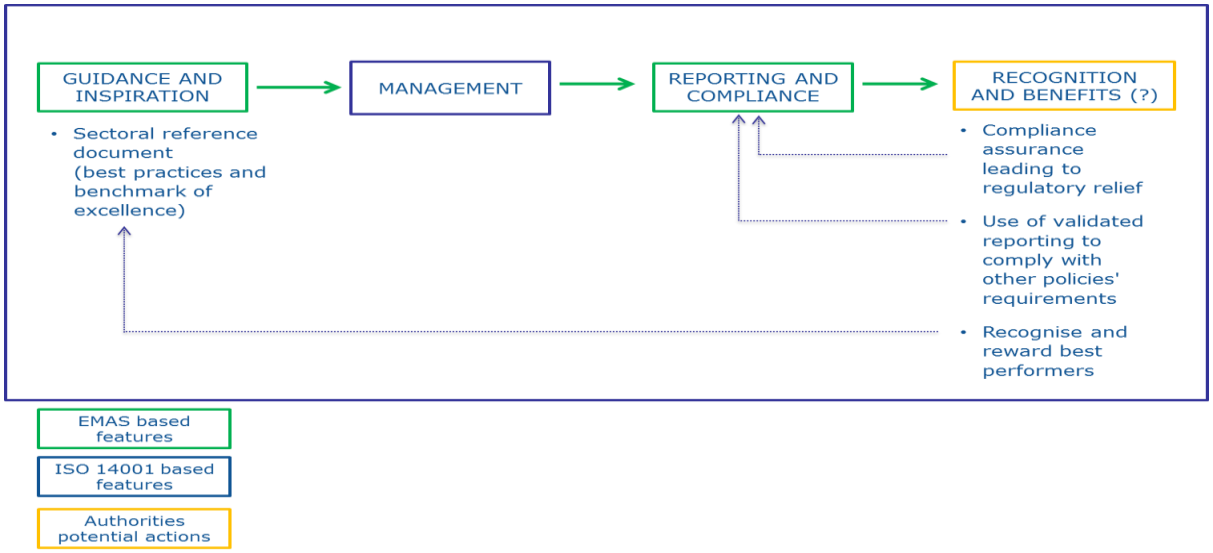
EMAS also differentiates in its capacity to deliver improvements in environmental performance. Based on desk research,[76] the evaluation study indicates that EMAS does result in better environmental performance than the ISO standard. The fact that specific reporting on core indicators is set up within EMAS also makes it easier to use EMAS as a strategic tool to stimulate specific improvements. The existence of sectoral reference documents proposing best environmental management practices, sector specific indicators and benchmark of excellence also contribute to strengthen EMAS capacity to trigger performance improvement.

As shown in the chart below, EMAS has distinctive features which play an important role in improving organisations' environmental performance. However, most Member States do not recognise the extra achievement of organisations complying with the requirements specific to EMAS. This prevents the scheme from deliver a sufficient added value to environmental front runners.

Figure 12: Environmental performance improvement process: EMAS added value:

[75] By contrast, a Member State applying the same conditions of verification to ISO 14001 and EMAS logically does not recognise the added value of EMAS with regard to delivering regulatory relief.

[76] Evaluation study page 192. Reference to 'Testa, F., Rizzi, F., Daddi, T., Gusmerotti, N.M., Iraldo, F. and M. Frey 2014, EMAS and ISO 14001: the differences in effectively improving environmental performance. Journal of Cleaner Production 68:1, pp. 165-173.'
Also REMAS study http://remas.academe.co.uk/.



Finally, EMAS has demonstrated its capacity (and therefore the EU's capacity) to contribute to setting the agenda for the development of organisations' environmental management capabilities and ambitions. This is confirmed by the analysis of the new provisions in the draft ISO 14001:2015 standard. These new provisions, which are aimed at scaling up the scheme, contain new features directly inspired by EMAS, such as more focus on continuous performance improvement, stronger commitment on compliance obligations and optional external communication. The new provisions were also inspired by interviews with Member State representatives, which revealed that EMAS was taken as a reference point when developing national/regional informal environmental management standards.

Ultimately, EU added value for final environmental effects has to be compared against the uptake of the schemes. For EMAS as for the EU Ecolabel, the level of uptake also means that the final environmental benefit directly achieved is limited. It is also clear that the value added — or perhaps value given — differs from Member State to Member State and from company to company. Both instruments are voluntary and the value given is largely decided at Member State or at company level. The reasons for using the scheme may also vary considerably.

While it is difficult to say what kind of value added could be expected from voluntary tools, it is clear that value added could be increased by increased uptake. For green public procurement, a voluntary target of 50 % has been set to stimulate more green activities. However, it is also clear that voluntary targets need to be followed by actions if they are to be met.

The EMAS and EU Ecolabel schemes provide added value by creating an enabling platform for environmental claims across Europe. This platform provides:

- *harmonised rules and procedures across the internal market;*
- *credibility and transparency for claims, based on 3rd party verification;*
- *information on and a common reference for environmental performance of products and organisations;*
- *the opportunity for integration and streamlining with other EU policies;*
- *support for producers and organisations that are willing to go beyond mandatory measures, including especially for SMEs.*

However this potential is not being fully realised as:.

- *the platform has not been attractive enough to create a drive for major uptake and thus for a significant shift in the market and to realise the potential for environmental benefits through sustainable consumption and production.*
- *ISO14001 provides a "lesser" but more widespread alternative to EMAS with harmonised rules and procedures for environmental management at global level but without the EMAS-specific SRDs guiding performance improvement or a independently verified compliance and reporting platform with the same potential to trigger regulatory relief and decrease administrative burden tied to EU reporting.*

7.5.3. Summary:

Q19: What is the perception of the Regulations among different stakeholders, including SMEs and consumers?

The EU population supports the idea of reliable and trustworthy information on the environmental performance of products and organisations. Stakeholders involved in the schemes generally find that the tools provide added value at EU level. Stakeholders consider the EU Ecolabel to be a valuable tool to facilitate higher uptake and free circulation of green products on the EU market and want to keep it as a tool. EMAS organisations find that the scheme's environmental reporting element helps them achieve a good environmental performance and improve legislative compliance.

Q20: What is the additional value resulting from the EU intervention(s)?

The EMAS and EU Ecolabel schemes provide added value by creating a platform for environmental claims across Europe. This platform provides:

- *harmonised rules and procedures across the internal market;*
- *credibility and transparency for claims;*
- *information on and a common reference for environmental performance of products and organisations;*
- *the opportunity for integration and streamlining with other EU policies;*
- *support for producers and organisations that are willing to go beyond mandatory measures, including especially for SMEs.*

However, the schemes have not been attractive enough to bring major uptake and therefore also a significant shift in the market and thus do not realise their full potential to deliver environmental benefits through sustainable consumption and production. Also, ISO14001 provides an alternative to EMAS with harmonised rules and procedures for environmental management at global level but without providing the EMAS-specific SRDs guiding environmental performance improvement or a compliance and reporting platform with the same capacity to trigger regulatory relief and lighten the administrative burden.

Section 8 Conclusions

Both EMAS and the EU Ecolabel are voluntary tools intended to support more sustainable production and consumption. The voluntary nature of the Regulations puts significant constraints on the data that can be obtained on the schemes' performance — especially in relation to quantification and benchmarking. Not least, data are only available for those who actually participate in the scheme and not for the market or the sector as a whole.

Evaluating EMAS and the EU Ecolabel involves a diversity and complexity of issues that need to be addressed. For example, all environmental impacts (not just individual components like energy use or NOx emissions, which can be measured and compared) and all stages of the life-cycle (not just in the use-phase as is most common) need to be assessed.

The lack of a commonly agreed method to measure and benchmark the environmental performance of products and organisations limits the possibility to transform the existing data into something that can be used for comparison and evaluation. This is most obvious for the EU Ecolabel, which is defined as a label of excellence with a benchmark of the 10-20 % products with the best environmental performance on the market. However, this is equally important for EMAS, where comparison against a baseline or ISO 14001 could have been useful in the absence of a well-defined target for the environmental improvement objective.

The development of the product and organisational environmental footprint should provide us with a method for quantifying and benchmarking products' and organisations' environmental performance. However, work on this is still in a pilot phase and was not

available for this fitness check. Moreover, having a method will not solve the problem of data availability.

Finally, in the Regulations no quantitative targets has been established and agreed for the uptake of EMAS and the EU Ecolabel by producers, organisations or consumers against which the other main objective of this fitness check could be evaluated in terms of effectiveness and efficiency.

These (pre-existing) limits and constraints affect the results that could be obtained through this fitness check also when compared with what can be expected from other fitness checks. However the work presented here provides a comprehensive understanding and sufficient evidence to draw conclusions about how the schemes function and perform and the different barriers and drivers they experience. However it is not possible to measure in a quantitative way whether the Regulations have met their objectives.

As to the objectives of the Regulations, we can conclude the following from the findings of this fitness check:

- The contribution of the regulations to the *general objective* established for this fitness check (i.e. to reduce the environmental impact of consumption and production) is limited by the level of uptake of the schemes.

- The contribution of the regulations to the *specific objectives* (i.e. to promote continuous improvements in the environmental performance of organisations and promote products with reduced environmental impact), is partly delivered by providing an institutional platform for the voluntary promotion of products and organisations across the single market

- The regulation on the one hand in general delivers on *operational objective 1* (i.e. to ensure environmental performance through EMAS and the EU Ecolabel) through the EU Ecolabel criteria and through the environmental improvements in organisations. On the other hand it delivers only partly on *operational objective 2* (i.e. ensuring uptake of EMAS and the EU Ecolabel) through the limitations in final uptake by producers and organisations.

With regard to the five evaluation criteria (relevance, effectiveness, efficiency, coherence and EU added value), based on the findings of this fitness check it can be concluded that:

The Regulations are **relevant** as responses to a growing need to change current consumption and production patterns; something that is also reflected in current policy objectives. Among EU tools, EMAS and the EU Ecolabel (together with green public procurement) are also unique in that they address the total environmental impact of the whole life cycle, thus addressing the increasing number of impacts that happen outside Europe. The ability to address this need is related to the effectiveness of the schemes.

The Regulations can be considered **partly effective** as voluntary instruments to promote environmental improvements in products and organisations. A framework has been established that facilitates the distinction and promotion of the environmental performance of products and organisation through use of the EU Ecolabel and EMAS certification. However, the main limitation to the overall effectiveness is the take-up.

Within the framework the process of developing EU Ecolabel criteria ensures that criteria reflect improved environmental performance for products that carry the label. However, the quantitative benchmark of environmental excellence (covering the top 10-20 % of environmental performance of products on the market) cannot be verified due to the lack of an agreed methodology and data. Also, in some cases where criteria are extended without a thorough analysis of the market situation, the EU Ecolabel may no longer reflect environmental excellence.

Within the framework, EMAS organisations deliver improved environmental performance on seven out of nine core indicators (energy, water, CO_2, NOx, SOx, PM and biodiversity), with, two indicators (waste and materials), the indictors are negative. However, most EMAS-registered organisations do experience an improvement also on waste and materials, indicating that the core indicators may not accurately reflect the position in a specific sector or of the action taken. Studies point out that EMAS generally delivers a better increase in environmental performance than ISO 14001. On the other hand, the much lower uptake of EMAS (4000 organisations in the EU) compared to 105,000 for ISO, signals a lower overall impact.

However, effectiveness compared to overall societal needs is limited as far as the framework does not facilitate sufficient uptake of EMAS and the EU Ecolabel to drive the market and thus achieve environmental benefits and significant changes in overall consumption and production patterns. Generally, stakeholders agree on three main barriers to uptake that are common to EMAS and the EU Ecolabel:

- lack of market reward: this means that producers and organisations participating in the schemes do not consider that their expectations of increased sales and turnover are met. The dominant reason given for this is lack of awareness among consumers and business partners due to lack of commercial and promotional activities;
- lack of recognition in public policy: this means that producers and organisations participating in the schemes do not feel that public policy offers significant recognition such as access to public procurement or regulatory or tax relief;
- compliance and verification cost: such costs are connected to the cost and complexity of internal procedures needed to demonstrate compliance rather than the actual application fee.

For both schemes, uptake varies greatly from Member State to Member State and in part, reflects the resources invested in the schemes. For EMAS in particular, the most effective uptake is achieved where Member States are successful in integrating EMAS into their environmental policy framework and ensuring support through regulatory relief or other support measures e.g. in connection to environmental inspections. This approach has achieved relatively better results. Germany, Spain, Italy and Austria, who have been active in delivering such specific measures accompanied by information and promotion activities, are also the leading countries for uptake of EMAS.

For the EU Ecolabel, it has not possible to establish direct causal links with the data provided for this fitness check. However, the existence of a strong national or regional ecolabel does not indicate that fewer resources are invested in the EU Ecolabel or that there is less uptake by producers compared with Member States where such a label is not in place. This suggests that the existence of strong national labels is not the first barrier to uptake – but that two labels can coexist if the market is developed. Although it has not been possible to establish a direct causal relationship it is clear that there is a large potential to enhance the market value of the EU Ecolabel through green public procurement activities at Member State level.

For the EU Ecolabel significant uptake is achieved for some product groups but also marginal or no uptake is observed for a significant number of product groups. Potential reasons pointed to in this fitness check are:

- difficulties in implementing Article 6(6);
- lack of understanding of the EU Ecolabel's role in different purchase decisions;
- potential overlap with the Energy Label.

In general, however, the EU Ecolabel's dynamics and its role on the market for different types of products are little understood.

Based on the limited data available the regulations can be considered **partly efficient** when considering cost and effect in terms of their output e.g. the number of product group criteria and sectoral reference documents and the trustworthiness and credibility of the schemes. At the level of the Commission, a rough estimate of the average annual management cost (i.e. excluding Human Resource costs) at EU level is EUR 500 000 for EMAS and EUR 1 100 000 for the EU Ecolabel is considered relatively small; this maintains a system of 33 product groups, 2 000 licences and 44 000 products for the EU Ecolabel and 4 000 organisations and 7 500 sites for EMAS. However there is no quantitative benefits data against which to weigh these costs.

The resources invested in the schemes at Member State level vary significantly, with some countries investing as little as EUR 3 000 annually in EMAS and others only investing EUR 8 000 annually in the EU Ecolabel. This reflects both the schemes' voluntary nature and the flexibility in implementation at Member State level, but it is also clear that the Regulations do not constitute a burden on Member States beyond what they may consider appropriate themselves. No estimation of benefits could be provided.

However, some inefficiency has been observed. In general, the barriers to effectiveness identified in the fitness check shift the calculation of cost and benefits done by potential applicants. Some of these barriers are the result of the need to ensure adequate reliability and trustworthiness. Such issues may be difficult to characterise as inefficiencies but they raise the issue of how to strike the right balance between: easy uptake by producers and the trustworthiness needed for integration in public policies and for uptake by consumers. Other issues point more towards a lack of strategic direction and priority setting than lack of efficiency in the work being done. For example, resources for the EU Ecolabel are being invested in work on criteria for product groups where there is no uptake of the scheme.

For EMAS, causes of inefficiency include:

- Issues related to scheme requirements such as a significant number of site visits, suboptimal inspection cycle for SMEs and the necessity to draft a specific environmental statement. Also, the scheme's operational interfaces (such as the use of national and EU registers) are far from being user-friendly. If these issues are addressed, the scheme can be made more user-friendly without compromising its quality and credibility. EMAS could increase efficiency by building on its public nature to establish systemic trust between authorities, organisations and verifiers. In this way, authorities can reward the efforts of organisations based on the information checked by verifiers. This would allow for further integration with other regulatory practices and open up the possibility of regulatory relief.

For the EU Ecolabel, the main causes of inefficiencies are:

- Article 6(6) on hazardous substances was found to be too onerous and consequently to have been a significantly limiting factor on uptake for some product groups. The criteria development suffers from inefficiencies and long procedures that try to adapt criteria to Article 6(6). In addition, producers still generally found it difficult to comply with the criteria that were finally agreed.
- Many consider the number of criteria for each product group to be too high. Although this is a consequence of trying to ensure environmental excellence, the evaluation study found that excellence could also be maintained with fewer criteria. This would lead both to a leaner and more streamlined criteria development process and to easier and less costly compliance and verification by producers and competent bodies.

A better evaluation of potential uptake before criteria are developed would ensure that the EU Ecolabel focuses efforts where the effects of uptake are greatest. This would contribute both to the general branding and awareness raising and make the scheme more effective.

EMAS and the EU Ecolabel are **broadly coherent** with the current policy objectives and intentions, but there is room to explore further synergies with EU policies including the circular economy action plan, the development of the EU strategy for a non-toxic environment, the Unfair Commercial Practices Directive, the Public Procurement Directive and the IED as these could make better use of the opportunities provided by the EU Ecolabel and/or EMAS. With regards to possible discussions on an EU Ecolabel for food products this should take into consideration potential overlap with the Organic label.

EMAS and the EU Ecolabel are coherent with each other. However, the development of EU Ecolabel criteria for services should be considered in the light of potential confusion and synergy with EMAS.

For the EU Ecolabel, an overlap exists with the EU Energy Label and with national and regional ecolabels. Where such overlaps exist, inconsistencies may arise from different areas of focus (geographical or environmental) even though harmonisation in methodology and procedure has been attempted. Such inconsistencies may add to the confusion for consumers. A specific need for better coherence between the work-plans of the EU Ecolabel and the Energy Label has been identified. For the EU Ecolabel, further integration of the use of criteria in public procurement procedures has also been identified as insufficient by many stakeholders.

For EMAS, coherence is not fully exploited because the scheme is not well integrated into the development, implementation and enforcement of other environmental policies. Pioneering exploitation of opportunities for regulatory relief has been successful, for instance in connection with environmental inspection and the IED. This has also been achieved with limited resources and without amending the EMAS Regulation. However, such initiatives remain too limited.

There is marked overlap with the revised ISO 14001 standard. ISO 14001 delivers a similar, but less ambitious, service and without the same potential for integration in the environmental policy framework, which is needed to achieve synergies and efficiency in the regulatory process.

Some of the main barriers to a more effective and efficient implementation of the Regulations remain in spite of attempts to address them in the latest amendments to the legislation and in spite of the continuing work to improve the policy framework. To a large extend this is because effectiveness is achieved through voluntary measures in Member States and by producers and organisations.

The Regulations **deliver EU Added value** to the extent that it provides a framework that ensures harmonised rules and procedures across the internal market and give credibility and transparency to environmental claims. The framework delivers information on and a common reference for environmental performance of products and organisations and the opportunity for integration and streamlining with other EU policies. In this way the framework support producers and organisations who are willing to go beyond mandatory measures; including especially SMEs who would not have the internal capacity to build the system by themselves.

The value of this framework is also generally recognised by stakeholders. For instance 77% of the EU population surveyed for Eurobarometer indicate that they are willing to pay more for environmentally friendly products if they feel that the claims can be trusted; 79% of those surveyed for the EU Ecolabel study found that the EU Ecolabel was a valuable tool to facilitate higher uptake and free circulation of green products across Europe while more than 70 % of all surveyed for the EMAS study found that they improved or significantly improved performance on energy efficiency, use of materials, water consumption and waste production.

However, the framework has not been attractive enough to create a drive for major uptake and a significant shift in the market and thus does not realise the full potential for its contribution to environmental benefits through sustainable consumption and production. Also ISO14001 provides an alternative to EMAS with harmonised rules and procedures for environmental management at global level but without providing the sectoral reference document guiding performances improvement as well as a compliance and reporting platform that has the capacity to trigger regulatory relief and decrease of administrative burden

Annexes

1. Procedural information

2. Information on stakeholder consultation

3a. EMAS analytical model

3b. EMAS and ISO: a schematic overview

3c. Actions and measures taken by Member States in the context of the EMAS Regulation

3d. EU Ecolabel analytical model

4. Historical overview on EU Ecolabel product groups

Annex 1: **Procedural information on the preparation of the fitness check**

2014	January	Initiation of evaluation studies
2014	May-July	Consultation on questionnaires
2014	September	First Steering Group meeting: adoption of fitness check mandate
2014	October	Workshop on the Ecolabel and EMAS evaluation studies
2015	February	Consultation of the Steering Group on the EMAS evaluation study
2015	April	Consultation of Steering Group on the EU Ecolabel evaluation study
2015	May	Second Steering Group meeting: discussion of draft staff working document
2015	November	Written consultation of the Steering Group on draft staff working document
2015	December	Approval of evaluation studies
2015	December	Third Steering Group meeting: discussion of draft staff working document
2016	January	Fourth Steering Group meeting: discussion of draft staff working document; Consultation on quality assessment of evaluation studies
2016	March	Regulatory Scrutiny Board
2016	April	Consultation of the Steering Group

A Steering Group for the EMAS and EU Ecolabel fitness check was established by open invitation to Commission departments. The following departments are represented by members of the Steering Group:

- the Directorate-General for the Internal Market, Industry, Entrepreneurship & SMEs
- the Directorate-General for Human Resources
- the Directorate-General for Climate Action
- the Directorate-General for the Environment
- the Directorate-General for Justice and Consumers
- the Secretariat-General
- the Joint Research Centre.

The Regulatory Scrutiny Board gave its opinion on 4 March 2016. The opinion was taken into account in and discussed with the Steering Group. The response is summarised below:

1. The report should better explain the scope of the fitness check within the broader policy context and justify its limitations. It should clearly outline the coherence of the analysed schemes with other initiatives within the sustainable product policy framework.

Main recommendations for improvements: The report should clarify the purpose of this report, its scope, and explain the broader policy context in relation to other initiatives within the sustainable product policy framework. In doing so, it should explain why it was decided to examine the EMAS and EU Ecolabel schemes together, and why other related initiatives were not included in the scope (such as mandatory ecodesign and energy labelling schemes or voluntary initiative on Green Public Procurement). The report should also explain and justify its limitations, compared with what is normally expected from a fitness check.

Main response to opinion:

- A more detailed description of the individual instruments in the SCP action plan has been included under section 3.1.
- A new section on scope has been included as section 5.1. This section also explains and justifies the limits to this fitness check compared with what could be expected from mandatory legislation, focusing on a more limited set of environmental impacts that does not extend to the whole life cycle.

2. The report should clarify how effective EMAS and EU Ecolabel have been in achieving the objectives of the Sustainable Consumption and Production (SCP) policy, separately and in synergy with other related schemes.

Main recommendations for improvements: The report should better explain whether the schemes have actually been effective and if they have delivered the environmental and market benefits covered by the policy objectives, taking into account the limited uptake of the schemes. In particular, it should analyse in how far they have contributed to the achievement of the goals of the Sustainable Consumption and Production policy, separately and in synergy with other related schemes (not covered in this exercise). Regarding EMAS, the report should explain to which extent the targets mentioned in the impact assessment report accompanying the latest revision of the scheme were achieved. Furthermore, it should better assess the effectiveness of EU Ecolabel criteria and whether the target of representing the best 10-20% performing products was reached.

Main response to opinion:

- Section 5.1. on scope explains the scope of the fitness check.
- A new section 7.2.8. reflecting the effectiveness of the SCP action plan as a whole has been included.
- Section 7.4.1. has been included on coherence between the different parts of the SCP action plan.
- The conclusions on EMAS targets and the environmental performance of EU Ecolabel criteria have been strengthened.

3. The fitness check should better demonstrate how efficient the schemes have been, including through a more robust analysis of actual impacts (benefits and costs). In particular, as the fitness check is conducted under the REFIT programme, the report should more clearly bring out the impacts on SMEs and highlight (and quantify wherever possible) the potential for simplification and burden reduction of the schemes.

Main recommendations for improvements: The report should clarify if the schemes have been efficient in achieving their objectives, looking at the net impacts, i.e. comparing the

costs and benefits of the schemes. Moreover, being part of the REFIT programme, the report should better analyse whether the interventions are fit for purpose, what the costs and administrative burdens are for SMEs, what the cumulative impacts are of the two Regulations, and what is the potential for simplification/burden reduction of the schemes (as far as possible in quantitative terms).

Main response to opinion:

- Section 5.3 has been updated to make it clearer why it is not possible to calculate net impacts and cumulative impacts.
- The conclusion has been strengthened to better answer whether or not the interventions are achieving their objectives (this is not considered an efficiency issue, but rather the purpose of the combined evaluation).
- The relationship between barriers and simplification/burden relief has been strengthened in section 7.3.2. However, since the report remains focused on retrospective elements, it does not address future potential.

4. The report should clarify what is the EU added value of the schemes, and how they compare with similar schemes such as ISO or national schemes.

Main recommendations for improvements: The report should explain in more depth the EU added value of the schemes, using more conclusive arguments to support their validity and relevance, illustrated by anecdotal evidence and stakeholders views. It should describe how the schemes support and complement measures taken at national and international levels. The EU Ecolabel's added value over other labelling schemes should be clarified, given that the scheme has been taken up primarily in those Member States that have national ecolabelling schemes. Also, given the failure to improve the market uptake of EMAS and the existence of ISO 14001, the report should provide a more credible analysis of its added value.

Main response to opinion:

- Section 7.5.1 is focused on stakeholder views.
- The fitness check emphasises that it is not so that the EU Ecolabel is primarily taken up in countries where national labels already exist. In fact, the existence of national labels does not in itself cause lower uptake. Added value comes from harmonisation on the internal market.
- More detail has been provided under section 7.5.2 on the EU Ecolabel's role in relation to other labelling schemes and EMAS's role in relation to ISO 14001.

5. The conclusions in the report should be more nuanced and reflect the analysis in the main body of the report.

Main recommendations for improvements: The conclusions in the report should be more nuanced and reflect the analysis in the main body of the report. They should reply clearly to the evaluation questions and be systematically backed up with evidence or stakeholders' views. Given the acknowledged limited availability of data, the report should explain how robust the conclusions are and what mechanism could be put in place to bridge the data gaps for future reviews. The report should clearly bring out the main conclusions regarding the key REFIT objectives, what lessons can be drawn for a possible future revision of the framework and what will be the follow up to this fitness check.

6. Procedure and presentation:
The summary boxes and the conclusion section should be coherent with the analysis provided in the main body of the report. Attention should be given to clearer drafting in order to avoid contradictions in the report, while mentioning explicitly any data limitations and data sources.

Main response to opinion:

- Section and chapter summaries have been tightened up and the link to the final conclusions and the evaluation questions strengthened.
- Section 6.2. on monitoring has been strengthened to address mechanisms to bridge data gaps.
- Section 5.1. on scope has been added to clarify that the staff working document is retrospective and that lessons for a possible future revision and potential follow up activities will not be addressed here.

Annex 2: **Stakeholder consultation**

Both evaluation studies used the results of extensive stakeholder consultations conducted through online questionnaires, face-to-face and phone interviews and stakeholder workshops.

The online questionnaires were distributed in summer 2014.

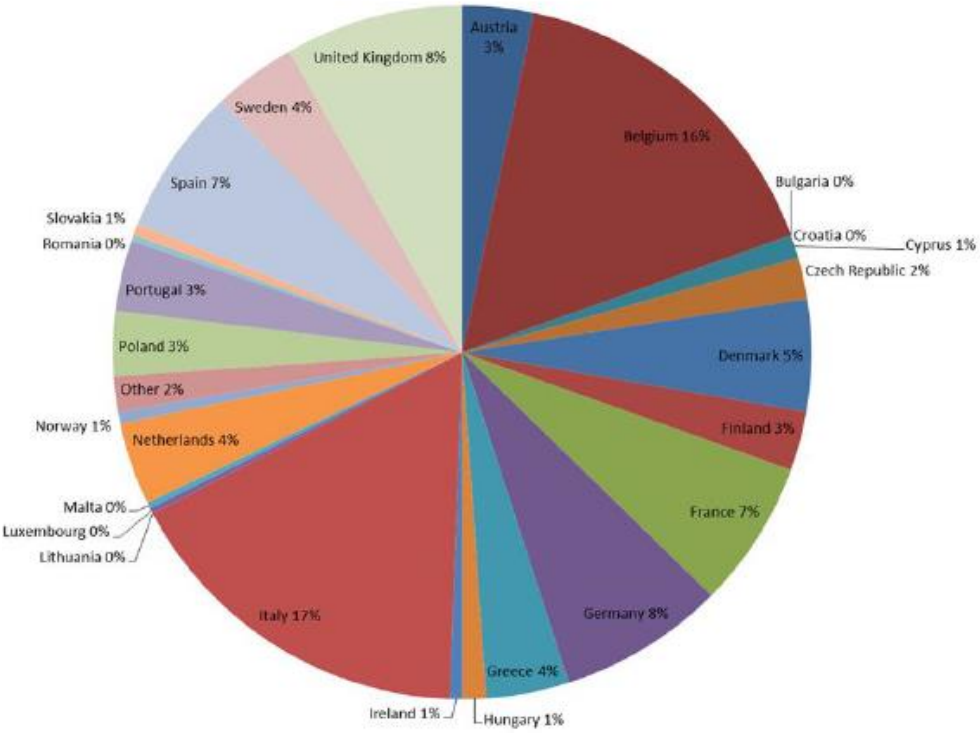
The EU Ecolabel

Stakeholders were consulted through an online consultation. A total of 364 responses were received. The composition of the survey sample is set out below:

Table 1: Distribution of survey sample by type of stakeholder

Stakeholder	Number of responses
Member State Competent Bodies	24
Member State Government Bodies	18
Licence Holders (Of which SMEs)	107 (67)
Non-Licence Holders (Of which SMEs)	23 (8)
Retailers	10
Consumer Groups / NGO	26
Trade Groups	55
Other	11
Consumers	90
TOTAL	**364**

Figure 1: Distribution of survey sample by country



Interviews:

Interviews were carried out in the six selected focus countries:

- Denmark and Italy were chosen to represent countries with a relatively high uptake;
- Germany and the Czech Republic was chosen to represent countries with a medium uptake;
- the United Kingdom and Poland were chosen to represent countries with lower uptake.

The selection also took into account the need to address countries with strong national ecolabels (e.g. Blue Angel in Germany) or regional ecolabels (the Nordic 'Swan' Ecolabel that Denmark shares with the other Nordic countries).

Key stakeholders consulted through interviews include:

- licence holders
- non-licence holders
- SMEs
- retailers
- competent bodies
- government bodies
- consumer organisations
- trade bodies and associations.

EMAS

Online consultation for organisations

Organisations were consulted via an online consultation. A total of 467 responses to the online questionnaire were submitted by organisations. The following tables present the survey sample.

Table 2: Response rate by country and EMAS population

Country	EMAS Population4	Sample	% responding
Austria	249	21	8%
Belgium	42	8	19%
Bulgaria	3	0	0%
Croatia	0	0	0%
Cyprus	51	1	2%
Czech Republic	25	8	32%
Denmark	54	6	11%
Estonia	6	1	17%
Finland	4	0	0%
France	19	1	5%
Germany	1228	122	10%
Greece	39	18	46%
Hungary	26	1	4%
Ireland	4	1	25%
Italy	1017	110	11%
Latvia	0	0	0%
Lithuania	8	0	0%
Luxembourg	2	0	0%
Malta	1	0	0%
Netherlands	5	1	20%
Norway	18	1	6%
Poland	45	1	2%
Portugal	58	4	7%

Romania	5	2	40%
Slovenia	1	1	100%
Spain	1072	123	11%
Sweden	16	4	25%
United Kingdom	48	12	25%
Other[5]		20	
Total	4048	467	11.5%

Table 3: Response rate by organisational size

Organisation size	Sample	EMAS population	% responding
Micro (<10 employees)	42	856	5.8
Small and Medium (>10 employees < 250)	262	2505	10.5
Large (employees >250)	151	687	22.0

Table 4: Distribution of survey sample by turnover

Annual turnover	Sample
Less than 1,000,000 euro	7.7%
1,000,001- 2,000,000 euro	6.3%
2,000,001 - 10,000,000 euro	24.4%
10,000,001 – 50,000,000 euro	21.1%
Higher than 50,000,000 euro	40.6%

Table 5: Distribution of survey sample by length of registration

Length of EMAS registration	Sample
Adoption in 2002 or before	26.3%
Between 1/2003 and 12/2005	17.3%
Between 1/2006 and 12/2008	21.9%
Between 1/2009 and 12/2011	19.4%
After 1/2012	15.2%

Table 6: Distribution of response rate for leading industrial sectors

Leading industrial sectors	Sample	EMAS Population	% responding
'Waste and disposal': NACE code 38	40	438	9.1%
'Fabricated metal products': NACE code 25	13	188	6.9%
'Electricity, gas': NACE code 35	25	257	9.7%
'Chemicals': NACE code 20	25	178	14.0%
'Manufacture of food products': NACE code 10	12	156	7.7%
'Manufacture of paper and paper products': NACE code 17	11	80	13.8%

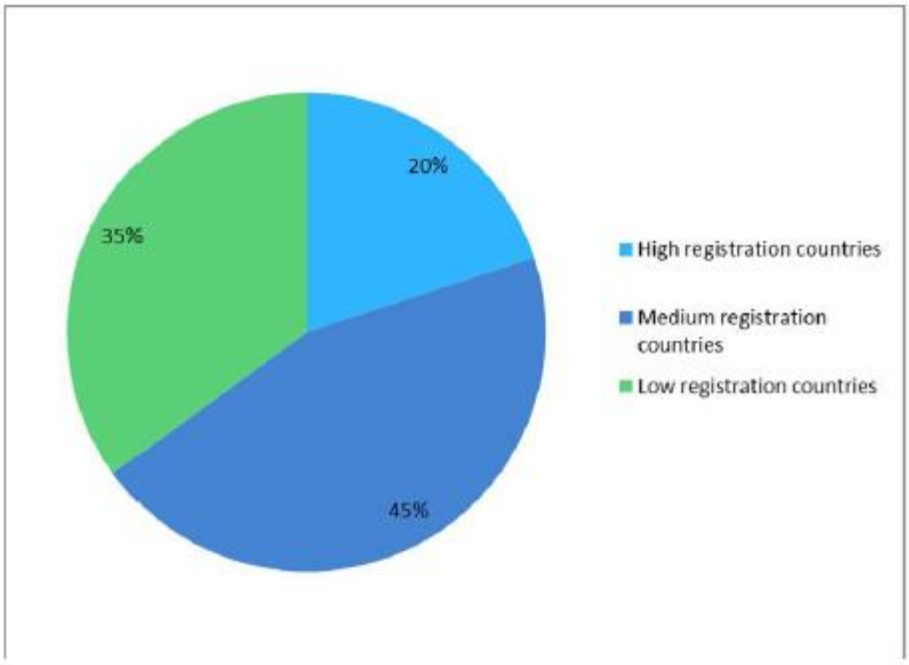
Table 7: Distribution of response rate for leading service sectors

Leading service sectors	Sample	EMAS Population	% responding
'Public administration': NACE code 84	40	436	9.2%
'Accommodation': NACE code 55	11	229	4.8%
'Activities of membership organisations': NACE code 94	7	220	3.2%
'Education': NACE code 85	13	200	6.5%
'Architectural and engineering activities': NACE code 71	6	116	5.2%
'Human health activities': NACE code 86	8	61	13.1%

Questionnaire for Member States

A questionnaire was sent to Member States. A total of 20 complete responses were received.

Figure 2: Distribution of responses from Member States by number of registrations



Interviews:

A series of interviews were conducted to obtain further information and a better understanding.

Table 8: Distribution of interviewees:

Countries of origin of interviewees	
Environmental verifiers	Belgium
	Italy
Competent Bodies	Belgium
	Bulgaria
	Denmark
	Estonia
	Finland

	Italy
	Spain
	Spain (regional)
Member State Representatives	Poland
	United Kingdom
EMAS registered organisations	Austria (public organisation)
	Estonia (public organisation)
	Germany (small organisation)
	Italy (cluster case approach)
	Spain (cluster case approach)
	France
	Italy (public organisation)
	Spain (public organisation)
	United Kingdom (large organisation)
Non-EMAS registered organisations	Bulgaria
	Estonia
	Germany
	Italy
	Spain (3 companies)
Organisations that withdrew from EMAS	Italy
	Spain

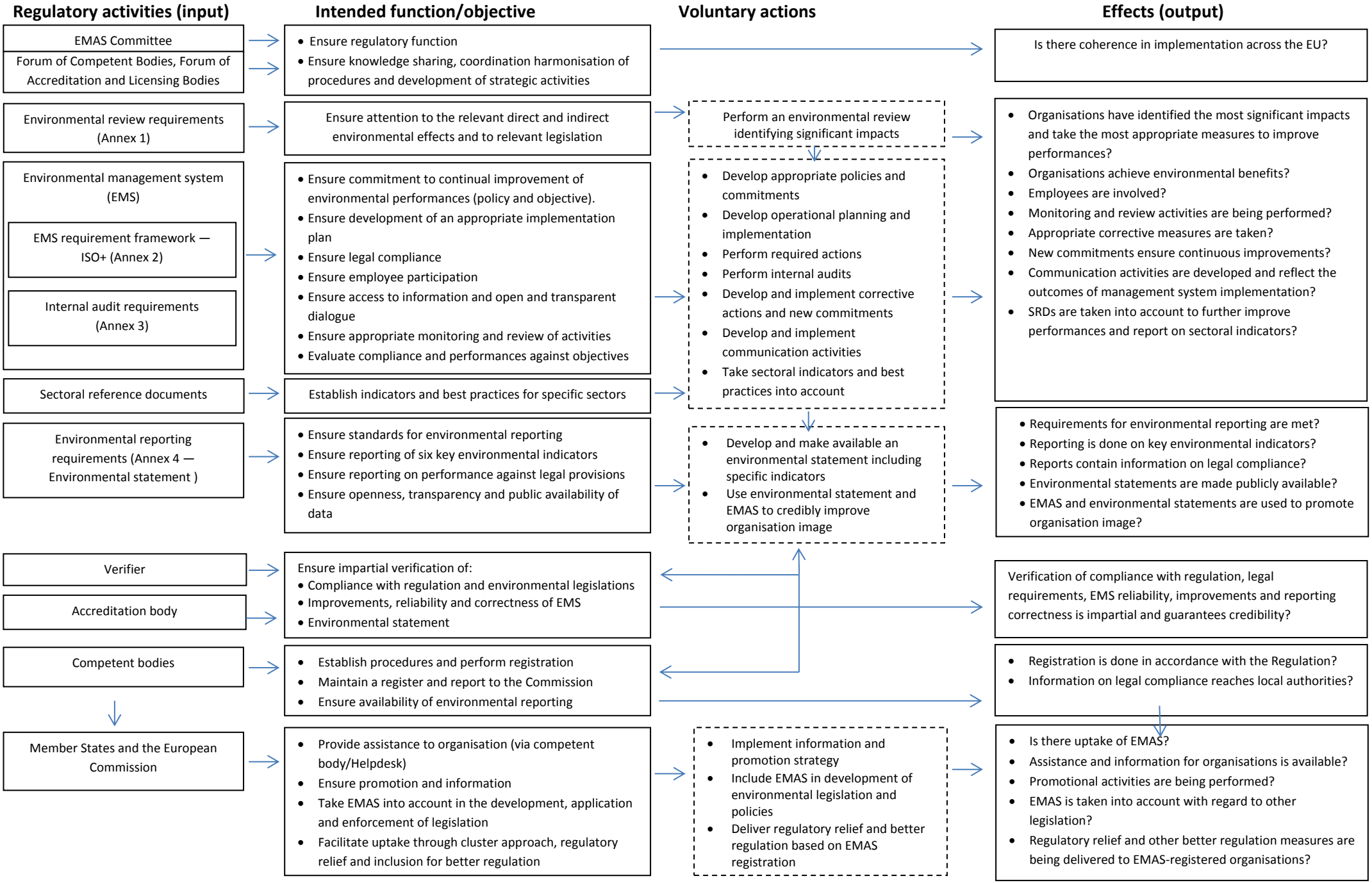
Workshop:

EMAS experts participated in a workshop on 22 October 2014. Attendees included:

- environmental verifiers
- competent bodies
- European policy-makers
- representatives of EMAS clubs
- representatives of civil society
- people involved in implementing environmental management systems within their organisations.

The main aims of the workshop were to discuss the findings of the *ex post* analysis and to collect ideas and input for the *ex ante* analysis on the future of EMAS.

Annex 3a: EMAS analytical model



Note: The analytical model as described in this Annex was developed for use in this fitness check on the basis of the Regulation. The intention is not to give a comprehensive account of all the functions established by the Regulation but to:

- *give the reader a general overview and understanding of the scheme and how it works;*
- *map the schemes' different objectives and how they are connected to specific actions.*

The model complements the intervention logic presented in this paper. References are to articles and annexes in the Regulation.

The main regulatory pillars in the EMAS intervention logic

The EMAS Regulation sets out a common EU framework to help and encourage organisations participating voluntarily in the EMAS scheme to improve their environmental performance. Under the scheme, organisations put in place an environmental management and audit system, commit to continuous environmental improvements and report on those improvements in an open and transparent manner.

High-level coordination

The EMAS Committee, the Forum of Competent Bodies and the Forum of Accreditation and Licensing Bodies were set up under the Regulation. Their goals are:

- high-level coordination and harmonisation of procedures;
- knowledge sharing;
- development of strategic activities;
- ensuring that implementation happens in accordance with the Regulation.

The **EMAS Committee** (Article 49) was set up in accordance with Article 5 of Decision 1999/468/EC on regulatory procedure i.e. it has a scrutiny committee composed of representatives of the Member States and chaired by the Commission.

The **Forum of Competent Bodies** (Article 16) is composed of representatives of the competent bodies of each Member State. Its role is to develop guidance to ensure that procedures are consistent.

The **Forum of Accreditation and Licensing Bodies** (Article 29) is constituted of all the accreditation and licensing bodies from all Member States. Its role is to ensure that accreditation-related procedures are consistent and to supervise verifiers.

Implementation: institutional set-up

Under Article 11 of the Regulation, each Member State has to designate a **competent body** responsible for registration of organisations, for maintaining a register, reporting to the Commission and ensuring availability of environmental reporting. The competent body must be independent and neutral.

The national **accreditation body** or licensing body (Article 2) is the body appointed in accordance with Regulation (EC) No 765/2008 (Articles 4 and 5(2)). It is responsible for accreditation and supervision of the environmental verifiers.

Environmental verifiers (Chapter V) are responsible for impartially verifying that organisations implement the EMAS correctly and for the reliability of the reporting (in the environmental statement), including on organisations' performance, indicators and legal compliance.

The role of **Member States and the European Commission** (Chapters VII and VIII) is to support the implementation of the scheme by ensuring that assistance can be provided to organisations that want to apply for EMAS certification. Assistance is provided through the competent bodies and through the establishment of a helpdesk. The Member States and the European Commission are also responsible for increasing scheme awareness and making it more attractive for organisations. This is to be achieved through: performing promotional activities, exploring options on regulatory relief and integrating EMAS into the development and enforcement of other policies and legislation.

The 'obligations' of the organisations

Any organisation can apply for EMAS certification. EMAS certification is granted on condition that an independent verifier can establish that the organisation complies with the Regulation. To do that, **the organisation will need to perform an environmental review**.

The objective of the environmental review is to ensure that the relevant direct and indirect environmental impacts are considered. The **requirement for an environmental review** is set out in Annex 1 to the Regulation.

On the basis of the environmental review, the organisation will need to develop an appropriate **environmental management system** (EMS). The management system should include:

- development of appropriate policies and commitments;
- development of a plan of implementation and a set of required actions;
- development of an internal audit system;
- development and implementation of corrective actions and new commitments;
- development of communication activities.

The **requirements on the implementation of the EMS, including the internal audit,** are set out in Annex 2 (which incorporates a reference to the ISO 14001 standard as basis for the EMAS) and Annex 3 (internal audit) to the Regulation.

SRDs are developed by the Commission to further facilitate performance improvement and reporting in specific sectors, in cooperation with stakeholders. They are proposed for adoption as Commission decisions after a vote in the EMAS Committee. Once the environmental review is done, an SRD can help an organisation to produce the appropriate policies and commitments by pointing to indicators and best practices within that sector.

Before first registration and before every registration renewal (every three years), the organisation implements policies and actions and performs an internal audit. The organisation is then required to write an **environmental statement** on its performance.

The **reporting requirements** are laid down in Annex 4 to the Regulation. The reporting requirements are intended:

- to ensure that standards for environmental reporting are maintained;
- to ensure that reporting is done based on a set of core indicators;
- to ensure openness and transparency.

It follows from the last point that the environmental statement should be shared with competent bodies and made publicly available. As part of this reporting, the organisation will also need to report on its compliance with other environmental legislation relevant to it. In addition, the organisation can use the environmental statement to improve its image in a credible manner and to validate its efforts in business-to-business transactions and in public procurement.

Obtaining EMAS certification

Once the environmental statement has been drawn up, it is sent to the environmental verifier for verification. The verifier ensures that the information is correct and reliable and in compliance with the Regulation. Once verified, the environmental statement is forwarded, together with the verifier's declaration on verification (Annex 7), to the competent body, which handles the final registration and awards the licence.

Support activities

Under the Regulation (in Articles 12(1)(a) and 13(2)(c)), before a competent body registers an organisation, it should consider observations from enforcement authorities to confirm that there is no evidence of breach of applicable legal requirements. The authorities can use the verification of legal compliance by an accredited verifier, the additional check by infringement authorities and the transparent reporting obligation (environmental statement signed off by the competent body) to determine whether **reductions in administrative burdens or regulatory relief** (e.g. fewer inspections) can be integrated into the administration of environmental policies and if EMAS-registered companies can be given special benefits, as referred to in the Regulation (Article 38(2)).

Member States and the Commission are also obliged to perform promotional activities to increase awareness about the potential and benefits of being EMAS registered (Articles 33-36). These activities can support promotional work done by the organisations themselves.

Finally, the Regulation requires Member States to consider how the EMAS registration can be taken into account when developing new legislation, how it can be used as a tool in the application and enforcement of legislation and how it can be taken into account in public procurement and purchasing (Article 38(1))

The EMAS cycle

In order to maintain its EMAS certification, an organisation needs to continuously commit to and improve its environmental performance. Therefore, in order to ensure the credibility of the scheme, the procedure described above is repeated **every three years**. However, the organisation should carry out internal audits of its environmental performance and compliance with legal requirements in the intervening years and in accordance with its audit programme. The environmental statement should also be updated, validated and sent to competent body on a yearly basis.

The fitness check

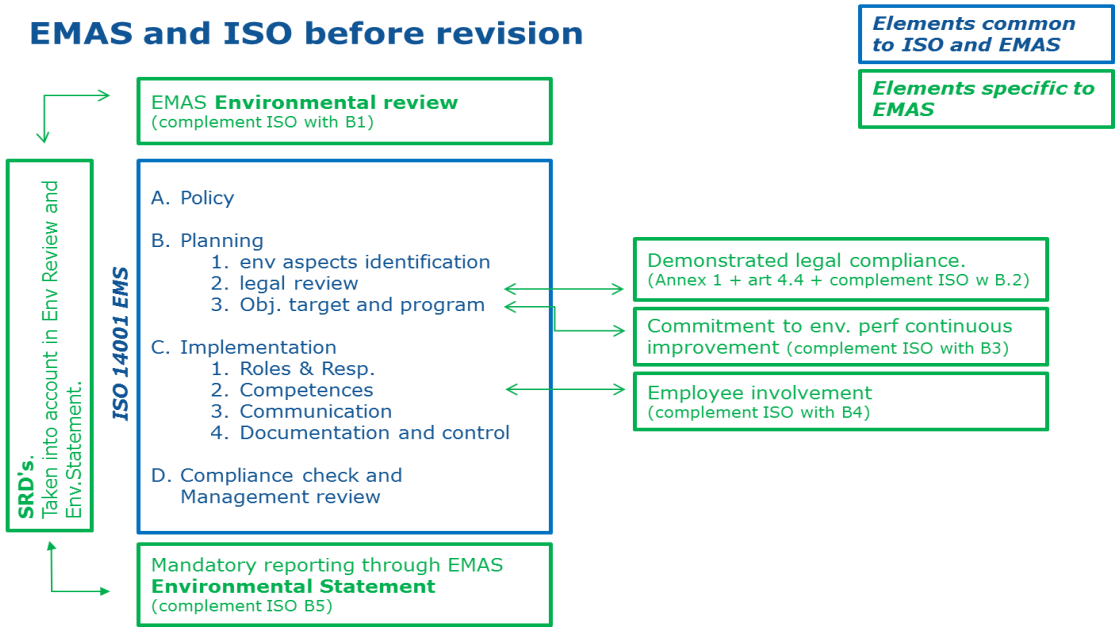
The role of the fitness check is to check whether the Regulation is fit for purpose. The fitness check assesses the Regulation's relevance, coherence, effectiveness, efficiency and EU added value. For the purpose of this fitness check, the main effects are considered to be:

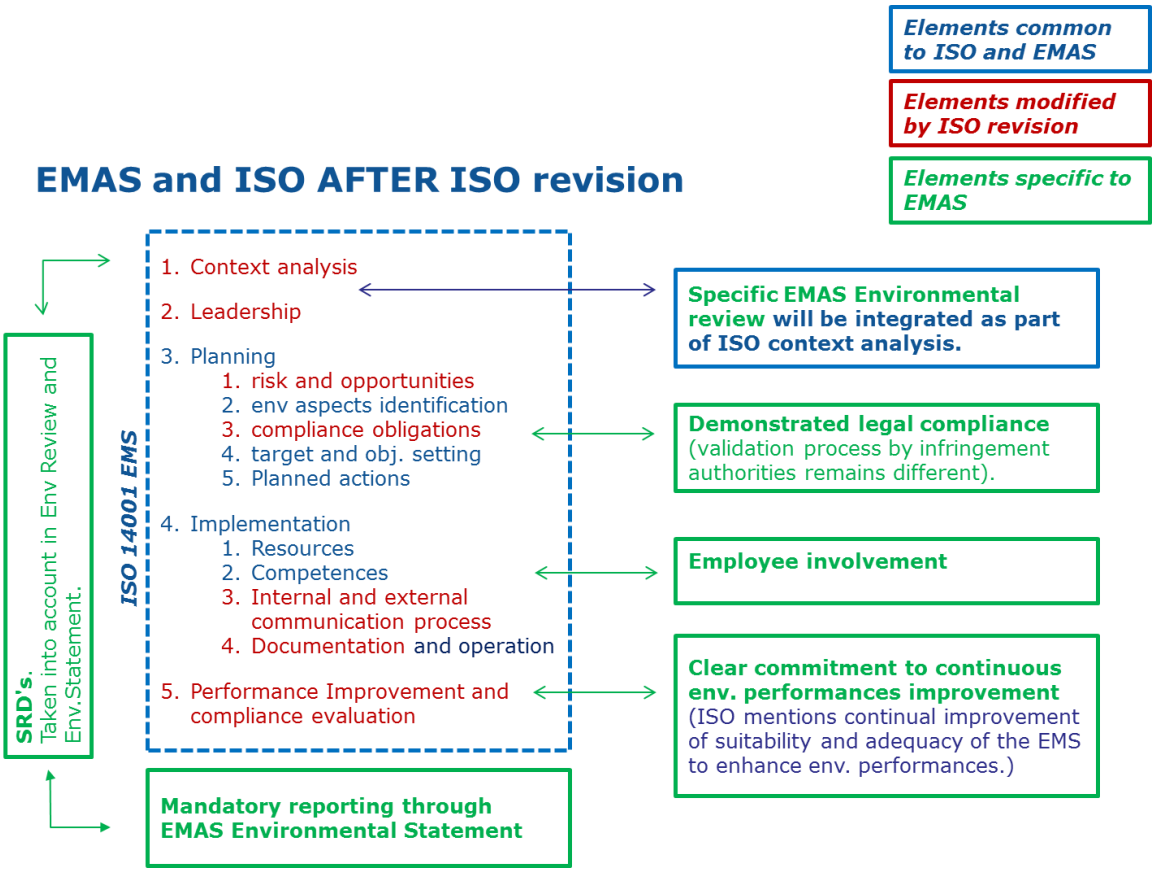
1. that EMAS-registered organisations achieve environmental benefits;

2. there is uptake of EMAS-registered organisations.

Annex 3b: EMAS and ISO: a schematic overview

This Annex is intended to provide an overview of the differences between EMAS and the ISO 14001 global environmental management scheme before and after revision.





Annex 3c: Analysis of actions and measures taken by Member States based on the minutes of the EMAS Committee

Member States are requested to report on activities that have been undertaken to assure the implementation of EMAS and promote the scheme. The EMAS helpdesk conducted an analysis of this reporting covering the year 2010 to 2015 in the context of the publication of the "EMAS Compendium 2015 on the EMAS promotion and policy support in the Member States"[77].

This analysis based on formal reporting complements the analysis made in the context of the EMAS evaluation and based on a survey.

Actions and measures requested by the Regulation

Following the last revisions the Chapter VII and VIII of the EMAS Regulations (Articles 32 to 41) defines the measures that should be taken by Members States. Many measures envisaged by those chapters are a direct result of the last revision aim to raise the attractiveness of the scheme for participating organisations.

- **Provide assistance to organisations relating to compliance** with legal requirements relating to the environment (article 32)
- **Promotion of EMAS** (article 33) through specific measures such as:
  - **Provide information** about EMAS to the public and to the organisations through use professional publications, local journals, promotion campaigns or any other functional means to increase general awareness of EMAS and cooperation with industry and consumer associations. (article 34)
  - **Carry out promotional activities** including promotion of best practices, the development of tools or technical support and the encouragement of partnerships (article 35)
  - **Promotion of participation of small organisation** inter alia by facilitating access to funding, assuring registration fees are reasonable and promoting technical assistance. (article 36)
  - **Encouragement of participation through clusters** and through **step-by step approach** (article 37)
  - **Integrate EMAS with other policies and instruments** in the Community (article 38):
    - Taking EMAS into account in the development of new legislation use EMAS as a tool in the application and enforcement of legislation and take EMAS into account in public procurement and purchasing.
    - Take measure that trigger organisation registration such as the **development of regulatory relief** (organisation considered compliant with requirements of other legal instruments) and application of **better regulation** (modification of other legal instrument to remove burdens on organisations participating in EMAS)

[77] http://ec.europa.eu/environment/emas/pdf/EMAS-Compendium.2015.Online.pdf.

Actions and measures undertaken by Member States

When analysing the activities reported by the Members States in the context of the EMAS Committee during the last 5 years[78] a wide variety appear. However those measures can be clustered into four categories: legal measures, financial measures, informational measures and marketing or promotional measures.

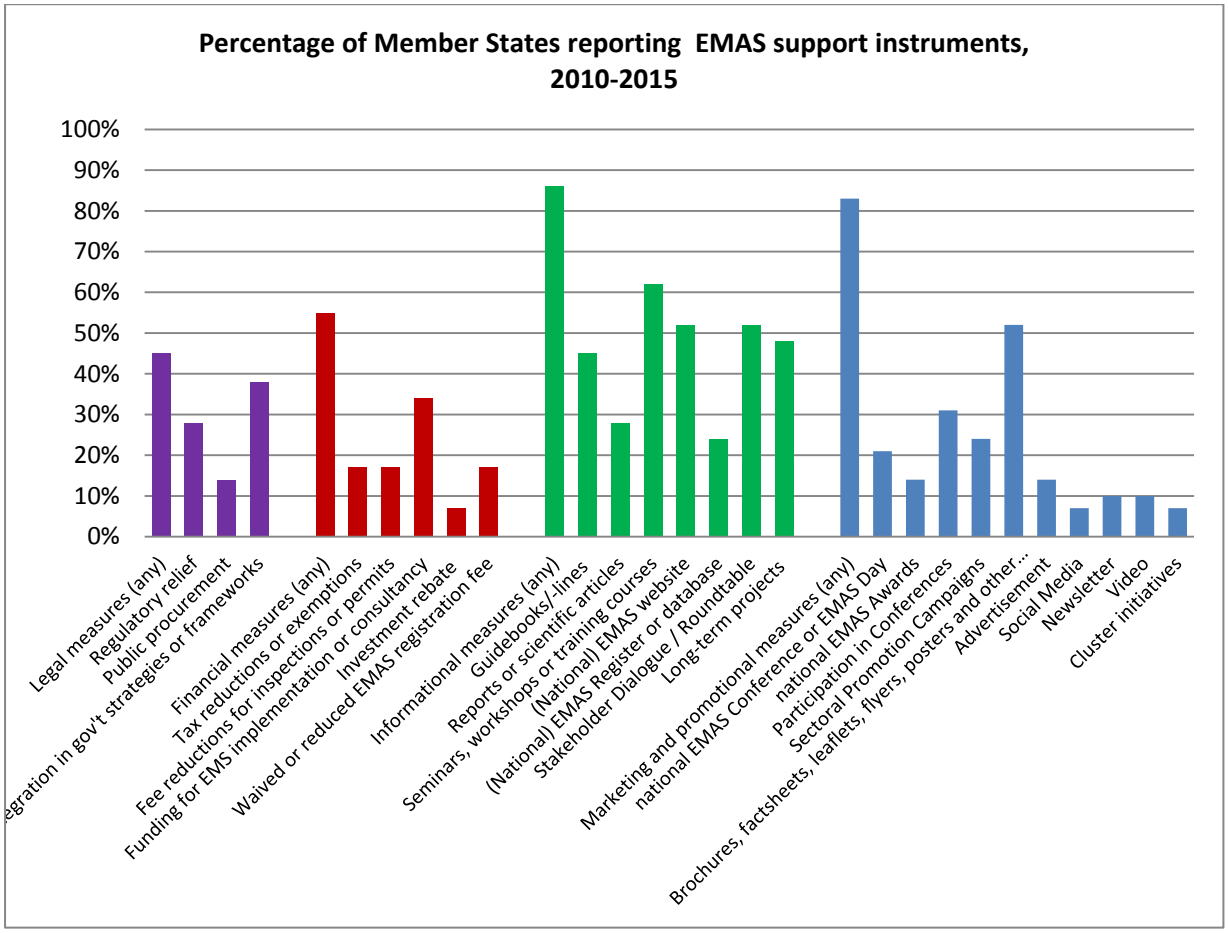
It appear clearly that the two last categories of measures are by far the most widely applied by Member States : information and marketing measures are applied by 86% and 83% of the Member States while legal measures (45%) and financial measures (55%) are less often proposed.

Strong discrepancies also exist among the different specific measures as visualised in the chart below. Measures such as Regulatory Relief (28%) or Tax Rebates (17%) which are delivering structural and tangible benefits to registered organisations are much less frequent than mainstream informational or promotional measures such as website maintenance (52%) organisation of seminars (62%) or the publication of brochure and leaflets (52%). Moreover among the promotional and informational measure, a vast majority targets the EMAS registered organisation and does not address market and stakeholder recognition (measures addressing a broader audience such as advertisement (14%), video (10%), social media (7%) and even sectoral promotion campaign (24%) reach very low percentage).

It is also striking to realise that the most popular measure (production of leaflet, brochure, etc…) are reported by 62% of the Member States only and that about 50% of the Member States do not report taking any Legal of Financial measures.
Likewise it should be noted that measures related to cluster of organisation, although specifically requested by the regulation is almost absent (according to the reporting this measure has been implemented by 2 member states in the period investigated).

This analysis confirmed the organisations' feedback mentioning a lack of measures that raise the benefits of EMAS for organisations and that raise awareness of EMAS among stakeholder, driving market recognition.

[78] On every EMAS Committee the Member States report on activities that have been undertaken to promote the scheme. The EMAS helpdesk conducted an analysis of this reporting covering the year 2010 to 2015 in the context of the publication of the "EMAS Compendium 2015 on the EMAS promotion and policy support in the Member States".



The evaluation study did not identify a direct correlation between the number of activities reported by Member States in the context of the survey and recent trends in registration.[79] However, a more complete analysis of this correlation can be conducted based on the measures officially reported by Member States (see excel table below summarising the type of measures taken by every Member State).

Since three Member States (Germany, Italy, Spain) clearly over perform the others in term of number of registrations we tried to identify the common measures taken by this "top 3" and verify to which extend those measures were unique or also taken by other Member States:

Analysing the type of measures taken leads to the following findings:

- All top 3 countries provide EMAS organisation with regulatory relief (on a total of 8 countries providing it).
- All top 3 countries provide EMAS organisation with tax reduction of exemption (on a total of 5 countries providing it).

[79] The reasons for this apparent disconnection could be the following:

- Effectiveness of a measure is probably more important that the number of measures.
- As mentioned in the evaluation study, the targeting of the measure is important. Measures which give EMAS priority over other environmental management instruments are by far more effective in term of stimulating registration uptake.
- Member State track record shall be considered (budget evolution, number of registration in 2010, existing structural measures taken in the past and still in place, etc..)
- Other factors influencing registrations such as pre-existing awareness of EMAS, internal organisation and responsiveness of competent bodies, economic climates etc. also play an important role.

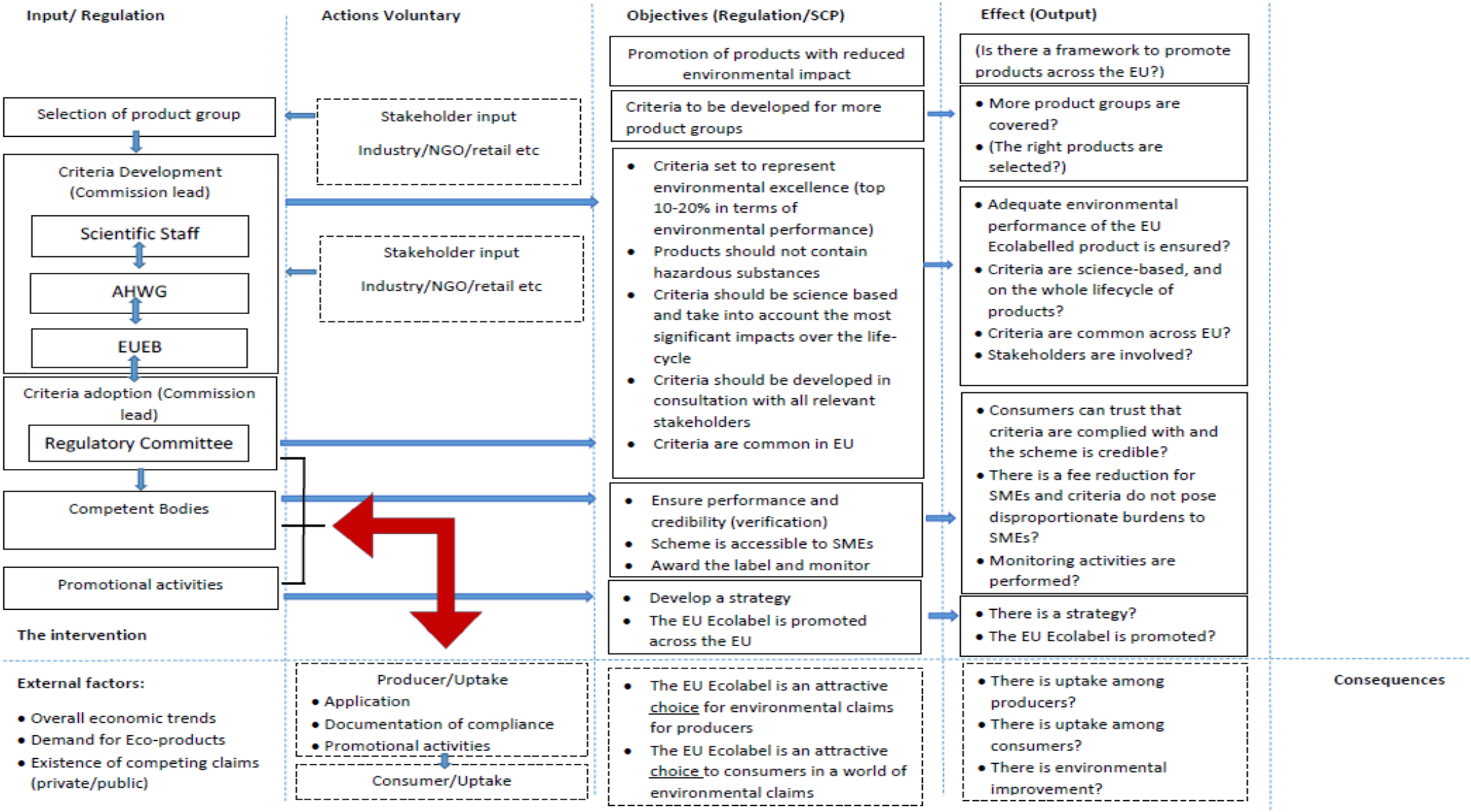
- All top 3 countries provide EMAS organisation with fee reduction on inspection and permits (on a total of 5 countries providing it).
- Top 3 countries are almost the only countries (3 out of 6) to propose marketing initiatives going beyond brochure and leaflet such as advertising, video, social media, or even newsletter. Same can be said about the organisation of national EMAS Awards.
- 2 of the top 3 countries have undertaken initiatives involving cluster of organisations (on a total of 2 countries proposing this kind of initiative).

This confirms that countries with higher registration numbers undertake specific activities and that those activities are in line with those considered by EMAS-registered organisations as the most needed.

Number and type of measure taken by every Member State (2010-2015)

	Austria	Belgium	Bulgaria	Croatia	Cyprus	Czech Republic	Germany	Denmark	Estonia	Spain	Finland	France	Greece	Hungary	Ireland	Italy	Lithuania	Luxemburg	Latvia	Malta	Netherlands	Norway	Poland	Portugal	Romania	Sweden	Slovenia	Slovak Republic	United Kingdom	Total	
LEGAL	1	1		1			1			1		1	1			1				1			1	1		1			1	13	45%
Regulatory relief							1			1		1	1			1							1	1					1	8	28%
public procurement	1						1						1													1				4	14%
integration in government frameworks or strategies	1	1		1			1			1		1	1			1				1				1		1				11	38%
ECONOMIC		1					1	1		1		1	1	1	1	1	1						1	1	1	1		1	1	16	55%
tax reductions or exemptions							1			1		1				1							1							5	17%
fee reductions for inspections or permits							1			1			1			1							1							5	17%
funding for EMS implementation or		1					1	1						1	1	1	1								1			1	1	10	34%
investment rebate for environmental		1								1																				2	7%
waived or reduced EMAS registration fee		1								1			1												1			1		5	17%
INFORMATION	1	1	1	1		1	1	1	1	1	1	1	1	1	1	1		1		1		1	1	1	1	1	1	1	1	25	86%
Guidebooks/-lines			1				1		1	1		1	1			1				1			1	1		1		1	1	13	45%
Reports or scientific articles				1			1			1												1	1			1		1	1	8	28%
all	1	1	1	1		1	1	1	1	1	1	1				1						1	1	1	1	1		1		18	62%
Seminars			1						1	1	1											1	1	1	1	1		1		10	34%
Workshops	1			1			1	1	1	1						1								1	1			1		10	34%
Training Courses			1			1			1	1		1											1		1			1		8	28%
Lectures / Presentations at Conferences	1		1	1						1						1							1		1				1	8	28%
(National) EMAS website		1	1	1			1			1	1	1	1	1	1	1		1				1			1	1				15	52%
(National) EMAS Register or database	1			1			1		1				1		1											1				7	24%
PROMOTION	1	1	1	1		1	1	1	1	1	1	1		1	1	1		1		1	1	1	1	1	1	1		1	1	24	83%
EVENTS																															
National EMAS Conference or EMAS Day	1						1			1						1							1			1				6	21%
(National) EMAS Awards	1						1			1						1														4	14%
Participation in Conferences		1		1			1			1		1				1							1		1			1		9	31%
Stakeholder Dialogue / Roundtable/meetings with industry	1	1		1			1		1	1	1			1		1		1		1		1	1			1		1		15	52%
Bi-/multilateral cooperation	1		1			1	1	1			1			1		1						1	1	1	1	1			1	14	48%
Sectoral Promotion Campaigns	1	1							1	1										1			1			1				7	24%
PROMOTIONAL MATERIAL																															
Brochures, factsheets, leaflets, flyers, posters and other promotional material	1	1		1			1			1	1	1				1					1	1		1	1	1		1	1	15	52%
Advertisement							1			1													1		1					4	14%
Social Media							1									1														2	7%
Newsletter							1	1								1														3	10%
Video										1					1	1														3	10%
Cluster initiatives										1						1														2	7%
TOTAL	15	14	9	13	0	5	25	8	10	27	8	13	11	7	7	24	2	4	0	7	2	9	19	12	15	17	1	14	11	309	

Annex 3d: Analytical model EU Ecolabel



Note: The intervention logic as described in this Annex was developed for use in this fitness check on the basis of the Regulation. The intention is not to give a comprehensive account of all the functions established by the Regulation but to give the reader a general overview and understanding of the scheme and how it works. References are to articles and annexes in the Regulation.

The main regulatory pillars in the EU Ecolabel intervention logic

The EU Ecolabel Regulation sets out a common EU framework that helps and encourages producers and service providers participating voluntarily in the scheme to use the EU Ecolabel to promote their products/services with high environmental performance, provided that they fulfil the criteria set for them. EU Ecolabel criteria include requirements on environmental performance and on fitness for use.

High-level coordination

The **European Union Ecolabelling Board (EUEB)** (Article 5) was set up to contribute to the development and revision of EU Ecolabel criteria and functions as a way of coordinating and ensuring consistency in criteria development. The Regulation stipulates that the EUEB should consist of representatives of competent bodies in each Member State and should observe a balanced participation of all relevant interested parties for each product group (e.g. producers, manufactures, importers, service providers, wholesalers, retailers, SMEs, environmental protection groups and consumer organisations).

A **Working Group of Competent Bodies** or Competent Body Forum has been established to ensure high level coordination and knowledge sharing between Competent Bodies and that the implementation happens in accordance with the Regulation (*Art. 13*). In practice – because the Regulation has been implemented differently in Member States (e.g. with different degrees of centralisation/decentralisation or division/sharing of responsibilities) as allowed under *Article 4* of the regulation – the Competent Body Forum works mostly to ensure coherence and knowledge sharing with regard to national implementation; whereas the EUEB is the main forum for coordination on criteria development and more strategic issues.

Selection of product groups for criteria development

Following consultation of the EUEB, the Commission, Member States, competent bodies or other stakeholders may start developing or revising EU Ecolabel criteria. A working plan, including a strategy and a non-exhaustive list of product groups, should be agreed between the Commission and the EUEB and regularly updated (Article 7).

Key requirements for EU Ecolabel criteria

The role of the criteria development process is to ensure that products that will eventually be awarded the EU Ecolabel have an "excellent" environmental performance. The term "excellent" is indicatively defined as *the best 10-20% of the products available on the Community market in terms of environmental performance at the time of adoption (Annex 1).*

Criteria shall be based on the environmental performance of products, taking into account the latest strategic objectives of the Community. Criteria shall be determined on a scientific basis

and take into account the most significant environmental impacts over the products' life cycle as well as a series of specific issues including among others the potential to reduce environmental impacts due to lack of durability and reusability of products *(Article 6.1, 6.3a and 6.3c).*

The EU Ecolabel may not be awarded to goods containing substances or preparations/mixtures of meeting the criteria for classification as toxic, hazardous to the environment, carciogenic mutagenic or toxic for reproduction (CMR), in accordance with Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, nor to goods containing substances referred to in Article 57 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH).

Although for specific categories of goods containing substances and only in the event that it is not technically feasible to substitute them as such, or via the use of alternative materials or designs, or in the case of products which have a significantly higher overall environment performance compared with other goods of the same category, the Commission may adopt measures to grant derogations. No derogation shall be given concerning substances that meet the criteria of Article 57 of Regulation (EC) No 1907/2006 and that are identified according to the procedure described in Article 59(1) of that Regulation, present in mixtures, in an article or in any homogeneous part of a complex article in concentrations higher than 0,1 % (weight by weight) (Article *6.6 and 6.7).*

The criteria development process

Member States, competent bodies or other stakeholders may develop criteria if they can demonstrate sufficient expertise (Article 7(1)). However, in practice, since the last revision of the Regulation, the criteria development process has been led by the Commission, except in one case, that of converted paper products. In order to ensure sufficient **scientific staff** and expertise, the technical work has been contracted to the European Commission's in-house science service (JRC) under the supervision of the European Commission's Directorate-General for the Environment.

The EUEB is set up to advice and contribute to the development of criteria (*Art 5)* and should be regularly consulted. In addition *at least* two Ad Hoc **Working Group** (AHWG) meetings shall be held on draft criteria; to these meeting all interested parties shall be invited, and the Commission should participate (*Annex 1).*

Final adoption of criteria should happen according to the regulatory procedure with scrutiny as provided for in Article 5 of Decision 1999/468/EC. For this the Commission shall be assisted by a **Regulatory Committee** (*Art. 16)*

If criteria have already been developed by another scheme complying with the ISO type 1 requirements a shortened procedure can be applied that includes and open consultation of suggested criteria. In case no Member State request an open working group meeting (AHWH) the criteria can be adopted (*Annex 1)*

Administrating criteria

Each Member State shall designate a **Competent Body or bodies** responsible for carrying out the verification of product compliance process in a consistent, neutral and reliable manner

by a party independent from the operator being verified. The composition of the competent bodies shall be such as to guarantee their independence and neutrality and their procedures should ensure transparency in the conduct of their activities (Art *4)*. It is the Competent Body who awards the EU Ecolabel and ensures that responsible for carrying out the task identified by the EU Ecolabel Regulation – such as implementing a fee reduction for SMEs.

Competent Bodies should also perform market surveillance and control the use of the EU Ecolabel to ensure that no false or misleading claim that could lead to confusion with the EU Ecolabel is being performed (*Art. 10*)

Obtaining the EU Ecolabel

The EU Ecolabel can be obtained by any producer provided that their product lives up to the criteria defined for the relevant product group. The requirement on criteria to reflect environmental excellence effectively means that the EU Ecolabel is only available for a minority of producers.

To obtain the EU Ecolabel the producer will have to apply for a licence to the Competent Body. In order for the Competent Body to be able to verify that the product (or products – a licence can cover more than one product) comply with the criteria requirements the producers needs to provide the required evidence. Once the Competent Body has verified compliance the right to use the EU Ecolabel can be awarded. The rules for awarding the EU Ecolabel is set out in Article 9 of the EU Regulation.

The producer can then choose to commercial his products with the EU Ecolabel ensuring that the product remains in compliance with the criteria set for the product group.

Supporting activities

Member States and the Commission in cooperation with the EUEB agree on an action plan to **promote** the use of the EU Ecolabel. Member States should also encourage the use of targets to meet EU Ecolabel criteria when purchasing products (*Art 12*)

The fitness check

The role of the fitness is to check whether the Regulation is fit for purpose. The fitness check assesses the Regulation's relevance, coherence, effectiveness, efficiency and EU added value. For the purpose of this fitness check, the main intended effects are considered to be:

1. adequate environmental performance is achieved by EU-ecolabelled products;

2. uptake of the EU Ecolabel among producers.

Annex 4: Historical overview of EU Ecolabel product groups

Table 1 — Number of product groups in place

Year	Number of valid product group criteria
1993	2
1994	3
1995	5
1996	6
1997	5
1998	9
1999	13
2000	13
2001	17
2002	19
2003	20
2004	20
2005	22
2006	22
2007	24
2008	25
2009	26
2010	26
2011	25
2012	27
2013	33
2014	38
2015	33

Table 2: Number of revisions and extensions

Product group	Number of extensions	Number of revisions	First adoption
Soaps and shampoos	4	1	2007
Rinse-off cosmetics	0	0	2014
Absorbent hygiene products	0	0	2014
All-purpose cleaners and sanitary cleaners	2	2	2001
Detergents for dishwashers	4	2	1998
Hand dishwashing detergents	3	2	2001
Laundry detergents	3	2	1999
Industrial & institutional laundry detergents	0	0	2012
Industrial & institutional automatic dishwashers detergents	0	0	2012
Textile products	4	3	1999
Footwear	5	2	1999
Indoor paints and varnishes	4	3	1995
Outdoor paint and varnishes	2	0	2008
Indoor paints and outdoor paints and varnishes	0	0	2014
Imaging equipment	0	0	2013
Personal computers	4	2	2001
Notebook computers	4	2	2001
Televisions	6	1	2002
Wooden floor coverings	2	0	2009
Textile floor coverings	1	0	2009
Hard coverings	2	1	2002
Wooden furniture	3	0	2009
Soil improvers	4	2	1994
Growing media	3	0	2007
Soil improvers and growing media	1	0	2001
Soil improvers, growing media and mulch	0	0	2015
Single-ended light bulbs	0	0	1995
Double-ended light bulbs	0	0	1996
Light bulbs	4	0	1999
Light sources	2	0	2011
Heat pumps	4	0	2007
Water-based heaters	0	0	2014
Dishwashers	4	2	1993
Refrigerators	2	1	1999
Washing machines	3	2	1993
Bed mattresses	3	3	1998
Sanitary tapware	0	0	2013
Flushing toilets and urinals	0	0	2013
Lubricants	2	1	2005
Copying and graphic paper	4	3	1999
Newsprint	1	0	2012
Tissue paper	7	2	1998
Printed paper	1	0	2012
Converted paper	0	0	2014
Campsite services	3	0	2005
Tourist accommodation	2	0	2003

In place 2015