

## COMMISSION DECISION

of **XXX**

### establishing the EU Ecolabel criteria for absorbent hygiene products and reusable menstrual cups

(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 Ecolabel<sup>1</sup>, and in particular Article 8(2) thereof,

After consulting the European Union Ecolabelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to those products with 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 2014/763/EU<sup>2</sup> established EU Ecolabel criteria and related assessment and verification requirements for the product group 'absorbent hygiene products'. The period of validity of those criteria and requirements has been extended to 31 December 2023 by Commission Decision (EU) 2018/1590<sup>3</sup>.
- (4) In order to better reflect best practice in the market for the product group and to take account of policy developments, potential future windows of opportunity for increased uptake and the market's demand for sustainable products, it is appropriate to establish a new set of criteria for absorbent hygiene products. **As a sustainable alternative with a potential growing market, it is also appropriate to establish a set of criteria for reusable menstrual cups.**
- (5) The EU Ecolabel Fitness check Report<sup>4</sup> of 30 June 2017, reviewing the implementation of Regulation (EC) No 66/2010, concluded on the need to develop a

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<sup>1</sup> Regulation (EC) 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel (OJ L 27, 30.1.2010, p. 1).

<sup>2</sup> Commission Decision of 24 October 2014 establishing the ecological criteria for the award of the EU Ecolabel for absorbent hygiene products (OJ L 320, 6.11.2014, p. 46–63)

<sup>3</sup> Commission Decision (EU) 2018/1590 of 19 October 2018 amending Decisions 2012/481/EU, 2014/391/EU, 2014/763/EU and 2014/893/EU as regards the period of validity of the ecological criteria for the award of the EU Ecolabel for certain products, and of the related assessment and verification requirements (OJ L 264, 23.10.2018, p. 24–26)

<sup>4</sup> Report from the Commission to the European Parliament and the Council on the review of implementation of Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and

more strategic approach for the EU Ecolabel, including the bundling of closely related product groups where appropriate.

- (6) In line with those conclusions and after consulting the EU Ecolabelling Board, it is appropriate to bundle the product group ‘absorbent hygiene products’ ~~revise the criteria for the product group~~ with the product group ‘reusable menstrual cups’. ~~In order to reflect that expansion of its scope it is also appropriate to modify the product group name to “Absorbent hygiene products and reusable menstrual cups”.~~
- (7) The New Circular Economy Action Plan for a cleaner and more competitive Europe<sup>5</sup> adopted on 11 March 2020 stipulates that the durability, recyclability and recycled content requirements are to be more systematically included in the EU Ecolabel criteria.
- (8) The revised EU Ecolabel criteria for absorbent hygiene products and reusable menstrual cups should aim to promote products that have limited environmental impact along their life cycle, and that are produced using material-efficient and energy-efficient processes. In particular, the revised EU Ecolabel criteria promote products that have limited impacts in terms of emissions to water and to air during production, that use raw materials sourced from sustainably managed forests and that ~~fulfil strict requirements on harmful substances may contain only a limited amount of hazardous substances~~. Moreover, in order to contribute towards the transition to a more circular economy, the criteria promote the use of ~~less paper and cardboard packaging when possible, with a certain~~ recycled content and which can be easily recycled. ~~In the revision, appropriate attention was paid to the coherence between relevant EU policies, legislation and scientific evidence~~
- (9) Reusable products made of textiles are appearing on the market as an alternative to single use products. The revised EU Ecolabel criteria for absorbent hygiene products and reusable menstrual cups do not include these reusable textile alternatives, whose environmental hotspots and ecological criteria will be investigated for the purposes of the revision of EU Ecolabel criteria for textile products<sup>(6)</sup>
- (10) The new criteria and related assessment and verification requirements should remain valid until 31 December 2031, taking into account the innovation cycle for the product group.
- (11) For reasons of legal certainty, Decision 2014/763/EU should be repealed.
- (12) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for absorbent hygiene products on the basis of the criteria set out in Decision 2014/763/EU, so that they have sufficient time to adapt their products to comply with the new criteria and requirements. For a limited period after adoption of this Decision, producers should also be allowed to submit applications based either on the criteria established by Decision 2014/763/EU or on the new criteria established by this Decision. EU Ecolabel licences awarded in accordance

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audit scheme (EMAS) and the Regulation (EC) No 66/2010 of the parliament and of the Council of 25 November 2009 on the EU Ecolabel (COM(2017) 355 final).

<sup>5</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A new Circular Economy Action Plan for a cleaner and more competitive Europe (COM(2020) 98 final). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020AE1189&qid=1665419937200>

<sup>6</sup> Commission Decision of 5 June 2014 establishing the ecological criteria for the award of the EU Ecolabel for textile products, notified under document C(2014) 3677 (OJ L 174, 13.6.2014, p. 45–83)

with the criteria set out in Decision 2014/763/EU should be allowed to be used for twelve months from the date of adoption of this Decision.

- (13) 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 ‘absorbent hygiene products’ shall comprise any article whose function is to absorb and retain human fluids such as urine, faeces, sweat, menstrual fluid or milk, excluding textile products. The product group ‘absorbent hygiene products’ shall include products for both private and professional use.
2. The product group ‘absorbent hygiene products’ shall not include products falling under the scope of Regulation (EU) 2017/745 of the European Parliament and of the Council<sup>7</sup>.

#### *Article 2*

1. The product group ‘reusable menstrual cups’ shall comprise reusable flexible cups or barriers worn inside the body to retain and collect menstrual fluid, and made of silicone or other elastomers. The product group ‘reusable menstrual cups’ shall include products for both private and professional use.
2. The product group ‘reusable menstrual cups’ shall not include products falling under the scope of Regulation (EU) 2017/745 of the European Parliament and of the Council.

#### *Article 3*

In order for a product to be awarded the EU Ecolabel under Regulation (EC) No 66/2010 for the product groups ‘absorbent hygiene products’ ~~or~~ **and** ‘reusable menstrual cups’, it shall fall within the definition of that product groups as specified in Articles 1 and 2 of this Decision and shall comply with the criteria and related assessment and verification requirements set out in Annex I to this Decision, for ‘absorbent hygiene products’, or in Annex II for ‘reusable menstrual cups’.

#### *Article 4*

The EU Ecolabel criteria for the product groups ‘absorbent hygiene products’ and ‘reusable menstrual cups’ and the related assessment and verification requirements shall be valid until 31 December 2031.

#### *Article 5*

For administrative purposes, the code number assigned to the product group ‘absorbent hygiene products’ shall be ‘047’.

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<sup>7</sup> Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC

For administrative purposes, the code number assigned to the product group ‘reusable menstrual cups’ shall be ‘055’.

*Article 6*

Decision 2014/763/EU is repealed.

*Article 7*

1. Notwithstanding Article 6, applications submitted before the date of adoption of this Decision for the EU Ecolabel for the product group ‘absorbent hygiene products’, as defined in Decision 2014/763/EU shall be evaluated in accordance with the conditions laid down in that Decision.
2. Applications for the EU Ecolabel for products falling within the product group ‘absorbent hygiene products’ submitted on or within two months from the date of adoption of this Decision may be based either on the criteria set out in this Decision, or on the criteria set out in Decision 2014/763/EU. Those applications shall be evaluated in accordance with the criteria on which they are based.
3. EU Ecolabel licenses awarded on the basis of an application evaluated in accordance with the criteria set out in Decision 2014/763/EU may be used for twelve 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*

*Virginijus SINKEVIČIUS*

*Member of the Commission*