



**PROVISIONS FOR THE SUPERVISION OF
ENVIRONMENTAL VERIFIERS OPERATING IN BELGIUM
UNDER ACCREDITATION GRANTED IN ANOTHER
MEMBER STATE**

The only valid versions of the documents of the BELAC management system are those available from the internet website.

English translation for information only
French and Dutch version remain the authoritative documents

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HISTORY OF THE DOCUMENT

Revision	Reason for revision	Scope of the revision
0 CC 14.10.2011 e-mail consultation	Document BELAC 3-12 Rev 6 has been split into 2 separated documents (BELAC 3-12 Rev 7 and BELAC 3-14 Rev 0). Chapter 6 of the BELAC document 3-12 revision 6 dealing with the supervision of foreign environmental verifiers operating in Belgium has been updated and is now presented as BELAC 3-14.	new document
1 Secretariat 15.05.2012	Various editorial changes without significant impact	Full document
2 CC 27.10.2016	Amendments due to the Commission Decision (EU) 2016/1621 of 7 September 2016 adopting a guidance document on notification to accreditation and licensing bodies by environmental verifiers active in a Member State other than that where the accreditation or license was granted under Regulation (EC) No 1221/2009 of the European Parliament and of the Council.	Full document

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PROVISIONS FOR THE SUPERVISION OF ENVIRONMENTAL VERIFIERS WITH FOREIGN ACCREDITATION AND OPERATING IN BELGIUM

1. AIMS AND REFERENCE TO NORMATIVE DOCUMENTS

This document aims to specify the practical provisions for the organisation of the activities of environmental verifiers operating in Belgium under accreditation or license granted in another Member State.

This document makes reference to and complies with the relevant sections of Regulation (EC) Nr. 1221/2009 (EMAS) and the BELAC 2-313 document.

The NACE codes refer to the nomenclature of economic activities as defined in Regulation (EC) Nr. 1893/2006.

2. RECIPIENTS

With follow-up of revisions:

- Members of the Coordination Commission
- Members of the Accreditation Board
- Accreditation Secretariat
- Assessors

Without follow-up of revisions:

- Any external request
- Experts

3. GENERAL PROVISIONS

BELAC shall not act in a way that may prejudice the right of the environmental verifier to provide services in Belgium under an accreditation or license granted in another Member State.

4. PRIOR NOTIFICATION

Prior notification will be given for each verification/validation activity carried out in Belgium by an environmental verifier accredited or licensed in another Member State.

This prior notification must be given at least four weeks before the scheduled verification activity. The term “verification activity” refers to any action at the organisation by the environmental verifier after conclusion of a contract for carrying out verification or validation as referred to in the EMAS Regulation.

The prior notification to BELAC will include the following information about the environmental verifier:

- a) Accreditation or license details, with evidence that the accreditation or license is still valid and not affected by suspension or withdrawal and that it is adequate for the specific activities of the organization under verification or validation;
- b) Team composition and competences, in particular knowledge of legal requirements relating to the environment and knowledge of the official language of the Member State where the verification or validation should take place;
- c) Personnel records, if necessary, such as records of relevant qualifications, training and experience specific to the economic sector being verified;
- d) Time and place of the verification and validation, including the environmental verifiers visit at the organization and all stages before and after that visit, as set out in Article 25 of Regulation (EC) No 1221/2009;
- e) Address and contact details of the organization that is subject to verification or validation, including all sites and activities under the scope of verification or validation, and the number of employees;
- f) The NACE code for the specific activities of the organization being the subject of the verification or validation.

The additional requests referred to in point (c) shall be justified with regard to the specific situation and may not prejudice the right of the environmental verifier to provide services in a Member State other than the one where the accreditation or license was granted.

5. PROCESSING THE NOTIFICATION

Where the notification fulfills the notification requirements set out in point 4, BELAC shall inform the environmental verifier hereof prior to the beginning of the verification or validation activities. At the same time, BELAC shall inform the environmental verifier of the scope and content of the supervision it intends to execute (see 7.1), and of the associated costs (see 7.2).

Where BELAC becomes aware that verification or validation activities are to be conducted, or already have been conducted, without notification, BELAC shall remind the environmental verifier about the requirements regarding notification as described under point 4 of the present document. Where the information is not provided in due time or where the notification does not fulfill the notification requirements set out under point 4, the procedure described under point 6 shall apply.

The environmental verifier is recommended to communicate the notification outcome to its client.

6. CONSEQUENCES OF FAILURE WITH RESPECTING THE REQUIREMENTS FOR THE NOTIFICATION PROCEDURE

Where the notification does not fulfill the notification requirements, the following provisions shall apply:

- 6.1 If information with regard to accreditation or license details, competences, time and place of the verification and validation, address and contact details of the organization, knowledge of legal requirements relating to the environment and knowledge of the official language of the Member State where the verification or validation should take place, or, if appropriate, team composition is not provided, or is not provided on time, the environmental verifier shall be informed as soon as possible about the missing information and failure to respect the notification deadline.
- 6.2. If BELAC considers that the missing information does not preclude satisfactory supervision of the environmental verifier, BELAC shall consider the notification as satisfactory for the execution of the supervisory activities, and request the environmental verifier to provide the missing information at a later stage. The environmental verifier shall be informed of this decision in a timely manner and, prior to the verification or validation.
- 6.3. If BELAC considers that information that is essential to perform a satisfactory supervision of the verification or validation activity (for example, the time and place of the verification or validation activities, the address and contact details of the organization, the accreditation or license details of the environmental verifier, team composition or team competences, in particular knowledge of legal requirements and knowledge of the official language of the Member State where the verification or validation should take place) has not been received, BELAC shall inform the environmental verifier that it considers the notification as unsatisfactory, that a satisfactory supervision is therefore not possible and that if the verification or validation take place before complementing the missing information it will recommend the competent body not to register the organization.
- 6.4. When BELAC decides to recommend the competent body not to register the organisation this shall be communicated to the environmental verifier, to the accreditation or licensing body that has granted the accreditation or license, to the organization, where possible, and to the competent body.

7. THE SUPERVISION PROCEDURE

7.1. Content

The supervision may consist of one – or a combination - of the following activities:

- a witnessing of the verification or validation activities on site in an organization;
- a (documentary) review of environmental statements or updated environmental statements validated by the environmental verifier;
- a (documentary) review of the verification report.

The organisations must allow BELAC to perform the supervision of the environmental verifier during the verification and validation process.

7.2. Costs

BELAC will provide the environmental verifier with a quotation which depends on the type and extent of the supervision.

The applicable rates (BELAC 7-01) will be taken into account at the time of drawing up the quotation. The amounts can be indexed according to the effective date of supervision.

In addition, the quotation will take into account compensation for the preparation and reporting by the members of the assessment team. Additional costs (e.g when translation has to be provided) may be charged based on documented arguments and will depend on the specificities of the case.

The general provisions for the notification of the assessment team composition and of the quotation to the applicant and the members of the assessment team will apply as described in BELAC 3-11.

8. ASSESSMENT REPORT

The report will be written in in the language of the region where the supervision takes place; English can also be used following agreement of all parties involved.

The report will contain following information:

- a) the technical, linguistic and regulatory competence of the individual environmental verifier or of the members of the verification team;
- b) the impartiality and independence of the environmental verifier;
- c) an evaluation of the non-compliances observed by the environmental verifier;
- d) all the remarks that must be addressed to the accreditation body;
- e) all the remarks that must be notified to the competent authority;
- f) a conclusion and a recommendation of the assessment team.

Copies of the report are sent:

- to the environmental verifier who is invited to submit written comments, if felt necessary, within 15 working days from the date of transmission of the report;

- to the assessment team who are invited to comment.

Based on the conclusion and recommendation of the assessment team and the received comments, if any, BELAC will decide on the quality of the work of the environmental verifier. The decision is communicated simultaneously to:

- the competent federal or regional authority to which the organisation concerned intends to apply for registration or which registered the organization concerned;
- the concerned environmental verifier;
- the assessment team;
- the accreditation or licensing body that has granted the accreditation of license.

Where BELAC is of the opinion that the quality of the work of the environmental verifier does not meet the requirements of the EMAS Regulation, a copy of the report is also sent to

- the accreditation or licensing body that has granted the accreditation of license;
- the competent federal or regional authority to which the organisation concerned intends to apply for registration or which registered the organization concerned;

In case of dispute between BELAC and the environmental verifier, the supervision report shall be transmitted to the Forum of Accreditation and Licensing Bodies (FALB) referred to in article 30 of the EMAS Regulation.
