

## In depth description of the 5 good practices selected dealing with regulatory reliefs, incentives or other simplification measures

PARTNER **Environment Agency Austria, Austria**

### Good practice selected: Exemption of the Waste management concept

<b>N. assigned in the mapping phase</b>	1
<b>Promoting institution(s)</b>	The Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management and competent authorities
<b>Type of measure</b>	Reduced reporting and monitoring requirements
<b>Background</b>	Companies from each sector must create a waste management concept for each site, which employs more than 20 employees. The concept must be updated at least every seven years. This is checked by the competent authorities.
<b>Detailed description of the measure</b>	EMAS registered companies are not obliged to deliver a waste management concept if they are publishing an environmental statement with the relevant information.

<b>Legislative reference</b>	Waste management Law
<b>Level of Application (regional, national, etc.)</b>	National
<b>Score obtained in the first level assessment</b>	8 (assessment:1,83)
<b>Score obtained in the second level assessment</b>	10 (assessment: 2,25)
<b>Final Score</b>	18 (assessment sum: 4,08)

### Legal feasibility

#### Description

As the Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management is in charge of EMAS and the waste management law, it was not difficult to incorporate it. (changes within the same Ministry are easier)

### Economic feasibility

#### Description

The time savings for the Competent Authority are low, as there is no difference for the EMAS competent authority and also the competent authority regarding the waste management law has the same obligations. Time savings could be reached if the waste management concept/environmental statement of EMAS

	<p>organisations do not have to be checked by the competent waste authority. Austria will work on this in the future.</p>
<p><b>Technical feasibility</b></p>	
<p><b>Description</b></p>	<p>There are low technical efforts as EMAS organisations already fulfil more than the waste management law defines.</p>
<p><b>Achieved results</b></p>	
<p><b>Description</b></p>	<p>EMAS organisations, especially bigger companies, welcome this regulatory relief as it saves them money. Also the competent authorities would welcome the relief of their control duty in case of EMAS organisations. This would be a true regulatory relief for both parties, a win-win situation.</p>
<p><b>Environmental benefit</b></p>	
<p><b>Description</b></p>	<p>This regulatory relief is not targeted at a specific sector.</p>

**Good practice selected:** exemption of §82b reporting obligation

<b>N. assigned in the mapping phase</b>	3
<b>Promoting institution(s)</b>	The Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management
<b>Type of measure</b>	Reduced reporting and monitoring requirements
<b>Background</b>	The recurring check of operating installations is regulated in §82b of the Industry Regulations Act (GewO). It obliges each holder of a commercial plant to have it checked or reviewed at certain intervals (every 5 years).
<b>Detailed description of the measure</b>	EMAS and ISO 14001 organisations can skip the §82b reporting obligation if they have checked all §82b requirements within the internal audit.
<b>Legislative reference</b>	Austrian Trade, Commerce, and Industry Regulation Act and Environmental Management Law
<b>Level of Application (regional, national, etc.)</b>	National
<b>Score obtained in the first level assessment</b>	6 (assessment: 1,08)

<b>Score obtained in the second level assessment</b>	7 (assessment: 1,42)
<b>Final Score</b>	13 (assessment sum: 2,5)
<b>Legal feasibility</b>	
<b>Description</b>	The legal effort was high as the Ministry of Economics is in charge of the Industry Regulation Act and EMAS is promoted by the Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management. Thus two different Ministries had to work together.
<b>Economic feasibility</b>	
<b>Description</b>	§82b is a very time consuming obligation, for both parties. A relief has high time savings = money savings. The measure does not require high costs to be adopted.
<b>Technical feasibility</b>	
<b>Description</b>	As §82b also includes worker/employee protection legislation a full exemption is not feasible.
<b>Achieved results</b>	

<p><b>Description</b></p>	<p>As there was a recent change in the Austrian Trade, Commerce, and Industry Regulation Act also the Environmental Management Law will be changed: EMAS organisations will have to have an inspection document regarding §82b. However, the question is how the inspection document shall look like for EMAS organisations. This is currently discussed. Any relief in this area would save companies a lot of time and money. However, skipping §82b altogether will not be possible as it has a different scope than EMAS, just the form of documentation might vary.</p>
<p><b>Environmental benefit</b></p>	
<p><b>Description</b></p>	<p>This regulatory relief is not targeted at a specific sector.</p>

**Good practice selected: reduced frequency of environmental inspections**

<b>N. assigned in the mapping phase</b>	4
<b>Promoting institution(s)</b>	Competent authorities
<b>Type of measure</b>	Reduced inspection frequencies
<b>Background</b>	Environmental Inspections are systematic official inspection of plants with significant environmental impacts. The environmental inspection can be done routinely or on a special occasion. The objective is to monitor the environmental impact, as well as to verify and ensure the environmental requirements laid down in legislation.
<b>Detailed description of the measure</b>	The frequency of environmental inspections is determined by a risk evaluation. One criterion for the risk evaluation is the participation in EMAS or other environmental management systems. However, only EMAS obtains the highest score.
<b>Legislative reference</b>	Implementation of EU DIRECTIVE 2010/75/EU on industrial emissions (integrated pollution prevention and control)
<b>Level of Application (regional, national, etc.)</b>	National
<b>Score obtained in the first level</b>	10 (assessment: 2,75)

<b>assessment</b>	
<b>Score obtained in the second level assessment</b>	10 (assessment: 2,25)
<b>Final Score</b>	20 (assessment sum: 5)

### Legal feasibility

#### Description

The measure does not require a high legal effort as it is described in the EU DIRECTIVE 2010/75/EU on industrial emissions.

### Economic feasibility

#### Description

The measure does not require high costs. The time savings are huge for the competent authority and also for the organisations.

### Technical feasibility

#### Description

The measure does not require high technical effort. The risk evaluation is a standardized procedure.

### Achieved results

<b>Description</b>	There are high time savings for the authorities as inspections are very time consuming. The organisation on the other hand can save a lot of money if the inspection interval is prolonged. One company stated they can save € 19.000 per year if the interval is prolonged.
<b>Environmental benefit</b>	
<b>Description</b>	The measure involves organisation with significant environmental impacts.

## Good practice selected: advantages in Public Procurement

<b>N. assigned in the mapping phase</b>	5
<b>Promoting institution(s)</b>	Federal Procurement Agency
<b>Type of measure</b>	Green public procurement
<b>Background</b>	The naBe Action Plan pursues the goal that the public sector buys sustainable products, buildings and services. Given the major purchasing power of the public sector, the naBe Action Plan contributes to the development of a sustainable market. During the implementation of the Action Plan, for specific sectors EMAS was introduced as evaluation criteria.
<b>Detailed description of the measure</b>	Organisations with EMAS are ranked higher than other organisations.
<b>Legislative reference</b>	Public Procurement Act
<b>Level of Application (regional, national, etc.)</b>	National
<b>Score obtained in the first level assessment</b>	9 (assessment: 2)
<b>Score obtained in the second level assessment</b>	9 (assessment: 2,17)

<b>Final Score</b>	18 (assessment sum: 4,17)
<b>Legal feasibility</b>	
<b>Description</b>	<p>There are two different approaches either “criterion of entry” (legally the smoother one but more complicated because you leave out many companies) or as “Evaluation Criteria” (the easier one). Criterion of entry means, that only EMAS organisations can apply. Evaluation criteria means that also non EMAS organisations can apply, but EMAS organisations are ranked higher. A third possibility would be to target specific key indicators, such as EMAS Key indicators. However, this has not been done so far.</p> <p>In Austria so far “evaluation criteria” was chosen. Organisations with EMAS obtain a higher score because of their open communication, their environmental statement and the open EMAS register (2. ISO 140001, 3. Ecoprofit)</p> <p>The legal effort was low as the Ministry of Agriculture, Forestry, Environment and Water Management is in charge of EMAS and the public procurement act. Also, the public procurement act itself did not change, only the evaluation criteria were adapted.</p>
<b>Economic feasibility</b>	

<b>Description</b>	<p>The costs depend on the sector. Bigger sectors such as energy, waste and cleaning facility services have no problems to introduce environmental systems without having to raise their prices. So they stay economically competitive while having the asset of being ranked higher due to EMAS. Also the national market was open for environmental management systems in total. However, smaller industries might have problems.</p>
<b>Technical feasibility</b>	
<b>Description</b>	<p>As only the evaluation criteria was added - very low technical efforts. However, the integration process took a long time.</p>
<b>Achieved results</b>	
<b>Description</b>	<p>Before the introduction of this relief only two cleaning facility services had EMAS. Now there are 20 organisations. To stay competitive and interesting for public procurement 18 organisations introduced EMAS.</p>
<b>Environmental benefit</b>	

<b>Description</b>	Currently the waste and cleaning sectors are targeted.
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**Good practice selected: §24: Dispensation from obligation to appoint a waste or wastewater officer**

<b>N. assigned in the mapping phase</b>	9
<b>Promoting institution(s)</b>	The Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management
<b>Type of measure</b>	Extension of validity of permits/authorizations
<b>Background</b>	For the organizations registered in the EMAS register who have appointed an officer according to Annex II A.4.1 of the EMAS Regulation (environmental officers), the obligation to appoint a waste officer or deputy (§ 11 AWG 2002) or a wastewater supervisor (§ 33 Section 3 WRG) and to notify the authority. The obligation to appoint officers responsible for administrative criminal law in accordance with the environmental regulations of the Confederation is not affected by this provision
<b>Detailed description of the measure</b>	EMAS organisations do not have to appoint a waste officer because they have an environmental manager.
<b>Legislative reference</b>	Environmental Management Law
<b>Level of Application (regional, national,</b>	national

etc.)	
<b>Score obtained in the first level assessment</b>	7 (assessment: 1,25)
<b>Score obtained in the second level assessment</b>	8 (assessment: 1,67)
<b>Final Score</b>	15 (assessment sum: 2,92)

### Legal feasibility

#### Description

As the Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management is in charge of EMAS and the waste management law, it was not difficult to incorporate it. (changes within the same Ministry are easier)

### Economic feasibility

#### Description

Cost savings are high for organisations as the training of waste officers are expensive because there are special legal criteria for the training. There are no legal criteria for the training of environmental managers, thus this is cheaper.

### Technical feasibility

<b>Description</b>	Very low technical efforts. EMAS organisations simply have to let the authority know that they use this relief.
<b>Achieved results</b>	
<b>Description</b>	Cost savings for the companies. No changes for the authorities.
<b>Environmental benefit</b>	
<b>Description</b>	This regulatory relief is not targeted at a specific sector.