# INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

### Volume 3 | Issue 2 2020

© 2020 International Journal of Law Management & Humanities

Follow this and additional works at: <a href="https://www.ijlmh.com/">https://www.ijlmh.com/</a>
Part of VidhiAagaz – Inking Your Brain (<a href="https://www.vidhiaagaz.com">https://www.vidhiaagaz.com</a>)

This Article is brought to you for free and open access by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

Further, in case of any suggestion or complaints, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at International Journal of Law Management & Humanities, kindly email your Manuscript at <a href="mailto:editor.ijlmh@gmail.com">editor.ijlmh@gmail.com</a>

## Understanding ISO 14000: Structure, Benefits & Impact

#### MUDIT SAXENA¹ AND AKANKSHA JAIN²

#### **ABSTRACT**

Embodiment of sound life and development lies in concordance among man and condition. With the overall developing concerns in regards to our living condition, ISO 14001 is perceived increasingly more as an association's elevated level pledge to natural insurance. It was first given in 1996 to fulfil the market needs and give business an administration framework standard that requests top-level responsibility to authoritative consistence, contamination anticipation and constant improvement that can be freely confirmed through certify accreditation. The standard is generally perceived as a "non-exclusive ecological administration framework standard" which can be applied to any association, enormous or little, whatever its item or administration, in any division of movement, and whether it is a business endeavour, open organization or government office. A natural administration framework (EMS) in light of ISO 14000 benchmarks is an administration device empowering an association of any size or type to control the effects of its exercises, items or administrations on the earth. As per latest reports, there are 14,000 organizations overall ensured to ISO 14000. Of these, the dominant part are in Japan, trailed by Germany, UK, Sweden, Taiwan, USA, Netherlands, Korea, Switzerland and France. In modern division the most elevated quantities of authentications were in the electrical and optical hardware segments followed by the synthetic substances, compound items and fibre areas. As world market pressures are driving universally and locally contending organizations to comprehend the expenses and advantages of their items and administrations, the deliberate methodology of EMS can prompt advantages like diminished expense of waste administration; reserve funds in utilization of vitality and materials; lower conveyance costs; improved corporate picture controllers, clients and general society, and a system for nonstop improvement of ecological execution.

Keywords: ISO 14000, EMS, Plan-Do-Check-Act

<sup>&</sup>lt;sup>1</sup> Student of School of Law, Galgotias University, India.

<sup>&</sup>lt;sup>2</sup> Student of School of Law, Galgotias University, India.

#### I. INTRODUCTION

Quintessence of sound life and development lies in agreement among man and condition. It has been understood that we are confronting genuine ecological issues and measures to settle them must be taken as quickly as time permits. Modern contamination and quick development in populace have seriously influenced the world's characteristic assets. While evaluating the procedures and measures to improve natural execution, the huge firms that are independently liable for adding to contamination to extraordinary degree are frequently in centre. The lawful prerequisites are accordingly frequently aimed at bigger organizations at any rate in the Netherlands, Sweden and the United Kingdom.<sup>3</sup> Business today isn't simply offering an item or administration to a client. For organizations, the key objectives are to turn out to be increasingly productive for example to get more yield per unit of information while acquiring benefits and keeping up the trust of their partners (Hanson, 1996). Right now, incline toward wilful and advertise based activities to accomplish their natural objectives. Along with the ecological benefits, these measures are seen to bring economic benefits, improved efficacy as well as also enhancing public image<sup>4</sup>. One of the systems they have gone to is the usage of Environmental Management Systems (EMS). It characterizes an organized methodology (Plan-Do-Check-Act) for setting condition and destinations and targets; accomplishing these objectives and showing that they have been accomplished. It causes association to take a proactive as opposed to a receptive way to deal with natural projects and address impacts that may not be controlled, for example, vitality use or utilization of assets. By appropriately actualizing a suitable ecological administration framework, any organization, huge or little, can guarantee that they viably oversee natural dangers alongside distinguishing and abusing the open doors which legitimate natural administration can bring (GEMI, 2000)<sup>5</sup>; and ISO 14000 is at its centre. For a company to be more cost-effective & efficient, ISO 14000 is an effective tool for it's environmental management while also adhering to the existing regulations. Be it a small business or large, or of any type, the international standards are designed in a way that it can be implemented and benefitted by any them in any country.

While closely analysing one may come across the term, "soft law" or the legal instruments not binding in nature such as declarations, protocol, resolutions but have a legal scope to some

© 2020. International Journal of Law Management & Humanities

<sup>&</sup>lt;sup>3</sup> (Hoevenagel and Wolters, 2000; SFS, 1998:899; Petts, 2000).

<sup>&</sup>lt;sup>4</sup> Clapp, Jennifer (2001b) "ISO Environmental Standards: Industry's Gift to a Polluted Globe or the Developed World's Competition-Killing Strategy?" in H.O. Bergesan, G. Parmann & Ø.B. Thommessen, (eds.), Yearbook of International Cooperation on Environment and Development 2001, London: Earthscan Publications, pp. 27-34, Retrieved 8 March 2020

<sup>&</sup>lt;sup>5</sup> Global Environmental Management Initiative (GEMI) (2000)

extent. In today's international sphere, the soft law plays an important role as a regulatory instrument. However, they can not replace the laws brought in by the related bodies such as the World Trade Organization (WTO) and the international community. To help accomplish the objectives of sustainable development, collective effort is required from all the stakeholders-which includes the international bodies likewise WTO, international endeavours such as pacts and agreements, in-country endeavours such as various laws and environmental regulations, and thereafter the industry-level endeavour likewise the international standards.

#### II. ORIGIN

ISO, derived from the Greek word *isos*, which means equal and delineating the level playing field created by the standards so designed. The ISO was shaped in 1947, which is situated in Geneva, Switzerland to create worldwide specialized models for designing and modern parts and procedures. It is the world's biggest engineer of guidelines. It advances the worldwide harmonization and improvement of assembling, item and correspondences benchmarks. ISO has set down in excess of 11000 guidelines running from paper sizes to film speeds and out of which around 350 are for the checking of such perspectives like air, water and soil. All ISO gauges are deliberate in nature. They are created in light of market requests that guarantee broad relevance of these measures and are created by specialized advisory groups.

#### III. ISO 14000 AND GROUP OF BENCHMARKS

ISO specialized board of trustees ISO/TC 207, Environmental administration, is answerable for creating and keeping up the ISO 14000 group of benchmarks. It was built up in 1993, because of ISO's duty to react to the mind boggling challenge of "economic improvement" of UNCED, 1992 in Rio de Janeiro and the procedures completed inside the system of the ISO Strategic Advisory Group on Environment (SAGE).

#### (A) Benefits of ISO 14000

The entire ISO 14000 group of guidelines gives the board devices to association to deal with their ecological perspectives survey their natural execution. In the present worldwide economy, the association are called upon to deal with the "triple primary concern" of monetary, social and natural perspectives to pick up favourable circumstances in financing, protection, promoting, administrative treatment and different territories (Environmental Management, 2002). It causes an association to take a proactive as opposed to receptive way to deal with natural projects, furthermore, address sway that may not be controlled, for example, vitality use or utilization of resources. The likely advantages of actualizing ISO 14000 EMS incorporate improved ecological execution, improved inward administration strategies,

improved partner fulfilment, staying away from a potential non-levy exchange boundary, upper hands in specific markets, less administrative reviews, decreased overhead costs, plausible decrease in administrative resistance and related fines, improved access to capital and diminished capital costs, decreases in protection costs and improved organization picture. With usage and affirmation of ISO 1400, there is a capability of contamination anticipation prompting diminished expense of creation and higher benefits alongside the expanded significance of corporate social obligation. The significant effect of the presentation of an EMS can be the recognizable proof of waste minimization and cleaner creation prospects. It has been evaluated that half of the contamination produced in an average "uncontrolled" plant can be forestalled with insignificant venture by embracing straightforward and modest procedure upgrades ISO 14001-EMS isn't just a framework for ecological execution, however can likewise be utilized as a main impetus for feasible advancement and worth creation focused on quality improvement. It assumes a particular job in urging firms to attempt measure to improve their ecological presentation in various zones, for example, including the acts of asset protection, squander decrease, squander treatment and reusing and vitality creation from squander, in this way making an association situation friendly. It has additionally been discovered that the reception of a progressively extensive EMS has a noteworthy effect regarding decrease of the power of harmful discharges and significance of these measures tend to particularly noticeable on organizations with poor natural records Certification can bring about expanded serious position, decrease of client reviews, decrease in squander/vitality use, better correspondence inside and improved staff motivation. For successfully and methodically guaranteeing administrative consistence, growing progressively proficient activities and increasing a serious edge, an expanding number of organizations are receiving the EMS instrument. As per latest reports<sup>6</sup>, there are 14,000 organizations overall affirmed to ISO 14000. Of these, the larger part are in Japan, trailed by Germany, UK, Sweden, Taiwan, USA, Netherlands, Korea, Switzerland and France. In mechanical division the most elevated quantities of authentications were in the electrical and optical gear divisions followed by the synthetic compounds, substance items and fibre segments.

#### (B) The ISO 14000 family and Environmental Management System:

An Environmental Management System is an organized program of constant natural improvement that follows technique drawn from the built up business the executives rehearses (World Bank Group, 1998). It is a lot of strategy estimates the executive's activities, working

6 ,

<sup>&</sup>lt;sup>6</sup> (www.iso.org, 2010)

methodology, documentation and record keeping with characterized obligations and responsibility of staff inside an association to address its natural issues. A compelling EMS is adaptable; straightforward; valuable to the "specialist"; in agreement with strategic; concentrated on persistent improvement. The World's first EMS created by the British Standards Institute (BSI), BS7750, distributed in March 1992 depended on a two year pilot execution program with 230 actualizing associations, and the changed standard dependent on the feedback was distributed in January 1994<sup>7</sup>. United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 communicated the requirement for improved ecological execution which shaped the reason for the advancement of ISO14001 and afterward International Organization for Standardization (ISO) was accused of making a universally perceived natural administration framework. ISO14001 was created in under three years, a lot faster than it ordinarily takes to build up a global standard primarily in light of the fact that it depended vigorously on the substance of BS7750 as a structure. The global norms (arrangement of ISO 14000) have become a basic piece of the business to make them serious on the planet showcase. An association getting an ISO 14001 testament implies that the association has deliberate built up the methodology and rules for EMS and these have been reviewed and affirmed by an Independent organization called a Certifying body or Third gathering. The usage of an EMS and especially of the ISO 14000 framework is viewed as an approach to exhibit a satisfactory degree of natural responsibility (World Bank Group, 1998). Essentially, the enterprise must state what it will do, how it will do it, who will do it and by when it will complete. The ISO 14001 standard gives a reasonable administration system dependent on the entrenched administration standards of Plan-Do-Check-Act.

As indicated by ISO 14001, there are six key components of an EMS

- 1. Ecological Policy.
- 2. Planning.
- 3. Usage and Operation.
- 4. Checking and Corrective Action.
- 5. The board Review.
- 6. Nonstop Improvement.

The standard requires an association to evaluate the tasks sway on nature, see how those effects

<sup>&</sup>lt;sup>7</sup> Environmental management tools for SMES – a handbook edited by R. Starkey, 1998. European Environmental Agency, 127 pp, ECU 9- 00 (pbk). ISBN 92- 9167- 106- 1 available at https://doi.org/10.1002/1099-0836(200011/12)9:6%3C403::AID-BSE267%3E3.0.CO;2-D, Retrieved 10 March 2020

can be overseen and set clear goals and focuses to consistently enhance ecological execution.

#### (C) Environmental Policy

Environmental policy is the composed explanation of an association's aims and principals comparable to its general ecological exhibition. It gives a structure to the EMS destinations and targets. It must be imparted inside and remotely and be implemented.

#### (D) Planning

Through arranging the association examinations the ecological effect of its activity; builds up a strategy that permits it to distinguish the pertinent lawful prerequisites identifying with its exercises; sets up and records destinations and targets reliable with its natural arrangement; and makes a program for meeting those objectives and objectives.

#### (E) Implementation and Operation

Implementation and Operation include the advancement and execution of procedures to acknowledge natural objectives and goals whereby the association ought to characterize, record and obviously convey natural administration obligations; recognize preparing needs and furthermore furnish workers with fitting preparing. Crisis readiness and reaction arranging likewise are the pieces of this element.

#### (F) Checking and Corrective Action

Checking and Corrective Action, methodology must be created by the association to guarantee normal checking and estimation of key procedures that significantly affect the earth. The association should likewise build up a framework for overseeing ecological records and directing occasional reviews of the EMS.

#### (G) Management Review

It is the audit of the EMS by the association's top administration to guarantee its proceeding with appropriateness, sufficiency and viability considering changing circumstances.

#### (H)Continual Improvement

An EMS empowers an association to control the effect of its exercises, items, and administrations by setting up targets and destinations identified with distinguished natural administration objectives for accomplishing constant improvement. The standard is generally perceived as a 'nonexclusive natural administration framework standard" which can be applied to any association, enormous or little, whatever its item or administration, in any segment of movement, and whether it is a business venture, open organization or government office. The

extent of ISO 14001 prohibits test techniques for contaminations, setting limit esteems in regards to toxins and effluents, setting natural execution levels, and the institutionalization of items.

#### (I) Counteract to environmental liability through compliance of ISO 14000:

Infringement of environmental laws can create enormous fines and civil liabilities that may force significant expenses on firms. Numerous organizations are endeavouring to lessen dangers of this sort of risk through cautious administration of ecological practices to accomplish law consistency .Under this methodology, the compliance of law becomes a key target of a more extensive environmental management systems focused on pollution counteraction and liability avoidance.

Among the means expected to guarantee legitimate thoughtfulness regarding ecological execution, organizations clinging to the new principles must adopt to law compliance through auditing and management review systems. It was expected by the drafters of ISO 14000 that in the field of quality of products and services, these standards may as well assume the role concerning the Environmental management frameworks, that is equivalent to what is played by ISO 9000. While numerous organizations have seen it as a commercial need - i.e., their clients seem to demand not just that the organizations they manage fulfil ISO 9000 standards but also that a third party as complying with ISO should be having the firm's systems audited and approved or "registered"

Since they are not binding in nature the importance of such compliance with the new ISO 14000 standards by a particular organization vary greatly on the whether it chooses to embrace the standards or not. ISO 14000 is generally aimed at the privatisation of the companies' traditional legal regulation on its environmental practices. Since, the companies complying to ISO 14000 will be at an advantageous position in the commercial transactions than those who don't, and private incentives be provided and decided in accordance to the conduct which in turn will produce an increased levels of law compliance.

Apart from creating new incentives, ISO 14000 benchmarks also provides with a detailed and structured guidance on various practices regarding a good law compliance which should bring about some other significant advantages. While these standards assist the organizations to develop and operate absolute and efficacious environmental management systems at organizational level, the ISO 14000 compliance will be viewed as a valuable accompaniment to the traditional regulatory answers to the environmental issues, thereby also positively impacting and improving government policies and regulations at national level. Eventually,

this standard will be step towards progress and increased consistency of international standards which will ease trade for the industries and environmental commerce in general, at an international level.

#### IV. CONCLUSION

ISO 14000 speaks to a deliberate universal ecological standard which centres on the structure, usage and support of a proper EMS with a goal to urge the associations to methodically address the natural effects of their exercises and set up a typical way to deal with EMS. ISO 14001 rouses and channels the imagination of all individuals from the association, making them dynamic specialists of progress advancing natural security, asset preservation and improved proficiency. It is a particular standard that depends on all out quality administration (TQM) business ideas of persistent improvement or the arrangement do check act cycle where a system is created, actualized and afterward improved whenever required. The advantages of ISO 14000 have been acknowledged by associations all over the place. It goes about as a perfect impetus to accelerate the natural execution of firms that don't have an EMS or have not progressed over their current EMS. The advantages of the ISO 14001, for example, decreased expense of waste administration; reserve funds in utilization of vitality and materials; lower circulation costs; improved corporate picture among controllers, clients and people in general and a structure for consistent improvement of ecological execution have been accounted for by practically all organizations with efficient usage and life cycle evaluation. The standard is anything but an enchantment wand that can accomplish the outcomes with incapable implementation and guideline rather it is a framework that can yield strong advantages with genuine duties and endeavours from association.