



Regional study about the identification of regulatory relief/promotional incentives best practices to promote EMAS

Region Austria

Document carried out by PP 6: Environment Agency Austria

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1. Introduction: EMAS in Austria

1.1. EMAS Organisations Austria

The relatively high number of EMAS-registered organisations in Austria reflects the efforts that already have been made to make EMAS more attractive. Currently there are 292 registered organisations with 1077 sites in Austria. In the EU ranking Austria is on position number 4 in absolute terms and on the second position regarding registrations in relation to million inhabitants. Concerning the regional distribution there is an east-west decline, i.e. more than half of all EMAS registrations are located in Lower Austria and in the region of Vienna, whereas Tyrol and Vorarlberg together have only 18 EMAS registrations. That means there is a need for information and promotion activities concerning EMAS mainly in the western provinces of Austria.

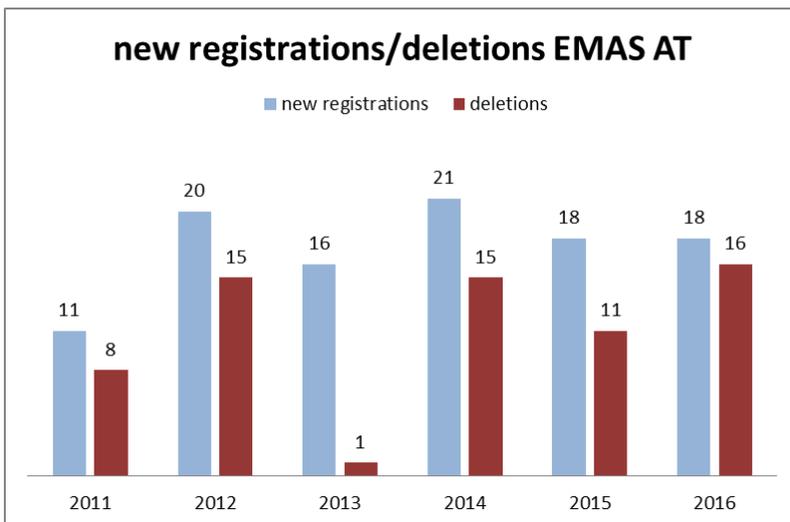


Figure 1: New registrations versus deletions in Austria from the EMAS Register June 2017

There are 9 environmental verifier organisations and 2 individual environmental verifiers operative in Austria.

The percentage allocation of small, medium and large EMAS Organisations is very balanced in Austria.

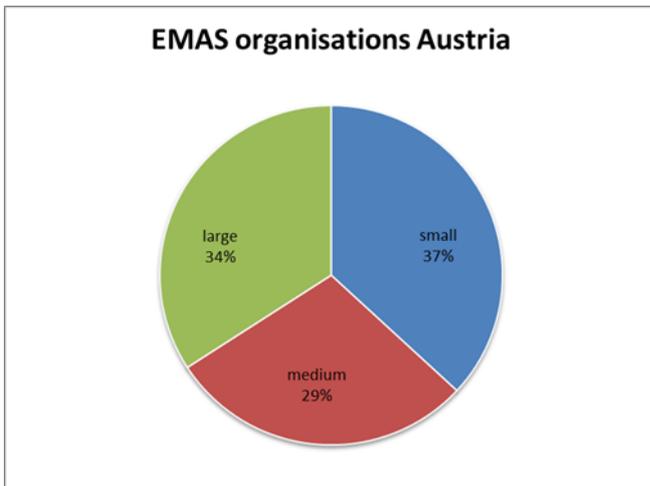


Figure 2: Percentage allocation of small, medium and large EMAS Organisations Source EMAS Register

The main Sectors are:

D35 - Electricity, gas, steam and air conditioning supply

E38 - Waste collection, treatment and disposal activities; materials recovery

H52 - Warehousing and support activities for transportation

N81 - Services to buildings and landscape activities

P85 – Education

1.2. Initiatives about EMAS in Austria:

An EMAS folder campaign with promotion folders of different topics such as air emissions, energy efficiency, water management and waste management and reduction including testimonials and best practices was successfully carried out in 2016. Furthermore EMAS best practice folders on different environmental topics (e.g.: energy efficiency, water management, waste management, mobility, resource efficiency, ecological procurement...) were produced and are currently sent out to the EMAS community.

A workshop for EMAS beginners which provides support for companies that are interested to introduce EMAS is organized every year.

EMAS workshops for stakeholders are organised twice a year, the goal is to exchange experiences and to give special information. In 2017 there will be three workshops, all of them including information about ENHANCE.

A national EMAS conference, where also the national EMAS award is awarded, is organised and held once a year. The topic of the EMAS conference 2017 was circular economy.

2. EMAS regulatory reliefs and promotional incentives measures

Especially the existing regulatory reliefs should be communicated better. Possible new regulatory reliefs should be discussed with regional authorities. The percentage of SMEs among all EMAS registrations is about 53% at the moment and could also be still increased by addressing SMEs more target-oriented.

2.1. Legislative and political context

Most environment-related legislation in Austria is enacted at the federal level and increasingly has its origin in EU legislation. Provinces administer federal laws on certain environmental topics (e.g. waste management) and provide regulatory enforcement. Taxes and fees are mostly regulated on the federal level. Austrian ministries have primary responsibility for suggesting the content of laws that fall under their particular area of authority. Most opportunities for integrating EMAS into legislation occur on the federal level, where all of Austria's existing EMAS regulatory relief is located.

2.2. Opportunities for EMAS

EMAS enjoys a good reputation within the Austrian Environment Ministry and in some regulatory and inspection authorities at provincial government level. They trust the value of the scheme and its data, believing that EMAS companies deserve regulatory reliefs. On the ground, however, companies report that not all inspectors have the same level of trust in EMAS.

Regulatory relief is sometimes difficult to introduce because the Ministry of Environment has limited ability to influence the content of legislation that lies outside of its competence. Many laws which define environmental requirements for organisations (e.g. the Industrial Act) fall under the competence of the Ministry of Science, Research and Economy, which also holds responsibility for ISO accreditations and dissemination. Because Austria separates the responsibilities for EMAS and ISO 14001 into different ministries, the Ministry of Science, Research and Economy does not feel responsibility or ownership for EMAS the way it does for ISO 14001 and thus does not give regulatory relief measures for EMAS much priority.

Stakeholder expect further integration of EMAS into laws administered by the Austrian Environment Ministry, but expanding the integration of EMAS in laws under the competence of other ministries will be significantly more challenging.

3. The results of the First Level Assessment

The first level assessment has been applied to the 12 measures of regulatory reliefs and incentives collected through the mapping phase. They refer mainly to some categories as:

- Reduced inspection frequencies
- Green Public Procurement

- Reduced reporting and monitoring requirements
- Fast-track permits/simplification in the application
- Extension of validity of permits/authorizations
- Reduction of administrative fees

With the assessment of the 12 measures, 10 best practices have been selected. The first level assessment has been carried out according to several criteria:

Assessment criteria		
Main Criterion	Sub-criteria	Description
1) <i>Replicability potential of the measure</i>	1A: Legal feasibility	<ul style="list-style-type: none"> • 3 points – the measure does not require a high legislative effort to be adopted • 2 points – the measure requires a medium legislative effort to be adopted • 1 point – the measure requires a high legislative effort to be adopted
	1B: Economic feasibility	<ul style="list-style-type: none"> • 3 points – the measure does not require high costs to be adopted. The time savings of the Competent Authority if the measure will be adopted are potentially high • 2 points – the costs required to adopt the measure is unclear. The time savings of the Competent Authority if the measure will be adopted are unclear • 1 point – the measure requires high costs to be adopted. The time savings of the Competent Authority if the measure will be adopted are potentially low
	1C: Technical feasibility	<ul style="list-style-type: none"> • 3 points – the measure does not require high technical effort to be adopted • 2 points – the technical effort required to adopt the measure is unclear • 1 point – the measure requires high technical effort to be adopted
2) <i>Achieved results by the measure</i>		<ul style="list-style-type: none"> • 3 points - the measure is very welcome by the EMAS registered organisations and in the past it has contributed a lot to increase the numbers of EMAS, or its potential to spread EMAS in the future is high • 2 points - it is not fully clear if the measure is desired by the EMAS registered organisations and the contribute to spread EMAS registrations is medium • 1 point - the measure did not contribute to spread EMAS, EMAS organisations do not know and use it
3) <i>Satisfaction with the measure</i> <i>(criterion to be assessed through the survey)</i>		<ul style="list-style-type: none"> • 3 points – the measure is ranked among the first four measures • 2 points - the measure is ranked between the fifth and the eight measure • 1 point - the measure is ranked between the ninth and the last measure
4) <i>Environmental benefit</i>		<ul style="list-style-type: none"> • 3 points – the measure involves sectors listed in the «high complexity» or «special complexity» category of IAF document EMAS in the future is high • 2 points – the measure involves sectors listed in the «medium complexity» category of IAF document • 1 point – the measure involves sectors listed in the «limited complexity» or «low complexity» category of IAF document

As defined by the Methodology, to achieve a unique value for each assessed measure we calculated a simple average according to the following formula:

$$\sum_{i=1}^n \frac{\text{Criterion}}{n}$$

$$\frac{\text{Criterion 1 (Criterion 1a + Criterion 1b + Criterion 1c/3)} + \text{Criterion 2} + \text{Criterion 3} + \text{Criterion 4}}{4}$$

According to this formula each measure identified in the mapping phase has been ranked with a score that ranges from 1 to 3.

3.1. Scoring the identified measures

This section includes the results of the First Level Assessment on the 12 regulatory reliefs and promotional measures identified. In particular, 10 best practices have been selected due to the score achieved through the assessment. The following table includes the results of the assessment for the 10 best practices identified. For each measure in the table also an ID number has been included in the excel sheet.

The complete assessment of the all 12 measures can be found below in the dedicated Excel sheet:

ID	Type of measure	Legislative reference	Level of Application	Status	Description of the Measure	Scope
1	Reduced reporting and monitoring requirements	Waste Management Law	National	in Force	EMAS registered companies are not obliged to deliver a waste management concept if they are publishing an environmental statement	EMAS
2	Fast-track permits/simplification in the application	Energy Efficiency Law	National	in Force	EMAS and ISO 14001 are approved management systems to fulfill the energy audit report obligation	EMAS and ISO 14001
3	Reduced reporting and monitoring requirements	Austrian Trade, Commerce, and Industry Regulation Act,	National	in Force	EMAS and ISO 14001 organisations can skip the §82b reporting obligation if they have checked all §82b requirements within the internal audit	EMAS and ISO 14001
4	Reduced inspection frequencies	Implementation of EU DIRECTIVE 2010/75/EU on industrial emissions (integrated pollution prevention and control)	National	in Force	The frequency of environmental inspections is determined by a risk evaluation. One criteria for the risk evaluation is the participation in EMAS or ISO 14001. (EU directive only includes EMAS, Austrian approach also includes ISO 14001)	EMAS and ISO 14001
5	Green Public Procurement	Public Procurement Act	National	in Force	If the contracting authority is required to submit evidence of environmental management standards, it has to refer to EMAS or equivalent systems.	EMAS
6	Fast-track permits/simplification in the application	Environmental Management Act	National	in Force	§22: On application by an EMAS organisation the authority shall consolidate all the approvals valid for the facility in one single notice as set out in the federal-law provisions applying to the specific facility.	EMAS
7	Reduction of administrative fees	Environmental Management Act	National	in Force	§23: Dispensation from administrative fines if EMAS is implemented, this applies if certain measures are taken eg. Implementation of immediate actions to fulfill the administrative regulations	EMAS
8	Extension of validity of permits/authorizations	Environmental Management Act	National	in Force	§21: no permission is required for the changes to facilities	EMAS
9	Extension of validity of permits/authorizations	Environmental Management Act	National	in Force	§24: Dispensation from obligation to appoint a waste officer	EMAS
10	Reduced inspection frequencies	Environmental Management Act	National	in Force	§25: Limitation of official environmental control obligations (reduced intervals)	EMAS
11	Reduced reporting and monitoring requirements	Environmental Management Act	National	in Force	§26: reduction of reporting obligations of environmental data to authorities, if all requirements are fulfilled within the environmental management system	EMAS
12	Reduced reporting and monitoring requirements	Environmental Management Act	National	in Force	§27: EMAS organisations can skip the WRG (water law) §134 (4) reporting obligations if they have checked all requirements within the internal audit	EMAS

First level Assessment of measures								
ID	Type of measure	Replicability potential of the measure			Achieved results by the measure	Satisfaction with the measure	Environmental benefit	Final assessment
		Legal feasibility	Economic feasibility	Technical feasibility				
4	Reduced inspection frequencies	3	3	3	3	2	3	2,75
5	Green Public Procurement	3	3	3	2	2	1	2,00
1	Reduced reporting and monitoring requirements	3	1	3	3	2	0	1,83
6	Fast-tarck permits/simplification in the application	2	2	2	3	2	0	1,75
9	Extention of validity of permits/authorizations	3	3	3	1	1	0	1,25
11	Reduced reporting and monitoring requirements	3	3	3	1	1	0	1,25
12	Reduced reporting and monitoring requirements	1	1	1	1	1	2	1,25
3	Reduced reporting and monitoring requirements	3	3	1	1	1	0	1,08
7	Reduction of administrative fees	2	2	2	1	1	0	1,00
8	Extention of validity of permits/authorizations	2	2	2	1	1	0	1,00
10	Reduced inspection frequencies	2	2	2	1	1	0	1,00
2	Fast-tarck permits/simplification in the application	1	1	1	1	1	0	0,75

A table containing the score assignment with the justification for each of the 12 measures is part of the result of the Stakeholderworkshop1. The final First Level Assessment on the regulatory reliefs and promotional measures is identified. The table below will be the result of the formula used to calculate a simple average score for each measure, as indicated in the Methodology document.

<i>N. assigned in the mapping phase</i>	<i>Description of the measure assessed</i>	<i>Score</i>
4	Reduced inspection frequencies	2,75
5	Green Public Procurement	2,00
1	Reduced reporting and monitoring requirements	1,83
6	Fast-tarck permits/simplification in the application	1,75
9	Extention of validity of permits/authorizations	1,25
11	Reduced reporting and monitoring requirements	1,25
12	Reduced reporting and monitoring requirements	1,25
3	Reduced reporting and monitoring requirements	1,08
7	Reduction of administrative fees	1,00
8	Extention of validity of permits/authorizations	1,00
10	Reduced inspection frequencies	1,00
2	Fast-tarck permits/simplification in the application	0,75

The table below includes the score achieved by the 10 good practices identified below.

<i>First level assessment of Austria</i>			
<i>10 Good practices identified</i>	<i>Ranking position</i>	<i>Score achieved by the criteria</i>	<i>Score assigned according to the ranking position</i>
<i>Reduced inspection frequencies</i>	<i>4</i>	<i>2,75</i>	<i>10</i>
<i>Green Public Procurement</i>	<i>5</i>	<i>2,00</i>	<i>9</i>
<i>Reduced reporting and monitoring requirements</i>	<i>1</i>	<i>1,83</i>	<i>8</i>
<i>Fast-track permits/simplification in the application</i>	<i>6</i>	<i>1,75</i>	<i>7</i>
<i>Extention of validity of permits/authorizations</i>	<i>9</i>	<i>1,25</i>	<i>6</i>
<i>Reduced reporting and monitoring requirements</i>	<i>11</i>	<i>1,25</i>	<i>5</i>
<i>Reduced reporting and monitoring requirements</i>	<i>12</i>	<i>1,25</i>	<i>4</i>
<i>Reduced reporting and monitoring requirements</i>	<i>3</i>	<i>1,08</i>	<i>3</i>
<i>Reduction of administrative fees</i>	<i>7</i>	<i>1,00</i>	<i>2</i>
<i>Extention of validity of permits/authorizations</i>	<i>8</i>	<i>1,00</i>	<i>1</i>

4. Results of the Second Level Assessment and identification of best practices

This section will include a description of the main outputs achieved about the assessment of 10 good practices through the involvement of stakeholders in the Second Stakeholder Meeting. As indicated in the Methodology document, this section will include the ranking drafted by each expert/stakeholder and the corresponding score from 10 to 1 that has been assigned to the single measure according to their position in the ranking.

As each partner will have different ranking from stakeholders according to the number of stakeholders involved in the meeting, to achieve a unique score for each measure according to the opinions of stakeholders, the partners will proceed according to the next table. They will do an average of the scores obtained by the measures according to the ranking drafted by each expert. In this section, each partner will include the table with the results of this process.

Due to capacity reasons and a lack of personnel resources of the original project partner the Federal Ministry of Agriculture, Forestry, Environment and Water Management division V/7 it was necessary that the Environment Agency Austria, unit environmental control, enters into the project instead. Due to this project partner changes in Austria from the Ministry to the EEA, Austria had to postpone the Second Stakeholder Meeting to the second semester. The Meeting will be at the 29th of September 2017. The results will be reported in the 2nd semester.

5. Results of the final selection and identification of five best practices

This section will be dedicated to the results of the final best practices selection. In particular, as indicated in the Methodology document, two rankings of measures will be available due to the First and the Second Level Assessments. This section will thus include the results of the selection of 5 measures with the highest scores, based on the sums, for each good practice, of the scores achieved through the First and the Second Level Assessments.

The 5 proposals with the highest scores will be selected as best practices.

Due to capacity reasons and a lack of personnel resources of the original project partner the Federal Ministry of Agriculture, Forestry, Environment and Water Management division V/7 it was necessary that the Environment Agency Austria, unit environmental control, enters into the project instead. Due to this project partner changes in Austria from the Ministry to the EEA, Austria had to postpone the Second Stakeholder Meeting to the second semester. The Meeting will be at the 29th of September 2017. The results will be reported in the 2nd semester.

6. Conclusions

Existing regulatory reliefs should be communicated better. Possible new regulatory reliefs should be discussed with regional authorities. The percentage of SMEs among all EMAS registrations is about 53% at the moment and could also be still increased by addressing SMEs more target-oriented. The exchange of experiences and good practices with other regions and countries within the ENHANCE project will offer a good opportunity to learn from other countries and will lead to a more efficient implementation of EMAS in provinces with a lower number of EMAS registrations.

Regulatory reliefs and promotional incentives are important tools to support EMAS organisations. For the purpose of the ENHANCE project the following categories of regulatory reliefs and promotional incentives were taken into account:

- Reduced inspection frequencies
- Green Public Procurement
- Reduced reporting and monitoring requirements
- Fast-track permits/simplification in the application
- Extension of validity of permits/authorizations
- Reduction of administrative fees

In addition, the measures already set could be improved by following activities:

- Reducing technical barriers to implement EMAS, enhancing direct benefits derived from its adoption and rewarding EMAS organisations with more regulatory reliefs in order to encourage organisations to adopt EMAS as a tool for innovation and continual improvement
- Establishing a communication format (regular workshops, meetings) between the Environment Agency Austria, the BMLFUW and other administrations and all funding bodies in order to increase the level of information regarding EMAS
- Stronger integration of environmental experts in the evaluation of funded projects
- Specific offers for SMEs on the basis of the collected data

Based on the identified best practises, the EAA will work out new proposals for regulatory reliefs in close cooperation with the BMLFUW.

Due to capacity reasons and a lack of personnel resources of the original project partner the Federal Ministry of Agriculture, Forestry, Environment and Water Management division V/7 it was necessary that the Environment Agency Austria, unit environmental control, enters into the project instead. Due to this project partner changes in Austria from the Ministry to the EEA, Austria had to postpone the Second Stakeholder Meeting to the second semester. The Meeting will be at the 29th of September 2017. The results will be reported in the 2nd semester.