I. Introduction

Regulatory compliance remains crucial for any business. Any major deviation from regulations shall not only involve the criminal/civil/ administrative responsibility of either the company or its executives but shall also, in most cases, clearly highlight certain major risks incurred by the company, lack of management and potential business disruption while clearly affecting the image.

Ensuring regulatory compliance with applicable environmental requirements is one of the major principles that guides the path toward an Environmental Management organization that is certified ISO 14001 v 2004 or registered with EMAS.

These guidelines define the way in which an organization or a company shall identify, anticipate, address and comply with various environmental requirements, as imposed by international, European, national and local regulations, as well as other non-legal requirements that may be relevant. These guidelines also specify how to control and ensure compliance with these requirements as a whole.

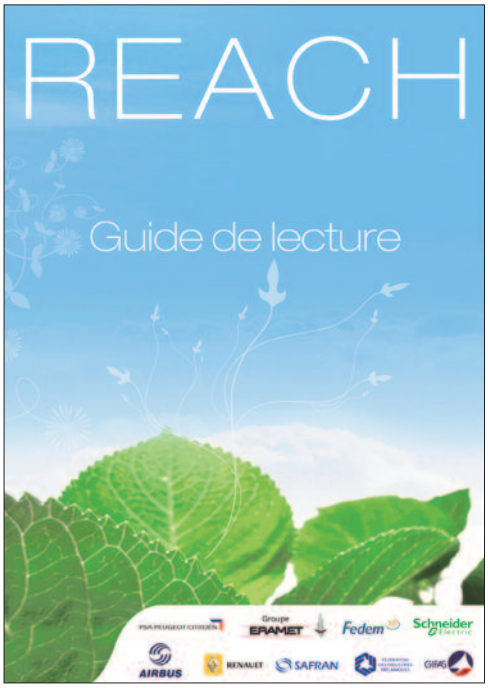
"Regulatory compliance is a must for companies: brought by Life Cycle Management could be quickly damaged by significant non compliance events, fines, penalties, negative publicity or prohibition to sell a product".

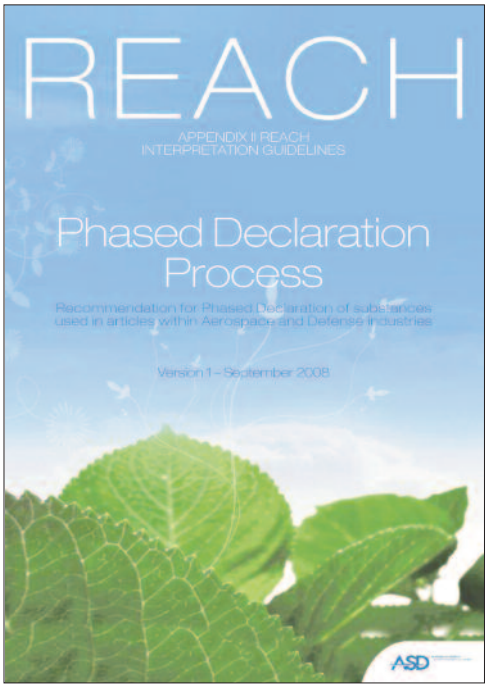
E. DELPET
Regulatory Compliance Manager

II. ISO 14001 requirements

The ISO 14001 standard as per chapter 4.3.2 for tracking applicable legal and non-legal regulations enables an organization to establish and further maintain information in order to:

- Ensure and facilitate a continuous regulatory survey
- Ensure the clarification of the different applicable regulations that are either pending or in force
- Ensure the communication of applicable requirements to the Sites or Departments concerned
- Ensure the appropriate relationships with all official international, European national or local bodies
- Ensure that appropriate records are kept of documentation or data proving regulatory compliance





III. Principles

As already stated in the introduction, and to ensure compliance with all applicable requirements (legal and non-legal), an organization shall perform two kinds of activities, which are defined below:

1. Identification of applicable requirements (legal and non-legal)

As regards the ISO 14001:2004(E) International Standard, each organization shall establish, implement and maintain (a) procedure(s):

- To identify and have access to the applicable legal requirements and other requirements to which the organization subscribes with respect to its environmental aspects
- To determine how these requirements apply to its environmental aspects

Each organization shall ensure that these applicable legal requirements and other requirements to which the organization subscribes are taken into account in establishing, implementing and maintaining its Environmental Management System (EMS).

2. Evaluation of compliance

In keeping with its commitment to compliance, the organization shall establish, implement and maintain (a) procedure(s) for periodically evaluating compliance with applicable legal requirements.

The organization shall keep records of the results of periodic evaluations.

The organization shall evaluate compliance with other requirements to which it subscribes. The organization may wish to combine this evaluation with the evaluation of legal compliance or to establish (a) separate procedure(s).

" Do not forget: when writing procedure, keep it simple!"

J.L. BOULET
ISO 14001 Manager

IV. Golden Rules

A All legal requirements as well as non-legal requirements concerning environmental issues shall be identified.

B The regulatory survey of legal and non-legal requirements should cover all activities of the organization.

C The regulatory survey of the legal and non-legal requirements shall cover, by anticipation, both pre-regulation and all relevant proposals for regulations that are pending, until their final publication and entry into force.

D A focal point for any question about the legal applicable Environmental requirement shall be nominated for each activity.

E Applicable regulations shall be clarified with all departments concerned, in cooperation with the Legal department, if any. This support (survey and clarification) may be performed by dedicated external service providers, as a subcontracted activity.

F All departments shall ensure that all applicable legal and non-legal requirements are integrated at the earliest phase of any design projects or decisions.

G Any necessary records required shall be managed according to appropriate rules defined by the organization.

H Compliance review matrices shall be performed periodically at all appropriate levels and the appropriate results shall be disseminated and archived.

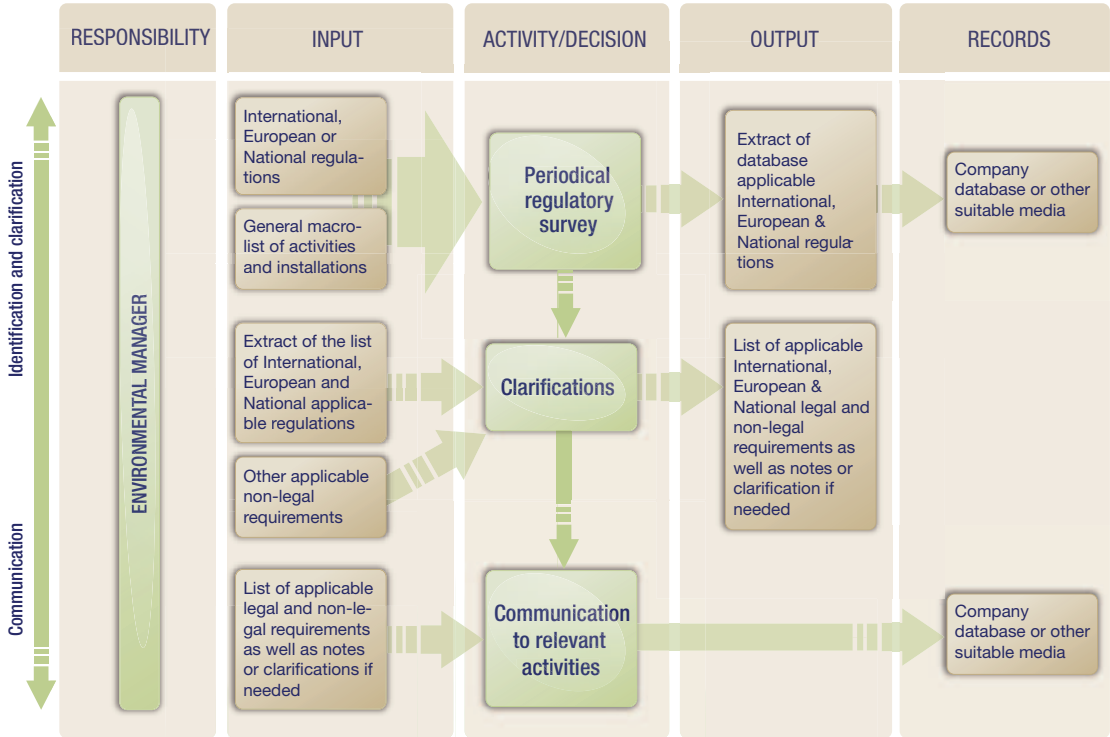
V. Identification of legal and non-legal requirements

The organization, in close cooperation with all relevant functions of the company, shall ensure and/or facilitate the following:

- Continuous regulatory survey
  (International, European, national and local regulations in the area of its implementation)
- Continuous survey of non-legal requirements
- Clarifications of requirements applicable to its activities
- Communication of applicable requirements to the Sites concerned
- Appropriate relationships with all official European, national or local bodies
- Appropriate records of documentation or data proving the regulatory compliance of each activity

Implementation of this process could be supported through any additional references to national documentation.

See flow chart (below) for an explanation of this activity.



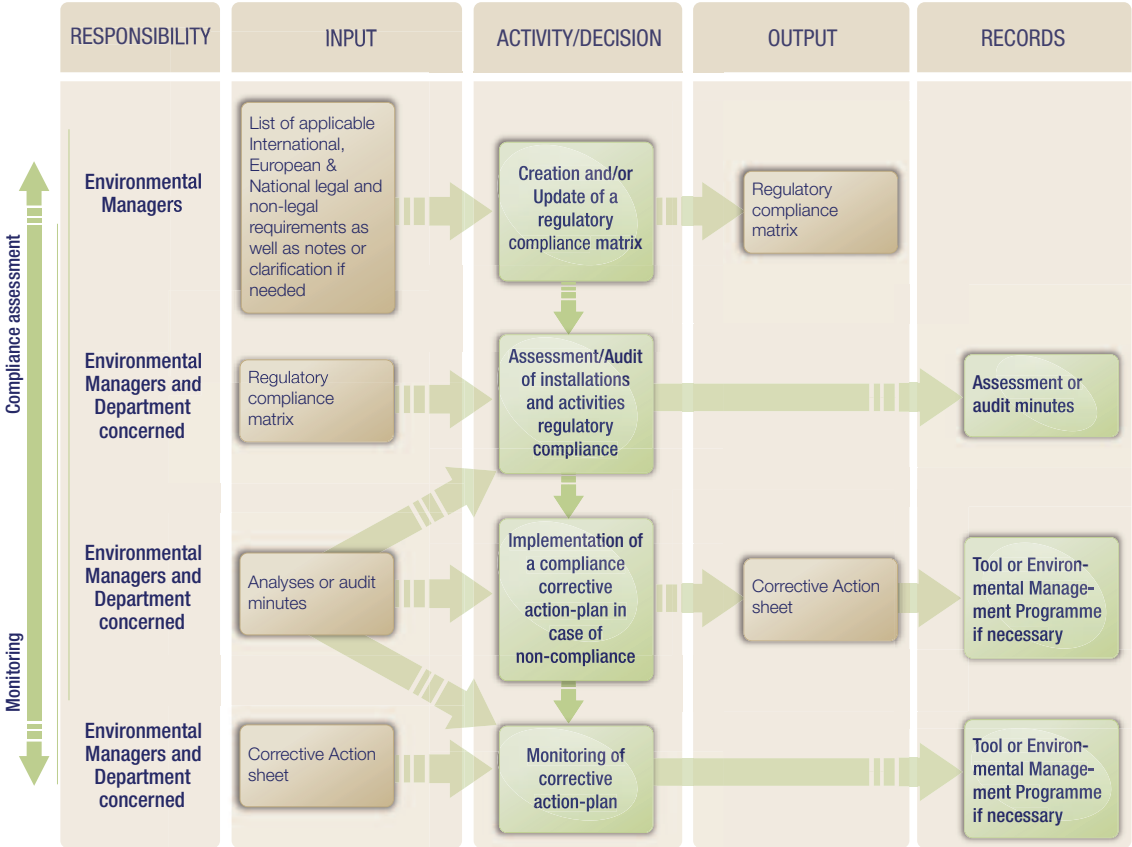
VI. Control of regulatory compliance

In order to be consistent with its commitment to compliance (Chapter 4.3.2 & 4.5.2 of ISO 14001 Standard), the organization shall establish, implement and maintain (a) procedure(s) for periodically evaluating compliance with applicable legal requirements.

The organization shall keep records of the results of periodic evaluations.

The organization shall evaluate compliance with other requirements to which it subscribes. The organization may wish to combine this evaluation with the evaluation of legal compliance or to establish a separate procedure(s).

See flow chart (below) to explain this activity.



VII. Tools & Deliverables

Regulatory compliance shall be controlled regularly (generally once a year). However, requirements are identified immediately for each major new regulation.

1. Tools for regulatory survey

Many tools could be used to be kept informed on international, European, national and local legal or non-legal new requirements. These tools shall be often consulted to make sure that all activities are compliant with applicable regulations. All these tools shall be available on a specific channel within the organization.

Examples of possible tools to be used (accessible online)

Lost of service providers are available on the market to help the company performing such a survey.

2. Clarification of regulations

2.a. Objectives

The aim of this work is to simplify the understanding of new regulations, bring out the essential points of those which impact the organization's activities and inform staff in order to boost implementation of new methods, in agreement with environmental laws. Regulatory clarification is performed for the whole organization, even if it is transnational, to ensure consistent understanding because of different forms of transposition in each country. In some cases, different departments can work in collaboration to provide better understanding and implementation of new systems.

2.b. Tools

Regulatory clarification is carried out in the guise of non-regular papers on some of the regulations that could have the greatest impact on the organization's activities.

Different tools could be used to perform these clarifications, which could be performed on a regular basis (monthly) but also as needed, such as when a new regulation could have a major impact (regulatory alerts).

VIII. Example of matrix to be further completed appropriately

Environmental fields	Objectives	Legal requirement	Application perimeter			
			Geographic area	Activities	Product part	Stage of life cycle
This lists the environmental domains of concern	This details the issues tackled within the listed texts, which are applicable to the product and services	This lists the applicable text references	Description of the scope to which the requirements apply			
Noise emissions	Community noise - Example Type 5 2002/49: Harmonisation of methods for measuring noise across the EU - by 2007: 'noise maps' for all urban areas - by 2008: adoption of action plans to manage noise. For aircraft requiring measurements: Lden; d=day, e=evening with +5dB weighting, n=night with +10 dB weighting. Lnight Lday Levening LAeq, 16 (16 hours, 0700-2300)	EC Directive 2002/49	EU	Design Test	Aircraft	Aircraft operation (near & further away from airport)

Environmental fields	Objectives	Legal requirement	Application perimeter			
			Geographic area	Activities	Product part	Stage of life cycle
Air emissions Local air pollution Hazardous materials	**Ambient Air Quality Standards** 1. EC Directive 1996/62/EC, programme Clean Air For Europe (CAFE, COM 2005/447) & related directives: mandatory limit values for a range of pollutants including NO_2 (from 2010), PM10 (from 2005) 2. NAAQs: US/limit level of "criteria pollutants" including CO, lead, NO_2, PM, O_3, SO_2, VOCs; other examples German 3. US Clean Air Act: pertains to mobile sources: mechanisms to regulate mobile air emissions	1. 1996 Framework Directive on Ambient Air Quality (1996/62/EC) and "daughter" directives, esp. 1999/30/EC & 2001/0744/EC - SO_2, NO_2 & oxides of nitrogen, PM & Pb; 2000/69/EC - benzene & CO; 2002/3/EC - O_3; 2004/107/EC - As, Cd, Hg, Ni & polycyclic aromatic hydrocarbons 2. US National Ambient Air Quality Standards NAAQSs 3. US Clean Air Act Title II (Emission Standards for Moving Sources; Part B - Aircraft Emission Standards)	1. EU 2 & 3. US	Design Procurement Test	Engine	Use phase, esp. at/near airport
	Banned substances List of banned substances in the following groups: - Fibre and ceramics - Ozone depleting substances - Halogenated compounds - Some heavy metals and other hazardous metallic compounds - Amines - Aromatic amines - Glycol ethers - Others		US: especially California & Washington States EC	Manufacturing Maintenance Operations	All parts	Supply chain Manufacturing Operation phase Maintenance

XI. Glossary

EMS - Environmental Management System.

ISO 14001 - International Organization of Standardization environmental management standard.

Legal requirement - any environmental requirements imposed by any International, European, national and local regulations and laws.

Non-legal requirement - any other environmental requirements which are not legal requirements applicable to the organization.

These non-legal requirements could include, but are not limited to:

- Agreements signed with stakeholders
- Organization internal policy, Organization standard
- International standard
- …

Pre-regulation - any relevant project or regulation draft, until final publication and entry into force, should be covered by the regulatory survey.