

<b>Document reviewed</b>	
<b>Title of the draft being reviewed:</b>	Draft standard and guidelines on the development and application of environmental management systems and review template
<b>Contact information</b>	
<b>Surname:</b>	Dr. Engels
<b>Given Name:</b>	Urs Daniel
<b>Government (if applicable):</b>	Federal Republic of Germany
<b>Organization (if applicable):</b>	n/a
<b>Country:</b>	Germany
<b>E-mail:</b>	Buero-VB2@bmwi.bund.de
<b>General Comments</b>	
The draft reviewed is not fit for purpose/adoption yet.	
The exploitation regulations are still in drafting stage. Therefore, if any regulatory instruments or concepts in the draft regulations are amended, the respective standards/guidelines may need to be adapted accordingly.	
<p>Germany notes that the three draft standards/guidelines submitted are of a primarily procedural nature. We would like to highlight that the Council should further consider and finally decide which standards are the most relevant ones to be developed before the adoption of the draft regulations. As part of an initial environmental regulatory framework and in line with draft regulation 45, Germany considers the following categories (some of which are already under development, e.g. EIA/EIS and EMMP) are to be developed as binding standards and adopted by the Council:</p> <ul style="list-style-type: none"> <li>- Environmental quality objectives including threshold values;</li> <li>- General monitoring requirements (i.e., general aspects how an effective monitoring could be established – inter alia frequency, spatial distribution, methods, independent observers).</li> </ul>	
Regarding the three draft standards/guidelines submitted we suggest that the process would benefit from increased transparency. E.g., it would be helpful to know how and which experts have been selected for this development. In view of the high workload of the LTC, support from experts on standard setting from the Authority's member States would have been regarded as helpful. We propose that member States are invited to nominate experts for future working groups of the LTC.	
Furthermore, it appears that some clarity is needed with regard to the relationship between EMS, EMMP, EIA/EIS and ER&CP and the related standards/guidelines. It has not yet become fully clear whether these instruments will be standing on an equal footing. In case one of these instruments is however considered to be more general than others, with others specifying elements of the former, this hierarchy/order should be explained and stated explicitly by the exploitation regulation. Finally, the standard/guideline on EMS should be in line with the draft exploitation regulations.	
The draft is phrased on a very general level and offers a high flexibility for contractors, e.g. by allowing the to determine their own environmental objectives, performance criteria and auditing scheme. Indeed, it would be a possible way forward that the contractor could decide on the means and instruments how to achieve environmental objectives. However, the level of environmental protection needs to be determined by the ISA, in particular by the Council, as this is a key normative decision.	

<i>Specific Comments</i>		
No specific comments at this time.		