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Delegations will find attached document D042280/04.

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Brussels, **XXX**
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[...](2016) **XXX** draft

COMMISSION DECISION

of **XXX**

establishing the ecological criteria for the award of the EU Ecolabel for furniture

(Text with EEA relevance)

COMMISSION DECISION

of **XXX**

establishing the ecological criteria for the award of the EU Ecolabel for furniture

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel¹, and in particular Articles 6(7) and 8(2) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to products which have a reduced environmental impact during their entire life cycle.
- (2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.
- (3) Commission Decision 2009/894/EC² has established the ecological criteria and the related assessment and verification requirements for wooden furniture, which are valid until 31 December 2016.
- (4) In order to better reflect the range of furniture products on the market, the state of the art for these products and to take into account the innovation of the last few years, it is appropriate to extend the scope of the product group to include non-wooden furniture and to establish a revised set of ecological criteria.
- (5) The revised ecological criteria aim at using materials produced in a more sustainable way (considering a life cycle analysis approach), limiting the use of hazardous compounds, the levels of hazardous residues, the contribution of furniture to indoor air pollution and promoting a durable and high-quality product that is easy to repair and disassemble. The revised criteria, along with the related assessment and verification requirements should be valid for six years from the date of adoption of this Decision, taking into account the innovation cycle for this product group.
- (6) Decision 2009/894/EC should therefore be replaced.
- (7) It is appropriate to allow a transitional period for producers whose products have been awarded the EU Ecolabel for wooden furniture on the basis of the ecological criteria set out in Decision 2009/894/EC, so that they have sufficient time to adapt their products to comply with the revised ecological criteria and requirements. Producers should also be allowed to submit applications based on the ecological criteria set out in Decision 2009/894/EC for a sufficient period of time.

¹ OJ L 27, 30.1.2010, p. 1.

² OJ L 320, 5.12.2009, p. 23.

- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

1. The product group “furniture” shall comprise free-standing or built-in units whose primary function is to be used for the storage, placement or hanging of items and/or to provide surfaces where users can rest, sit, eat, study or work, whether for indoor or outdoor use. The scope extends to domestic furniture and contract furniture items for use in domestic or non-domestic environments. Bed frames, legs, bases and headboards are included in the scope.
2. The product group shall not comprise the following products:
 - (a) Bed mattresses, which are covered by the criteria set out in Commission Decision 2014/391/EU³,
 - (b) Products whose primary function is not to be used as per paragraph 1, including streetlights, railings and fences, ladders, clocks, playground equipment, stand-alone or wall-hung mirrors, electrical conduits, road bollards and building products such as steps, doors, windows, floor coverings and cladding.
 - (c) Second-hand, refinished, refurbished or remanufactured furniture products.
 - (d) Furniture fitted in vehicles used for public or private transit.
 - (e) Furniture products which consist of more than 5% (weight by weight) of materials not included in the following list: solid wood, wood-based panels, cork, bamboo, rattan, plastics, metals, leather, coated fabrics, textiles, glass and padding/filling materials.

Article 2

For the purpose of this Decision, the following definitions shall apply:

- (a) "Aniline leather" means leather whose natural grain is clearly and completely visible and where any surface coating with a non-pigmented finish is less than or equal to 0,01mm, as defined in EN 15987;
- (b) "Semi-aniline leather" means leather that has been coated with a finish containing a small amount of pigment, so that the natural grain is clearly visible, as defined in EN 15987;
- (c) "Pigmented and pigmented split leather" means leather or split leather whose natural grain or surface is completely concealed with a finish containing pigments, as defined in EN 15987;
- (d) "Patent and patent split leather" means leather or split leather with generally a mirror-like effect, obtained by application of a layer of pigmented or non-

³ Commission Decision 2014/391/EU of 23 June 2014 establishing the ecological criteria for the award of the EU Ecolabel for bed mattresses, OJ L 184, 25.6.2014, p. 18.

pigmented varnishes, or synthetic resins, whose thickness does not exceed one third of the total thickness of the product, as defined in EN 15987;

- (e) "Coated and coated split leather" means leather or split leather where the surface coating, applied to the outer side, does not exceed one third of the total thickness of the product but is in excess of 0,15 mm, as defined in EN 15987;
- (f) "Volatile organic compound" (VOC) means any organic compound having an initial boiling point of less than or equal to 250°C measured at a standard pressure of 101.3 kPa as defined in Directive 2004/42/EC of the European Parliament and of the Council⁴ and which, in a capillary column, are eluting up to and including tetradecane (C₁₄H₃₀);
- (g) "Semi volatile organic compound" (SVOC) means any organic compound having a boiling point of greater than 250 °C and less than 370 °C measured at a standard pressure of 101,3 kPa and which, in a capillary column are eluting with a retention range after n-tetradecane (C₁₄H₃₀) and including n-Docosane (C₂₂H₄₆);
- (h) "Recycled content" means the proportion, by mass, of recycled material in a product or packaging; only pre-consumer and post-consumer materials are considered as recycled content, as defined in ISO 14021;
- (i) "Pre-consumer material" means material diverted from the waste stream during a manufacturing process but excluding the reutilization of materials such as rework, regrind or scrap generated in a process and capable of being reclaimed within the same process that generated it as defined in ISO 14021 and also excludes waste wood, chips and fibres from logging and sawmilling operations;
- (j) "Post-consumer material" means material generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product which can no longer be used for its intended purpose, including returns of material from the distribution chain, as defined in ISO 14021;
- (k) "Recovered/reclaimed material" means material that would have otherwise been disposed of as waste or used for energy recovery, but has instead been collected and recovered/reclaimed as a material input, in lieu of new primary material, for a recycling or a manufacturing process, as defined in ISO 14021;
- (l) "Recycled material" means material that has been reprocessed from recovered/reclaimed material by means of a manufacturing process and made into a final product or into a component for incorporation into a product as defined in ISO 14021, but excludes waste wood, chips and fibres from logging and sawmilling operations;

⁴

Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 30.4.2004, p. 83).

- (m) "Wood-based panels" means panels fabricated from wood fibres by one of several different processes that may involve the use of elevated temperatures, pressures and binding resins or adhesives;
- (n) "Oriented Strand Board" means multi-layered board mainly made from strands of wood together with a binder, as defined in EN 300. The strands in the external layer are aligned and parallel to the board length or width. The strands in the internal layer or layers can be randomly orientated or aligned, generally at right angles to the strands in the external layers;
- (o) "Particleboard" means a panel material manufactured under pressure and heat from particles of wood (wood flakes, chips, shavings, saw-dust and similar) and/or other lignocellulosic material in particle form (flax shives, hemp shives, bagasse fragments and similar), with the addition of an adhesive, as defined in EN 309;
- (p) "Plywood" means wood-based panels consisting of an assembly of layers glued together with the direction of the grain in adjacent layers usually at right angles, as defined in EN 313. Many different sub-categories of plywood can be referred to based on how the plywood is structured (such as, veneer plywood, core plywood, balanced plywood) or its predominant end use (for instance, marine plywood);
- (q) "Fibreboards" means a broad set of panel types which are defined in EN 316 and EN 622 and which can be split into the sub-categories of hardboards, medium boards, soft-boards and dry-process boards based on their physical properties and production process;
- (r) "Readily biodegradable substance" means a substance that shows 70% degradation of dissolved organic carbon within 28 days or 60% of theoretical maximum oxygen depletion or carbon dioxide generation within 28 days using one of the following test methods: OECD 301 A, ISO 7827, OECD 301 B, ISO 9439, OECD 301 C, OECD 301 D, ISO 10708, OECD 301 E, OECD 301 F, ISO 9408;
- (s) "Inherently biodegradable substance" means a substance that shows 70% degradation of dissolved organic carbon within 28 days or 60% of theoretical maximum oxygen depletion or carbon dioxide generation within 28 days using one of the following test methods: ISO 14593, OECD 302 A, ISO 9887, OECD 302 B, ISO 9888, OECD 302 C;
- (t) "Finishing operations" means methods where an over-layer or coating is applied to the surface of a material. Methods may include the application of paints, prints, varnishes, veneers, laminates, impregnated papers and finishing foils;

- (u) "Biocidal product" as defined in Regulation (EU) No 528/2012 of the European Parliament and of the Council⁵ means:

any substance or mixture, in the form in which it is supplied to the user, consisting of, containing or generating one or more active substances, with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action, any substance or mixture generated from substances or mixtures which do not themselves fall under the preceding paragraph, to be used with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical means, and a treated article that has a primary biocidal function;

- (v) "Wood preservatives" means biocidal products which are applied by surface treatment (e.g. spraying, brushing) or deep penetrating processes (e.g. vacuum-pressure, double vacuum) to wood (i.e., logs received at the sawmill for commercial use and for all subsequent uses of the wood and wood-based products) or wood-based products themselves, or which are applied to non-wood substrates (e.g. masonry and building foundations) solely for the purpose of protecting adjacent wood or wood-based products from attack by wood-destroying organisms (e.g. dry rot and termites) according to the definition agreed upon by the European Committee for Standardisation (source CEN/TC 38 "Durability of wood and wood-based products");
- (w) "E1" means a classification for formaldehyde-containing wood-based panels adopted across EU Member States based on formaldehyde emissions. According to the definition provided in Annex B to EN 13986, a wood-based panel shall be classified as E1 if emissions are equivalent to steady state concentrations of less than or equal to 0.1 ppm (0.124 mg/m³) of formaldehyde after 28 days of a chamber test carried out according to EN 717-1 or that the formaldehyde content is determined to be less than or equal to 8 mg/100 g oven dry board when measured according to EN 120 or that formaldehyde emission rates are less than or equal to 3.5 mg/m².h according to EN 717-2 or less than or equal to 5.0 mg/m².h according to the same method but within 3 days after production;
- (x) "Coated fabrics" means fabrics with an adherent, discrete continuous layer of rubber and/or plastic based material on one or both surfaces, as defined in EN 13360, including upholstery materials commonly referred to as "faux leather";
- (y) "Textiles" mean natural fibres, synthetic fibres and man-made cellulose fibres;
- (z) "Natural fibres" means cotton and other natural cellulosic seed fibres, flax and other bast fibres, wool and other keratin fibres;
- (aa) "Synthetic fibres" means acrylic, elastane, polyamide, polyester and polypropylene fibres;

⁵

Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

- (bb) "Man-made cellulose fibres" means lyocell, modal and viscose fibres;
- (cc) "Upholstery" means the materials used in the craft of covering, padding and stuffing of seating, bedding or other furniture products and may include covering materials such as leather, coated fabrics and textiles as well as padding materials such as flexible cellular polymeric materials based on rubber latex and polyurethane;
- (dd) "Substance", means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition, as defined in Article 3(1) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council⁶;
- (ee) "Mixture" means a mixture or solution composed of two or more substances as defined in Article 3(2) of Regulation (EC) No 1907/2006;
- (ff) "Component part" means rigid and discrete units whose shape and form does not need to be altered prior to assembly of the final product in its fully functional form, although its position may change during use of the final product and includes hinges, screws, frames, drawers, wheels and shelves;
- (gg) "Component materials" means materials whose shape and form may change prior to furniture assembly or during use of the furniture product, and includes textiles, leather, coated fabrics and polyurethane foams used in upholstery. Supplied timber may be considered as a component material but be later sawn and treated to be converted into a component part.

Article 3

In order to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, a product shall fall within the product group "furniture" as defined in Article 1 of this Decision and shall comply with the ecological criteria as well as the related assessment and verification requirements set out in the Annex to this Decision.

Article 4

The ecological criteria for the product group "furniture" and the related assessment and verification requirements shall be valid for six years from the date of adoption of this Decision.

⁶ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

Article 5

For administrative purposes, the code number assigned to the product group "furniture" shall be "049".

Article 6

Decision 2009/894/EC is repealed.

Article 7

1. By derogation from Article 6, applications for the EU Ecolabel for products falling within the product group "wooden furniture" submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2009/894/EC.

2. Applications for the EU Ecolabel for products falling within the product group "wooden furniture" submitted within two months from the date of adoption of this Decision may be based either on the criteria set out in Decision 2009/894/EC or on the criteria set out in this Decision.

Applications shall be evaluated in accordance with the criteria on which they are based.

3. EU Ecolabel licences awarded in accordance with the criteria set out in Decision 2009/894/EC may be used for 12 months from the date of adoption of this Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels,

For the Commission

Karmenu VELLA

Member of the Commission