

## COMMISSION DECISION

of **XXX**

### **establishing the EU Ecolabel criteria for decorative paints and varnishes and related products, performance coatings and related products, and water-based aerosol spray paints**

(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 (EU) 2014/312<sup>2</sup> established EU Ecolabel criteria and related assessment and verification requirements for the product group ‘indoor and outdoor paints and varnishes’. The period of validity of those criteria and requirements has been extended to 31 December 2025 by Commission Decision (EU) 2022/1229<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 indoor and outdoor paints and varnishes.
- (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 28 May 2014 establishing the ecological criteria for the award of the EU Ecolabel for indoor and outdoor paints and varnishes (OJ L 164, 03.06.2014, p. 45–73)

<sup>3</sup> Commission Decision (EU) 2022/1229 of 11 July 2022 amending Decisions 2014/312/EU, 2014/391/EU, 2014/763/EU, (EU) 2016/1332 and (EU) 2017/176 as regards the period of validity of the EU Ecolabel criteria and of the related assessment and verification requirements (OJ L 189, 18.07.2022, p. 20–23)

<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 revise the criteria for the product group ‘indoor and outdoor paints and varnishes’ and split it into two product groups ‘decorative paints and varnishes and related products’ and ‘performance coatings and related products’. The expansion of the scope to include the product group ‘aerosol spray paints’ is also included.
- (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, energy and resource efficiency, and carbon and environmental footprint requirements are to be more systematically included in the EU Ecolabel criteria.
- (8) The revised EU Ecolabel criteria for decorative coatings, performance coatings and aerosol spray paints 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 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 packaging, 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) The new criteria and related assessment and verification requirements should remain valid until 31 December 2033, taking into account the innovation cycle for the product group.
- (10) For reasons of legal certainty, Decision (EU) 2014/312 should be repealed.
- (11) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for indoor and outdoor paints and varnishes on the basis of the criteria set out in Decision (EU) 2014/312, 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 (EU) 2014/312 or on the new criteria established by this Decision. EU Ecolabel licences awarded in accordance with the criteria set out in Decision (EU) 2014/312 should be allowed to be used for twelve months from the date of adoption of this Decision.
- (12) 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,

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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).

HAS ADOPTED THIS DECISION:

*Article 1*

1. The product group of ‘decorative paints and varnishes and related products’ shall comprise indoor and outdoor paints, varnishes, woodstains and primers whose primary purpose is to impart decorative characteristics to buildings, their trim and fittings and associated structures and that fall under the scope of subcategory 1.1. in Annex I to Directive 2004/42/CE of the European Parliament and of the Council (1).

Decorative paint products shall include untinted base paints and different colour shades achieved by tinting, either predefined by the manufacturer or at the customised request of consumers (professional or non-professional) to operators of tinting systems.

Decorative paints or varnishes not covered by Directive 2004/42/CE which are supplied in powder or granule form, and that are to be diluted and mixed with water prior to use for decorative purposes, are also included in the scope of this product group unless explicitly excluded in paragraph 2.

2. The product group of ‘decorative paints and varnishes and related products’ shall not include:
  - a. Performance coatings defined in subcategories 1.1(i) and 1.1(j) of Annex I to Directive 2004/42/CE.
  - b. Multicoloured coatings defined in subcategory 1.1(k) of Annex I to Directive 2004/42/CE.
  - c. Decorative effect coatings defined in subcategory 1.1(l) of Annex I to Directive 2004/42/CE.
  - d. Anti-fouling coatings.
  - e. Wood preservation products.
  - f. Coatings and coating systems designed for use in industrial processes, such as powder coatings applied as powders to substrates and coatings that are cured by UV radiation.
  - g. Coatings primarily intended for vehicles.
  - h. Products whose primary function is not to form a continuous film over the substrate, e.g. oils and waxes.
  - i. Fillers, plasters, grouts, sealants and adhesives.
  - j. Cement-based paints where cement is used as a binder in the formulation.
  - k. Aerosol-spray paints
  - l. Road-marking paints

*Article 2*

1. The product group ‘performance coatings and related products’ shall comprise certain one-pack and multi-pack performance coating products whose primary purpose is to impart special performance characteristics to buildings, their trim and fittings and associated structures and that fall under the scope of subcategories 1.1(i) and 1.1(j) in Annex I to Directive 2004/42/CE of the European Parliament and of the Council.

The product group ‘performance coatings and related products’ shall comprise floor coatings, anti-corrosion coatings, waterproofing coatings, anti-graffiti coatings and radiator paints intended for use by consumers and professional users in buildings, their trim, fittings or associated structures.

2. The product group shall not include:
  - a. Anti-fouling coatings.
  - b. Wood preservation products.
  - c. Coatings and coating systems designed for use in industrial processes, such as powder coatings applied as powders to substrates and coating systems that are cured by UV radiation.
  - d. Coatings primarily intended for vehicles.
  - e. Products whose primary function is not to form a continuous film over the substrate, e.g. oils and waxes.
  - f. Fillers, plasters, grouts, sealants and adhesives
  - g. Cement-based paints where cement is used as a binder in the formulation.
  - h. Coatings designed to impart flame retardancy.
  - i. Coatings used in relation to hygiene standards in the food or drink industry or health services.
  - j. Road marking paints.

#### *Article 3*

1. The product group of ‘water-based aerosol spray paints’ shall comprise integral ready-to-use packages with a valve and a water-based paint formulation which is dispensed by pre-stored pressure in a controlled manner when the valve is operated.
2. The product ‘water-based aerosol spray paints’ shall not include aerosol spray paints with an organic solvent-based paint formulation or that would be classified as an extremely flammable aerosol (H222) or a flammable aerosol (H223) accordance with the classification rules for mixtures set out in Regulation (EC) No 1272/2008.

#### *Article 4*

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

(1) ‘Aerosol spray paints’ means aerosol dispensers which are non-refillable receptacles made of metal, glass or plastics and containing a gas compressed, liquefied or dissolved under pressure, with a paint formulation, and fitted with a release device allowing the contents to be ejected as solid or liquid particles in suspension in a gas, as a paste or in a liquid state.

(2) ‘Anti-fouling paint’ means, according to ISO 4618:2014, coating material applied to the underwater sections of a ship’s hull or to other underwater structures to discourage biological growth

(3) ‘Anti-rust paints’ means paints designed to prevent rust (corrosion) in metal substrates in the presence of oxygen and moisture, through the application of a protective coating.

(4) ‘Cement-based paints’ means powdered paint products containing significant amounts of Portland cement or other cement in the formulation and which need to be carefully mixed with water prior to application.

- (5) 'Decorative purpose', means treatments with the primary objective to change or restore the appearance of a substrate;
- (6) 'Filler' means, according to ISO 4618:2014, a coating material with a high proportion of extender, intended primarily to even out irregularities in substrates to be painted and to improve surface appearance.
- (7) 'Floor coatings and floor paints' means coatings and paints specifically formulated to be applied to flooring, with the purpose of protecting and/or colouring the flooring substrate;
- (8) 'Multi-pack performance coatings', according to Directive 2004/42/CE, means coatings with the same use as one-performance coatings, but with a second component (e.g. tertiary amines) added prior to application;
- (9) 'One-pack performance coatings', according to Directive 2004/42/CE, means performance coatings based on film-forming material, which are designed for applications requiring a special performance, such as primer and topcoats for plastics, primer coat for ferrous substrates, primer coat for reactive metals such as zinc and aluminium, anticorrosion finishes, floor coatings, including for wood and cement floors, graffiti resistance, flame retardant, and hygiene standards in the food or drink industry or health services;
- (10) 'Paint' means a pigmented coating material, supplied in a liquid, paste or powder form, which, when applied to a substrate, forms an opaque film having protective, decorative or specific technical properties and after application dries to a solid, adherent and protective coating;
- (11) 'Plasters' shall, for the purpose of this Decision, mean premixed materials designed for plastering of interior or exterior walls and ceilings, including gypsum plasters according to EN 13279, solvent-free pasty plasters according to EN 15824 and masonry mortars according to EN 998-1.
- (12) 'Powder coating' means protective or decorative coating formed by the application of a coating powder to a substrate and fusion to give a continuous film;
- (13) 'Primers', according to Directive 2004/42/CE, means coatings with sealing and/or blocking properties designed for use on wood or walls and ceilings;
- (14) 'Road marking paints' means, in accordance with EN 1436 paint that forms a part of the means for horizontal signalization and require a functional component to provide road safety;
- (15) 'Tinting system' means a method for preparing coloured paints by mixing a 'base' with coloured tinting pastes or powders;
- (16) 'UV curable paint system' means the hardening of coating materials by exposure to artificial ultra-violet radiation;
- (17) 'Varnish' means a clear coating material which, when applied to a substrate forms a solid transparent film having protective, decorative or specific technical properties and after application dries to a solid, adherent and protective coating;
- (18) 'Waterproofing products' means materials and coatings applied to surfaces to prevent the ingress of water and moisture
- (19) 'Waxes' means a group of organic compounds that are typically solid at room temperature and become malleable or liquid upon heating
- (20) 'Wood oils' means oils used for the care and protection of wood (e.g. pearling effect) without any cleaning action;
- (21) 'Wood preservative', according to ISO 4618:2024, means a product containing a biocide which is intended to inhibit the development of wood-destroying and/or wood-staining organisms in the wood to which it is applied.

(22) ‘Wood stain’, according to ISO 4618:2024, means a penetrating composition containing a dyestuff that changes the colour of a wood surface, usually transparent and leaving no surface film, the solvent for which may be oil, denatured alcohol or water.

#### *Article 5*

For administrative purposes, the code number assigned to the product group ‘decorative paints and varnishes and related products’ shall be ‘044’.

For administrative purposes, the code number assigned to the product group ‘performance coatings and related products’ shall be ‘056’.

For administrative purposes, the code number assigned to the product group ‘aerosol spray paints’ shall be ‘057’.

#### *Article 6*

Decision 2014/312/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 ‘indoor and outdoor paints and varnishes’, as defined in Decision 2014/312/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 ‘indoor and outdoor paints and varnishes’ 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 2014/312/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 2014/312/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*

**XXX**

*Member of the Commission*