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REGIONAL ANALYSIS - CATALONIA

Barcelona, 13th June 2017



Generalitat de Catalunya
**Departament de Territori
i Sostenibilitat**

FINAL ASSESSMENT CATALONIA			
Regulatory relief/Promotional Incentive	Score first level assessment	Score second level assessment	FINAL SCORE
Reduced reporting and monitoring requirements	10	7,14	17,14
Fast-track permits/simplification in the application	9	7,93	16,93
Credit access and Funding support	8	6,71	14,71
Reduction of administrative fees	6	6,93	12,93
Green Public Procurement	7	5,29	12,29
Reduced inspection frequencies	5	5,21	10,21
Tax breaks	3	6,64	9,64
Reduction of financial guarantees	4	4,36	8,36
Other measure: Promotion of EMAS through other voluntary systems of environmental behaviour or awareness, information and communication tools	2	2,79	4,79
Extension of validity of permits/authorizations	1	2	3

FINAL ASSESSMENT CATALONIA	
Regulatory relief / Promotional Incentive	FINAL SCORE
<p>1. Reduced reporting and monitoring requirements. Law 20/2009 of 4th December, on Prevention and environmental control of activities (LPCAA) (article 71), amended by Law 3/2015 of 11th March, on fiscal, financial and administrative measures (that incorporates the precepts of the Directive 2010/75/EU of 24th November on industrial emissions), (article 80): Exemption of periodic monitoring of activities for EMAS registered organizations - except for specific controls on certain emissions for special terms have been established. <i>The periodic control can be replaced by the verification carried out by the EMAS verifier and the evidence consists in a special document validated by the verifier. It includes information extracted by the management system and/or environmental statement that provides evidence of compliance in relation to the environmental license/permit. These procedure is applied within the renewal of EMAS.</i> The necessary information regarding compliance with the environmental permit or license, must be submitted together with the updating of the renewal of the accreditation of the EMAS. A copy must be submitted to the corresponding municipality, except for those actions for which other terms have been established.</p> <p>Municipal Ordinance of activities and integral intervention of the environmental administration of Barcelona: All activities included in any Annex to the Ordinance, which are covered by an EMAS system, are exempted from periodic monitoring. The owners of the activities must have the verifications and accreditations required by the applicable regulations (article70).</p> <p>Ordinance type of municipal environmental intervention, safety and public health. Barcelona Provincial Council: The activities with a registered EMAS system are exempted from the periodic environmental control. The organization must provide the necessary information on compliance with the license at the time of renewal of the EMAS, at least every six or eight years, depending on the period established in the license (model set out in Annex III of the Ordinance). For micro-enterprises and small enterprises (Annex II of the LPCAA), can present the EMAS environmental statement, with the copy of the documents of the self-checks carried out by the company.</p>	<p>17,14</p>

FINAL ASSESSMENT CATALONIA	
Regulatory relief / Promotional Incentive	FINAL SCORE
<p>2. Fast-track permits/simplification in the application</p> <p>Law 20/2009 of 4th December, on Prevention and environmental control of activities (LPCAA) (articles 62, 63), amended by Law 3/2015, of 11th March, on fiscal, financial and administrative measures (article 80): Review of Environmental Authorization and License: for activities EMAS registered activities, the periodic review may coincide with the renewal of the EMAS Register, with the document for environmental control exemption.</p> <p>Ordinance type of municipal environmental intervention, safety and public health. Barcelona Provincial Council: Environmental license review (article 81): For activities with EMAS registration, the periodic review of the environmental license may coincide with the renewal of the EMAS Register (request with the accreditation of the renewal of the EMAS Register together with the document for environmental control exemption).</p>	<p>16,93</p>

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<p>3. Credit access and Funding support</p> <p>ORDER TES/130/2015, of 4th May, approving the regulatory bases of the grants for the promotion of voluntary environmental management systems. ORDER TES/8/2017, of 16th January, modifying the regulatory bases of grants for the promotion of voluntary environmental management systems, approved by Order TES/130/2015, of 4th May: Grants for the implementation, with own or external personnel, of an environmental management system in accordance with the EMAS Regulation, and subsequent verification carried out by an accredited environmental verifier, in establishments located in the territory of Catalonia. Grants for the renewal of the EMAS registration, in accordance with Article 6.1 of the EMAS Regulation. For public and private legal entities, local entities, associations of local authorities and their autonomous bodies, foundations and other non-profit entities.</p>	<p>14,71</p>

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Regulatory relief / Promotional Incentive	FINAL SCORE
<p>4. Reduction of administrative fees</p> <p>Law 20/2009 of 4th December, on Prevention and environmental control of activities (LPCAA): (Additional sixth provision): Bonuses for activities with EMAS → Laws and ordinances regulating the fees established by Article 89 of the Law, shall provide the granting of a specific bonus to companies with EMAS registration. Legislative Decree 3/2008 of 25th June, approving the revised text of the Law on taxes and public prices of the Generalitat of Catalonia (article 12.13-3), amended by Law 2/2014 of January 27: Fee for services of environmental authorization of activities → For activities with EMAS registration, bonus of 50% on the fees (environmental authorization, evaluation and declaration of environmental impact of the activity, periodic review of the environmental authorization).</p> <p>Law 4/2015, of 25th June, for the prevention and correction of soil pollution in Basque Country (article 191): Fee for actions on prevention and correction of soil pollution: Bonuses of 50% of the fee, if the taxable activity is an EMAS registered organization.</p>	<p>12,93</p>

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<p>5. Green Public Procurement</p> <p>Resolution of the Government of Catalonia, of 11th October, 2005 on measures to promote the greening of public procurement of the Generalitat of Catalonia and public companies and entities that are affiliated or related: To guarantee compliance with environmental technical solvency, is considered to have the EMAS registration, ISO 14001 or other equivalent certifications and other measures of environmental management, that are applicable to the services objects of the tender.</p> <p>Guidelines for environmentally friendly events: <u>Environmental criteria to be included in the accreditation of the technical or professional solvency:</u> EMAS, ISO 14001 or equivalent. <u>Environmental criteria as special conditions of the contract:</u> waste management → registration of conformity according to EMAS system or ISO 14001.</p> <p>Guidelines for environmentally friendly textile: Environmental criteria to be included as award criteria: ecodesign criteria, ISO 14001 certification and / or EMAS registration.</p>	<p>12,29</p>

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<p>6. Reduced inspections frequencies</p> <p>Law 3/2015, of 11th March, on fiscal, financial and administrative measures (article 68), which amends Law 20/2009 on Prevention and Environmental Control of Activities: For activities affected by the Directive on industrial emissions, EMAS is considered as a criterion in order to assess the environmental risk and to determine the frequency of on-site inspections (for activities subject to an Integrated Environmental Inspection Program and the sectorial controls established in the environmental authorization).</p> <p>Royal Decree 110/2015 of 20th February, on waste electrical and electronic equipment (article 31): Public administrations should encourage establishments or companies carrying out treatment operations to establish certified environmental management systems in accordance with the EMAS system.</p> <p>Law 22/2011, of 28th July, on contaminated waste and soils (article 44): Inspection → Competent Authorities may take into account records made in accordance with the EMAS system, or equivalent, in particular as regards the frequency and intensity of inspections.</p>	<p>10,21</p>

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<p>7. Tax breaks</p> <p>Legislative Decree 3/2008 of 25th June, on Public Fees and Prices in Catalonia modified by Law 2/2014 of 27th January: Rate for the processing of authorizations of occupation of public domain or of authorizations for concessions in the maritime-terrestrial public domain → Bonuses for the promotion of quality and environmental practices in the provision of services: taxpayers with EMAS or ISO 14001 system may request a bonus of the full fee of 15% or 10%, respectively, in a non-cumulative manner. If the organization has ISO 9001 quality, the bonus is 5%, cumulative to the previous ones. Bonus to be applied during the whole term of the concession: the taxpayers of ports managed under concession, with EMAS, ISO 14001, ISO 9001 for the management of the entire port facility, may request a bonus of the full rate of the 40%, 30% or 5%, respectively in a non-cumulative manner. Legislative Decree 2/2010 of 3rd August, on Ports Taxes applicable by Ports of Generalitat of Catalonia (article 20). Law 5/2017, of 28th March, on tax, administrative, financial and public sector reforms and on the creation and regulation of taxes on large commercial establishments, stays in tourist establishments, radioactive elements, packaged sugary drinks and on carbon dioxide emissions (article 136).</p>	<p>9,64</p>

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<p>7. Tax breaks</p> <p>Legislative Decree 3/2003 of 4th November, approving the revised text of the legislation on water in Catalonia, modified by Law 21/2005 of 29th December, on financial measures (eleventh additional provision) modified by Law 5/2007 of 4th July, on tax and financial measures: Activities with an industrial use of water (i.e. activities included in division 05.02 of section B and sections C, D and E of CNAE-93 which is the Catalan NACE codes), with an individual application of the water tariffs, and able to prove an improvement in the efficiency of water use, can ask for a water tax reduction (a coefficient of 0.90 applies to the general tax rate). This improvement can be prove according to a qualitative system based on an ISO14001 or EMAS.</p> <p>Legislative Decree 3/2008 of 25th June, on Public tax and prices in Catalonia: Reduction of the tax for the request or renewal of the Emblem of Environmental Quality for EMAS/ISO14001 (15%). Reduction of the tax for the request of the EU Ecolabel: 30% tax reduction for EMAS and 15% for ISO14001.</p>	<p>9,64</p>

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<p>7. Tax breaks</p> <p>Royal Legislative Decree 2/2011, of 5th September, approving the consolidated text of the Law on State Ports and Merchant Marine: Bonuses for activity and utilization taxes:</p> <p>a) Agreement with the Port Authority on good environmental practices.</p> <p>b) Be registered in the EMAS or ISO 14001 (services related to the activity subject to authorization or concession): 1. Holder of a concession or authorization that carry out fishing activities, nautical sports or construction, repair, conversion or ship dismantling → 15% bonus on the activity tax; 2. Holder of a license to provide the port handling service, or holder of the concession or authorization of a terminal for the handling of goods → 15% bonuses in the activity tax and 20% in the part of the fee of the tax corresponding to manipulated traffic of solid or liquid materials.</p> <p>Ordinance type of municipal environmental intervention, safety and public health. Barcelona Provincial Council: Bonuses for EMAS registered organizations: the municipal fiscal ordinance that regulates the tax that incorporates this Ordinance, should provide a specific bonus to companies that have an EMAS Register.</p>	<p>9,64</p>

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<p>8. Reduction of financial guarantees</p> <p>Law 26/2007, of 23th October, on Environmental Responsibility (article 28). Exemptions from the obligation to establish a compulsory financial guarantee (by activities of Annex III of the Law): Exemption of financial guarantees for operators of activities liable to cause damages whose reparation is evaluated by an amount between 300.000 and 2.000.000 euros, that can prove their permanent and continued EMAS registration or to the ISO 14001. They shall submit to the competent authority, a responsible declaration in accordance with Article 33 (5), which shall contain at least the information included in Annex IV.2. Reial decret 183/2015, of 13th March (modifies the Regulation of partial deployment of the Law 26/2007, on Environmental Responsibility): includes a responsible statement that the organization complies with the exemptions according of Law 26/2007 on Environmental Responsibility, and therefore is exempt from providing financial guarantee.</p> <p>Decree 112/2012, of 26th June, regulating the production and management of construction and demolition waste in Basque Country (article 5): Regulation of the production and management of construction and demolition waste (Basque Country): organizations with an EMAS Register, will be exempt from providing the required deposit.</p>	<p>8,36</p>

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<p>9. Other: Promotion of EMAS through other voluntary environmental behavior systems or awareness, information and communication tools</p> <p>Eco-management manuals, General Direction of Environmental Quality and Climate Change, Generalitat of Catalonia: - Practical Guide for the implementation of an environmental management system on the beaches; - Manual for the implementation of environmental management systems in the Marinas; - Experience of implementing an environmental management system in the Government of Catalonia; - Guide for the preparation of environmental declarations according to the EMAS Regulation; - Guidelines for the prevention of soil pollution in the environmental management system; - Guidelines for the implementation of an environmental management system in Cultural Entities; - Practical guide for evaluation of aspects and system of environmental indicators applicable to pharmaceutical laboratories; - Guidelines for the development and implementation of an environmental management system at health centers.</p> <p>RESOLUTION TES/2807/2016, of 28th November, which establishes the environmental criteria for granting the Emblem of Environmental Quality to hotel establishments.</p> <p>RESOLUTION TES/623/2015, of 30th March, establishing the environmental criteria for granting the Emblem of Environmental Quality to vehicle fleets.</p>	<p>4,79</p>

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<p>10. Extension of validity of permits/authorizations</p> <p>Royal Decree 876/2014 of 10th October, approving the General Regulation on Coasts: Criteria for the graduation of maximum periods of extensions: for the aquaculture sector maximum periods of concessions can be extended in one-fifth within a limit of seventy-five years, if after granting a concession the concessionaire agrees to permanently adopt EMAS or commits to have an ISO 14001 system (article 182).</p> <p>The Regulation also incorporates the reduction of the application tax in order to encourage better environmental practices in the aquaculture sector: the tax is reduced by 40% for concessionaires adhering to the EMAS system, or a reduction of 25% if ISO 14001.</p>	<p>3</p>

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