1st Ad-Hoc Working Group (AHWG) meeting for the revision of EU Eco-label criteria for indoor and outdoor paints and varnishes

7 May 2024

Online Meeting (Webex)

Presentation about policy and project background, product group scope and definitions and revised criteria proposals

Draft Minutes of the Meeting
Version 1 (23 May 2024)

Prepared by: Viegand Maagøe (Mette Rames, Renata Guimaraes and Shane Donatello) and JRC (María Natividad Pérez Camacho)

Contents

Participants

ADEME
ADEO
ADLER – Lacke
AFNOR French CB
Allios
Amberger Kaolinwerke
Anthesis Group
BASF
BASF SE
BEUC/EEB
Boero Bartolomeo S.p.A.
Catas S.p.A.
Cefic
CEPE
CH-Polymers Oy
CHROTEX S.A.
Cromology Italia
Eastman
EC- DG ENV
EC- JRC
Ecolabelling Denmark
Ecolabelling Finland
Ecolabelling Sweden
Elementis
ERF
EU Ecolabel CB Latvia
Eurofins Denmark
Evonik
FIPEC
FPS Health
German Environment Agency
Heydel-VdL
IMA-Europe
ISPRA Italy
J.F.Amonn
Kerakoll
Metal Packaging Europe
Plastics Recyclers Europe
Peter Kwasny GmbH Aerosol producer
PPG
PT CB
RAL gGmbH
Röhm / DSGS
Sherwin
SMK
SVEFF
SWARCO
Stefan Schmitz
TDMA
Tolsa
Troy Chemie
UNIFAP
VdL
Vibrantz
Wacker

Note to readers:

The meeting was run virtually using the WEBEX platform. For each agenda point, a short presentation was given by the JRC, after which participants requesting the "FLOOR" (via the chat function) intervened providing oral comments which then were addressed by the JRC.

Agenda

7 May 2024		
	Item description	Schedule
1.	Opening of virtual room and welcome of participants	08:45 – 09:00
2.	Introduction, political objectives of the EU Ecolabel and process description	09:00 – 09:15
3.	Background information: market analysis, LCA screening studies	09:15 – 09:45
4.	Scope and definitions	09:45 – 11:00
	Coffee Break (15 mins)	11:00 – 11:15
5.	Criterion 1: White pigment content and Wet Scrub Resistance Criterion 2: TiO2 production	11:15 – 12:00
6.	Criterion 3: Efficiency in use Criterion 4: VOC and SVOC content	12:00 – 12:45
	Lunch (1 hour)	12:45 – 13:45
7.	Criterion 5: Restriction of hazardous substances and mixtures	13:45 – 15:30
	Coffee Break (15 mins)	15:30 – 15:45
8.	Other criteria proposals and/or other discussion	15:45 – 16:40
9.	Conclusions, next steps and closure of the meeting	16:40 – 16:45

Point 1. Welcome and introductions

The JRC welcomed all the participants and informed them about the meeting being recorded only for internal use by JRC and the project team. It was explained that minutes of the meeting would be published later, but that comments would be anonymised and only the names of participating organisations would be presented in the minutes, with no names of specific representatives or their email addresses. The agenda for the day and practicalities about how to request the floor and contribute to discussion sessions were explained (basically to write "floor" in the chat and wait for the chairman to give you the floor). The project team were also briefly introduced.

Point 2. Political objectives of the EU Ecolabel and process description

The JRC gave an introduction to the EU Ecolabel framework, what it includes, which aspects the ecolabel is addressing and the benefits to applicants. The current criteria for EU Ecolabel indoor and outdoor paints and varnishes were originally adopted in 2014 and have been amended six times since then for varying reasons. The full set of current criteria is set to expire on 31 December 2025. The timeline of the revision process was then presented. Prior to this meeting (1st AHWG), a stakeholder consultation exercise had already taken place in the form of a focused preliminary questionnaire. Background research had also been conducted and compiled in the form of the Preliminary Background Report (PR) and the 1st draft Technical Report (TR1) with initial proposals had been published at the same time. The next steps will include iterative revisions of the technical report with updated draft criteria proposals and rationale - after receiving feedback from stakeholders (e.g. 1st and 2nd AHWG meetings and various EUEB meetings). The 2nd AHWG meeting is tentatively scheduled in Q4 of 2024, prior to a final proposal of new criteria in Q2 of 2025.

Point 3. Background information: market analysis and LCA screening studies

The project team mentioned the preliminary report and presented some details of the market analysis and LCA screening studies in particular. The market analysis was based on data from Eurostat´s PRODCOM database, with the most relevant product category for the EU Ecolabel being those based on acrylic or vinyl polymers in aqueous medium (product code

20.30.11.50). EU sales volumes for water-based paints have been very stable during the last 15 years, representing a mature market that dropped by around 10-15% with the global economic crisis in 2008 and has partially recovered since. Trends in the uptake of EU Ecolabel licenses and licensed products were also presented, showing a steady increase in licenses since 2016.

The general methodology applied to carry out the PEF screening studies was briefly described by showing in a diagrammatical format how reference flows in and out of the different life cycle stages have to be counted, what assumptions were used and how the results generated need to be treated via the application of normalisation and weighting factors. A breakdown of the results for a representative indoor paint were presented to show how the results can help pinpoint hotspots for both general impact categories and individual processes. Finally, the effect of two variables, the substitution of TiO2 for ZnS as a white pigment, and the non-use of in-can preservatives, on LCA results were presented as part of a sensitivity analysis. Finally, as the main point of concern about non-LCA impacts of paints and varnishes, an overview of the main CLP hazards associated with ingredients used was presented.

An expert in road marking paints stated that these materials and their application is very different to the normal decorative paints covered by the current EU Ecolabel criteria. For a start, road marking paints are multi-component systems with very different technical standards and safety requirements and that have different solutions for different use environments such as heavily trafficked roads or surfaces subject to seasonal snow-ploughing. Systems can involve the application of thick layer materials, reactive materials, hot molten mixes and pre-manufactured tape that can be glued to the road surface. He asked why no LCA study had been done for road marking paints if their inclusion in the scope was being seriously considered. The project team responded that the idea was to first decide whether there was sufficient interest in including road markings in the scope, and only if there was strong interest, then to conduct the research necessary. However, it was also stated that even if strong interest was demonstrated suddenly, there would now not be much time to do sufficiently detailed background research. In such a situation, the research would need to count with good support and input from expert stakeholders to ensure that sufficient research and subsequent criteria could be developed in the next few months. Either way, one of the first outcomes of the 1st AHWG meeting and subsequent commenting period will be to make some final decisions on the product group scope.

Regarding the LCA studies presented, an industry representative asked how the maintenance multipliers [i.e. how many times a coating is applied in a 50-year period] were decided upon and also asked if the formulation was representative or average ones and also if these formulations were representative of EU Ecolabel products or not. The project team responded that the multipliers were taken from the existing PEFCR for paints and referred to a 50-year period. It was also acknowledged that this might not be ideal since the PEFCR are currently under revision, but that information is not publicly available yet. Regarding formulations, the project team emphasised the difficulties in finding any formulations for paint and varnish products, to the point that the information on formulations for outdoor paints and varnishes were very limited, and that there was insufficient information to even carry out a proper PEF screening study for indoor varnishes. At this point the project team took the opportunity to encourage stakeholders to provide more information on formulations.

One consultant stakeholder asked a more policy-orientated question about how the EU Ecolabel criteria for paints and varnishes would fit in the future under the broader developments of the Ecodesign for Sustainable Products Regulation (ESPR), for example, would the EU Ecolabel criteria be part of a Delegated Act under the ESPR. The project team responded by referring to a pioneering work being done with textiles, where both the EU Ecolabel and ESPR are co-existing.

An NGO representative raised some questions about the slide shown on the sensitivity analysis of LCA results to the use and non-use of preservatives and asked if the results could be nuanced more, for example looking at lower use of preservatives instead of the all or none options presented. The project team responded by saying that the PEF sensitivity analysis was built upon assumptions from another study but were not the assumptions of the project team themselves. The ideal situation would be to have real-life information in terms of formulations, biocide contents and more accurate spoilage rate estimations.

Point 4. Scope and definitions

The project team started by presenting a number of potential areas where the scope of the product group could potentially be expanded: (i) aerosol spray paints; (ii) road marking paints; (iii) powder/cement paints; (iv) wood oils, and (v) waterproofing products. The existing and proposed texts for the scope and definition were presented, but with the emphasis on the fact that more comprehensive proposals could only be made once a decision had been taken about what exactly is in and out of the

scope. The project team also requested assistance from industry experts in trying to define a hierarchical definition of different paint and varnish categories in order to be able to explain the readers why the final scope is set in the way that is set.

Apart from the actual text of the scope and definition, stakeholders were also asked for their opinions about the restructuring of the EU Ecolabel criteria, namely about whether or not the criteria should be split into more than one Annex.

Regarding road marking paints, an industry expert emphasised that these products are very different to the other paints included in the scope. For example, the use of a separate component (glass beads) to ensure night-time light reflectivity and the use of anti-slip components in cycle lane markings. These are rather "systems" than "products". The same stakeholder also pointed out that while EU GPP criteria had been developed for paints and varnishes (and including road marking paints), separate and dedicated EU GPP criteria were needed for road markings. It was also added that background research on road marking formulations and LCA studies associated with road markings had already been done as part of the EU GPP project – which led to the stakeholder concluding that they did not understand why road markings were in Table 1 [the table for potential scope expansion of the EU Ecolabel]. The project team acknowledged the comment and emphasised that one of the main takeaways for the 1st AHWG meeting (and subsequent written comments) would be to take a final decision on the scope of the criteria.

Another industry expert made several comments on the scope. First of all, he wished to point out that anti-rust paints and floor paints are already referred to in the definition of category (i) one-pack performance paints. For wood oils, the same stakeholder stated that the discussion should be focused on non-film forming oils, because film-forming oils are technically already in the scope via category (f) of Directive 2004/42/CE. Regarding cement paints, caution was urged because they can contain microplastics. In general, this stakeholder was of the opinion that cement paints should noy be included in the scope. The project team responded that there may be an additional issue with cement paints (and perhaps other high pH paints) which is that they may need to carry the H317 classification at product level because the high pH upon contact with moisture can result in skin sensitisation. However, it is important to try to separate the discussion between powder paints that are cement-based and powder paints that are the "just add water" type based on organic binders, which is currently a niche product with some promising environmental benefits. In response to the clarifications on the inclusion/non-inclusion of products like anti-rust paints, the project team agreed with the clarification but added that the current situation is not helpful when trying to provide definitions for these products and that a hierarchy of products would help people visualise what is in the scope and what is not.

In response to a written question about whether or not lime-based and silicate-based paints are included in the scope for EU Ecolabel or not, the project team clarified that these types of product are effectively included in the scope, so long as the comply with the relevant criteria (e.g. on technical performance requirements and hazardous substance restrictions).

Another stakeholder suggested caution on using product definitions that are linked to binder chemistry, because there may be future product developments that use different binder chemistries than those stated in the definition and, just for that reason alone, they would be excluded from the scope. The project team acknowledged the point, saying that they generally agreed that definitions that are too prescriptive could present barriers to future innovation.

Point 5. Criterion 1: White pigment content and Wet Scrub Resistance (WSR); Criterion 2: TiO2 production

The project team presented the reworded text for criterion 1, explaining that the idea was not to actually change the meaning of the criterion, but just to make it easier to read and understand. With criterion 2, there were some small substantive changes in the criteria in terms of the way in which TiO_2 ores are defined. A new requirement for a low dust working environment at the TiO_2 production facility was also introduced in criterion 2, similar to what is required by the Nordic Swan ecolabel. Now the ores are defined by purity rather than by name. Other changes in the text were made with a view to make the existing requirements easier to read and understand. A general comparison of the main requirements set out in criteria 1 and 2 of the EU Ecolabel was made with two relevant Blue Angel product groups, 2 relevant Nordic Swan ecolabel product groups and the Austrian ecolabel for wall paints.

No comments were received from the stakeholders during the discussion section. However, in the next discussion section, an industry stakeholder requested to clarify if the requirement on "low dust working environment", applicable when TiO_2 is used in quantities more than 3.0% in the product, applied to the TiO_2 producer, or the paint producer, or both. The project team responded that the "low dust working environment" requirement in criterion 2 would apply only to the TiO_2 producer. However,

if the TiO_2 supplied carries the H351 classification, then a derogation condition under criterion 5.2 would require steps to be taken at the paint production facility with regards to reducing exposure to TiO_2 dust.

Point 6. Criterion 3: Efficiency in use; Criterion 4: VOC and SVOC content

The project team presented the main changes in criterion 3, highlighted in blue text. The changes were basically clarifications or minor improvements to how easy the requirements were to understand, but the requirements themselves were no different than before. It was emphasised that more detailed technical explanations for what is behind the requirements should be provided somewhere (most likely in the preliminary report or the user manual). The separate requirements for primers was also questioned, as was the suitability of having thick decorative paints in the scope, given their very low spreading rate.

With criterion 4, the project team explained that no changes had been proposed yet because insufficient data had been received from EU Ecolabel licensed products to date. From the data received, some VOC contents were indeed very low, even compared to the current limits, so there is potential to revise them. Clarity was also sought about several types of claims that are sometimes associated with paint and varnish products, like "zero VOC", "VOC-free" and "ultra low VOC". Finally, a comparison of criterion 3 and 4 requirements with the other ecolabels (Blue Angel, Nordic Swan and Austrian ecolabel) was presented.

An NGO representative asked if glycol ethers would be covered by the VOC and SVOC content calculations because, when testing indoor air quality, these chemicals are ubiquitous. The project team responded that whether or not these chemicals would be covered will ultimately depend on whether they meet the current definitions for VOC or SVOC, which are currently proposed to be the same as before and are linked to the original definition in Directive 2004/42/CE and based on boiling point.

An industry stakeholder wished to highlight that there are different definitions of VOC currently out there. This is especially the case for definitions used in VOC content calculations and VOC emission calculations (the latter definition is based on when substances elute from a gas chromatographic column, being between n-hexane and n-hexadecane). Consequently, there are some substances that are counted as VOC in the content calculation, but as an SVOC in the emission calculation, or vice versa. One example is texanol, having a boiling point greater than 255°C and thus being an SVOC in terms of "content", but elutes before n-hexadecane in the gas chromatographic column, thus being counted as a VOC in terms of "emission". The project team acknowledged the points. An open question for all stakeholders was stated as do you see paints and varnishes being included in the construction products regulations, and also in the VOC definitions. Ultimately, it was concluded that there is a need for definition of the VOC content and emission, and the project team are open to discuss this with experts.

An NGO representative stated that, although not having any data in hand, it would be expected that the VOC and SVOC content limits could be reduced for EU Ecolabel paints and varnishes could be lowered, given that the criteria are already 10 years old. In terms of criterion 3, the same stakeholder asked if there was a way to try and set requirements to ensure that paint and varnish products release less microplastics (i.e. secondary microplastics) when the coatings undergo weathering. The project team stated that they were not aware of existing test protocols but were willing to explore the issue further and check if there is an already established test method, or a method currently undergoing standardisation, that could be referred to for measuring the potential for secondary microplastic release. It is a high-profile issue, but also a recent issue, so the availability of test methods would be important.

Another industry stakeholder suggested that it would make sense to continue with VOC and SVOC contents being defined based on boiling points rather than by behaviour in a gas chromatographic column. The same stakeholder also asked if the project team was interested in receiving more data on VOC and SVOC contents in order to help justify future criterion proposals – and if so, who would they contact about this. The project team responded by saying that there was an existing excel file available for providing this data, which had already been circulated to Competent Bodies, and all stakeholders are encouraged to respond to that. It was also added that a contact email is included in the "Next Steps" slide at the end of the presentation.

To conclude on the discussion session, the project team remarked that the current situation with VOC definitions is indeed confusing, and could be even more confusing if it is true that paint and varnish products are covered by the recast Construction Products Regulation (this was presented as an open-ended question to stakeholders as well, since there is a lack of clarity so far about the extent to which paints and varnishes are considered as construction products). In any case, the project team are open-minded about finding the best approach.

Point 7. Criterion 5: Restriction of hazardous substances and mixtures

The project team went into some detail to present the major changes to the structure and the wording of the hazardous substance criteria. In general, it was explained that the wording of the SVHC and CLP restrictions was aligned with the recently voted criteria for EU Ecolabel Absorbent Hygiene Products, as were the new restricted CLP hazards (associated with the properties mentioned in Article 57(d to f)).

Each of the existing derogations were presented as well, highlighting any changes from the 2014 criteria and the new horizontal derogation condition, that is part of all derogation conditions, was explained. Finally, the specific hazardous substance restrictions were explained, which were largely based on the 2014 criteria, with some extensions and restructuring.

The criteria on restriction of hazardous substances and mixtures led to several reactions from the stakeholders. One stakeholder asked for clarification if the criterion on SVHCs was constructed in this way to ensure that it would automatically apply to new classifications that fall within requirements for SVHCs in the future – especially concerning Category 1 endocrine disruptors and PBT [Persistant, Bioaccumulative and Toxic] classifications. The project team confirmed that the intention of the SVHC criterion was indeed to be dynamic and to match up with any new substances added to the Candidate List for SVHCs – the general text in the Annex preamble for EU Ecolabel criteria requires that applicants recheck compliance of their licensed products when rules and conditions change.

The same stakeholder stated that the criteria for defining substances as Category 2 endocrine disruptors was not so clear and guidance is needed to avoid the situation where too many substances are considered to have this hazard without solid evidence. The project team simply stated that they shared this concern. Another point from the same stakeholder was to ask if derogations could simply be linked to substances independently of their hazard, so that if the hazard classification of that substance changes in the future, there is no need to amend the EU Ecolabel criteria. The project team responded that the established approach for applying the restrictions stemming from Article 6(6) of the EU Ecolabel Regulation was to look at CLP hazards and that one of the primary considerations when looking at derogation requests is the actual hazard. Derogations with no specific reference to hazards in the actual legal text of the criterion would be an interesting idea, but this would be at odds with all of the other currently valid EU Ecolabel criteria, including recently voted criteria for absorbent hygiene products.

Regarding derogations for surfactants, one stakeholder stated that they considered it more appropriate that any derogated hazards should apply to the hazard classification of the surfactant substance itself, rather than the formulation it is provided in (and this same principle should apply in general for formulations used as ingredients in paint and varnish products).

Two industry stakeholders acknowledged that while the quality of information regarding the safety data sheet (SDS) is indeed limited, but that to compensate for this, and in order to be able to accurately evaluate CLP rules of mixtures for final products that are mixtures [e.g. paints and varnishes] the practice of business to business communication under Non-Disclosure Agreements is widespread, where formulators are able to receive more precise information on the concentration/composition of raw materials and supplied formulations - which they use themselves as a calculation for the classification of their own final mixture. The project team acknowledged the point and mentioned that inspiration could be drawn from discussions regarding the revision of EU Ecolabel criteria for detergent products. Regarding the hazard classes changes, the project team replied that based on the way things has been done so far (Article 6(6)) for the group 1, 2, 3 hazards, and in order to have a more informed discussion about the hazards we have to ask; "is it worth derogating these substances?", and if the change are more severe than before or the same? Regarding the comments of information in the safety data sheets and surfactants being treated as a mere substance with classification, The project team thanks for the information between suppliers and agrees that in cases of derogations for surfactants, the focus should be upon the surfactant ingredients rather than the classification of the formulation.

An industry stakeholder suggested that the definition of *ingoing substances* should be clarified (the term is mentioned in the beginning of criterion 5.2) as confusion could arise: e.g. whether a residual catalyst from a binder system is an ingoing substance or an impurity? The project team acknowledged the point and admitted an oversight here by failing to consider the definitions of "ingoing substances" used in recently voted EU Ecolabel criteria. This would be investigated prior to the release of TR2.

The same industry stakeholder stated that in the current 2014 criteria (section 7 of the Appendix), formaldehyde can be present as an impurity from other sources apart from formaldehyde-releasing preservatives, and this general allowance seems to have disappeared now. He also pointed out that several other entries from section 7 of the 2014 criteria are missing in the proposal

e.g. 7(b) solvents, 7(c) unreacted monomers and 7(d) Volatile Aromatic Compounds and halogenated compounds. It was asked if the intention was for these substances to only be allowed up to the horizontal limit of 0.010%. The project team acknowledged that further discussion on the approach to formaldehyde restrictions would be welcomed, with a view to finding an approach that works for both formaldehyde-releasing preservatives and other residual formaldehyde impurities – the same welcoming of further discussion on the solvent, unreacted monomer, volatile aromatic compound and halogenated compound restrictions was stated – since the 2014 requirements on these substances was not clear in the first place.

Another issue that was raised was the situation with ADH. The proposal had inserted a specific derogated hazard of H411, but some suppliers disagree with the research dossier and classify the ADH they produce as H317. How should this be handled in the EU Ecolabel criteria? And would it be possible to go back to the situation of a derogation with no reference to specific hazards for this substance (and methanol too)? The project team agreed that this was a concern and that if there was a situation where both hazards are widely used, the ADH derogation would need to cover both hazards.

The same industry stakeholder furthermore recommended that PFAS should be defined to avoid any debate – the OECD definition would be useful for this. However, the last point would not be so important if fluorinated substances as a whole were banned, which was recommended by one Member State representative.

An NGO representative appreciated the work and especially found the table on derogations and hazard phrases to be very informative. However, since most of the derogations have been retained without any examination of how necessary they still are, it would be useful to check how often each of the derogations are actually being used amongst the different categories of EU Ecolabelled paint and varnish products. The project team responded that the research is ongoing, and that the information might be available from the industry.

A Member State representative also supported the idea of a review of the existing derogations, citing that the EU Ecolabel Regulation itself states that derogations are only permitted in specific cases and when it is not feasible to make to product without these hazardous substances. Continuing from this point, the same stakeholder added that the first two derogations shown in the slides [N-(3-aminopropyl)-N-dodecylpropane-1,2-diamine and Sodium Pyrithione] are not derogated in the recently updated Nordic Swan ecolabel criteria – implying that these derogations would not in fact be needed. More detailed comments would be provided in writing about this matter. It was also clarified that derogations for specific substances apply to their CLP hazards in general, not only harmonised hazards. Regarding the wording of criteria 5.1, 5.2 and 5.3, it was recommended to look at developments with the detergents product groups and align as far as possible. The same Member State representative continued by requesting that the list of substances specifically banned in criterion 5.3 could be better aligned with the (longer) list of banned substances in the Nordic Swan criteria. All phthalates and fluorinated substances should be banned. MS representative also highligted a previous discussion that took place in the Competent Body Forum about how to calculate the concentration of biocides/preservatives in final products, he agreed it cannot be calculated in the way it is now and JRC should look at that now, however this issue is not in the current proposal. He suggested to check Nordic Swan criteria which approach provides a solution to this issue. The project team appreciated the input and encouraged further comments in writing and subsequent discussion. However, a general point was added in that there was a notable difference in paint formulations across the EU, with a general North-South divide that is linked to the warmer temperatures in the south – so perhaps not all Nordic criteria are justifiable for products used in the warmer parts of the EU.

An industry stakeholder made a comment about a possible unintended error in the updating of the Zinc Oxide derogation as a preservative stabiliser. The existing criterion had Zinc Oxide allowed as an in-can preservative, whereas the proposals link it to use as a dry-film preservative – which is a very different application. It was requested that the derogation also be extended to in-can preservation purposes. The project team acknowledged the point and admitted that this was an oversight that could be rectified in TR2.

An industry stakeholder asked if the derogation list for isothiazoline preservatives is complete. The reason for this question is because the proposal only mentioned three such substances [i.e. DTBMA, BIT and BBIT] whereas other isothiazolines are mentioned in the existing criteria [e.g. MIT and OIT]. It was not clear if these latter isothiazolines were thus part of the derogation, or would just be treated as part of the general horizontal restrictions. The project team responded that the list of isothiazolines was not intended to be limited to just the three compounds listed in the derogation table and that this would be stated more clearly in TR2.

The same industry stakeholder also flagged some potential issues that could arise with the current wording of the derogation conditions for isothiazolines, since it was not so clear about what would happen in cases when isothiazolines are coming in raw

materials, but are not added by the paint or varnish manufacturer. The nature of the issues would be explained in more detail in written comments to be submitted later.

The last comment on this section came from an industry stakeholder, who stated that if there is a requirement to test for isothiazoline content in the final product, this must be linked to a well-defined sampling and analytical method, otherwise the requirement could be meaningless. The project team agreed that there has to be a reasonable clear testing approach in order to make reliable and reproducible results. Input from testing laboratories would be sought to see if a useful testing description can be defined in TR2.

Point 8. Other criteria proposals and/or other discussion

The project team presented two completely new criteria: (i) on VOC emissions for indoor products, and (ii) on carbon footprinting for all EU Ecolabel products.

For VOC emissions, the various developments since 2014 that support the inclusion of a requirement on VOC emissions were presented and a well-defined criterion proposal presented, based on testing according to EN 16402 and with an ambition level that aligns well with the Nordic Swan and Blue Angel requirements.

For carbon footprinting, the two main policy drivers for such a requirement (the Construction Products Regulation (CPR) and the Energy Performance of Buildings Directive (EPBD)) were presented. The initial proposal was left very open to enable discussion about 4 main options, namely: (i) a full PEFCR style approach; (ii) a general PEF method approach; (iii) a cradle-to-grave EN 15804 style approach, and (iv) a cradle-to-gate EN 15804 style approach.

A testing laboratory stakeholder commented on the proposed new criterion on VOC emissions - suggesting that the definition of carcinogenic 1A or 1B VOCs should refer to the list of carcinogenic VOCs explicitly stated in Annex I to EN 16402. If the EN 16402 definition is not used, acetaldehyde would then be included [a Category 1B VOC] and, due to its quite ubiquitous presence, could be the single point of failure for many products. It was also clarified that testing for acetaldehyde is not completely ignored, since it is also covered as part of the calculation for the "R value". Regarding testing capacity, the same stakeholder stated that this was not an issue in the EU. The project team appreciated the input and agreed that the annex of EN 16402 should be referred to for definitions of carcinogenic VOCs. Further input would also be sought later to understand the range of testing costs for EN 16402 and how data for VVOCs are dealt with.

An industry stakeholder appreciated the inclusion of carbon/environmental footprints and the gradual introduction of limits and restrictions. The same stakeholder suggested that there should be a reporting obligation linked to carbon footprinting, in order to ensure that there would be no problems with access to data in order to justify future benchmarks when the EU Ecolabel criteria are revised in the future. One possible system for gathering and presenting data could be the PEFCR methodology, which has been shown to work well for paints. If disclosures from the companies should be validated from third parties, the stakeholder asks if general EPDs available are sufficient, as opposed to EPDs specifically conducted for each product, which are much more costly. The project team agreed that a disclosure arrangement for companies would be a very good idea and that things should be done in a more centralized and cost-effective. Regarding EPDs, this aligns with the EN 15804 option, which is also directly linked to the CPR and EPBD – but the other options are still up for discussion. An essential question in this discussion is: are paint and varnishes are part of the construction products regulation (CPR)?

A Member State representative agreed on the addition of the VOC emission requirements for indoor products, due to the concerns with indoor air quality. However, the same stakeholder however fails to see the added value for any requirements on carbon footprinting, but rather a long list of issues that would need to be resolved in a relatively short time for this to be a workable EU Ecolabel criterion. For the existing criteria from 2014, the normal feedback received from license holders is that the criteria are too complicated, and the application and evidence gathering process takes too long. Adding a requirement for carbon footprinting will just increase the complexity much more. The same stakeholder went one to cite the project teams' statement about the need for a cost-effective tool, and it was asked if such a tool could really be available within the next 12 months or so? Another legitimate concern was that the climate change impact results from the preliminary research were revealing that consumables from the use stage and disposal processes at end-of-life were dominating climate impacts. If that is generally the case for most paint and varnish products, then this would limit the range of results possible for different products, thus limiting the added value and steerability of any requirements on carbon footprinting. The project team acknowledged these concerns and shared many of them. The extent to which carbon footprinting would be a burden will ultimately

depend on the extent to which the industry can organise itself and develop a useful and cost-effective tool that can be used for both self-assessments via simple inputs to a black box-type model and with the option for third parties to assess the validity of those inputs. The project team also asked openly if there was the open for a time-delayed introduction for carbon footprinting (if extra time would be needed for such a tool to be made available). Nonetheless, any requirements on carbon footprinting, even if not mandatory, are likely to encourage CEOs to look for the lowest numbers possible.

An NGO representative appreciated the new criteria proposed for VOC and SVOC emission testing and stated that they would like to also keep the existing VOC and SVOC contents. The project team confirmed that this was the intention.

If the CPR is indeed covering paints and varnishes, the same NGO representative acknowledged that carbon footprint calculations really ought to be included in the voluntary EU Ecolabel policy first, before being required in any mandatory policy like the CPR. The same stakeholder was relieved that the criterion proposal for carbon footprinting in TR1 was not presented by the project team as a tangible criterion as such, but just a starting point to compare together four different approaches that could be taken for carbon footprinting before deciding on a better approach in TR2. It was added that, whatever methodology would be recommended in the end, a cross-cutting concern that was raised was the extent of use of generic data, and the use of specific data should be encourage whenever possible, perhaps via a % penalisation added on top of generic data – more specific data will also help improve differentiation between products and between suppliers. It was also asked if other impact categories apart from climate change could be considered. The project team responded that human nature would most likely result in applicants naturally looking for ways to get the lowest number on their products, especially if this would be one of the three messages that are to appear on the EU Ecolabel. Looking for lower numbers would mean asking suppliers for specific data that is lower than the generic data and so it was agreed that quite high/conservative generic carbon emission data would certainly encourage the right signals to be sent to the upstream supply chain. It would also encourage producers to optimise their packaging design as well, without the need for prescriptive requirements. Regarding other impact categories apart from global warming potential, it was suggested that this not be investigated at this stage, since it is already complicated enough just to establish the measurement of carbon emissions – but it would be a natural evolution of requirements in the future.

"Any Other Business" questions

An NGO representative asked if there were any plans to research the feasibility of take-back systems linked to recycling and reuse of unsold paints, since this was mentioned previously but seemed to be dismissed as impractical. Furthermore, the stakeholder added that they would support requirements on packaging in a new criterion. The project team acknowledged the comments and welcomed any further input on this matter, but added that the take-back schemes (perhaps under the guise of extended producer responsibility measures) seem to be a big commitment for producers/retailers with little additional benefit since actual recycling of post-consumer products is non-viable due to microbial contamination issues and blending of many different chemistries and shades.

Another NGO representative asked if there was any intention to insert a criterion on the potential for secondary microplastics release from paint films– the stakeholder also offered to share a report by the Swedish Environmental Protection Agency about this subject, which commented that paint and varnish coatings can be important sources of secondary microplastics. The project team stated that they look forward receiving the mentioned report from the stakeholder and are open for further discussion on the topic.

Point 9. Conclusion, next steps and closure of the meeting

The JRC concluded the meeting, thanking the participants for their attention, valuable input and help in identifying the key issues. It was explained to participants that written comments on the contents of the Preliminary Report should be provided by email (to JRC-B5-PAINTS@ec.europa.eu). Written comments on the Draft Technical Report1 can be provided only via the BATIS platform. The deadline for comments on both reports is the 22 of May. Instructions are available about how to submit comments and if there are any issues, this should be communicated to: JRC-B5-PAINTS@ec.europa.eu.

Bilateral discussions are also welcomed throughout the whole criteria revision process but should try to be very focused on important matters due to time and resource constraints. A series of working sub-groups are being considered for areas where greater consultation is considered necessary by the project team. Tentatively, these areas will be: (i) product categorisation,

hierarchy and definitions; (ii) quantitative data collection from existing licensed products; (iii) carbon footprinting, and (iv) technical performance requirements (criterion 3). Stakeholders were informed that they would receive more information about the possibility to participate in these working sub-groups in due course.

Note to readers:

A follow-up email was sent to stakeholders after the 1st AHWG (8 May) informing about:

- Online availability of related documents: Presentation (PPT) → available in the dedicated JRC website and the BATIS platform (8 May)
- Expression of Interest to working sub-groups

Deadline for comments (22 May 2024) to submit written comments to TR1 (only *via* BATIS) & PR (*via* email). Reminder sent on 20 May including further information about the working sub-groups:

- (i) Product category hierarchy and definitions
- (ii) License data
- (iii) Explaining technical performance requirements
- (iv) Criterion on carbon footprinting