



Access to OSHISIS Knowledge Base

Compliance Obligations

The EMS Standards 2026 clause requirement introduces no new substantive requirement in Clause 6.1.3. Items a, b and c are unchanged. The required documented information remains, with revised wording. Annex A.6.1.3 retains the same explanation and categories of legal and other requirements, with minor editorial changes.

Learning objectives

- 1) Identify applicable legal and other requirements related to environmental aspects.
- 2) Explain how an obligation applies to an actual activity, facility, product or service.
- 3) Integrate obligations into the EMS and distinguish identification from compliance evaluation.
- 4) Recognize wording changes without claiming new requirements or exemptions.

How to use the references

Clause 6.1.3 contains mandatory shall requirements. Annex A.6.1.3 explains their meaning and gives examples; it does not establish additional standalone requirements. References identify the edition, clause and relevant item or Annex topic.

Reference: Both editions: Clause 6.1.3 and Annex A.6.1.3.

What counts as a compliance obligation

Compliance obligations cover legal requirements that the organization must comply with, plus other requirements that it must or chooses to comply with. The assessment therefore extends beyond a list of legislation. Relevant permits, contractual commitments, adopted codes and organizational requirements may also need to be captured.

Reference: Both editions: A.6.1.3, opening explanation and lists of legal and other requirements.

1 Requirements that remain unchanged

Requirement	What the organization needs to do	Reference
Determine obligations and have access	Identify obligations related to environmental aspects and ensure access to the relevant requirements. Access alone does not establish applicability.	2015 and 2026 6.1.3(a)
Determine applicability	Explain which obligations apply, to what operations, and under which relevant conditions. A list of Act titles alone is inadequate to explain applicability.	2015 and 2026 6.1.3(b); A.6.1.3 opening paragraph
Integrate into the EMS	Take obligations into account when establishing, implementing, maintaining and continually improving the EMS. Translate relevant requirements into operational arrangements.	2015 and 2026 6.1.3(c)
Document obligations	Keep compliance obligations available as documented information. The 2015 wording requires maintaining documented information; the 2026 wording changes, but the subject remains.	2015 and 2026 6.1.3 documentation statement
Recognize risks and opportunities	Obligations can produce risks and opportunities. The note explains a possible consequence; it is not a new separate shall statement.	2015 and 2026 6.1.3 Note

Sufficient detail is retained

Both Annex texts explain that obligations identified in Clause 4.2 are determined at a sufficiently detailed level for their relationship to environmental aspects and their application to the organization. Practical detail may include the relevant provision, permit condition, threshold, location or activity, as applicable.

Reference: Both editions: A.6.1.3 opening paragraph, referring to 4.2; 6.1.3(a–b).

Example of moving beyond a legal title

For a discharge permit, identify the relevant discharge point and applicable permit conditions, then determine how monitoring, reporting or limits apply. Use the actual authorization and applicable law; these notes do not assume any specific limit, deadline or Malaysian legal provision.

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2 Wording changes and retained categories

Text change	Interpretation	Reference
Maintain documented information becomes available as documented information	A wording change, not removal of documented obligations. The supplied text does not justify treating an inaccessible or obsolete list as adequate. Related document control is addressed under 7.5.	2015 and 2026 6.1.3 documentation statement
Contractual arrangements with the organization becomes contractual arrangements	The qualifier is omitted. Contractual obligations remain explicitly included. The extract does not establish a new category or a duty to adopt unrelated third party contracts.	2015 and 2026 A.6.1.3 other requirements list
Licenses to licences and judgements to judgments	Spelling changes only; permits, licences and relevant court or tribunal decisions remain included.	2015 and 2026 A.6.1.3(c, e)
Note placed before the documentation statement	Reordering does not change the note or the documented information requirement.	2015 and 2026 6.1.3

Legal requirement examples are maintained

The same five categories appear in both Annex texts:

- 1) governmental or authority requirements;
- 2) international, national and local laws and regulations;
- 3) permits, licences and other authorizations;
- 4) regulatory agency orders, rules or guidance; and
- 5) court or administrative tribunal decisions.

Reference: Both editions: A.6.1.3 legal examples items a–e.

Assess the actual legal status and applicability of a source. Inclusion of guidance in the Annex example list does not mean every guidance publication is automatically legally binding. Where a requirement is incorporated into a permit, law or adopted commitment, capture the basis that makes it applicable.

Reference: Interpretive implementation note based on both editions: 6.1.3(b); A.6.1.3 legal and other requirements distinction.

Other requirement examples are maintained

Both texts include agreements with community groups or NGOs; agreements with authorities or customers; organizational requirements; voluntary principles or codes; voluntary labelling or environmental commitments; contractual obligations; and relevant organizational or industry standards.

Reference: Both editions: A.6.1.3 other interested party requirements list.

Determine which requirements the organization must or chooses to adopt. Not every stakeholder wish or industry standard automatically becomes a compliance obligation. Once a relevant commitment is adopted, account for it in the EMS.

3 What is omitted and what is not prescribed

No substantive omission identified

The 2026 standard extracts retain all three normative duties, the documented information requirement, the risks and opportunities note, the connection to 4.2, the sufficient detail explanation, and all legal and other requirement categories. The omitted contractual qualifier is an editorial change; it does not remove contractual obligations.

Reference: Both editions: 6.1.3(a–c), documentation and Note; A.6.1.3 opening explanation and both lists.

What Clause 6.1.3 does not specify in either extract

- A prescribed legal register template, software platform or separate register for legal and other requirements.
- A fixed annual or monthly review frequency, or a particular method of obtaining legal updates.
- Mandatory appointment of a lawyer, external legal subscription or named compliance officer.
- A compulsory scoring matrix, numerical compliance rating or automatic significance rule for every legal obligation.
- A prescribed set of register columns, evidence labels or action tracker fields.

Reference: Limits of the supplied 2015 and 2026 6.1.3 and A.6.1.3 texts; recommended formats are implementation choices.

Identification is different from compliance evaluation

Clause 6.1.3 establishes which obligations apply and requires their integration into the EMS. A complete register does not prove compliance. Evaluation of compliance is a related topic under Clause 9.1.2; operational control is addressed under 8.1, and documented information under 7.5. These topics are not omissions merely because their detailed requirements are not repeated in 6.1.3.

Reference: Both editions: 6.1.3; related topics 9.1.2, 8.1 and 7.5, outside the supplied extracts.

Practical implementation choices

A register can include the source and provision, requirement summary, related aspect or activity, applicability rationale, responsible function and implementation arrangements. Evidence, evaluation results and actions may be linked to it. This is a recommended design, not a mandatory column list.

Reference: Training recommendation supporting 6.1.3(a–c) and A.6.1.3 sufficient detail; related evaluation topic 9.1.2.

Common mistakes to challenge

Listing laws without identifying applicable provisions; omitting permits and adopted commitments; treating access to a law as proof of compliance; accepting every external document as binding; or downgrading attention because the clause wording has barely changed. None of these demonstrates the retained duties adequately.

4 Implementation examples and learning activity

Source and example	Applicability question	Suggested EMS response
Permit condition on wastewater discharge	Does this condition apply to this discharge point, process or operating period?	Assign relevant controls, monitoring and reporting using the actual permit terms.
Customer contract on packaging recovery	Has the organization accepted this environmental commitment for the supplied product?	Integrate agreed collection or recovery arrangements into delivery and post delivery processes.
Community agreement on operating noise	Is there an adopted agreement covering these activities or hours?	Account for the agreed arrangements in operational planning and communication.
Voluntary environmental label	Has the organization adopted the scheme, and which criteria apply to the labelled product?	Integrate applicable criteria and substantiation requirements into product controls.
Organizational resource reduction commitment	Is this an adopted organizational requirement relevant to the EMS?	Translate the commitment into appropriate planning and performance arrangements.

Review checklist

- Can we access the applicable source and explain how its relevant requirements apply?
- Have we connected obligations to environmental aspects and included relevant legal and adopted other requirements?
- Is the documented information sufficiently detailed and usable by relevant functions?
- Do operational arrangements reflect applicable obligations, including relevant changes?
- Have we distinguished applicability decisions from evidence of actual compliance?

Reference: First four checks support 6.1.3 and A.6.1.3; final check links identification to the related 9.1.2 evaluation topic.

Participant exercise

Select one environmental aspect, such as effluent discharge, waste generation or packaging use. Identify one relevant legal requirement and one possible other requirement. Explain the source, applicability and implementation arrangements for each. State whether the other requirement has been adopted and what information would be needed to evaluate compliance.