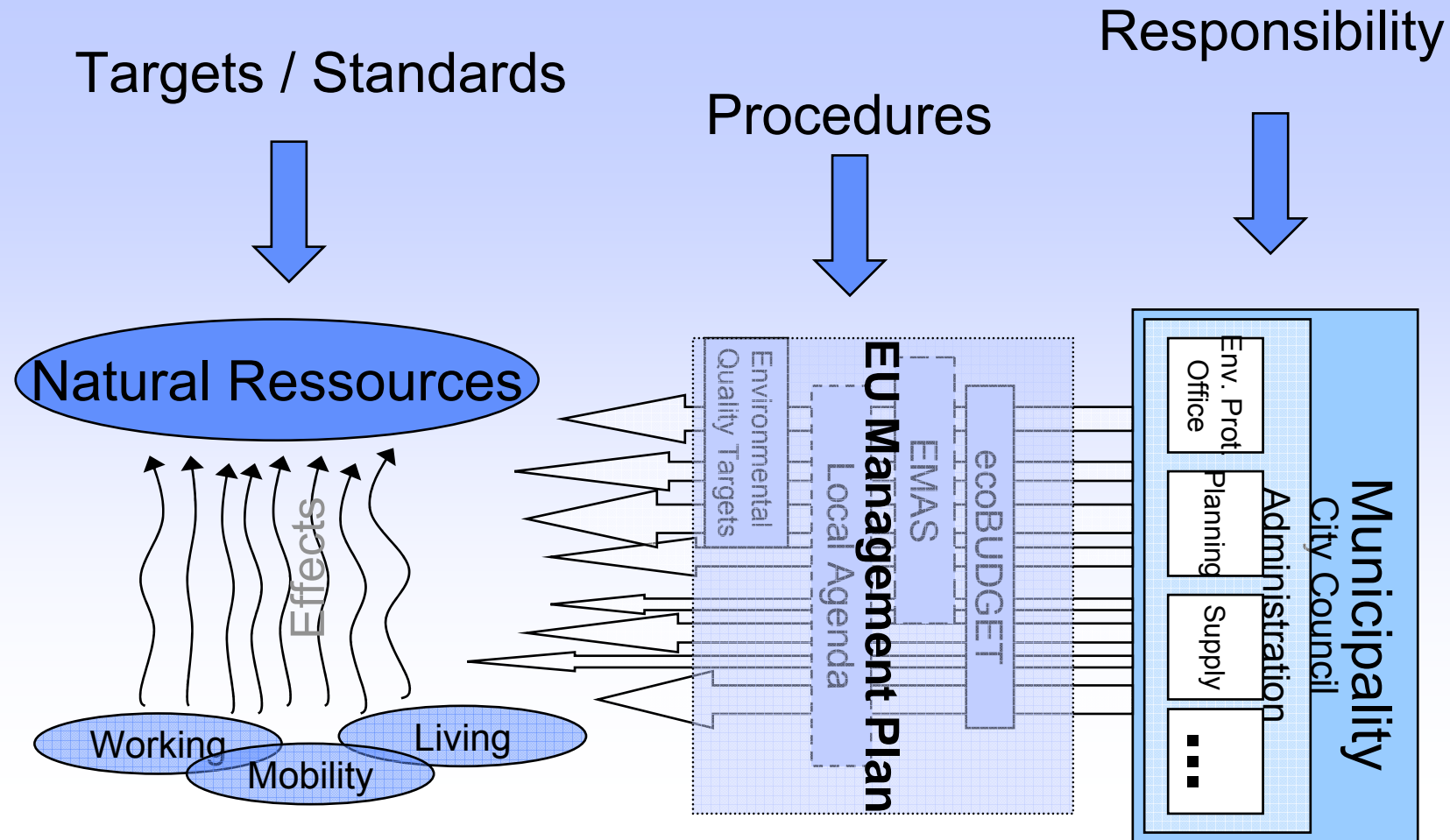


„Legal Compliance“: Reference



Legal Compliance, Reference: Existing Law

Advantage:

- targets, procedures, responsibilities defined by law;
- commitment and action guaranteed;
- legal compliance guaranteed;
- existing law in some areas of action very ambitious,

But:

- No reason for an own management procedure!

Example:

- European legislation on air quality;
→ targets can hardly be exceeded voluntarily!

Legal Compliance, Reference: Voluntary Self-Commitment

Advantage:

- Targets, procedures, responsibilities may be self-defined;

But:

- only voluntary commitment, action not guaranteed;
- legal compliance has to be checked as well to avoid conflicts.

Example:

- Climate protection: Existing (voluntary) targets (CCP, Energiecités etc.) had to be adjusted, when it was obvious that it could not be reached.

Conclusions – Remarks to Point 8: „Legal Compliance“:

Identification of the legislative prescription and of the competences

System requirements: Regulation list, regulation database

Certainly useful, but has to be linked to ideally decentral units (ecoBUDGET experience!) that are responsible for the specific target / process / regulation, → therefore not absolutely necessary.

Process requirements: Modalities of legislative requirement registry

One of the most crucial points of an EMS is the definition of responsibilities and processes. Ideal structure according to ecoBUDGET experience: decentral responsibilities and a strong leading unit or person, ideally the Mayor him-/herself:
→ best warranty for competence concerning regulations as well as optimal flow of information.

Conclusions – Remarks to Point 8: „Legal Compliance“:

Assessment of the fulfilment and the competences

System requirements: Voluntary/binding normative distinction

Very important for the setup phase regarding the acceptance in the political sphere – has to be prepared carefully:

- danger of being too ambitious (high degree of self-commitment, targets exceed legislation): whole project may be put into question due to the fear of failing the targets (politicians) or the lack of personal competence;
- danger of being too unambitious (targets underwrite legislation, no self-commitment, targets not significant): no political interest – no political support.

Process requirements: hierarchy of documents / political valence - voluntary

Could be a good starting point for the political discussion in the setup phase to prepare the final decision on targets, procedures and responsibilities.