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#### COVER NOTE

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From:	European Commission
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To:	General Secretariat of the Council
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Subject:	Commission Decision of XXX on the reference document on best environmental management practice, sector environmental performance indicators and benchmarks of excellence for the Construction sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)

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Delegations will find attached document D044470/03.

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Encl.: D044470/03



Brussels, **XXX**  
D044470/03  
[...] (2015) **XXX** draft

## **COMMISSION DECISION**

of **XXX**

**on the reference document on best environmental management practice, sector environmental performance indicators and benchmarks of excellence for the Construction sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)**

(Text with EEA relevance)

## COMMISSION DECISION

of **XXX**

**on the reference document on best environmental management practice, sector environmental performance indicators and benchmarks of excellence for the Construction sector under Regulation (EC) No 1221/2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS)**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1221/2009 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), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC<sup>1</sup>, and in particular Article 46(1) thereof,

Whereas:

- (1) The sectoral reference documents developed by the Commission in accordance with Regulation (EC) No 1221/2009 are necessary to help organisations to better focus on the most important environmental aspects in a given sector and allow evaluating, reporting and improving the organisations' environmental performance. They include best environmental management practice, environmental performance indicators and, where appropriate, benchmarks of excellence and rating systems identifying environmental performance levels in those sectors.
- (2) Meeting the benchmarks of excellence identified in the sectoral reference document is not mandatory for EMAS-registered organisations since the voluntary character of EMAS leaves the assessment of the feasibility of the benchmarks to the organisations themselves
- (3) The "Communication from the Commission - Establishment of the working plan setting out an indicative list of sectors for the adoption of sectoral and cross-sectoral reference documents, under Regulation (EC) No 1221/2009 on the voluntary participation of organisations in a Community eco-management and audit scheme (EMAS)"<sup>2</sup> provides a working plan and an indicative list of priority sectors for the adoption of sectoral and cross-sectoral reference documents, including the

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<sup>1</sup> OJ L 342, 22.12.2009, p. 1.

<sup>2</sup> OJ C 358, 8.12.2011, p. 2.

construction sector. Therefore, a sectoral reference document specifically addressing the construction sector and which includes sector specific best environmental management practices, environmental performance indicators and, where appropriate, benchmarks of excellence should be adopted.

- (4) The measures provided for in this Decision are in accordance with the opinion of the Committee established pursuant to Article 49 of Regulation (EC) No 1221/2009,

HAS ADOPTED THIS DECISION:

*Article 1*

The sectoral reference document on best environmental management practice, sector environmental performance indicators, and benchmarks of excellence for the construction sector is adopted as set out in the Annex.

*Article 2*

EMAS-registered organisations in the construction sector shall take the sectoral reference document referred to in Article 1 into account and shall therefore:

- (a) use relevant elements of the sectoral reference document when developing and implementing their environmental management system in light of the environmental reviews;
- (b) demonstrate in their environmental statements how relevant sector-specific environmental performance indicators, best environmental management practices and benchmarks of excellence described in the sectoral reference document referred to in Article 1 have been used to identify measures and actions, and possibly to set priorities, for improving their environmental performance.

*Article 3*

This Decision shall enter into force on the ninetieth day following that of its publication in the Official Journal of the European Union

Done at Brussels,

*For the Commission*  
*Karmenu VELLA*  
*Member of the Commission*