# Table of Comments (ToC) received after the 1st AHWG meeting for the revision of EU Ecolabel criteria for Indoor and Outdoor Paints and Varnishes

October 2024

## Contents

# 1 General Comments (5 comments + any position paper/email inputs)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p78 - 92- *Comment on the Draft Preliminary Report*<br><br>Comment: Comment not to the Technical Report but to the EU Ecolabel Paints and Varnishes Draft Preliminary Report First draft for the background Preliminary Report (April 2024) Please see attachment.<br><br>Suggested actions: We respecfully request revision of the regarding sectons 4.2.3 and 4.2.4 of the EU Ecolabel Paints and Varnishes Draft Preliminary Report,first draft for the background Preliminary Report (April 2024).<br><br>Rationale/Supporting Data: There are some needs for technical clarification as to properties, production processes, and use of silicone resins. | 1.1<br>Accepted. Additional information on the properties and use of silicone were added to the PR2. |
| BATIS export | p13- *General Comment*<br><br>Comment: To facilitate the Ecolabel requests by companies and our evaluation, it is necessary to provide a well-organized calculation sheet, such as the detergent excel file. | 1.25 and 2.4.<br>Acknowledged. This would be part of any work relating to the User Manual. |
| BATIS export | p31- *General Comment*<br><br>Comment: We hope that a spreadsheet will be provided as already done for cosmetics and detergents so to help with all of the calculation required in the criteria | |
| BATIS export | p17- *General Comment*<br><br>Comment: 3.2.1. Aerosol spray paints: correction line 362 and line 363 During the preparation of the draft Technical Report Version 1.0. the following errors occurred when transferring the data from data from "FEA European Aerosol production facts 2022" (page 10) the following errors occurred, which we ask you to correct as soon as possible. Ideally before the Online- stakeholder meeting on 07.05.2024, for which we are registered (see our e-mail of 17.04.2024) Line: 362: Incorrect: 300,000 can per year Correct is: 300,000,000 cans per year (300 million cans) Line 363: Incorrect: 240,000 cans per year Correct is: 240,000,000 cans per year (240 million cans) | 3.1.1<br>Accepted. The correction has been made in the TR2 document |
| BATIS export | from TR1 p.25- *General Comment*<br><br>Comment: For all criteria does the standard refer to white colour or to others colours?<br><br>Suggested actions: define for the criteria the colour/pigment that it's useful to evaluate/test. Some coloured systems usually are worst performing compared to the white reference (some pigments can influence the final result for the test). | 5.1<br>Accepted. Agreed in principle that all tests should clarify if it is a "white only" or a "worst case" test result that is required. |

## 2 Annex Preamble (4 comments + any position paper/email inputs)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p12-20- *Responses to Q1*<br>Comment: Q1: Stakeholders would like to point out a proposition on appendix, page 29 of the technical report. Five different types of information, listed from (a) to (e), are requested in the European Ecolabel application file. They would like to delete criteria (d) and (e) relating to packaging. Indeed, these criteria require that all types and volumes of packaging for the product to be awarded the European Ecolabel certification be known at the time the application is submitted, whereas this is not necessarily the case. As packaging currently has no impact on European Ecolabel certification criteria, they ask the deletion of points (d) and (e) or, at the very least, make it optional.[…] | Part of 1.4, 2.1 and 2.2 Partially rejected. While we agree that the packaging information has no impact on EU Ecolabel criteria, it is an important differentiator when trying to count the number of products covered by the application and license. For example, the same paint in 3 different volumes would be treated as 3 products. This is important for the statistics. |
| BATIS export | p29-<br>Comment: Please, find below [redacted] comment regarding question number 1 of the draft technical report : Our comment relates to the proposed appendix on page 29 of the technical report. Five different types of information, listed from (a) to (e), are requested in the European Ecolabel application file. We would like to delete criteria (d) and (e) relating to packaging. As we see it, these criteria require that all types and volumes of packaging for the product to be awarded European Ecolabel certification be known at the time the application is submitted, whereas this is not necessarily the case. As packaging currently has no impact on European Ecolabel certification criteria, we ask that points (d) and (e) be deleted or, at the very least, made optional.<br>Suggested actions: We would like to delete criteria (d) and (e) relating to packaging (see comment). | |
| BATIS export | p29-<br>Comment: We would like to delete criteria (d) and (e) relating to packaging. As we see it, these criteria require that all types and volumes of packaging for the product to be awarded European Ecolabel certification must be known at the time the application is submitted, whereas this is not necessarily the case. As packaging currently has no impact on European Ecolabel certification criteria, we ask that points (d) and (e) be deleted or, at the very least, made optional. | |
| BATIS export | p31-<br>Comment: line 649 Applicants shall also declare the specific function of each ingredient | 2.3 Accepted. Is this regarding point (a) of the Annex preamble? We would need to suggest a list of the most common functionalities so that everyone does it in the same way and then "other" for anything else. |

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| BATIS export | p29-<br>Comment: Text in blue points (a) to (e) is not clear. Are we going to keep the definition of the ingredient as before? In what way are we going to give the formulation? Are we still going to give Cas numbers and classifications along with the trade names of the raw materials used? Is this stated in point (c) in a very general form? It would be nice to have a template for the formula in the user manual. Packaging information is new addition? We would need to state for example that we have 3 different plastic cans one for 1Lt paint, one for 3Lt and one for 10Lt and how many gr each one weights? Are we going to ask our packaging suppliers for the composition of the cans we use? Composition in a general form, like polypropylene, or we should ask for more details??Point (e) is very unclear. What do you count as individual products? For example we have a white base paint that we sell in 3 different packaging sizes and with that we produce (via tinting system) something like 10000 (if not more) different color shades. Are we talking about 30000 different individual products????? | 2.5 Acknowledged. The requirement on packaging has been simplified somewhat in the TR2 proposal. It is now enough to simply describe the packaging material(s) used and the volume of product used. The reason for this information is to help with counting of products covered by EUEL licenses. This is explained in more detail in the rationale accompanying the Annex preamble in TR2. |

# 3 Scope

## 3.1 General (30 comments)

Responses to questions 1, 2, 3, 9 and 10 on proposals to update the scope:

*Q1 - Stakeholders' views on the new wording proposed for the scope are welcomed.*

*Q2 - Would you support having a hierarchical description of the scope? If yes, would you be able to contribute to creating this hierarchy with your sectorial knowledge?*

*Q3 - How to explain in more detail the exclusion of Article 1(3c)? (which excludes "coatings for particular industrial and professional uses, including heavy-duty coatings").*

*Q9 - Do you think that anti-rust paints should continue to be in the scope or is this more of an industrial type of product? Are you aware of any anti-rust paints carrying the EU Ecolabel?*

*Q10 - Are radiator paints and furniture paints currently considered to be included in the scope?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p14- *Response to Q1*<br>Comment: When introducing a scope, I think it is important to have a link between the product and the regulation : - To reassure consumers and government entities who buy these products, - And as CB, to respond to new manufactures who want to apply with their special product. In France, with our French NF Environnement Ecolabel, we are based on the NF T 36 005 but I propose to keep the 2004/42/CE Directive for the EU Ecolabel Paints and varnishes. | 3.0.2<br>Accepted. The 2004/42/CE Directive is once again explicitly mentioned in the scope text in Articles 1 and 2, in the TR2. |
| BATIS export | p12-13- *Response to Q1*<br>Comment: If all product categories are mentioned according to 2004/42/CE there is no need to mention separately categories (m), (n), (o) and (p). Categories (m) & (n) are included in category (i) "one pack performance coatings". Category (o) is included in category (d) and (p) is included in category (e). Tinting pastes [mentioned in category (q)] are not a separate category to certify with Ecolabel. They are part of the tinting system used in combination with the base paints to produce the color shades. Pastes are considered as raw materials or intermediates used for the production of color shades. Tinting system is mentioned in the following paragraph in a sufficient way. | 3.0.7<br>Accepted. The changes in the scope text in TR2 should address these concerns. |
| BATIS export | p12-- *Response to Q1*<br>Comment: In the proposed section for the scope, you shall consider to not delete the link to the paint directive 2004/42/CE. | 3.0.8<br>Accepted. The 2004/42/CE Directive is once again explicitly mentioned in the scope text in TR2. |
| BATIS export | p12- *Response to Q1*<br>Comment: Why do you delete Directive 2004/42/EC? By using this reference also coatings for furniture were adressed. At the moment, for us it is unclear whether these products are still in the scope of the EU Ecolabel product group. If you do not use this reference you should mentioned under scope 3.1 all products that are in the scope. | 3.0.9<br>Partially accepted. The 2004/42/CE Directive is once again explicitly mentioned in |

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| | We would really like prefer to include coatings for funiture. The same is valid for plasters. Are plasters still within the scope of application or do they fall under CEMENT PAINTS? Moreover, we would prefer, that it is clearly stated what the main function of the product has, e.g. to form a film on the substrate (oils and waxes). The aim of the formulatio is that oils that do not form a film are not allowed under the "regulation". It should also be clearly state that the product should have a care and protective effect (glaze) - without cleaning effect. Please also have a look at the Blue Angel: the wording is much clearer (for applicants).<br>Suggested actions: Please include the suggested wording in order to be clear; and that we have later no discussions about specific products in or out of the scope. | the scope. However, plasters, cement-based paints and oils that do not form a continuous film are explicitly excluded from the scope of EUEL. |
| BATIS export | p12- *Response to Q1*<br>Comment: We are not sure regarding the specific word: If we translate "wood paints" into German = "Holzbeize" (https://en.wikipedia.org/wiki/Wood_stain). This product we would exclude from the scope. But we think that you rather mean wood glace (https://en.wikipedia.org/wiki/Glaze_(painting_technique)) ?<br>Suggested actions: Please make sure that we use here the right wording. | 3.0.10<br>Acknowledged. This comment is no longer relevant since the term "wood paints" is not used in the proposed scope for TR2. |
| BATIS export | p13- *Response to Q1*<br>Comment: We think tinting pastes should not include into the scope because it is not an end user product; the consumer can not use this paste individually. But we should include tinting systems.<br>Suggested actions: Please exclude the paste and include the tinting paste. | 3.0.11<br>Accepted. Reverting to parts of the original scope wording, tinting pastes are no longer listed as possible products and tinting systems are mentioned. |
| BATIS export | p13-- *Response to Q1*<br>Comment: From our perspective is powder coatings something else - another product. Cement colour = is not a powder coating. Term fits; explanation does not fit.<br>Suggested actions: Please change the wording. | 3.0.12<br>Acknowledged. To avoid misunderstanding, we use the term "cement-based paints" and exclude them from the scope, along with "plasters". |
| BATIS export | p18- *Response to Q1*<br>Comment: [...] Are plasters in the scope Plaster? Yes or no? Please the the definitions and scope in the Blue Angel (DE-UZ 198) https://produktinfo.blauer-engel.de/uploads/criteriafile/en/DE-UZ%20198-201901-en%20criteria-V3.pdf These Basic Award Criteria are valid for the following internal plasters2:<br>• Solvent-free pasty plasters according to DIN EN 15824 3<br>• Masonry mortar according to DIN EN 998-14<br>• Earth plasters according to DIN 189475 and stabilised earth plasters<br>• Structural wall paints designed for use indoors as internal plaster and with a thickness >400 µm and/or a minimum coverage < 2m2/l. | Part of 3.2.4<br>Acknowledged. Plasters were considered for inclusion, but it was decided to not include them in the scope and focus efforts for scope expansion on water-based aerosol paints and the "just add water" decorative |

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| | •The term “internal plasters” will be used below to describe those plasters that fall under thescope of validity.The following are excluded:<br>• External plasters exclusively advertised for use outdoors<br>• Fillers and repair compounds and adhesives<br>• Fillers and adhesives for gypsum boards and gypsum blocks according to DIN EN 139636<br>• Gypsum plasters according to DIN EN 13279-17 i.e. some plasters could be considered as colours Insert link --> also how it looks with the labelling… See also the following aspects regarding plasters: 3.2.4.2 Additional instructions for labelled internal plasters. In the case of internal plasters that must be labelled with the pictograms GHS05 (caustic effect)or GHS07 (exclamation mark) according to chemical law, the following information must also be stated on the container and the technical data sheet in an easy to read form in addition to the information in Paragraph 3.2.4.1 (comparable wording / P-phrases are permitted):<br>• “Wear protective goggles!”<br>• “If plaster comes into contact with your eyes, immediately rinse them with lots of water and consult an ophthalmologist.”<br>• “Protect your hands using waterproof, robust gloves!”<br>• “Wear long trousers!”<br>• “Avoid prolonged skin contact with the plaster. Thoroughly clean any affected areas of theskin immediately using water.”<br>• “The longer fresh plaster remains on the skin, the greater the danger of serious skindamage.”<br>• “Keep children away from fresh plaster!”<br>• “The safety instructions issued by the manufacturer must be strictly followed during the application phase.”<br>Suggested actions: Please define clearer. Please have a look into the Blue Angel. | paints. Plasters, along with grouts, adhesives and sealants are now explicitly excluded from the scope. |
| BATIS export | from TR1 p.25- *Response to Q2*<br>Comment: It’s not easy to introduce a new classification for defining the different product with a hierarchy…it could lead to confusion because there are a lot of different classification related to other standards.<br>Suggested actions: it could be helpful to refer to EN 15824 for other definition Interior paint can be classified as Distemper and Performance Paints Interior paints can be classified as: 1. Distemper ( dry/powder- liquid paints) 2. Performance paints ( dry/powder- liquid paints) Exterior Paint can be classified as Powder Paint, liquid paint, plaster/Render in paste according to EN 15824 | 3.0.1<br>Acknowledged. We appreciate the input. However, it was not possible to find a suitable hierarchy during discussions with a sub-group on this subject. So we will remain with definitions being mostly based on Directive 2004/42/CE and will try to complement with references to EN or ISO standards for another definitions. |

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| BATIS export | p13-14- *Response to Q2*<br>Comment: We are in favor to have a hierarchical taxonomy for the product group paints & varnishes. With our very few knowledge of the sector, it would be very difficult for us to contribute to this new classification or hierarchy. | 3.0.3<br>Acknowledged.<br>Unfortunately, we were unable to come up with a suitable hierarchy after discussion with a sub-group of experts. |
| BATIS export | p12-15- *Response to Q2*<br>Comment: No, we see this hierarchy more as a source of complexity in the implementation of the European Ecolabel than as an asset. | Part of 1.4, 3.0.5, 3.0.14, 3.5.5 and 3.5.20.<br>Acknowledged. The proposal to use NF T 36005 was not proposed in a sub-group that talked about this matter. In the end we were unable to agree on a suitable hierarchy for paint and varnish products. |
| BATIS export | p22- *Response to Q2*<br>Comment: No, we see this hierarchy more as a source of complexity in the implementation of the European Ecolabel than as an asset. | |
| BATIS export | p13-14- *Response to Q2*<br>Comment: I cannot see any use or connection of the proposed hierarchical taxonomy of products with the criteria | |
| BATIS export | p20- *Response to Q2*<br>Comment: Comment received from a paint producer: "'If we agree to use such segmentation then we should use the NF T 36005. Yes we would like to be part of the workgroup." | |
| BATIS export | p12-20- *Responses to Q2*<br>Comment: [...] Q2: Stakeholders would like to share that it can bring complexity with making a too hierarchical description with a division into 'chemistry'. Some chemistries may appear later and there is a risk of having gaps. Otherwise, it could be relevant to include a category "other". Also, it is necessary to be careful with the definition of 'decorative' products - Products with decorative effects are different from decorative paints. Another industrial [redacted] is in favor of having a hierarchical description of the scope and is interested in contributing to this discussion [...] | |
| BATIS export | p20- *Response to Q3*<br><br>Comment: Comment received from a paint producer: "Either its coatings are already included in an existing category, or they are high value-added coatings whose ingredients are not compatible with an ecolabel." | 3.5.6<br>Acknowledged. Not clear what this means in terms of clarifying what is in or out. Specific examples needed. |
| BATIS export | p12-20- *Responses to Q3*<br><br>Comment: [...] Q3: Stakeholders propose to explain in detail the exclusion of Article 3(1c) by the following formulation: "products for specific applications [...] | Part of 1.4<br>Acknowledged. So far the project team is not aware of any input on this matter, |

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| | | neither during the subgroup or later. |
| BATIS export | p12-13- *Response to Q9*<br>Comment: We do not consider that anti-rust paints are products strictly used in the industry. This is also a type of product commonly used in the private sector. We think that anti-rust paints should continue to stay in the scope of the EU Ecolabel. | 3.0.4 and 3.0.13<br>Accepted. Anti-corrosion coatings and radiator paints will be part of Annex II: performance coatings. |
| BATIS export | p13- *Response to Q9*<br>Comment: Anti-rust (as anticorrosive) coatings are mentioned in 2004/42 as part of the "one pack performance coatings" category | |
| BATIS export | p12-20- - *Responses to Q9*<br>Comment: […] Q9: Stakeholders are in favor to maintain anti-rust paint in the perimeter. French stakeholders indicate that there are some anti-rust paints certified by the Ecolabel, but the number is quite small […] | Part of 1.6, part of 3.5.1, 3.5.12, 3.5.18 and 3.5.28<br>Accepted. Anti-rust paints are kept as part of the scope in Annex II. |
| BATIS export | p22- *Response to Q9*<br>Comment: A few anti-rust paints are certified in France. They are requested by consumers. If they fit the criteria and as a fitness to use test exists, we should keep them in the scope. | |
| BATIS export | p20- *Response to Q9*<br>Comment: Comment received from a producer: "'To keep as already on DIY market." | |
| BATIS export | p20- *Response to Q9*<br>Comment: Anti-rust paints: ok as it is. | |
| BATIS export | p20- *Response to Q9*<br>Comment: Anti-rust paints are usually thrown out because ZnO is too high. We don't know if there are other possibility to realize this product. From our perspective the sub-group can stay in if they fulfil the criteria. | |
| BATIS export | p22- *Response to Q9*<br>Comment: We're not aware of any anti-rust products being EU Ecolabelled in Sweden. Nordic Swan Ecolabel has criteria for anti-corrosion paints, but they are only for industry. | 3.5.25<br>Acknowledged. Other feedback received confirmed that they do exist in the DIY market. Included in the scope of Annex II. |
| BATIS export | p20- - *Response to Q10*<br>Comment: Radiator paints are already considered to be included in the scope of the European Ecolabel, via paints on various substrates (e.g. metal). | 3.5.2, 3.5.13 and 3.5.19<br>Accepted. Although it still needs to be clarified if these categories should be a "decorative" or |
| BATIS export | p20- *Response to Q10* | |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | Comment: Comment received from a paint producer: "Radiator paint is not a category in itself. It is a paint that falls within the scope of a metal or multi-support paint and already in the scope of ecolabel. The same goes for furniture paint." | "performance" coating – i.e. covered by Annex I or Annex II? |
| BATIS export | p20- *Response to Q10*<br>Comment: Radiator and furniture paints: already included. | |
| BATIS export | p20- *Response to Q10*<br>Comment: Radiator paints are already in the scope and a few is certified in France also. I always ask me the question if furniture paints are in the scope (I had one request). Maybe we could clarify it in the future decision and maybe it would help manufacterers who apply to EU Ecolabel Furnitures (which will be on revision later) ? | Part of 3.5.1.<br>Acknowledged. It will ultimately depend on how the furniture coatings are used. If applied in an industrial process, not included. If applied by hand, potentially included. |
| BATIS export | p22- *Response to Q10*<br>Comment: Furniture paints seems to be included in the scope as it is not specifically mentioned otherwise. Some furniture paints like varnishes are covered by 2004/42/EC. | 3.5.26 and 3.5.27.<br>Accepted. Furniture and radiator paints will be included in the scope so long as they comply with the scope of relevant 1.1. subcategories from Annex 1 to Directive 2004/42/CE |
| BATIS export | p20- *Response to Q10*<br><br>Comment: According to our interpretation, radiator and furniture paints are currently considered in the scope of the EU Ecolabel for paints & varnishes. | |
| BATIS export | p20- *Response to Q10*<br>Comment: From our point of view radiator and furniture are paints in the scope (similar to the Blue Angel). But at the moment (by deleting directive 2004/42/EC) it is ot clearly stated that these products are in the scope; would be unclear, as the focus is actually on buildings. Therefore, we would suggest to include the directive. Suggested actions: Please include the directive or make it clearer (for example by mentioning them in the scope). | 3.5.29<br>Accepted. Although we reintroduce reference to Directive 2004/42/EC, a better explanation of what is in and what is out of the scope is include in the TR2. |
| BATIS export | p12-20- - *Responses to Q10*<br>Comment: [...] Q10: Industrials would like to share that furniture paints are currently considered to be included in the scope as woodwork paint. One industrial would like to highlight that there are currently no real furniture criteria and that it is necessary to add specific criteria (what is considered as furniture? Kitchen, work surface, or chair, dresser). Radiator paints are already considered to be included in the scope of the European Ecolabel, via paints on various substrates (e.g., metal). | Part of 1.6<br>Acknowledged. Radiator paints are kept as part of the scope in Annex II. A similar argument could apply for furniture coatings. |

## 3.2 Aerosol spray paints (10 comments)

Responses to question 4 on aerosol paints being included in the scope:

*Q4 - Do you agree on having a set of criteria proposed for aerosol paints? If so, should it be as a separate Annex?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p15-16- *Response to Q4*<br>Comment: We agree with the proposition to include water-based aerosol paints in the scope and to develop a set of criteria for this product group. A particular attention has to be taken concerning human health with the propulsion of paints (aerosol). We would consider to open a new Annex with water-based aerosol paints. Especially that derogations has to be develop for aerosol paints. A new annex will bring clarity to the reading of criteria. | 3.1.3, 3.5.7 and 3.5.14<br>Accepted. Aerosol spray paints now proposed to be in Annex III |
| BATIS export | p20- *Response to Q4*<br>Comment: Aerosol paints: possibly, but only water-based. | |
| BATIS export | p20- *Response to Q4*<br>Comment: Comment received from a paint producer: "'Only water-based aerosol with dedicated annex." | |
| BATIS export | p15-17- *Response to Q4*<br>Comment: As aerosol paints require specific tests, it doesn't seem worthwhile adding them to the scope of the European Ecolabel, because of the complexity this would entail, whether for solvent-based or water-based aerosol paints. | 3.1.4, 3.5.21 and 3.5.23<br>Rejected.<br>Despite some complexity, they are now proposed in Annex III- Aerosol paint, because of important environmental benefits compared to organic solvent-based ones. |
| BATIS export | p22- *Response to Q4*<br>Comment: No. As aerosol paints require specific tests, it doesn't seem worthwhile adding them to the scope of the European Ecolabel, because of the complexity this would entail, whether for solvent-based or water-based aerosol paints. | |
| BATIS export | p22- *Response to Q4*<br>Comment: In general, the Swedish CB is reluctant to include consumer aerosol paints. For reference, Nordic Ecolabelling was asked specifically about including aerosol paints and road marking paints in the scope of the Nordic Swan Ecolabel criteria during the latest criteria revision (revised criteria 4.0 were published in September 2023). However, there was not enough interest and time to prioritise it as the revision focused on other parts. | |
| BATIS export | p15-17- *Response to Q4*<br>Comment: It is not clear what would be the application of these products (the remaining 80% of aerosol spray paints that are mentioned). Aerosol spray is a different way of supplying the paint, but what is the final use of these products? What kind of substrate are applied on (mineral, wood, metal)? Are they used for deco, for graffiti, for furniture application? I would like some more information on that | 3.1.5<br>Acknowledged. Their use could be all of these things potentially. To be discussed with producers. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p12-20- *Responses to Q4*<br>Comment: [...] Q4: Based on the feedback from French stakeholders, if the JRC decides to include aerosols, they must be addressed in a separate annex as the test cannot be the same as for classic paints (need to add concepts of propellant gases, etc.). 2 industrials are not in favor to include aerosols spray paints in the scope of EU Ecolabel because of the complexity this would entail, whether for solvent-based or water-based aerosol paints. One of these industrials would like to share that the inclusion of aerosols would allow for the completion of existing liquid product ranges, but this type of product, due to its delivery form (spray), would require specific testing. How to carry out the tests (PM/Leachability)? Moreover, aerosols are outside the scope of Directive 2004/42/EC. Two other industrials are in favor to include aerosols spray paints in the perimeter. One industrial would like to ask if the type of propellant is considered (gas). | Part of 1.4<br>Accepted. Idea of a separate annex.<br>Acknowledged. Parts about testing have been discussed with manufacturers and will be discussed more in AHWG2. |
| BATIS export | p17- *Response to Q4*<br>Comment: In France, I had contacts with a few aerosol spray paints manufacturers but they did not sucess in obtaining the EU Ecolabel certification. I suppose because they could not meet the ecological criteria due to the classification of the final product? I am not againts including aerosol spray paints in the scope. But putting them in a separate annex will make the reading more complicated. | 3.1.2<br>Rejected. We consider a separate Annex necessary because if the important difference in the nature of these products and because their uses are somewhat different. |
| BATIS export | p15- *Response to Q4*<br>Comment: We would exclude this product subgroup because of the enormous amount of waste the cans generate. | 3.1.6<br>Rejected. Can recyclability is important but we believe that they can be recycled – to be discussed further during the 2nd AHWG meeting. |

## 3.3 Cement paints/Powder Paints (7 comments)

Responses to question 6 on cement paints being included in the scope:

*Q6 - In your opinion, are cement paints already included in the scope? If not, or if you are not sure, would you agree on them being included in the scope? If so, which type of EU Ecolabel criteria should be applied to them, considering that an important hotspot will be cement production?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p19- *Response to Q6*<br>Comment: I am not against adding cement paints to the scope if it fits the ecological criteria. We did not receive any request from manufacturers in France, so I have no idea about the market and I don't know this type of products. Maybe we need to be carefull for the manufacturing process of this product, which could contain a lot of raw material in powder form, so could be hazardous for workers in the manufacturing site. | 3.2.1<br>Acknowledged. Mainly because of their final classification as H317, cement-based paints will not be part of the scope of the EUEL |
| BATIS export | p17-18- *Response to Q6*<br>Comment: There are some uncertainties concerning the fact that cement powder are now included in the scope. We are not 100% sure that cement paints are included and we think that they are not included. If they have to be included, we should consider to add only finishing and decorative paints. Products that are used for major works or structural work must be excluded. We would definitly be in support to clearly specify that lime-based paints and clay-based paints are already included in the scope. | 3.2.2<br>Acknowledged. For clarity, cement-based paints are now explicitly excluded. |
| BATIS export | p18- *Response to Q6*<br>Comment: Cement is labelled with H317 and as a consequence so are cement based paints. For that reason cement based paints should not be included. On the other hand powder paints, not containing cement, which are mixed with water right before application could be considered. In that case the only "problem" is if we could achieve sufficient and reproducible dispersion of the powder on site without the use of high speed dispensers. But it would be worth gathering more information on that.<br>Rationale/Supporting Data: Classification H317 (according to ECHA website) for: cement portland (Cas No 65997-15-1 EC no 266-043-4) and flue dust portland cenent (Cas no 68475-76-3EC no 270-659-9) | 3.2.3<br>Accepted. This is a good enough reason to make it clear that cement-based paints are not included in the scope. |
| BATIS export | p18- *Response to Q6*<br>Comment: We think that these are colours and not plasters!!! Difference between these two sub groups is the thickness:> 400 micrometres = plaster; < 400 micrometres = paints<br>Suggested actions: Please define clearer. Please have a look into the Blue Angel. | Part of 3.2.4<br>Accepted. We have now explicitly excluded plasters to be clear about this. |
| BATIS export | p20- *Response to Q6*<br>Comment: Comment received from a paint producer: "Needs a more precise description of the term 'cement paint': cement-based paint or paint for cement-based surfaces. Unfavourable for cement-based paints, given the associated labelling and a non-organic binder." | 3.5.9<br>Accepted. The term "cement-based paints" is now used and they are explicitly excluded from the scope. |
| BATIS export | p20- *Response to Q6*<br>Comment: Cement paints: not sure if they are included. Would it be possible to include powder coatings? | 3.5.16<br>Acknowledged. Room has been made in the Article 1 scope for "just |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | add water" decorative paints that are not cement-based paints. However, powder paints designed for use in industrial processes are excluded. |
| BATIS export | p22- *Response to Q6*<br>Comment: It does appear like cement paints are included in the scope of the criteria.<br>Suggested actions: A suggested criterion for cement production would be most relevant. For reference, there's a criterion on total global warming potential (GWP) for system boundaries A1 (Raw material supply), A2 (Transport), A3 (Manufacturing) according to EN 15804+A2 in the Nordic Swan Ecolabel criteria for Paints and Varnishes 4.2 (criterion O17 Cement/Hydraulic binder). In the currently on-going revision of the Nordic Swan Ecolabel criteria for Chemical Building Products, this requirement has been reworked for the criteria consultation proposal. This was done in order for it to better representative of the market, since the requirement in the Paints and Varnishes criteria turned out to be not fully representative and is pending change.<br>Rationale/Supporting Data: It does not seem like the hotspots are currently covered. Cement production heavily contributes to the overall climate impact of the paint. | 3.5.24<br>Acknowledged. Agreed in principle that criteria on cement production should be included for any cement-based paints. But we have proposed to exclude cement-based paints from the scope in TR2. |
| BATIS export | p12-20 *Response to Q6*<br>Comment: [...] Q6: Industrials would like to share that cement paints are included in the scope as outdoor or floor paints. | Part of 1.5<br>Acknowledged.<br>Important not to confuse "cement-based paints" with "paints applied to cement-based substrates" like masonry and concrete floors. |

## 3.4 Potential extension of the scope (3 comments)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p15-20-<br>Comment: General comment: we are not in favor, it would complicate the already very complex Decision<br>Suggested actions: Do not extend the scope.<br>Rationale/Supporting Data: Possibly, it should be managed only with specific attachments for each added product type. | 3.3.1<br>Partially rejected.<br>Regarding the extension of the scope (aerosols are now proposed, but oils and waxes, road |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | markings and cement-based paints are out). It may be that waterproofing coatings were already in the scope if fitting with subcategories 1.1(i) or (j) from Directive 2004/42/CE. |
| BATIS export | p15-<br>Comment: In principle we are positive to extension of the scope. But for all of the suggested product areas there are more complications than benefits. Extending to new product areas will probably require separate Annexes because the requirements will have to be different, hence there are no synergies with the existing product group area. Also, the producers are likely to be others than the present license holders. Finaly it will be difficult to communicate towards end users since the function is so different. Nevertheless, we need some basic background to decide on extending or e.g. develop new product group criteria. We see a possible extension to add "wood oils", as suggested in 3.2.4. The products have recently been added to the Nordic Swan, generation 4 and requirements can be a copy/paste. For that reason, we would like to see if and how linseed oil paint can be included in the scope, or, be a part of a new product group for non-acrylic paints. Besides its downsides, especially, as it takes more work to apply on a surface and its longer dry time, linseed oil paints do include other positive aspects that makes it relevant to include this type of paint as an alternative to water-based wood paints. | 3.3.2 (and 1.2, a duplicated comment)<br>Partially rejected.<br>Most of the proposed extensions of the scope were discarded in TR2 for various reasons (only aerosol paints remains). We could not see how to develop meaningful criteria addressing LCA hotspots of wood oils. |
| BATIS export | p15-<br>Comment: In principle we are positive to extension of the scope. But for all of the suggested product areas there are more complications than benefits. Extending to new product areas will probably require separate Annexes because the requirements will have to be different, hence there are no synergies with the existing product group area. Also, the producers are likely to be others than the present license holders. Finaly it will be difficult to communicate towards end users since the function is so different. Nevertheless, we need some basic background to decide on extending or e.g. develop new product group criteria. We see a possible extension to add "wood oils", as suggested in 3.2.4. The products have recently been added to the Nordic Swan, generation 4 and requirements can be a copy/paste. For that reason, we would like to see if and how linseed oil paint can be included in the scope, or, be a part of a new product group for non-acrylic paints. Besides its downsides, especially, as it takes more work to apply on a surface and its longer dry time, linseed oil paints do include other positive aspects that makes it relevant to include this type of paint as an alternative to water-based wood paints. | |

## 3.5 Roadmarking Paints (9 comments)

Responses to question 5 on road marking paints being included in the scope:

*Q5 - Do you agree on having a set of criteria proposed for road marking paints? If so, should it be as a separate Annex?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p19- *Response to Q5*<br>Comment: In France, we have a NF Environnement (ecolabel) for road marking products and I entirely agree about what Alexander Klein said during the AHWG 1 meeting : - These products are not used by consumers but by professionnal users (with a technical machine and safety conditions), - These outdoors products are particular in terms of formulation and some hazardous substances are needed so the product could be visible on the road (day and night) and could support weather conditions. The regulation and the fitness for use tests are different. So I do not thing these products should be in the scope of the future EU Ecolabel. | 3.4.1<br>Accepted. Road marking paints will not be part of the scope of the EUEL |
| BATIS export | p17- *Response to Q5*<br>Comment: We do not agree to have a new set of criteria for road marking paints. The evaluation of the application for this type of products will be really complicated. Formulation are complex because road marking paints need to be efficient on different types of roads in different countries (meaning different weather or climate). There are a lot of legislations in different Member States for this type of paints that will also made the evaluation through EU Ecolabel criteria very difficult. | 3.4.2<br>Accepted. Road marking paints will not be part of the scope of the EUEL |
| BATIS export | p17- *Response to Q5*<br>Comment: We are not opposed to proposing a set of criteria for road marking paints. We would point out, however, that should these paints be added to the scope, it would indeed be necessary to identify the applicable criteria that would be specific to this category of products. For information, there is a French standard "NF Environnement 331 - Produits de signalisation horizontale" which includes road marking paints in its scope. | 3.4.3, 3.5.22 and 1.5<br>Acknowledged. However, in the end it was decided that road marking paints will not be part of the scope of the EUEL due to a lack of support from the industry. |
| BATIS export | p22- *Response to Q5*<br>Comment: We are not opposed to proposing a set of criteria for road marking paints. We would point out, however, that should these paints be added to the scope, it would indeed be necessary to identify the applicable criteria that would be specific to this category of products. For information, there is a French standard "NF Environnement 331 - Produits de signalisation horizontale" which includes road marking paints in its scope. | |
| BATIS export | p12-20- *Response to Q5*<br>Comment: Q5: One industrial is in favor of including road marking paints in the perimeter and considers that a separate annex is necessary as the tests cannot be the same as for "classical" paints. Another industrial is not opposed to propose a set of criteria for road marking paints. However, he would like to point out that if these paints were to be included in the scope it would indeed be necessary to identify the applicable criteria that would be specific to this category of products. For information, there is a French standard "NF Environment 331 – Road Marking Products" which includes road marking paints in its scope. | |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p17- *Response to Q5*<br>Comment: I agree to see first of all if producers are interested on a potential inclusion. Besides GPP criteria (which are voluntary) there are also mandatory state specifications for road marking paints (most probably different for each member state) that producers have to follow. | 3.4.4<br>Acknowledged. Producers did not show any interest in the end. |
| BATIS export | p13- *Response to Q5*<br>Comment: If we decide for this product group, then we should have another annex because of the completely different requirements and target group. | 3.0.6 and 3.5.8<br>Acknowledged. We agree in principle, but irrelevant now as proposed to not be included in the scope. |
| BATIS export | p20- *Response to Q5*<br>Comment: Comment received from a paint producer: "'As long as this does not leave the door open to the use of dangerous raw materials or materials that do not comply with the eco-label, then this is a possibility." | |
| BATIS export | p20- *Response to Q5*<br>Comment: Road marking paints: no, very different chemistry, is there environmental potential? | 3.5.15<br>Acknowledged. Unclear about environmental potential, maybe in terms of durability or use of recycled glass beads. But now irrelevant since proposed to remain excluded from the scope |

## 3.6 Waterproofing Products (4 comments)

Responses to question 8 on waterproofing paints and varnished being included in the scope:

*Q8 - Do you agree on including waterproofing paints and varnishes in the scope? If so, how to define precisely what they are and which ones are in the scope and which ones are out?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p19- *Response to Q8* | 3.5.3<br>Acknowledged. The TR2 proposals make no |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | Comment: When it is needed (depending on the application) we have paints with high technical standards (criterion 3) in terms of water resistance. The remaining waterproofing products are, in my opinion, for industrial or professional use and/or could be considered as heavy duty coatings. I do not think they should be included | special allowance for waterproofing coatings, but if they are covered by Directive 2004/42/CE (under sub-categories (i) or (j), then they would be in the scope under Annex II. |
| BATIS export | p19- *Response to Q8*<br>Comment: For this product group it is very important to have precise definitions of the area of application. Please see the Blue Angel. This new sub group will expand the market and is probably also relevant fpr procurers. | 3.5.4<br>Accepted. The exact scope of subcategories (i) and (j) need discussion during the 2nd AHWG meeting |
| BATIS export | p20- *Response to Q8*<br>Comment: Waterproofing paints: maybe, more precise definitions needed. | |
| BATIS export | p12-20- - *Responses to Q8*<br>Comment: […] Q8: Industrials are in favor of including waterproofing paints and varnishes in the perimeter (NF EN 1062-3 Water Permeability). One industrial proposes to exclude all varnishes that are non-film-forming. […] | Part of 1.6<br>Rejected in principle. Rejected in the sense that this type of "water resistance" property for masonry paints is already included in the scope. Waterproofing coatings are a different type of product altogether.<br>Accepted. Regarding the exclusion of coatings that form a non-continuous film. |

## 3.7 Wood Oils (7 comments)

Responses to question 7 on waterproofing paints and varnished being included in the scope:

*Q7 - Do you agree on having a set of criteria proposed for wood oils? If yes, what type of EU Ecolabel criteria should be applied to them, considering that an important hotspot will be oil production? And should the criteria be presented as a separate Annex?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p20- *Response to Q7*<br>Comment: I think that wood oil are already in the scope, they form a film and protect the wood such as varnishes (the fitness for use tests are the same). I am still not in favour of a separate annex which could complicate comprehension. | 3.6.1<br>Rejected. We disagree that oils were already in the scope Article 3(f) of Decision 2014/312/EU seems quite clear on this. However, there will also be no new annex for wood oils since they are proposed to remain excluded from the scope. |
| BATIS export | p18- *Response to Q7*<br>Comment: Wood oils (which do not form films) are not subject to Directive 2004/42/EC. They are therefore not paints and varnishes and should therefore be excluded from the scope of application. If wood oils are introduced it is necessary to distinguish between those that form the film (already present in category f and therefore already regulated by existing criteria) and those that do not form the film.<br>Suggested actions: Maintain the exclusion.<br>Rationale/Supporting Data: Wood oils (which do not form films) are not paints and varnishes. | 3.6.2<br>Accepted. Wood oils are proposed to remain excluded from the scope. |
| BATIS export | p18- *Response to Q7*<br>Comment: We agree to have a set of criteria for wood oils, wood oils are widely used for different application. As oil production is a hotspot, it will be very useful to have the possibility to deliver the EU Ecolabel for those products. A separate annex would be suitable in that case. | 3.6.3, 3.5.10 & 3.5.11<br>Rejected. We did not consider wood oils to be in the scope because: (i) difficulties in setting meaningful environmental criteria; (ii) lack of interest from industry; (iii) non-coverage by Directive 2004/42/CE and (iv) fundamental technical difference in terms of not forming a continuous film on the substrate. |
| BATIS export | p20- *Response to Q7*<br>Comment: Comment received from a paint producer: "We agree if we are able to establish a good criteria for woodoils." | |
| BATIS export | p20- *Response to Q7*<br>Comment: We support the idea to include wood oils. The criteria can be adopted from the Nordic Swan Ecolabel and presented in a separate annex. | |
| BATIS export | p12-20- - *Responses to Q7* | Part of 1.6 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | Comment: Q7: We are in favor of including wood oils in the perimeter with a specific criterion. A specific annex will be necessary. We would like to request the JRC to provide evidence demonstrating that wood oils made from bio-based raw materials are less environmentally impactful than those made from petroleum-based raw materials. [...] | Rejected. Wood oils remain out of the scope for various reasons. A simple shift from petroleum-based to bio-based oils is not so easy to justify since requirements need to be set on the plant oil production that are not easy to verify unless existing third party systems are already in place. |
| BATIS export | p18- *Response to Q7 – specifically regarding "Certain wood oils are also included in the Blue Angel criteria for DE-UZ 12a, as long as they are used for the care and protection of wood and do not have a cleaning function."* Comment: This sentence is very important. It is good, if it is film-forming (also a test arise due to this). | 3.6.4 Acknowledged. But not relevant since wood oils proposed to remain excluded. |

# 4 Definitions (30 comments)

Responses to question 11 on wording proposed for the definitions:

*Q11 - Stakeholders' views on the new wording proposed for the definitions are welcomed.*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | from PR p.34 and TR1 p.15 20- *Response to Q11*<br>Comment: It's not useful to relate the product to a specific binder<br>Suggested actions: It could be better not defining a specific binder because it's possible to introduce also new systems/new chemical binder (with an innovation) that can be classified as ecolabel | 4.1<br>Accepted. The definitions are now not related to any specific binder in TR2. |
| BATIS export | p23- *Response to Q11*<br>Comment: Line 596-597 A definition of road marking can be found in "Development of the EU Green Public Procurement (GPP) Criteria for Paints, Varnishes and Road Markings". Other definitions could be set through EN/ISO standards (we don't have access to those documents). | 4.2<br>Acknowledged. Although not so important now since road marking will not be part of the scope extension |
| BATIS export | p22- *Response to Q11*<br>Comment: Definition should correspond to the standards definitions. | 4.5 and 4.19<br>Accepted in principle. Where possible this will be done, but sometimes the standards have different definitions for very similar terms. |
| BATIS export | p24- *Response to Q11*<br>Comment: Comment received from a paint producer: "The definitions should be in conformity with standard." | |
| BATIS export | p21- *Response to Q11*<br>Comment: From our point of view, it doesn't say whether the inks should be solid or liquid. You could also mention freeze-dried tinting systems because they are future-oriented, as they are preservative-free.<br>Suggested actions: Please make this definition more clearer. Maybe you can also mention freeze-dried tinting systems? | 4.6<br>Acknowledged. It is an interesting aspect, but it does not affect any of the criteria, except for maybe justifying no further increase in derogations for preservatives in tinting pastes. |
| BATIS export | p23- *Response to Q11*<br>Comment: Definition of "mixture", "ingoing substances" and "impurities" are not provided. | 4.7<br>Accepted. This needs to be provided and alignment will be sought |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | with other EU Ecolabel criteria. |
| BATIS export | p21- *Response to Q11*<br>Comment: Definition (3): I do not think that primers and binding primers are subcategory of decorative paints and varnishes<br>Rationale/Supporting Data: Definitions (for comments 8-14) based on the book Coatings form A to Z, author Paolo Nanetti, Vincentz Network GmbH & Co. KG https://www.european-coatings.com/product/coatings-from-a-z/ | 4.8 Rejected. The subcategories primers and binding primers are kept as subcategories of decorative paints following the Directive 2004/42/EC |
| BATIS export | p22- *Response to Q11*<br>Comment: Definition (21) is the same with definition (10) | 4.9, 4.10, 4.11, 4.12 and 4.13.<br>Accepted. These definition have been adapted in accordance with the comments. |
| BATIS export | p23- *Response to Q11*<br>Comment: Definition (27) Driers: Additives that accelerate the oxidative cross-linking of drying oils and alkyd resins | |
| BATIS export | p23- *Response to Q11*<br>Comment: Definition (28) Surfactants: Additives that influence the surface tension of phases, which have an interface in common. They are employed as wetting agents, emulsifiers, levelling agents, defoamers, anti-floating agents, etc | |
| BATIS export | p23- *Response to Q11*<br>Comment: Definition (31) UV stabilizer: Additive that protects the coating film and/or the substrate against the negative effects of UV-beams contained in sunlight | |
| BATIS export | p23- *Response to Q11*<br>Comment: Definition (32) Binder: Synthetically produced polymer that is used as the main non-volatile component of the coating, is responsible for the formation of the film and determines its weather, chemical and mechanical resistance | |
| BATIS export | p21- *Response to Q11*<br>Comment: Furniture, doors are not mentioned? What is trim and cladding? There is no clear definition? Are the trim and claddings for wood? From our perspective should also be here a reference to Directive 2004/42/EC.The directive is mentioned in each foolowing definition... why it is deleted at the top if it is mentioned everywhere? | 4.14 Partially accepted. The Directive 2004/42/EC is refer in the TR2. The definition of trim and cladding comes directly from the Directive 2004/42/CE. |
| BATIS export | p23- *Response to Q11*<br>Comment: 8) 'Matt paints' are those which at an angle of incidence of 85° show a reflectance of <10 and >= 5; That would be more similar to the definitions of # (17)<br>Suggested actions: Please make it clearer: 8) 'Matt paints' are those which at an angle of incidence of 85° show a reflectance of <10 and >= 5; | 4.15 Accepted. Definition was updated according to the comment |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p23- *Response to Q11*<br>Comment: What is with 98 %?: it is included neither in (40) nor in (41). Ons of these definition should be include 98%.<br>Suggested actions: Please include "98 %" in one of these definition. | 4.16 Accepted. It is included in the definition of Opaque "...a contrast ratio of ≥ 98..." |
| BATIS export | p22- *Response to Q11*<br>Comment: We suggest to delete the brackets "(and that maybe based on ... binders" Because we do not know today what future developments will happen; rather exclude what is not desired It is better to exclude what is not desirable. This comment is valid for all other new defnitions.<br>Suggested actions: Please delete the bracktes. | 4.17 Accepted. Brackets are deleted and definition is not linked to any binder specification. |
| BATIS export | p24- *Response to Q11*<br>Comment: I do not think we should specify the type of binders that each product category is based on. We would probably include most of the common ones used, but could we include all of them or can we foresee a new (eco and/or biobased) resin that could also be used? Why e.g. should we specify that for a certain product category we could use acrylic binders and not also alkyds, vinyl acetates, hybrids, etc? We minimize our potentials in selecting binders' chemistry without any real benefit in terms of service life or health and environmental hazards | 4.18 Accepted. Brackets are deleted and definition is not linked to any binder specification. |
| BATIS export | p26- *Response to Q11*<br>Comment: More clarifying text in the criteria document would be most welcomed. | 4.21 Acknowledged. In order not to overwhelm the legal text with definitions of lesser importance, some will be reserved for the user manual in the end. |
| BATIS export | p24- *Response to Q11*<br>Comment: It would be better not to include definitions coming from standards in order to follow any change coming from their revision | 4.24<br>Acknowledged. We accept the point in principle. A number of definitions can be placed in the user manual, where modifications are easier to make. |
| BATIS export | p24- *Response to Q11*<br>Comment: We welcome that the JRC aims to increase the clarity and precision of the definitions. But we also agree with concerns raised during the AHWG by one participant that too restrictive definitions which include technical constraints may cause limitations lateron to keep using the EUEL criteria even if paint applications develop in a different direction.<br>Suggested actions: We suggest to re-evaluate whether it is necessary to refer to the specific binder that can be used. | 4.27<br>Accepted. The definition of products is no longer pinned to any specific binder(s) in TR2 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p20-24- *Responses to Q11*<br>Comment: Q11: One industrial would like to share that the concept of resin percentage is not relevant. Another industrial would like to highlight that the inclusion of types of binders may complicate the new standard. […] | Part of 1.7<br>Partially accepted. It is agreed that the inclusion of type of binders may complicate the standard, therefore it is not included in the TR2 report. For the resin percentage it is kept the inclusion of resin percentage in the criteria 4 (old criteria 5) |

Responses to question 12 on whether definitions for terms like "spreading rate", blistering" and "opaque" should be inserted or left to the User Manual:

*Q12 - Should further definitions for terms like "spreading rate", "blistering", and "opaque" be inserted in the text or is this best left to the User Manual in case definitions in EN or ISO standards change?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p23- *Response to Q12*<br>Comment: Question 12 For us it is ok to insert definition like spreading rate, opaque…in the User manual if they can be found in the relevant test methods indicated in the assessment and verification of the criteria. | 4.4 Accepted. Definition such as spreading rate and opaque will be part of the user manual. |
| BATIS export | p24- *Response to Q12*<br>Comment: Comment received from a paint producer: "Left to the User manual." | 4.20 Accepted. Definition will be part of the user manual. |
| BATIS export | p24- *Response to Q12*<br>Comment: We support especially a definition for spreading rate. | 4.25 Acknowledged. The definition of spreading ratio will be part of the user manual. |
| BATIS export | p20-24- *Responses to Q12*<br>Comment: […] Q12: One industrial is in favor of categories definitions but would like to highlight that for the other definitions, it is necessary to refers to standards in order to avoid contradictions. Another industrial would like to point out that these definitions already exist in terms of performance criteria. […] | Part of 1.7<br>Acknowledged. Definition such as spreading rate and opaque will be part of the user manual. For other definition where |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | possible standard will be used in the definition. |

Responses to question 13 on additional definitions which should be included:

*Q13 - Should other definitions be included?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p23- *Response to Q13*<br>Comment: Line 596-597. Question 13 Should we define "coatings"? This word is metioned several times in the scope. A definition can be found in EN 4618: "product in liquid, paste or powder form that, when applied to a substrate forms a layer possessing protective, decorative and/or other specific properties". If it will be decided to set different annexes for paint and varnishes, is it clear where "coatings" will be addressed to? | 4.3 Accepted. "Coating " definition is part of TR2 and annexes indicates if it is address to paint or coating . |
| BATIS export | p26- *Response to Q13*<br>Comment: Yes<br>Suggested actions: Preservation products for wood impregnation should be further defined. Is it products that contain PT-8 biocides? Some stakeholder has mentioned that this prohibition may exclude wood oils. However, we believe that products that are excluded are specific products such as Wood preservers, where the intended product is a biocide and not containing biocide as secondary function.<br>Rationale/Supporting Data: Ambiguity | 4.22 Acknowledged. We have changed the wording for the exclusion to "wood preservatives" exactly for this purpose of better clarity. |
| BATIS export | p20-24- *Response to Q13*<br>Comment: Should other definitions be included? You should consider include the definition of powder paints (to be mix with water before application) even if the proposal to add powder/cement products in the scope is refused. The reason is that lime-based paints and clay-based paints are already included in the scope but this is not clearly indicated in the commission decision. | 4.23 Accepted. A specific clause for "just add water" paints has been included in Article 1. |
| BATIS export | p24- *Response to Q13*<br>Comment: An explantaion of "tri-stimulus" would be helpful.<br>Suggested actions: Add an explantaion of "tri-stimulus". | 4.26 Accepted in principle. Definition included in TR2 but flagged for inclusion in the user manual. |
| BATIS export | p24- *Response to Q13*<br>Comment: We propose adding definitions for "impurities", "microplastics", and "nanoparticles".<br>Suggested actions: The definition of "impurity" could be aligned with those proposed in the draft EUEL detergents criteria.For microplastics and nanoparticles, we suggest a precision compared to the proposal in the draft detergent | 4.28 Acknowledged. The definition of impurity will be part of the legal text. We will |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | criteria. "Nanomaterial" should not be restricted to materials containing more than 50% nanoparticles but starting from a much lower threshold, e.g. 10%. Some Member States (e.g. France) have been using a lower (more protective) threshold of 10% to enforce the nano labelling obligation in the context of the Novel Food Regulation (this 10% threshold was suggested by EFSA in 2012)."Microplastic": There should be no lower size limit to define microplastics. Soluble and biodegradable microplastics should be included in the definition. If this is not possible, we recommend changing the threshold value for "solubility". Currently, the threshold for solubility is at 2g/L. This corresponds to only the "slightly soluble" level on the scale defined by the European Pharmacopeia. The threshold to ensure solubility should be >30g/L.<br>Rationale/Supporting Data: We would welcome a definition of "impurity" in order to clarify that any intentional addition of a substance can never be an impurity regardless of the concentration, as it has been done in other EUEL criteria. We would welcome an explicit ban of all added microplastics and nanoparticles in the criteria on hazardous substances. This would require corresponding definitions. | look at other EU Ecolabel criteria for harmonized definitions for microplastics and nanomaterials, but these will only be included if they end up in actual EU Ecolabel criteria. |
| BATIS export | p20-24- *Responses to Q13*<br>Comment: […] Q13: One industrial believes that it is necessary to add a definition of decorative effects. Indeed, it shouldn't be limited to coatings but should also include products creating an effect (pearlescent, glittery, semi-transparent, metallic, etc.). The emergence of the effect should not be limited to its creation during the drying phase (example of a metallic effect). There should be a creation of a specific annex with tests: exclude opacity/washability. | Part of1.7<br>Rejected. If this is meant by decorative effect coatings, which are now proposed to be excluded from the scope. |
| BATIS export | p56-63- *Responses to Q13*<br>Comment: Definitions "Ingoing substances" should be defined. "Unavoidable impurities" should be defined | 1.18<br>Accepted. The definition of "ingoing substances" and "unavoidable impurities" will be part added. |

# 5 Restructuring of criteria (22 comments)

Responses to questions 14 and 15 on alternative splitting of current criteria and the renaming of product groups:

*Q14 - Would you support the splitting of current criteria into more than one Annex? If so, how would you split it?*

*Q15 - If including other products like wood oils, road marking paints or aerosol spray paints, would you support the renaming of the product group to "Indoor and outdoor decorative paints, varnishes and related products"?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p27- - *Response to Q14*<br>Comment: The EU Ecolabels paints is very important for manufacturers and is of interest of many stakeholders (consumers, public purchase, architects..). So having more than one annex risks complicating filling the file from licence holders and misunderstanding stakeholders. | 5.2, 5.3, 5.15, 5.16 and part of 1.8<br>Rejected. After the Working Sub-Group 1 discussion it is agreed that the new scope will be divided in 3 annexes. Having more targeted annexes will make it easier to read for readers interested in one type of product in particular. |
| BATIS export | p24-27- *Response to Q14*<br>Comment: No, this splitting of current criteria into several annexes would appear to be a source of complexity for the implementation of the European Ecolabel. | |
| BATIS export | p27- *Response to Q14*<br>Comment: Comment received from a paint producer: "'Not in favour because it adds undesirable complexity." | |
| BATIS export | p27- *Response to Q14*<br>Comment: No, this splitting of current criteria into several annexes would appear to be a source of complexity for the implementation of the European Ecolabel. | |
| BATIS export | p24-27- *Responses to Q14*<br>Comment: Q14: One industrial is not in favor to split the current criteria into several annexes because it would appear to be a source of complexity for the implementation of the European Ecolabel. [...] | |
| BATIS export | p26- *Response to Q14*<br>Comment: Different annexes must be used in the case we add more product categories in the scope | 5.14, 5.17, 5.19, 5.21, Part of 1.3<br>Accepted in principle. After the WSG discussion it is agreed that the criteria will be divided in 3 annexes: decorative coatings, performance coatings and aerosol paints. |
| BATIS export | p29- *Response to Q14*<br>Comment: Line 644-645 We support the splitting of the current criteria into more than one Annex. Reason: better readibility. For us it could be ok to split in two annexes (e.g. paints and varnishes) if any product listed in the scope can be clearly included in one of the two annexes. | |
| BATIS export | p25-27- *Response to Q14*<br>Comment: Yes, we support the splitting of current criteria into different Annex (as answered for water-based aerosol paints or wood oils). In regards of the Figure 7, we would be in favor to split the Annexes by product catogories (Annex 1.indoor products, Annex 2. outdoor products, Annex 3. aerosol spray products, Annex 4. wood oils). If a new licence | |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | holder wants to develop an application for an indoor paints, it will be more clear and easy for the new licence holder to have the information directly in the Annex for indoor products. | |
| BATIS export | p27- *Response to Q14*<br>Comment: We would prefer 4 annexes (indoor paints, outdoor paints, indoor varnishes, outdoor varnishes)<br>Suggested actions: 4 Annexes | |
| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q14*<br>Comment: Question 14: Splitting of criteria in more annexes would be useful for a quicker selection and identification of which are the specific requirements. In particular an additional main subdivision should be made to distinguish wall paints to wood paints and varnishes. […] | |
| BATIS export | p24-27- *Responses to Q14*<br>Comment: Q14: Industrials are in favor of splitting the current criteria into different annexes for each type of product (Indoor wall paint - Ceiling - Outdoor - Floor - Varnish/Stain - Decorative effect) and according to the figure 7 of the Technical Report p26, last proposal. One industrial would like to highlight that in France, all paints are already subdivided and categorized according to the DTU (Unified Technical Document) in its annex 36, and he proposes to adhere to this definition. One industrial proposes to deep dive up to the definition of each product (Directive 2004-42-CE includes 12 categories). | Part of 1.8<br>Acknowledged. It was unfortunate that no-one could bring this up in the WSG1 activities. But we welcome more detailed suggestions and explanations about the DTU at the 2nd AHWG meeting. |
| BATIS export | p25- *Response to Q14*<br>Comment: 3d. Abrasion: for floor coatings and floor paints. That means (in terms of coating) also for floor varnishes (transparent floor coating) – so change "no" to "some*" for the varnishes<br>Suggested actions: change "no" to "some*" for the varnishes | 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10 and 5.11<br>Acknowledged. Now that a proposal has been made to split the criteria into 3 annexes, the original table in TR1 is no longer needed in TR2.<br>We will try to account for these specificities in the new criteria proposals. |
| BATIS export | p25- *Response to Q14*<br>Comment: 3f. Water vapor permeability: only when claims are made for exterior masonry and concrete paints. Not for paints for wooden and metallic surfaces – so change "yes" to "some*" for outdoor paints<br>Suggested actions: change "yes" to "some*" for outdoor paints | |
| BATIS export | p25- *Response to Q14*<br>Comment: 3g. Liquid water permeability: only for exterior masonry paints. Not for paints for wooden and metallic surfaces – so change "yes" to "some*" for outdoor paints<br>Suggested actions: change "yes" to "some*" for outdoor paints | |
| BATIS export | p25- *Response to Q14*<br>Comment: 3h. Fungal resistance: only when claims are made. This could also be the case for indoor paints for high humidity environments. So change "no" and "yes" to "some*". Could also be of interest for exterior wood varnishes?<br>Suggested actions: change "no" and "yes" to "some* | |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p25- *Response to Q14*<br>Comment: 3h. Algal resistance: only when claims are made and only for exterior application, that we can have algal growth. So change "yes" to "some*". Could also be of interest for exterior wood varnishes?<br>Suggested actions: change "yes" to "some*" | |
| BATIS export | p25- *Response to Q14*<br>Comment: 3j. Alkali resistance: Not only for masonry paints, also for masonry primers, which could be transparent (non-pigmented). In that case do we consider these primers as varnishes???? | |
| BATIS export | p25- *Response to Q14*<br>Comment: There are also varnishes with TiO2, for example white varnishes. Therefore, another reason must be given.<br>Suggested actions: Please find another reason. | |
| BATIS export | p25-26- *Response to Q14*<br>Comment: The only real difference between paints and varnishes as stated in the table is the content of white pigments. But this is not totally correct. The difference in fact is opacity. There are color shades that do not contain white pigments. For example, a transparent base in a tinting system does not contain white pigments and is tinted with pigment pastes to produce dark shades. White pigments are not always used in dark shades. So not all paints, but most of the paints contain white pigments. Additionally if we decide to go with the proposed distinction how are we going to deal for example with primers, binding primers and undercoats? If they are pigmented as paints and if they are transparent as varnishes? Technical specifications in terms of adhesion, alkali resistance and binding power could be similar so what is the reason to think of them in a different way either as paints or as varnishes? Semi-transparent coatings are varnishes? They contain small amounts of pigments (also white ones). I think this would be more confusing that helpful | |
| BATIS export | p26- *Response to Q14*<br>Comment: It would be much more helpful for everyone to have a better, more detailed matrix with all the criteria for each product type than different annexes. This way criteria would be more readable for every type of product: we choose the type of product that we are interested in certifying (e.g. indoor wall paint, masonry paint, primer, wood coating etc.) and we check if we fulfill the criteria | 5.12<br>Accepted in principle. We would propose such a matrix once the final criteria structure has been agreed. |
| BATIS export | p26-*Response to Q14*<br>Comment: Tinting pastes could be used in varnish products. Varnishes could be tinted (in a tinting system) by adding very small quantities of pastes. In that way they get the desired color shade but keep their transparency | 5.13<br>Acknowledged. Should not be an issue now that there will be no varnish-specific annex. |
| BATIS export | p29- *Response to Q15*<br>Comment: Yes | 5.18 and part of 1.8 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p24-27- *Responses to Q15*<br>Comment: [...] Q15: Industrials are in favor of changing the name of the product group in "Indoor and outdoor decorative paints, varnishes and related products" to include further products in the scope. | Accepted. We have now proposed to change the product group name. |
| BATIS export | p24-26 *Response to Q15*-<br>Comment: We could accept the renaming of the product group if the different proposals for the extension of the scope are accepted. | 5.20<br>Acknowledged. Although the main reason for the "related products" is now about primers and aerosol spray paints – but in the end we decided against wood oils. |

# 6 Criterion 1 - White pigment content and wet scrub resistance requirements (16 comments)

Responses to question 16 on proposal for criterion 1:

*Q16 - Opinions about the criterion 1 proposal?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p31-33- *Response to Q16*<br>Comment: We have two questions about this criterion. Why remove the threshold for exterior paints? And could this change exclude paints from the scope of the European Ecolabel? | 6.2, 6.9 and part of 6.1 Acknowledged. This was an unintentional error and a limit has been reinserted in TR2 for exterior paints – so the intention was not to indirectly remove exterior paints from the scope. But now the criterion is part of the "efficiency in use" requirements. |
| BATIS export | p33- *Response to Q16*<br>Comment: We have two questions about this criterion. Why remove the threshold for outdoor paints? And could this change exclude paints from the scope of the European Ecolabel? Masonry paints do not have wet scrub resistance (no claim). | |
| BATIS export | p34- *Response to Q18 (but fits better for Q16)*<br>Comment: For outdoor paints, no wet scrub resistance test is needed but there is the threshold of 36g/m² of white pigment. We do not see it in the proposal, is it normal ? [...] | |
| BATIS export | p31-32- *Response to Q18 (but fits better for Q16)*<br>Comment: The proposed updated criterion is valid ONLY for interior wall paints, where we test wet scrub resistance. Only interior wall and ceiling paints are classified according to EN 13300 and are claimed to be washable . What about all the other product types, like masonry – façade paints, pigmented primers, paints for wooden and metallic substrates? In all these products we never test wet scrub resistance. For example for outdoor applications we check weathering resistance instead of WSR. So what is the limit for white pigment concentration for these products? In the existing criterion they are stated as all other paints, with a limit of 36g/m2 for indoor and 38g/m2 for outdoor. We could probably keep one of them, but we definitely need a criterion for all other products, at least 36g/m2. (That is why Nordic Swan has this limit as well).<br>Rationale/Supporting Data: In standards EN 1062-1 (Coating materials and coating systems for exterior masonry and concrete - classification) and EN 927-1 (Coating materials and coating systems for exterior wood - classification) wet scrub resistance is not mentioned as technical specification for these product categories. | |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p32- *Response to Q16*<br>Comment: We would like to have clearer wording and more values of the text should be transferred to the table - both a) and b), including exceptions and proofs; the table should show the llimit, the exceptions and the proofs for a) and b). This would be very helpful.<br>Suggested actions: Add some rows in the table. | 6.6<br>Partially accepted. A table with values was already part of the TR1, for theTR2 was included the values of outdoor paints. |
| BATIS export | p33- *Response to Q16*<br>Comment: Comment received from a paint producer: "Favourable. Accuracy of wet scrub values to be in line with measurement uncertainties (EN 13300)." | 6.7 Acknowledged. We believe that when we say "…requirements defined in EN 13300" it can be inferred that the allowed uncertainties are applied. |
| BATIS export | p31-33- *Response to Q16*<br>Comment: You shall not diminish the threshold for white pigment content (Class 1, Class 2,…) in order to maintain a good spreading rate and to guarantee paints of quality. We can not accept lower values. | 6.11<br>Accepted. The thresholds are the same in TR2 as in TR1, except that the limit for exterior paints has been reintroduced. |
| BATIS export | p31-33- *Responses to Q16*<br>Comment: Q16: One industrial is in favor of the new proposed Criterion 1. and on the removal of the notion of exemption from washability tests if <25g/L - since the test still needs to be done. Another industrial in favor of the criterion would like to suggest reintegrating the threshold of 38g/m² for outdoor paints (which has disappeared from the standard). Two questions have then appeared for this criterion: Why remove the threshold for outdoor paints? And could this change exclude paints from the scope of the European Ecolabel? […]<br>Other comments: One industrial would like to share that the criterion 1b), is not very clear to date. It is not understood whether the exemption is valid for products claiming to be "washable" or not. | Part of 1.9<br>Response: The intention of the original criterion 1(b) (now 2b) is that IF no WSR claim is made AND less than 25 g/m2 of high RI pigment is used, then it is not necessary to do the WSR test. |

Responses to question 17 on "high refractive index white pigment" content:

*Q17 - Can you provide data on the content of "high refractive index white pigment" content for different types of paint product categories that have been awarded the EU Ecolabel?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p34- *Response to Q17*<br>Comment: […] I do not have data about "high refractive index white pigments" in our data of certified products (If it's really necessary, I could be able to watch every tests reports of all the certified paints in France). […] | Part of 6.1<br>Acknowledged. Fo r the future, we will try to set up an application form that can help gather this data efficiently in the future. |
| BATIS export | p34- *Response to Q17*<br>Comment: Line 672 Refractive index How can the CB check that refractive index is correctly declared by applicant? | 6.4<br>Response: In most cases, you are simply looking at the TiO2 content. The only other pigments with RI >1.8 are zinc sulphide, zinc oxide and lithopone. |
| BATIS export | p31-33- *Responses to Q17*<br>Comment: […] Q17: One industrial would like to share the following data for high refractive index white pigment: between 25 and 35 g/m^2. […] | Part of 1.9<br>Acknowledged. Thanks for sharing. It would also be helpful to know what WSR these were associated with. |

Responses to question 18 on "Wet Scrub Resistance":

*Q18 - How exactly is Wet Scrub Resistance claimed? Do products just claim to be "washable" as being similar to Class 2 WSR, or "highly washable" as being similar to Class 1 WSR?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p34- *Response to Q18*<br>Comment: Concerning claims : licence holder claim that there products are "washable" and "highly washable" (in France, we say "lavable" et "lessivable") according to their test results and the classification which is indicate in the EN 13300 and EN ISO 11998 standards. A lot of manufacturers complains about this test which is not representative of reality : the test doesn't allow us to know if the product is more resistant or not but I don't know if a more representative test exists. | Part of 6.1<br>Acknowledged. Washable seems to be synonymous with claims on WSR. However, we are not aware of a better test for this type of resistance. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p33- *Response to Q18*<br>Comment: Mostly is mentione: Wet abrasion class 1 or 2; claims rather not. | 6.3<br>Rejected. We do not understand the comment. |
| BATIS export | p33- *Response to Q18*<br>Comment: Comment received from a paint producer: "Resistance to wet scrub can be claimed in a crude manner (sharing of the abrasion class) and can be suggested by the claims 'washable' and 'cleanable'. However, these latter claims are also linked to other concepts unrelated to wet scrub: polishing, suitability for contact with a detergent, stain impregnation, etc. For example, a wet scrub class 2 product (close to class 1) with good polishing resistance and good cleaning properties could be described as "cleanable". There is therefore no need to transform the concept of wet abrasion resistance into one of these claims, and vice versa." | 6.8<br>Acknowledged. Thanks for the valuable feedback. |
| BATIS export | p35- *Response to Q18*<br>Comment: Line 738-739 Question 18 We have at least 2 formulations with WSR=2; for only 1 of these formulations the term "washable" is used. We have at least 2 formulations with WSR=1: no claims. | 6.10<br>Acknowledged. Thanks for the useful feedback. |
| BATIS export | p31-33- *Responses to Q18*<br>Comment: [...] Q18: Industrials would like to share that "washable" corresponds to class 2 and "scrubbable" corresponds to class 1. Another one would like to share that rules are not clear and that it is necessary to be specific in the new proposition, by indicating the possible claims according to the result of class 1 or class 2. | Part of 1.9<br>Acknowledged. It is unfortunate that there are not clear rules on claims. To be discussed in AHWG2. |

# 7 Criterion 2 - Titanium dioxide production (11 comments)

Responses to question 19 on proposal for criterion 2:

*Q19 - Opinions about the criterion 2 proposal?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p34-35- *Response to Q19*<br>Comment: It should be clear whether the criteria for minimizing exposure to low dust are the same as those already established nationally by OSH or if additional criteria will be needed. | 7.1.; 7.3.; 7.4.: Accepted. Further details about what is meant by a low dust working environment have been added to the revised criterion proposal. So long as the TiO2 is not classified as H351, the low dust environment only applies to the TiO2 factory. |
| BATIS export | p34- *Response to Q19*<br>Comment: "Procedures shall be in place to ensure "low dust" working environment": generic and unclear statement. Does it apply only to the TiO2 manufacturer or also to the paint manufacturer? With what method? What specifics?<br>Suggested actions: Delete the sentence rewrite more specifically<br>Rationale/Supporting Data: Without a method or standard it is inapplicable. | |
| BATIS export | p36- *Response to Q19*<br>Comment: Line 740-741 "low dust working environment" is not defined, so it is also unclear how this has to be proved and what documents have to be submitted. '…stating the measures in place to ensure a low dust working environment…': measures of what? (dust? other?): what parameters/values confirm that they are 'low dust'? We support the requirement but we think that a better specification of the procedures is desiderable. | |
| BATIS export | p36- *Response to Q19*<br>Comment: Agree on the requirement on "low dust" working environment. | 7.10. Acknowledged. |
| BATIS export | p36- *Response to Q19*<br>Comment: line 740-741 How to prove the TiO2 content of the ore? "The applicant shall declare the content of TiO2…"but how can the correctness of the value be verified? | 7.5. Acknowledged. There are two declarations needed about TiO2 content, one from the applicant about TiO2 content in the paint product and the other from the TiO2 manufacturer about the ore content. Ultimately it comes down to a declaration from an upstream supplier who is not the applicant. If a CB really wanted to look further, they would need |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | | to ask for invoices of ore shipments to the TiO2 producer. The same issue exists in the 2014 criteria so we wonder how this has been dealt with until today by CBs. |
| BATIS export | p37- *Response to Q19 – specifically regarding "The applicant declaration shall be supported by declarations from their TiO2 supplier(s) (and the original TiO2 producer(s), if different) stating the measures in place to ensure a low dust working environment, the type of TiO2 production process used, the applicable TiO2 content range of ore used and a statement of annual average SOx emissions, specific sulphate waste generation or specific chloride waste generation"*<br>Comment: These are declarations that cannot be substantiated and are therefore of relative value. Is it possible to link them to some regulation or legal obligation? | 7.6. Acknowledged. We are not aware of any legal obligation for TiO2 producers to declare to TiO2 content of the ores they use. Since BREF makes a similar distinction in limits for the chloride process, some general information might be provided to permitting authorities at least in the EU sites. |
| BATIS export | p37- - *Response to Q19 – specifically regarding "If the TiO2 producer can satisfy Article 5 (by-product production) of the Waste Framework Directive for its solid wastes, then, the wastes shall be exempted from being counted as waste."*<br>Comment: In accordance to art. 5 of the Waste Framework Directive, the sentence should be written better since the by-product is not a waste, so the exemption seems to be redundant. | 7.7. Acknowledged. This is now irrelevant as the whole sentence has been deleted in the new proposal. |
| BATIS export | p36- *Response to Q19 – specifically regarding "or above"*<br>Comment: The sentence generates confusion. The TDMA recommends to delete it as it would refer to one of the above mentioned categories | 7.8. Accepted. This was a typo and has now been removed. |
| BATIS export | p38- *Response to Q19 – specifically regarding "It should also be noted that the industry proposal also suggested an additional (higher) limit to be introduced for the chloride process (of 450 kg chloride waste/tonne TiO2 pigment) in cases where the TiO2 is produced in installations that discharge wastewater directly into salt water (estuarine, coastal or open sea)"*<br>Comment: Not clear the rationale for the higher limit proposed by industry | 7.9. Acknowledged. The number comes from Annex VIII of the IED (2010/75/EC) but data published did not seem to support such a high limit. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p38- *Response to Q19*<br>Comment: Emission criteria based on $TiO_2$ content will make the following statement unnecessary, "If more than one type of ore is used, the values will apply in proportion to the quantity of the individual ore types used."<br>Suggested actions: Hence, the TDMA proposes the following amendment for chloride process (a) If ore with above 95% $TiO_2$ content, 103 kg chloride waste/tonne $TiO_2$ pigment(b) If ore with 90-95% $TiO_2$ content is used: 179 kg chloride waste/tonne $TiO_2$ pigment(c) If ore below 90% $TiO_2$ content is used: 329 kg chloride waste/tonne $TiO_2$ pigment. Installations discharging into salt water (estuarine, coastal, open sea) may be subject to an emission limit value of 450 kg chloride waste/tonne $TiO_2$ pigment<br>Rationale/Supporting Data: According to the comments submited back in September 2023, there are variations in the % of $TiO_2$ component of each ore type that similarly impacts the amount of waste produced. For these reasons, the TDMA recommends that criteria be revised on the basis of % $TiO_2$ present in the ore used for pigment production, rather than the type of the ore used. Given also that more ore types are used in the chloride process (ilmenite, leucoxene) this classification by ore type is not complete and may result in exclusion of other chloride TiO2 pigments produced, for example, from the calculation of chloride waste. | 7.12. Rejected in principle. To be discussed further about how this criteria should work in reality, but in principle, a production site can use more than one type of ore in a given year and they may cross over the defined % thresholds going from one year to the next. That is why the proportion clause still remains. |
| BATIS export | p34-36- *Response to Q19*<br>Comment: Q19: One industrial would like to share that the criterion may be restrictive in industrials choice of TiO2, as data must be obtained from the suppliers with the new rules, the waste being linked to the rate of TiO2 in the ore. | 1.10. Rejected. This view does not seem to be shared by the TiO2 industry. The % ranges match quite well with the potential types of TiO2 ore. Perhaps an unfortunate type in the TR1 proposal (an "or above" text left in the line about the below 90% TiO2 ore) led to this misunderstanding. |

Responses to question 20 on quantity of waste produced in the TiO2 manufacturing process and proposed discharge limits:

*Q20 - For TiO2 manufacturers: please explain in more detail how the process wastes are produced and why a higher waste quantity should be allowed when wastewater is disposed into the sea or estuarine water – what are the environmental benefits of this (if any)?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p38- *Response to Q20*<br>Comment: Chloride emission values for titanium dioxide are based on DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 on industrial emissions (integrated pollution prevention and control) which sets limits for emissions into water for installations producing titanium dioxide in ANNEX VIII. As reflected in criteria 2.(c); salt water bodies can accommodate higher chloride emission as compared to fresh water.<br>Suggested actions: The titanium dioxide industry respectfully requests that the JRC consider including accommodations made in DIRECTIVE 2010/75/EU for release into salt water (estuarine, coastal, open sea) as highlighted below. In case of installations using the chloride process (as an annual average): (a) 130 kg chloride per tonne of titanium dioxide produced using neutral rutile,(b) 228 kg chloride per tonne of titanium dioxide produced using synthetic rutile,(c) 330 kg chloride per tonne of titanium dioxide produced using slag. Installations discharging into salt water (estuarine, coastal, open sea) may be subject to an emission limit value of 450 kg chloride per tonne of titanium dioxide produced using ore below 90% TiO2 content. | 7.13. Rejected in principle. As a matter of principle, the EU Ecolabel criteria, which should represent products of environmental excellence, should go beyond any requirements that are mandatory already in the EU. Furthermore, the BREF data (collected back in 1999) showed a maximum Cl emission to water of 330 kg/t TiO2 (see tables 3.26 and 3.32 in the 2007 LVIC BREF report). |

Responses to question 21 on specific data on quantity of waste produced:

*Q21 - Can Competent Bodies or license holders provide data on the numbers of waste quantities produced in order to assess the suitability of current ambition levels?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p36- *Response to Q21*<br>Comment: I don't have data on the number of waste quantities produced by TIO2 manufacturers: in their declaration, they only mention the quantity and the type of waste concerning their TIO2, it's always the threshold and I suppose it's an overall production figure. In my opinion, titanium dioxide is dangerous for health because it's a powder form, so the "low dust working environment" new requirement is a good point. | 7.2. Acknowledged. It is unfortunate that actual numbers have not been provided, as this would have helped inform how appropriate the ambition level is. In the new proposal, we will ask for a number at the point of application and that if the threshold is ever exceeded in later years, this should be |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | communicated to any EUEL license holder customers or CBs who ask. |
| BATIS export | p38- *Response to Q21*<br>Comment: Question 21: We have several data for chloride process, but they are all declarations that states the compliance to the limit set in the current criteria. In one situation the applicant declared for "slag" the value 154 kg/t. For sulphate process we have one detailed value: SOx = 0,53 g/kg; waste = 179,2 g/kg. As said in the previous point: we should ask for supporting documents. | 7.11. Acknowledged. Good to see at least some quantitative data. Was it a single value from a single TiO2 supplier provided at the time of application? The proposal now asks for a basic calculation of how the number is derived which could, in principle, be roughly cross-checked with raw data collected under BREF requirements. |
| BATIS export | p38- *Response to Q21*<br>Comment: Providing data on the numbers of waste quantities produced by each industry player is difficult, hence the TDMA suggest to take into account data in the data values present in the 2007 EU Best Available Techniques Reference Documents (BREF).<br>Suggested actions: The TDMA recommends to take into account the data values present in the 2007 EU Best Available Techniques Reference Documents (BREF) for $TiO_2$, as it provides a wide range of values and figures on waste quantities produced. Note that there is currently a revision being undertaken, and once the report is updated, those values could be considered for the upcoming Ecolabel revision. The 2007 EU BREF, by definition, provides the best available technology (highest achievements) for certain phases of $TiO_2$ production. | 7.14. Rejected. The aim of the EUEL is to go beyond mandatory EU law in terms of environmental performance and to try and improve monitoring of environmental impacts. Any changes to the limits should also be data driven. |
| BATIS export | p26- *Response to Q21*<br>Comment: We do not understand the question. | 7.15. Acknowledged. If in doubt and you want to consider a response, please feel free to reach out to the project team by email. To answer: this question was basically a request for numerical data submitted by applicants for demonstrating compliance with criterion 2. |

# 8 Criterion 3 - Efficiency in use (31 comments)

Responses to question 22 on proposal for criterion 3:

*Q22 - Opinions about the criterion 3 proposal?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p38- *Response to Q22*<br>Comment: Could you maintain the requirement for Opaque primers with specific blocking/sealing, penetrating/binding properties and primers with special adhesion properties shall have a spreading rate of at least 6 m2 per litre of product? In France, we are used to work with some laboratories and we did in 2022 some comparaison tests : in the standards, tests are not very detailled so more explanation will be welcome in the future user manual (especially concerning outdoor tests such as weathering, water vapour permeability, liquid water permeability) For alkali resistance, Score1 : Slight change, slighly visisble. If it won't be too late, during this summer, I would be able to give you data about outdoor certified paints and tests reports concerning their claims (breathable, water repellent, anti-fungal, anti algal..) they are some outdoor products certified and a few have succeed the test. | 8.1 Accepted. The spreading rate for opaque primers with specific blocking/sealing, penetrating/binding properties and primers with special adhesion properties is kept at 6m2 per litre. |
| BATIS export | p48- *Response to Q22*<br>Comment: Comment from a paint producer: "3a. Need to maintain this exception : Opaque primers with specific blocking/sealing, penetrating/binding properties and primers." | 8.17 Accepted. The exception is kept as part of the new 3(a) spreading rate definition |
| BATIS export | p44- *Response to Q22*<br>Comment: Criterion 3e: Weathering (for outdoor paints and varnishes): Chalking with EN-ISO 4628-6: Coatings shall achieve a score of 1,5 or better (0,5 or 1,0) in this test. In our opinion, there is an error because the standard only provides integer values (1 2 3 ...). So a score of 2 or better.<br>Suggested actions: correct: > 2<br>Rationale/Supporting Data: In our opinion, there is an error because the standard only provides integer values (1 2 3 ...). So a score of 2 or better. | 8.2 Accepted. Chalking score according to EN ISO 4628-6 of ≤ 2 |
| BATIS export | p41 ff.- *Response to Q22*<br>Comment: Criterion 3e<br>Comment: Form our persepctive the criterion is further unclear because applicatns only look at the table; they do not read the text below. Therefore, we suggest to add the exceptions also to the table. Or: to merge the table and the text (so tahte they are closer to each other)Table 3a) and continuous text belowTable 3b) and continuous text below Table 3x) ... Overview table can be retained (mybe as an annex). | 8.3 Accepted. We do not use a big table at the start of the criterion now. Instead there should be an informative matrix at the very beginning of the criteria. |
| BATIS export | p41- *Response to Q22* | 8.4 Rejected. We understand that the spreading rate |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | Comment: spreding rate: 8m²/L is requested for primers and undercoats that claim opacity, but 6m²/L is requested for paint with specifics properties. Therefore, "opacity" should be removed for the spreading rate : 6m²/L (with specific blocking, sealing, penetrating, binding or special adhesion properties). | assessment cannot be accurately carried out unless the primer or undercoat is opaque. All transparent coatings are exempt from spreading rate requirements. |
| BATIS export | p42- *Response to Q22*<br>Comment: There is a mistake regarding the threshold of chalking. The proposal establishes a value of 1.5 or lower. However, the standard specifies that the result should be given as whole numbers; therefore, the threshold in the Ecolabel should be 2 or lower (i.e., 2 or 1).<br>Suggested actions: change threshold for chalking to ≤ 2<br>Rationale/Supporting Data: The standard establishes in chapter 7 that the degree of chalking shall be based on the observation of the most intesively chalked parts of the tape. Figure 1 of the standard shows a reference on how to evaluate this, in the picture it shows value from 1 to 5. In ISO 4628-1, the general introduction to this standard, it also clearly states the results should be in whole numbers. | 8.5 Accepted. Text was adjusted according to comment |
| BATIS export | p45- *Response to Q22*<br>Comment: Even if "light colored paint" is defined by EN 6504-1 ("coating with tristumulus values Y and Y10 greater than 25,measured with a spectrophotometer on a black and white substrate"), is it sufficiently clear how applicants shall prove/declare this? Could we have interpretations of "light coloured"? | 8.6 Acknowledged. To be discussed again in the 2nd AHWG meeting because no satisfactory outcome from WSG1. |
| BATIS export | p45- *Response to Q22*<br>Comment: We did not find a definition of opaque primers and undercoats and it is necessary to apply the requirement in 3(a) | 8.7 Acknowledged. Opaque primers can be considered as the combination of the definitions of these two terms. We ask for more feedback on the definition of undercoat in TR2. |
| BATIS export | p41- *Response to Q22*<br>Comment: Why the change in spreading rate for primers & undercoats? | 8.8. Response. These changes are in line with a request to correct the 2014 criteria several years ago. Spreading rates were not changed, but the type of primer or |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | undercoat they applied to was modified |
| BATIS export | p42- *Response to Q22 - specifically regarding "3(e) Weathering"*<br>Comment: Only for outdoor products | 8.9 Accepted. It only applies to outdoor paints and varnishes |
| BATIS export | p42- *Response to Q22*<br>Comment: We measure alkali resistance also for transparent primers used on mineral substrates (masonry). These products are not paints, so parenthesis should be corrected (as existing criterion). | 8.10 Accepted. Now referred to as "masonry coatings and primers" |
| BATIS export | p43- *Response to Q22*<br>Comment: What we measure (either with ISO 6504-1 or with ISO 6504-3) is the spreading rate at hiding power of 98%. So in bullet "white paints and light colored paints" we should keep the existing phrasing without mentioning ISO 6504-3. Rephrasing for both indoor and outdoor application is OK | 8.11 Rejected. We think is better to actually mention both ISO 6504-1 and 6504-3 than neither. |
| BATIS export | p44- *Response to Q22*<br>Comment: UV artificial weathering is according to ISO 16474-3. ISO 16474-1 is the general guidance. Color change ΔE* is the CIELAB color difference measured according to ISO 11664-4 and not according to ISO 11664-6 (this is for ΔE2000 color difference) | 8.12 Accepted. The TR2 makes reference to ISO 16474-3 for UV artificial weathering and to ISO 11664-4 for color change. |
| BATIS export | p41ff.- *Response to Q22*<br>Comment: Trim & cladding is not a type of colour (as with the other types); it is part of a building. But it lacks a clear definition.<br>Suggested actions: Please adapt it. | 8.13 Rejected. Not clear what part of the text makes you think that "trim & cladding" is considered as a colour? |
| BATIS export | p42- *Response to Q22*<br>Comment: These characteristics (fungal and algae resistance) are not appropriate for an ecolabel. Only film preservative free coatings should be awarded with the ecolabel to avoid leaching of hazardous chemicals with rain. For the film preservative free paints a weathering test that confirms their resistance to microbiological growth would be appropriate.<br>Suggested actions: Please delete fungal and algal resistance. Paints containing film preservatives should be deleted from the scope. | 8.14 Acknowledged. We are still including them in Annex I, but remain open to their exclusion if we can prove that they need significantly higher amounts of dry-film preservatives than currently allowed. Indirect evidence for this could be the lack of any such products having |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | the EUEL. Under these conditions, we would support removing them from the scope. |
| BATIS export | p45- *Response to Q22*<br>Comment: Is "exterior" only valid for masonry or also for concrete paints?<br>Suggested actions: Please make the wording clearer. | 8.15. Response. Exterior can also apply to wood or trim & cladding coatings. Is concrete not simply one type of masonry? |
| BATIS export | p45- *Response to Q22*<br>Comment: What does "appropiate" mean; where does it appear? In the standards? | 8.16 Acknowledged. Please be more specific about the context you are referring to. If about fungal/algal – this is related to performance claims. If about corrosion resistance – more details have been provided in TR2. |
| BATIS export | p29, 50, 53, 69, 70, 71- *Response to Q22*<br>Comment: [...] Question 22. It is not clear (for me) the reference of the words in parenthesis in table 2 on the first row...maybe to criterion 3 (page 14)? Can a reference be included? [...] | Part of 1.3 Response. This is to indicate what the (a), (b), (c), (d) etc. in the headings of the columns mean. You need to read section 1.1 of Annex I to the 2004/42 Directive to understand. |
| BATIS export | p37-48- *Responses to Q22*<br>Comment: Q22: One industrial would like to share that Delta E seems too large and delta gloss seems to be too low and proposes the value of 50 %. [...] | Part of 1.11 Acknowledged. We would welcome further input on this matter for AHWG2. |

Responses to question 23 on including details on testing requirements and results in the User Manual:

*Q23 - Would you appreciate a more detailed explanation of the testing requirements and results in the User Manual (or a draft version of this in the Technical Report rationale sections)?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p48- *Response to Q23*<br>Comment: Comment received from a paint prodcer: "No." | 8.18 Acknowledged. An opinion against. |
| BATIS export | p50- *Response to Q23*<br>Comment: Yes, it would be nice to have in the User Manual. | 8.23, 8.24, Part of 1.11 Acknowledged. Three opinions in favour |
| BATIS export | p48- *Response to Q23*<br>Comment: We are in favor to add more detailed informations of testing requirements and results in the User Manual but not in the technical report. | 8.24 Accepted. The explanation of the testing requirements and results will be added in the user manual |
| BATIS export | p37-48- *Responses to Q23*<br>Comment: [...] Q23: Industrials would like to have more detailed explanation of the testing requirements and results in the User Manual. [...] | |

Responses to question 24 on rating of alkali resistance:

*Q24 - For alkali resistance, what ISO 4628-1 rating is considered as equivalent to "no noticeable damage" (i.e. in terms of rating the quantity and size of defects)?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p48- *Response to Q24*<br>Comment: Comment received from a paint producer: "'Score1 : Slight change, slightly visible" | 8.19. Acknowledged. |
| BATIS export | p48- *Response to Q24*<br>Comment: ISO4628-1 doesn't offer a rating, only a visual observation. | 8.21 Rejected. But the visual observations are rated from 0 to 5... |
| BATIS export | p48- *Response to Q24*<br>Comment: We could use for evaluating alkali resistance ISO 4628-2 (blistering) density ≤1 and size ≤1, which corresponds to my opinion to no noticeable damage | 8.25 Acknowledged. |
| BATIS export | p37-48- *Responses to Q24*<br>Comment: [...] Q24: One industrial would like to share that for alkali resistance, it considers the rating of Ri0 or Ri1, depending on its criteria. [...] | Part of 1.11 Acknowledged. So a rating of 0 or 1 suggested. |

Responses to question 25 on number of licensed products having claims for 3f), 3g), 3h) and 3i):

*Q25 -Some of these requirements only apply when claims are made. How many licensed products are you aware of that have claims for:*

*a) high water vapour permeability (i.e. the "breathable" claim of 3f)?*

*b) low liquid water permeability (i.e. the "water repellent" claim of 3g)?*

*c) about anti-fungal or anti-algal claims of 3h?*

*d) about the crack-bridging or elastomeric claims of 3i?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p48- *Response to Q25*<br>Comment: Comment from a paint producer: a. often b. often c. rare d. rare | 8.20 and 8.22. Acknowledged. Thanks for the useful feedback. |
| BATIS export | p50- *Response to Q25*<br>Comment: Question 25 a) high water vapour permeability: "traspirante" (breathable) approx. 20 products. b) low liquid water permeability: 'Water repellent': 2 products. c) about anti-fungal or anti-algal claims of 3h? Resistance to fungi and algae NO. d) about the crack-bridging or elastomeric claims of 3i? 'No flaking' (if relevant) approx. 15 products | |
| BATIS export | p48- *Response to Q25*<br>Comment: It could be that this has happened before. Let's find a target-oriented approach if this is written down; claims should be able to be substantiated with a text (in general). | 8.26. Response. Not clear what is requested. Is it that specific claims should be used on the packaging of these products? Or something else? |
| BATIS export | p37-48- *Responses to Q25*<br>Comment: [...] Q25.a): One industrial would like to share that high water vapor permeability is a feature especially promoted for facades in terms of breathability. Q25.c): Stakeholders and industrials would like to share that there are quite few antifungal or anti-algae claims for facade paints, given that there are few paint products for facade painting in France. One stakeholder can share data on products of European Ecolabel having these claims. Another industrial confirms that these claims exist, and tests are conducted to validate the claims. | Part of 1.11. Acknowledged. We would welcome further discussion on this matter with you. |

# 9 Criterion 4 - Content of Volatile and Semi-volatile Organic Compounds (VOCs, SVOCs) (26 comments)

Responses to question 26 on proposal for criterion 4:

*Q26 - Opinions about the existing criterion 4?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p51- *Response to Q26*<br>Comment: As in our contribution to the JRC's summer 2023 questionnaire, we consider that the VOC and SVOC thresholds should not be lowered. VOCs and SVOCs are linked. If VOCs are lowered, SVOCs must be increased and vice versa. If we want to maintain high efficacy criteria for paints and varnishes, we need VOCs/SVOCs for film formation. | 9.10, 9.3, 9.6 and Part of 1.12. Rejected. The thresholds will be lowered in TR2. Detailed argumentation for this is provided in TR2. |
| BATIS export | p49-51- *Response to Q26*<br>Comment: As in our contribution to the JRC's summer 2023 questionnaire, we consider that the VOC and SVOC thresholds should not be lowered. VOCs and SVOCs are linked.<br>Rationale/Supporting Data If VOCs are lowered, SVOCs must be increased and vice versa. If we want to maintain high efficacy criteria for paints and varnishes, we need VOCs/SVOCs for film formation. | |
| BATIS export | p51- *Response to Q26*<br>Comment: Comment from a paint producer: "'Keep current criteria." | |
| BATIS export | p49-51- *Responses to Q26*<br>Comment: Q26: One industrial would like to share that the VOC limits are already more restrictive than the EU regulation and that the criteria should be kept as they are. Another one considers that the VOC and SVOC thresholds should not be lowered. Indeed, VOCs and SVOCs are linked and if VOCs are lowered, SVOCs must be increased and vice versa. If we want to maintain high efficacy criteria for paints and varnishes, we need VOCs/SVOCs for film formation. [...] | |
| BATIS export | p49- *Response to Q26*<br>Comment: Measurement criterion 4; no calculation possible as all values are rarely available Measurement is also more accurate than calculation. And in general: the values for the VOC-emissions are relatively high. It can be that this criterion is less ambitious than the new VOC-criterion.<br>Suggested actions: Please have a look on the limits for the VOC emissions. See for example the Blue Angel. The Blue Angel has more ambitous VOC-emissione-limits. | 9.4 Acknowledged. We have a separate criterion on VOC emissions for indoor coatings. |
| BATIS export | p50- *Response to Q26*<br>Comment: We should evaluate very carefully and with a holistic approach the possible change into stricter VOCs-SVOCs limits. EU eco label criteria should be applicable in all European countries. That means that we should have in mind: (a)Differences in climate conditions (e.g. between north vs south). (b) Influence of VOCs – SVOCs in storage stability (e.g. freeze thaw stability in case of lack of heated warehouses and transportation –increase in energy consumption). (c) Most important of all, influence of coalescing agents (mainly SVOCs) in film formation and thus in | 9.5 Acknowledged. An important point, but we can only do this well if sufficient data is provided. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | durability of the paint film. That means that we could have negative effects in weathering, mechanical properties,chemicalresistance, adhesion etc. | |
| BATIS export | p53- *Response to Q26*<br>Comment: We sent the Excel file with the summary of VOC/SVOC emissions from our applications. Since the values in this criterion were set in 2014, we would suggest to take into account new limits (if/where possible) | 9.13 Acknowledged. Many thanks for the useful feedback |
| BATIS export | p51- *Response to Q26*<br>Comment: We see a need to define "g/l including water"; Moreover, we would prefer an other unit, e. g. Gew% or mg/kg oder ppm or two values<br>Suggested actions: Add these values for more clarity. | 9.17 Acknowledged. We welcome further discussion on this at AHWG2 as it will depend on what is accepted practice. |
| BATIS export | p51- *Response to Q26*<br>Comment: We welcome the JRC's intention to suggest new limits for this criterion once more data from license holders has been received. We really encourage to make limits tighter.<br>Suggested actions: It would be important to at least align with the more ambitious limits of the Austrian ecolabel or Blue Angel.<br>Rationale/Supporting Data: The EU Ecolabel criteria have been in force for 10 years now. It can be exptected that the formulation of paints has progressed towards lower VOC/SVOC emissions in the meantime, given developments like the mandatory French label for paints' indoor VOC emissions and an increased awareness of associated health impacts. Importantly, the fact that the Austrian ecolabel and Blue Angel require lower VOC emission limits shows that this is feasible. | 9.23. Acknowledged. We generally agree with the idea to lower VOC limits, but prefer this to be data driven via existing licenses than simply aligning with another EU Ecolabel scheme that is designed for a limited geographical region. |
| BATIS export | p49-51- *Responses to Q26*<br>Comment: Q26: We do not have the industry averages data on our side. We would like to request to the JRC to provide averages so that we can position ourselves on the potential lowering of thresholds. Like BEUC, we wish for strong ambition on this criterion if the data received from the formulations show that licensed products easily meet the current required thresholds. Stakeholders would need more time to study in detail whether the proposed thresholds are appropriate, and it would be necessary to check if the thresholds correspond to European values. | Part 1.12. Accepted in principle. We have made considerable efforts to gather data to justify new proposals for VOC and SVOC limits in TR2. |

Responses to question 27 on opinions regarding the addition of a requirement for VOC emissions for indoor paints:

*Q27 - If a requirement on VOC emissions is added for indoor paints, would that negate the need for improving the total VOC and SVOC contents in criterion 4?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p51- *Response to Q27*<br>Comment: Comment from a paint producer: "An emission criteria that includes EUR-LCI is not static. If a product is measured an approved for the EU Ecolabel and a substance is added to the LCI-list - does it have to be re-measured and re-submitted to keep the label? That depends on the criteria for VOC emissions. When limits for individual components like EUR-LCI, are taken into account for emissions testing there is little overlap between in-can VOC/SVOC and emissions VOC/SVOC (aside the definition difference between in-can VOC and emissions VOC, which still exists)." | 9.7 Acknowledged. This is a valid point and care should be taken to not making the requirement too burdensome if the LCI values are regularly updated. |
| BATIS export | p53- *Response to Q27*<br>Comment: We believe that having both in-can testing and emission would provide requirements that protect both consumers and workers who are exposed to the product in different stages. | 9.15<br>Accepted. Criteria on VOC/SVOC content and VOC emissions will be in TR2. |
| BATIS export | p51- *Response to Q27*<br>Comment: In can VOCs and SVOCs content and VOCs and SVOCs emissions are two different criteria. In can content is based on definitions of Directive 2004/42/CE and is the concentration in the ready to use liquid product. VOC content and product category according to 2004/42/CE are stated on our product labels. In the case of emissions, VOCs and SVCOs have different definitions, which are based on the standards used for the measurements. This is a correct approach. VOCs and SVCOs emissions are stated as concentrations in the air after 3 and 28 days from application. These depend not only on concentrations in the liquid product as supplied, but also on the speed of evaporation of these components from the coating film. There are cases of products with similar in can VOCs and SVCOs concentrations that gave different emissions due to the different structure of the paint film. There is no need to correlate these two criteria. If we decide to add emission measurements as well, then we, as paint manufacturers, should formulate our products in such a way so that to fulfill both of them. | 9.16<br>Acknowledged. |
| BATIS export | p51- *Response to Q27*<br>Comment: We would prefer to keep both options open. Therefore, we suggest to include the new VOC criterion.<br>Suggested actions: Include the new criterion. | 9.18<br>Accepted. VOC emissions criterion will remain as new criterion on TR2 with VOC/SVOC content criterion. |
| BATIS export | p51- *Response to Q27*<br>Comment: See the Blue Angel background report. Many tests were carried out. https://www.blauer-engel.de/de/publikationen/detail/weiterentwicklung-des-umweltzeichens-blauer-engel-fuer-waermedaemm-verbund | 9.19<br>Acknowledged. |
| BATIS export | p51- *Response to Q27*<br>Comment: No, we support keeping both criteria, on VOC emissions and on VOC content. | 9.24<br>Accepted. VOC emissions criterion will |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | Suggested actions: We suggest including both criteria.<br>Rationale/Supporting Data: In addition to limiting the VOC emissions after application, it is improtant to also limit the VOC content in the paint. This can be important for example for the health of workers in the paint industry, or in relation to waste management of leftover paints. | remain as new criterion on TR2 with VOC/SVOC criterion. |
| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q27*<br>Comment: [...] Question 27. there is no correlation between VOC emissions and VOC/SVOC content. [...] | Part of 1.3<br>Acknowledged. Thanks for the confirmation. |
| BATIS export | p49-51- *Responses to Q27*<br>Comment: [...] Q27: We are in favor of maintaining both criteria (content: g/L, and emissions: µg/m3 of VOCS, SVOCs), as the data on emissions and the total content of VOCs and SVOCs are complementary. The emissions part will allow the assessment of the health impact and will answer the question: what are we exposed to and will allow the evaluation of the concentrations that the painter or occupant might inhale? As for the composition, it may be emitted in low quantities but can have an impact on the environment (waste, etc.). One industrial would like to point out that it is necessary to consider lowering the rates. He would like to add that there are solutions to be even lower, especially for indoors (everything < 5g.L). [...] | Part of 1.12<br>Accepted. We go ahead with proposals on both VOC emissions and content in TR2. |

Responses to question 28 on claims on VOC levels:

*Q28 -Do you have any experience with claims like "ultra-low VOC", "VOC-free" and "zero-VOC"? If so, what are the conditions and proof that lie behind these claims?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p53- *Response to Q28*<br>Comment: Did you send a request concerning VOC / SVOC data of certified products? I did'nt receive it. During this summer, I would be able to provide it to you if it's still possible. Most of French licence holders don't want to modify this criterion : to maintain high efficiency criteria for paints and varnishes, they need VOC/SVOC for film formation I think VOC/SVOC content criterion and emission criterion are both important to reassure stakeholders. I think "VOC free" or "zero VOC" is not possible to claim due to the regulation, and is impossible to achieve in paints. Licence holders mainly indicate the value of VOC content of their paint (for example : "the product contains less than 1g/L of VOC") | 9.2<br>Acknowledged. Data were received and the VOC/SVOC limit analyzed |
| BATIS export | p51- *Response to Q28*<br>Comment: Comment from a paint producer: "We do not claim VOC-free or Zero VOC and we are not supporting this. There is no scientific criteria for such claims." | 9.8 and 9.11<br>Acknowledged. Perhaps rules on this can be clarified in the consumer info criterion. |
| BATIS export | p51- *Response to Q28*<br>Comment: Paints contain VOC. "zero VOC" "VOC free" are prohibited. | |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p51- *Response to Q28*<br>Comment: Please have a look into the documents (an the definitions) of the VDL Guideline 01: https://www.wirsindfarbe.de/fileadmin/user_upload/Dokumente/Richtlinien/VdL-RL01-Mai-2019.pdf It states what is solvent-free; If there is a claim on it, then limit values are defined, e.g. You can also have a look into the Blue Angel DE-UZ 102 or 198: these documents also define when a product can be labelled as preservative-free; in the Blue Angel DE-UZ 12a you can find something regarding solvent-free. https://produktinfo.blauer-engel.de/uploads/criteriafile/en/DE-UZ%20012a-201901-de%20Criteria-V9.pdf https://produktinfo.blauer-engel.de/uploads/criteriafile/en/DE-UZ%20102%20201901-en%20Criteria-V5.pdf https://produktinfo.blauer-engel.de/uploads/criteriafile/en/DE-UZ%20198-201901-en%20criteria-V3.pdf From our perspective it is very important to have concrete specifications for correct testing. | 9.22 Acknowledged. Thanks for the clarifications. |
| BATIS export | p49-51- *Responses to Q28*<br>Comment:[...] Q28: Industrials would like to share that the claim of "low VOC content" (<1g/L) exists. However, "VOC free" and "zero-VOC" doesn't exist because there are always traces of VOC and they should be banished. | Part of 1.12 Acknowledged. Thanks for the clarifications. |

Responses to question 29 on SVOC testing methodology:

*Q29 -Further discussion about the situation with the SVOC testing methodology would be welcomed.*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p51- *Response to Q29*<br>Comment: Comment from a paint producer: "The guideline for the correct VOC/SVOC testing method is published in ISO/TR 5601:2023. Basically ISO11890-2 is the primary method and ISO17895 is only to be followed when 11890-2 fails because of technical problems (e.g. clogging of GC injector). Concentrations limits in criterion 4 for selection of ISO standards for VOC determination are not correct as the scope of ISO 11890-2 includes the full ISO17895 range. It is still unclear what the environmental benefits of low SVOCs are? This criteria is only added to prevent the shift from VOC to SVOC. In view of the Green Claims: What is the benefit from the SVOC requirement? (climate, eutrofication, toxicity...?)." | 9.9<br>Acknowledged. Thanks for the clarifications. It is difficult to make general environmental claims about whole groups of substances, but photochemical oxidant formation is one obvious impact associated with VOCs (more) and SVOCs (less). |
| BATIS export | p51- *Response to Q29*<br>Comment: There is no need to make test for SVOC and VOC content. The values provided by the raw materials suppliers are reliable (we compare with tests) and we provide the content of the paint by calculation according to the concentration of each raw material. Tests should remain optional. | 9.12<br>Rejected. Other comments revealed that the relationship between content and emissions is not so direct. And it is desirable to align with |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | | other Type I ecolabels when possible (which means testing SVOC emissions). |
| BATIS export | p51- *Response to Q29*<br>Comment: No problems at the moment. | 9.20<br>Acknowledged. |

Responses to question 30 on available data on EU Ecolable licenses for all product categories considered:

*Q30 -Question to CBs mainly: Information on the existence of EU Ecolabel licenses (yes/no) for all product categories considered in this criterion would also be very much appreciated.*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p53- *Response to Q30*<br>Comment: Question 30: We have certified the following types P&V: indoor and outdoor paints, wood finishes, decorative paints, wood varnishes and paints | 9.1<br>Acknowledged. |
| BATIS export | p51- *Response to Q30*<br>Comment: No. | 9.21<br>Response. Not clear what is the purpose of this comment. |

# 10 Criterion 5 - Restriction of hazardous substances and mixtures (125 comments)

The comments here have been ordered by common subject matter.

## 10.1 General cross-cutting comments about criteria 5.1-5.3

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p56,60- *Response to Q31 – about criteria 5.1 to 5.3 and the definitions section, specifically referring to "5.1. Restrictions on Substances of Very High Concern (SVHCs)The final product formulation shall not contain any ingoing substances or mixtures that meet the criteria referred to in Article 57 of Regulation (EC) No 1907/2006 that have been identified according to the procedure described in Article 59 of that Regulation and included in the candidate list for substances of very high concern for authorisation. Refers to 5.2: […]Substances known to be released or to degrade from ingoing substances are considered ingoing substances and not impurities. Refers to: 5.3. Specific hazardous substance restrictions for ingoing substances":*<br>Comment: the definition of ingoing substances or mixtures is missing.<br>Suggested actions: We suggest to add the definition of 'ingoing substances' as follows: Ingoing substances are substances added to the product as such or as part of a mixture to achieve or influence certain product properties and those required as chemical cleavage products for achieving the product properties.<br>Rationale/Supporting Data: The definition should be added or clarified to avoid confusion or misunderstanding. | 10.8, 10.30<br>Accepted. This was an oversight from the TR1. A definition of the term "ingoing substances" is added to the TR2. |
| BATIS export | p56- *Response to Q31– about criteria 5.1 to 5.3 and the definitions section, specifically referring to definitions*<br>Comment: Definition of "ingoing substances and mixtures" is missing<br>Suggested actions: Proposal: "Ingoing substances are substances added to the product (paint formulation) as such or as part of a mixture to achieve or influence certain product properties and those required as chemical cleavage products for achieving the product properties.<br>Rationale/Supporting Data: Without a definition it is unclear what a ingoing substance and mixtures is and different evaluation may occur | |
| BATIS export | p56, 60- *Response to Q31 – about criteria 5.1 to 5.3 and the definitions section, specifically referring to: "5.1. Restrictions on Substances of Very High Concern (SVHCs) […] For unavoidable impurities identified as SVHCs, the concentration of the impurity and an assumed retention factor of 100%, shall be used to estimate the quantity of the SVHC impurity remaining in the final product. Impurities can be present in the chemical product up to 0.0100% w/w, unless further restricted under criterion 7.3.8. Substances known to be released or to degrade from ingoing substances are considered ingoing substances and not impurities. Refers to 5.2 General restrictions based on classifications according to specific hazard classifications defined in Regulation (EC) No 1272/2008. [… ]Substances known to be released or to degrade from ingoing substances are considered ingoing substances and not impurities."*<br>Comment: Definition of "unavoidable impurity" missing.<br>Suggested actions: We suggest to add the following definition of 'Unavoidable impurities: "Impurities: Residuals, pollutants, contaminants etc. from production, including production of raw materials, that remain in the EU Ecolabelled | 10.9<br>Accepted. This was an oversight from the TR1. A definition of the term "impurity" is added in TR2 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | product in concentrations less than 100 ppm (0.0100%). Impurities in the raw materials exceeding concentrations of 10 000 ppm (1.0000%) are always regarded as ingoing substances, regardless of the concentration in the EU Ecolabelled product. The impurity limit of 100 ppm (0.0100%) applies to each individual substance that is excluded, i.e., Impurities with the same classification in different raw materials shall not be summed up to comply with the limit. The same contaminants in different raw materials also do not need to be summed."<br>Rationale/Supporting Data: The lack of definition of 'unavoidable inpurities" could lead to confusion or misunderstanding. | |
| BATIS export | p56- *Response to Q31– about criteria 5.1 to 5.3 and the definitions section, specifically referring to defintions*<br>Comment: Definition of "Unavoidable impurities" is missing<br>Suggested actions: Proposal: impurities are residuals, pollutants, contaminants etc. from production, incl. production of raw materials, that remain in the product (paint formulation) For reference, the Nordic Ecolabel for Paints and Varnishes 096, version 4.2 from 14 September 2023<br>Rationale/Supporting Data: Without a definition of "Unavoidable impurities" this can be interpretated differently and causes a different evaluation | 10.31<br>Acknowledged: A definition for the term "impurities" was needed (and inserted in TR2), but trying to add the word "unavoidable" is not so clear from a legal perspective. So the full definition like this is not provided in TR2. |
| BATIS export | p61- *Response to Q31 – general, about wording in criterion 5*<br>Comment: Lack of definition/coherence in the text, using "shall not be used", "*shall not be intentionally added*", "*shall not be present*".<br>Suggested actions: We propose to define and contextualize the actual meaning of the following expressions: "shall not be used","shall not be intentionally added" and "shall not be present".<br>Rationale/Supporting Data: The answers to some questions may help to clarify the scope of the above terms, in addition to the request for a definition of "incoming substances":<br>Does "shall not be used" mean that the presence of the substance has no effect on the performance of the paint?<br>Does "shall not be intentionally added" mean that the presence of the substance is allowed if it is present in the composition of a raw material but is not intended to have any purpose in the paint composition?<br>Does "shall not be present" mean that the concentration of the substance must be below a certain level (e.g. the level of detection of analytical methods commonly used in the industry)? | 10.12<br>Acknowledged: these are valid points that will need to be cross-checked with the Commission legal services since many of these terms come from cross-cutting text from other EU Ecolabel product groups. |
| BATIS export | p65- *Response to Q31 – about criteria 5.1 to 5.3*<br>Comment: It has become much easier to read after the rewrite. | 10.77<br>Acknowledged. Thanks for the positive feedback. |

## 10.2 About SVHCs (criterion 5.1)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p56- *Response to Q31 – about criterion 5.1 on SVHCs, specifically regarding "Impurities can be present in the chemical product up to 0.0100% w/w, unless further restricted under criterion 7.3.8."*<br>Comment: It is unclear if this refers to the final product or the raw material. | 10.22<br>Acknowledged. This text came from a copy-paste of recently voted EUEL criteria for another product group (the number 7.3.8 is incorrect for that reason). We agree that it needs to be clarified. The intention here is to apply this requirement to the final product. |
| BATIS export | p56- *Response to Q31 – about criterion 5.1, specifically regarding " For unavoidable impurities identified as SVHCs, the concentration of the impurity and an assumed retention factor of 100%, shall be used to estimate the quantity of the SVHC impurity remaining in the final product. Impurities can be present in the chemical product up to 0.0100% w/w, unless further restricted under criterion"*<br>Comment: "…Impurities can be present in the chemical product up to 0.010% w/w…" Chemical product refers to raw materials, the final product or both? | 10.48<br>Acknowledged. In TR2 we shift from the term "chemical product" to "ingredients" or "ingoing substances". With both of these terms, there is no possibility for confusion with the final product (which in the case of paints and varnishes, might be considered by some as a rather complex chemical product). |
| BATIS export | p56- *Response to Q31 – about criterion 5.1, specifically regarding " The final product formulation shall not contain any ingoing substances or mixtures that meet the criteria referred to in Article 57 of Regulation (EC) No 1907/2006 that have been identified according to the procedure described in Article 59 of that Regulation and included in the candidate list for substances of very high concern for authorisation."*<br>Comment: We suggest modifying this sentence to ensure a broad ban of SVHCs.<br>Suggested actions: We suggest deleting the second part of that sentence, so that it remains: "The final product formulation shall not contain any ingoing substances or mixtures that meet the criteria referred to in Article 57 of Regulation (EC) No 1907/2006."<br>Rationale/Supporting Data: The EUEL criteria should prevent the addition of any SVHCs, once the producer identifies that an ingoing substance or mixture meets the criteria of a SVHC as in Article 57 of REACH. It should not be conditional on the substance being listed on the candidate list for SVHCs. That's also how the EU Ecolabel Regulation describes it in Article 6(6): "The EU Ecolabel may not be awarded to goods containing substances referred to in Article 57 of Regulation (EC) No 1907/2006 " | 10.65<br>Rejected. Removing the second part of the sentence (i.e. Article 59) basically removes the specific reference to SVHCs going against the well-established approach to implementing Articles 6(6) and 6(7) that has one criterion banning SVHCs and another setting restrictions on CLP hazards. SVHCs have to have gone through the Article 59 identification procedure before becoming SVHCs. |

## 10.3 General comments about criterion 5.2 on CLP restrictions

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p57- *Response to Q31 – about criterion 5.2 on general CLP criterion text, specifically: "The final product formulation, including all intentionally added ingredients present at a concentration of greater than 0,010 %, shall not, unless expressly derogated in the Appendix, contain substances or mixtures classified as toxic, hazardous to the environment, respiratory or skin sensitisers, or carcinogenic, mutagenic or toxic for reproduction in accordance with Regulation (EC) No 1272/2008 or Council Directive 67/548/EC (1) and as interpreted according to the hazard statements and risk phrases listed in Table 5 of this criteria."*<br>Comment: This paragraph should be written differently otherwise there may be incorrect applications. The text is similar to that of the current criteria and was immediately discussed by the competent bodies (See CB Forum in November 2014).It shall be clear that a mixture (a raw material) classified with one of the phrases excluded in Table X, can be used, whether the substance responsible for the classification is in a concentration in the final product permitted by the derogations or in a concentration lower than 0.01%. E.g. During the meeting it was asked if it is still possible to use the CIT/MIT mixture. The response was positive if lower than 15 ppm, because it does not trigger the danger labeling of the final product and is below the cutoff of 0.01%. But the formulator always starts from a raw material which will be classified H317 and therefore without a clear application that the verification must be carried out on the content of dangerous substance in the final product it could be understood that this raw material is not usable.<br>Suggested actions: Please clarify as already shared in November 2014 CB forum.<br>Rationale/Supporting Data: Calculations on the dangerousness of products are always made (e.g. CLP Regulation) on the basis of the content of the substances and not of the starting mixtures to produce the final product | 10.3<br>Rejected in principle: this comment is referring to the existing criterion text from 2014 that was inserted into TR1 just for comparison. The new proposals did not have this wording. |
| BATIS export | p57- *Response to Q31 – about criterion 5.2, general, about preservatives*<br>Comment: Biocides We suggest introducing the possibility to measure the content of preservatives in the final paint, as an alternative to calculating the percentage based on ingoing substances. | 10.6<br>Rejected. However, it would need to be checked how well established the analytical methods are for each of the main preservatives, what are their tolerances and their limits of detection. |
| BATIS export | p51-63- *Response to Q31 – about criterion 5.2, general comment about ingredient vs final product restrictions*<br>Comment: General remark: Historically, the Ecolabel takes into account the notion of ingredient, which is both the substance and the ingredient in a mixture, in order to authorize or not its use in the certified product. For derogations, it would be preferable to reason as for the CLP Regulation at the level of the substance introduced and not at the level of the raw material in a mixture. Example: a raw material containing CMIT/MIT at a concentration of over 15 ppm would be classified as H317 and could be used if the final concentration in the product does not exceed the 15 ppm threshold [...] | Part of 10.14<br>Acknowledged: this is effectively the intention, to set % thresholds at the level of individual classified substances in the final product. Now all of the derogations in TR2 specify if the % applies at the level of the final product or not. However, to do |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | | this also relies on concentrations from suppliers being provided (which can indeed be higher in the ingredients supplied than in the final product, after dilution with other ingredients). |
| BATIS export | p56- *Response to Q31 – about criterion 5.2, specifically on verification text*<br>Comment: It is not clear what justifications we must provide for deviations from a 100% retention factor. | 10.23<br>Acknowledged: Justifications are open-ended and could be due to physical reasons (e.g. evaporation), chemical reasons (e.g. reaction to form other, non-hazardous substances) or due to treatments during the process e.g. washing, heat treatment, use of scavengers etc.) |
| BATIS export | p59- *Response to Q31 – about criterion 5.2, general, about wording*<br>Comment: For derogations we propose to always write either 'admitted up to…' or 'not admitted beyond…'; currently some entries are one way, other entries another. | 10.26<br>Acknowledged: the project team will co-ordinate with Commission legal services later to find the best terminology to use here |
| BATIS export | p58- *Response to Q31 – about criterion 5.2, specifically regarding "Table X. Excluded hazard classes, categories and associated hazard statement codes"*<br>Comment: We propose to include the hazard statement H360 and H361 | 10.29<br>Acknowledged: These hazards belong there but they seem to already be there in the first place, in all of their various permutations as well. |
| BATIS export | p57- *Response to Q31– about criterion 5.2, general comment about ingredient vs final product restrictions*<br>Comment: unclear scope of derogation<br>Suggested actions: Proposal: Preservatives and preservative stabilizers added to colourants, binders and the final product<br>Rationale/Supporting Data: According to the horizontal derogation condition the main goal is that the final product is not classified with any of the hazards defined in table x. However, water based raw materials require in a lot of cases in-can preservatives to allow longer shelf life of the raw material. The amount of used in-can preservative in the raw material can lead to a classification of the raw material. Despite this it is still possible to formulate a final paint and or varnish which is not classified. | 10.32<br>Accepted. The intention is for all of the restrictions in criterion 5.2 (and therefore the derogations) to apply at the level of the final product. If this is not the case (e.g. TMP in TiO2 pigments) it will be specified. A clearer wording to try to reflect this is proposed in TR2. |
| BATIS export | p60- *Response to Q31 - about criterion 5.2, general about hazard codes* | 10.51 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | Comment: The list of derogated substances should be given without classification. I agree with the comment of BASF during 1st ADWG meeting (example of ADH). It is difficult to cover all cases of self-classification and also future changes due to harmonized classification of substances. In my opinion the general horizontal restriction covers what is missing. | Rejected. The principle is good but this is not the established way of approaching derogations in the EU Ecolabel criteria, not just for paints and varnishes, but for all other product groups as set by the EU Ecolabel Regulation. |
| BATIS export | p56- *Response to Q31– about criterion 5.2, specifically on verification text*<br>Comment: What is meant by a retention factor of 100% and give examples: What does a retention factor = 100 mean? Where is the factor 100 and where is it not?What if it is 100% in, but has no function?From our point of view, isn't it always 100?<br>Suggested actions: Please make it clearer what a retention factor of 100% mean. | 10.52<br>Acknowledged. Yes, the retention factor is 100% by default, but if a case can be made where this is not the case, then it can be made to the Competent Body. |
| BATIS export | p57ff- *Response to Q31 – about criterion 5.2, general*<br>Comment: The table or the writing of the derogations is really difficult. It is too much text in the table: Differentiate between a) final product or b) somewhere else; limit value should not have to be searched for: Make the sentence clearer od highlight the limit value. Therefore we suggest to make the tableclearer (please also see the Blue Angel 12 a)<br>Suggested actions: Therefore we suggest to make the tableclearer (please also see the Blue Angel 12 a) | 10.53<br>Acknowledged: The quantity of text in the derogation table should not be limited if it is needed in order to explain the derogation conditions and any nuances to the derogation. We will clarify in the TR2 proposal that all of these derogation limits apply to the final product, except the tinting system preservatives and TMP. |
| BATIS export | p57- *Response to Q31- about criterion 5.2, general about hazard codes*<br>Comment: in-can preservatives: if H-phrases change, then the product is no longer permitted (e.g. if very exemplary companies stillstate a -phrase, then they are thrown out. This can have advantages, but also disadvantages. | 10.54<br>Acknowledged: this is a longstanding problem with the EU Ecolabel criteria in general and so far the Commission has not found a way to make this criterion on CLP restrictions more dynamic. Hopefully the classification landscape with preservatives will begin to stabilize after many changes in recent years. |
| BATIS export | p56- *Response to Q31 – about criterion 5.2, specifically regarding " Unless derogated in Table X+1, the final product and any ingoing substances or mixtures that are present in concentrations exceeding 0,010* | 10.66 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | *% weight be weight of the final product formulation shall not have been assigned any of the hazard classes, categories and associated hazard statement codes stated in Table X, in accordance with Regulation (EC) No 1272/2008".*<br>Comment: We recommend rewording this sentence to make sure any substances that meet the criteria for classification are restricted.<br>Suggested actions: We suggest aligning with the wording which has been proposed in the EUEL detergents draft criteria: "The product shall not contain ingoing substances at a concentration limit at or above 0,010 % weight by weight in the final product that meet the criteria for classification as toxic, hazardous to the aquatic environment, respiratory or skin sensitisers, carcinogenic, mutagenic or toxic for reproduction in accordance with Annex I to Regulation (EC) No 1272/2008 and in accordance with the list in Table X." Considering the new CLP classes (endocrine disruptors, persistent..) it could make sense to also list these new classes in the above sentence, along with "toxic, hazardous...etc.".<br>Rationale/Supporting Data: The proposed wording is too restrictive. Selff-classifications by the manufacturer should also be covered by the restriction. The proposed wording "shall not have been assigned any of the hazard classes, categories and associated hazard statement codes stated" can be interpreted as "only those which have a harmonised classification". | Accepted in principle. We can adopt the wording you suggest and it is a good idea to align with detergents here. It would be nice if we could just use the term "CMR, toxic, respiratory or skin sensitisers or hazardous to the environment" then refer to the diverse list of more specific hazards below. About the issue with self-classifications, we don´t see this being resolved in either wording – both are open to interpretation and that should be clarified in the User Manual or the verification text. |
| BATIS export | p57- *Response to Q31 – about criterion 5.2*<br>Comment: During the 1st AHWG, one stakeholder raised the concern that banning suspected endocrine disruptors could be too demanding. We strongly disagree with this view.<br>Suggested actions: The ban of endocrine disruptors should be preserved as suggested by the JRC, covering both confirmed and suspected endocrine disruptors.<br>Rationale/Supporting Data: The EU Ecolabel follows a precautionary approach and therefore it is justified to exclude suspected hazards. Also, the EU Ecolabel as a frontrunner award should have a demanding approach and ban also these serious suspected hazards.Besides, also the EUEL criteria for cosmetics, and for detergents (as they stand now), exclude both categories of endocrine disruptors. | 10.67<br>Acknowledged. The restriction is maintained, but we welcome further evidence about the precise concerns on the robustness of the evidence base required to assign the classification of "potential endocrine disruptor" to a substance. To be discussed in more detail at AHWG2 if such evidence is provided before the meeting. |
| BATIS export | p63- *Response to Q31 - about criterion 5.2, general*<br>Comment: General remark: Historically, the Ecolabel takes into account the notion of ingredient, which is both the substance and the substance in a mixture, in order to authorize or not its use in the certified product. For derogations, it would be preferable to reason as for the CLP Regulation at the level of the substance introduced and not at the level of the ingredient. Example: a raw material containing CMIT/MIT at a concentration of over 15 ppm would be classified as H317 and could be used if the final concentration in the product does not exceed the 15 ppm threshold. | PART OF 10.74<br>Accepted. This indeed is the principle that is intended to be applied in the criterion 5.2. |
| BATIS export | p51-63- *Responses to Q31 – about criterion 5.2, general* | Part of 1.13<br>Acknowledged: not sure if this is due to the confusion about whether |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | Comment: Q31: We would like to request feedback to the JRC on the use of binders, cross-linking agents, and neutralizing agent on paints. This is to find out if it would be possible to make a derogation or to not use them at all. | "ingredients" can be classified or not as per the wording of criterion 5.2. But the intention is that classified "ingredients" could be used, so long as the concentrations of any restricted hazardous substances remains within the limits allowed in the final product. |
| BATIS export | p56- *Response to Q31 – about criterion 5.2, on in-can preservatives in general, where it says: "Derogation for preservatives [939 – 941] The total limit allowed for in-can preservatives has been increased from 0,060 % to 0,080 %. The main reason for this is because the most efficacious preservatives (like MIT and CMIT/MIT) can no longer be used in significant concentrations after the CLP reclassifications."*<br>Suggested actions: To streamline the derogation request procedure, [we, Company name] propose a general derogation for biocidal active substances meeting the following criteria: Not classified as Carcinogenic, Mutagenic, or Reprotoxic (CMR). 2. Already approved or undergoing approval under the Biocidal Products Regulation (BPR). 3. Not necessitating the labeling of the final paint product.<br>Rationale/Supporting Data: Other frequently used PT 6 active ingredients (approved or under evaluation) There exist additional active ingredients utilized for in-can preservation beyond those mentioned in the EU Ecolabel. Among these, certain substances, such as DBNPA (CAS: 10222-01-2) and DGH (CAS:13590-97-1) , may also fall within the scope of general restrictions. | 1.20<br>Rejected. Although we appreciate very much the straightforward solution, this is not the approach that has been established by the EU Ecolabel criteria setting process, which looks at individual substances and substance groups. We will nonetheless aim to present this suggestion at the 2nd AHWG meeting for reactions. |

## 10.4 About isothiazolines

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p65- *Response to Q31 – about criterion 5.2, specifically about isothiazoline derogations*<br>Comment: Concerning isothiazolinone, I think it's a good point to let manufacturers choose if they want to test the final product : preservative is a big issue for them, they are aware of the hazardous issue but the product should be durable ; so with this proposal, they could adjust their manufacturing process. […] | Part of 10.2<br>Acknowledged (about the isothiazoline testing), although other stakeholders are questioning this due to no standardised testing. |
| BATIS export | p58- *Response to Q31 - about criterion 5.2, isothiazoline derogations*<br>Comment: CMIT/MIT (CAS - 55965-84-9) should also be listed as allowed Isothiazoline in the section "In-can preservatives" on the Derogation Criterion 5 appendix as typical use-levels of <15 ppm do not trigger H317 but are known to ensure a safe in-can preservation.<br>Suggested actions: CMIT/MIT (CAS - 55965-84-9) should also be listed in the section of allowed in-can preservatives Isothiazolinones BIT, BBIT and DTBMA | 10.45, Part of 10.2, 10.39, 10.14, 10.27, 10.11<br>Accepted. The way that only 3 isothiazolines were listed in the derogation table in TR1 was misleading because the derogation |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | Concerning isothiazolinone, will MIT, OIT and CMIT-MIT be concerned by the "total quantity of isothiazolinone". If yes, it should be added on the list. These substances are still used in actual paints formulations, in very small quantities. [...] | was supposed to cover any particular isothiazoline. |
| BATIS export | p58- *Response to Q31 – about criterion 5.2, specifically referring to "In can preservative:Isothiazoline or izothiazoline-releasing substances:2,2-dithiobis(N-methylbenzamide) (DTBMA) (CAS No 2527-58-4)1,2-benzoisothiazol-3(2H)-one (BIT, CAS No 2634-33-5)2-butyl-benzo(di)isothiazol-3-one (BBIT, CAS No 4299-07-4)H317, H400, H410*See horizontal derogation condition at foot of tableThe total quantity of all isothiazoline substances added to the final product shall not exceed 0,040 % weight by weight.In cases where isothiazoline preservatives are actively added by the paint or varnish manufacturer, the final product shall be tested for isothiazoline content to verify compliance with the combined limit.":*<br>Comment: Are only the 3 mentioned Isothiazolines allowed? Limit of 0,04 wt-% is acceptable. | |
| BATIS export | p51-63- *Response to Q35*<br>Comment: We have noted that the substances OIT (2-octyl-2H-isothiazol-3-one) [CAS N° 26530-20-1], CMIT/MIT (5-chloro-2-methyl-4-isothiazolin-3-one/2-methyl-4-isothiazolin-3-one) [CAS N° 55965-84-9] and MIT (2-methyl-2H-isothiazol-3-one) [CAS N° 2682-20-4] are no longer derogated and can therefore no longer be used as such or when present in raw materials (for example, classified as skin sensitizers H317). We would like to ask for the maintaining of these derogations.Given the reduction of the Specific Limit Concentration (SCL) for the substance DCOIT [CAS N° 64359-81-5] to 15ppm, it would be helpful to introduce a derogation for this substance in the European ecolabel.A derogation for the new substance CIT (5-Chloro-2-methyl-2H-isothiazol-3-one) [CAS N° 26172-55-4] would also be helpful in the future. | |
| BATIS export | p60- *Response to Q31 – about criterion 5.2, specifically referring to the isothiazoline derogation*<br>Comment: Specify if "total quantity" refers to the isothiazolines listed in the first column | |
| BATIS export | p58- *Response to Q31 – about criterion 5.2, about isothiazoline derogations, specifically referring to: "5.2. General restrictions based on classifications according to specific hazard classifications defined in Regulation (EC) No 1272/2008. Table X+1. Derogations to restrictions on ingoing substances and mixtures that are classified with one or more of the restricted hazards listed in Table X and are present in concentrations greater than 0,010% (weight by weight) of the final product formulation. Substance type, substance name and CAS number In can preservative:Isothiazoline or izothiazoline-releasing substances:2,2-dithiobis(N-methylbenzamide) (DTBMA) (CAS No 2527-58-4)1,2-benzoisothiazol-3(2H)-one (BIT, CAS No 2634-33-5)2-butyl-benzo(di)isothiazol-3-one (BBIT, CAS No 4299-07-4) Derogated hazard code(s) H317, H400, H410 Derogation conditions *See horizontal derogation condition at foot of tableThe total quantity of all isothiazoline substances added to the final product shall not exceed 0,040 % weight by weight.In cases where isothiazoline preservatives are actively added by the paint or varnish manufacturer, the final product shall be tested for isothiazoline content to verify compliance with the combined limit."* | |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | Comment 1: The derogations for "In can preservatives" should clarify the scope of the derogation, particularly if the derogation is for all isothiazolinones and isothizaolinone-releasers or just the ones listed in the draft.<br>Suggested actions: We propose to indicate if the derogation is for all isothiazolinones and isothizaolinone-releasers or just the ones listed in the draft (H317, H400, H410). | |
| BATIS export | p58- *Response to Q31 – about criterion 5.2, on isothiazoline derogations*<br>Comment: BIT/BBIT/DTBMA content derogation: We are against their experimental determination. Without an official regulated method there is a risk of an even more imprecise determination of the theoretical calculation.<br>Suggested actions: Eliminate experimental analysis<br>Rationale/Supporting Data: Not even the CLP Regulation provides for experimental determination of these substances | 10.4<br>Accepted in principle: we will ask again about the possibility to define a standard method for isothiazolines in paints and varnishes at AHWG2. If not possible to define, then we will not have any proposal with testing of final products for isothiazolines. |
| BATIS export | Comment 2: There is no indication on how to perform calculation of the biocidal active substance concentration. We propose that the declaration by the applicant and their binder supplier shall include calculation of the concentration of the biocidal active substance concentration based on measurement (analytical testing). In addition to "final product shall be tested" the applicant should be allowed to use calculations based on information received from raw material suppliers and their own addition.<br>Suggested actions: We propose that the declaration by the applicant and their binder supplier shall include calculation of the concentration of the biocidal active substance concentration based on measurement (analytical testing). In addition to "final product shall be tested" the applicant should be allowed to use calculations based on information received from raw material suppliers and their own addition. We propose to remove the current text and replace it with the text below (adapted from the Nordic criteria): "The amount of preservatives may be reported in one of the following ways: The maximum theoretical amount of preservative must not exceed the limit values at the time of manufacturing. The amount must be calculated based on added preservatives and the maximum amount in the raw materials. Or Alternatively, the amount of preservatives can be measured analytically by high-performance liquid chromatography (HPLC) or similar methods and shall be based on the maximum amount in the final paint. The measurement is made on the finished product or the constituent raw materials that contain biocides."<br>Rationale/Supporting Data: The requirement included in the draft that obliges manufacturers to analyse the paint or raw materials, will involve an economic burden that may be detrimental to the interest of the industry, particularly small and medium-sized companies, to promote their products through the use of European Ecolabel. Some of them could choose, for example, to use alternative ecolabel schemes that provide more options to demonstrate compliance with the criterion. An alternative approach that would give the option to demonstrate compliance by calculating concentrations based on the information provided by the actors upstream in the value chain, would allow the regulator to verify compliance with the | PART OF 10.11<br>Rejected: (on comment 2) We think that the approach in the Nordic Swan seems reasonable (theoretical calculation or experimental measurement). However, concerns about experimental concentrations have some fundamental concerns about the lack of a standard methodology and also lead to other concerns about how often samples need to be taken and how to ensure that they are representative and cover worst cases. In TR2, the approach has reverted back to just the theoretical calculation. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | requirement with guarantees compatible with other ecolabel schemes and achieve the ultimate goal of guaranteeing the safety of users of paints and varnishes. | |
| BATIS export | p58- *Response to Q31 – about criterion 5.2, specifically about isothiazoline derogations*<br>Comment: We have noted that CMIT/MIT (CAS N° 55965-84-9) and MIT (CAS N° 2682-20-4) are no longer derogated. It's a real problem as these substances are used for in can preservative (at a concentration under 15 ppm) for the final product and for the raw materials. We ask for these derogations to be added. Consequently, the total quantity of all isothiazolinone should be increase to 0.06% (w/w). A derogation for the new substance CIT (5-Chloro-2-methyl-2H-isothiazol-3-one) [CAS N° 26172-55-4] would also be helpful in the future. The usefulness of the test is really questionable. To date, there is no test to mesure the concentration of CMIT/MIT (as it is a complex substance). Moreover, we have compared the resust of measurement with the calculated quantity (based on suppliers of raw materials information), and the calculation gives a higher concentration than the measurement (as biocidal substances are consume during the process and life). This test may be optional, but not mandatory (as with VOCs). | 10.15<br>Acknowledged: (about "ban" of MIT CMIT/MIT) this is not in fact the case, but this misunderstanding arises from an ambiguously framed derogation for all isothiazolines in the TR1.<br>Acknowledged: (about the testing for isothiazolines) we will offer a dual approach where either theoretical or testing concentrations can be used. It would be very interesting if you could provide more details about the exercise where real and theoretical isothiazoline levels were compared. |
| BATIS export | p58- *Response to Q31- about criterion 5.2, specifically regarding isothiazoline derogations "In cases where isothiazoline preservatives are actively added by the paint or varnish manufacturer, the final product shall be tested for isothiazoline content to verify compliance with the combined limit"*<br>Comment: in-can preservative content derogation<br>Suggested actions: The amount of preservatives may be reported in one of the following ways: The maximum theoretical amount of preservative must not exceed the limit values at the time of manufacturing. The amount must be calculated based on added preservatives and the maximum amount in the raw materials.<br>Or<br>Alternatively, the amount of preservatives can be measured analytically by high-performance liquid chromatography (HPLC) or similar methods and shall be based on the maximum amount in the final paint. The measurement is made on the finished product or the constituent raw materials that contain biocides<br>Rationale/Supporting Data: The applicant and their binder supplier should have the option to be based on calculation or on testing. Depending on the level of information from the raw material suppliers it is also possible for the applicant to calculate the amount of in-can preservative in the final product. | 10.34<br>Acknowledged. This seems like a fair pair of options, especially in light of concerns about a suitably well-defined test method for all paint and varnish products. However, due to a lack of standardization in testing, the theoretical calculation is considered as the most consistent approach. |
| BATIS export | p58- *Response to Q31- about criterion 5.2, specifically regarding isothiazoline derogations "In can preservative: Isothiazoline or izothiazoline-releasing substances"*<br>Comment: Unclear scope of derogation<br>Suggested actions: Proposal: in-can preservative: isothiazolinones and isothizaolinone-releasers: e.g. | 10.35<br>Accepted: the intention in TR1 was in fact to cover all isothiazolines and also isothiazoline releasers. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | Rationale/Supporting Data: It is unclear if only the listed substances are derogated or that other isothiazolinones are covered by this derogation | |
| BATIS export | p63- *Response to Q31 – specifically on isothiazolines*<br>Comment: We have noted that the substances OIT (2-octyl-2H-isothiazol-3-one) [CAS N° 26530-20-1], CMIT/MIT (5-chloro-2-methyl-4-isothiazolin-3-one/2-methyl-4-isothiazolin-3-one) [CAS N° 55965-84-9] and MIT (2-methyl-2H-isothiazol-3-one) [CAS N° 2682-20-4] are no longer derogated and can therefore no longer be used as such or when present in raw materials (for example, classified as skin sensitizers H317). We would like to ask for the maintaining of these derogations.Given the reduction of the Specific Limit Concentration (SCL) for the substance DCOIT [CAS N° 64359-81-5] to 15ppm, it would be helpful to introduce a derogation for this substance in the European ecolabel.A derogation for the new substance CIT (5-Chloro-2-methyl-2H-isothiazol-3-one) [CAS N° 26172-55-4] would also be helpful in the future. | PART OF 10.74<br>Acknowledged. In fact these substances have not been excluded. It was a misleading presentation of a limited list of isothiazolines in TR1 that leads to your conclusion. But in fact it was not the intention to explicitly ban these isothiazolines. This also applies to DCOIT. If CIT complies with the derogated hazards, it can be used too. |
| BATIS export | p58- *Response to Q31 - about criterion 5.2, specifically about isothiazolines*<br>Comment: For BIT (Cas No. 2634-33-5) on page 58, table X+1 H-phrases are missing (only H317, H400 and H410 are listed).<br>Suggested actions: Based on this, we would suggest adding the phrase H330 to the exceptions for BIT as well.<br>Rationale/Supporting Data: According to the 21st ATP, BIT will also be classified harmonised with H330 from 1.9.2025. | 10.41<br>Accepted. The H330 will be added too then, simply because this should be in place before the criteria are officially adopted. |
| BATIS export | p57-58- *Response to Q31 - about criterion 5.2, specifically isothiazoline derogations*<br>Comment: When, how and how often are we supposed to measure isothiazoline preservatives in the final product? In the tinting system do we measure only the bases or a color shade based on the worst case scenario? Do we also need a certified lab for that measurement as well? | PART OF 10.49<br>Acknowledged. Due to the lack of a standard method, we only propose the theoretical calculation for isothiazoline content in TR2. |
| BATIS export | p57-58- *Response to Q31 about criterion 5.2, specifically about isothiazoline derogation*<br>Comment: BIT has different classification form the one stated in the proposal (also classified as H330 – harmonized classification 21st ATP - Regulation 197/2024)<br>Any preservatives that are classified as H400 or H410 must be non-bioaccumulative. So criterion for BCF factor or logKow coefficient should be added to all derogated biocides (and not only dry film preservatives) | PART OF 10.49<br>Accepted – both the point about the H330 for BIT and the general need for H400 and H410 preservatives to be non-bioaccumulative. |
| BATIS export | p58- *Response to Q31 – about criterion 5.2, specifically regarding isothiazoline restrictions "…exceed 0,040 % (for isothiazolines)"*<br>Comment: This value inevitably leads to the labelling of a wall paints. Therefor we suggest: 0.036.<br>Suggested actions: Change it to 0.036. | 10.55<br>Rejected. We disagree. Currently you can have up to 0,05% BIT without triggering the H317 classification. This BIT value will probably come down to 0.036%, but |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | | you can still add other isothiazolines as well without triggering the classification of the mixture. The H317 hazards are not additive in the CLP rule of mixtures. |
| BATIS export | p64- *Response to Q31 – about criterion 5.2, specifically on isothiazoline derogations*<br>line 939-941 *"The total limit allowed for in-can preservatives has been increased from 0,060 % to 0,080 %. The main reason for this is because the most efficacious preservatives (like MIT and CMIT/MIT) can no longer be used in significant concentrations after the CLP reclassifications."*<br>Comment: What does significant contentration mean? Are CIT/MIT CAS# 55965-84-9 and 2-methyl-2H-isothiazol-3-one CAS# 2682-20-4 no longer allowed to be used in raw materials without residual amounts (equal to 0.000 wt % threshold limit)? Can CIT/MIT & MIT be used analog to Blue Angel 102? | 10.68<br>Acknowledged. What was meant by "significant concentrations" in this context was that substances like MIT can no longer be used if concentrations that would be sufficient for them to cover the entire need for preservation alone (i.e. now limited to 15ppm when they were normally used at 100-200ppm in paints before).<br>Regarding the permitted use of MIT and CMIT/MIT etc., we acknowledge that this was not clear in TR1. The intention is that they can indeed by used, but only within the now greatly reduced CLP limits. |
| BATIS export | p63- *Response to Q31 – about criterion 5.2, specifically on isothiazoline derogations*<br>Comment: Comment received from a paint producer: "Do not use the terms "any ingoing substances or mixtures" but retain the term "ingredients" so that binders labelled H317 can be used.In the "in can preservative" section of the table, clarify the maximum level of MIT, CIT and CMIT that can be used: <15 ppm. For the calculation of In Can biocide concentrations, write more clearly the possibility of an annual measurement at the end of the manufacturing process for izothiazolinones instead of a theoretical calculation based on suppliers' declarations of PM + biocide added during manufacturing." | 10.70<br>Acknowledged. The shift to the term "ingoing substances and mixtures" is part of a horizontal EU Ecolabel approach. However, ingredients should be considered as a series of ingoing substances and mixtures going into the final product. The 0.010% limit for restricted hazards in criterion 5.2 (now 4.2) by default should apply only at the final product. So it is ok for the binder to be labelled H317 in theory, it just depends on how |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | | the numbers come out for H317 substances in the final product.<br>We considered a hybrid approach to either testing for isothiazolines or reporting on the theoretical content, but in the absence of a harmonized method, it is considered more appropriate to stick to theoretical calculations. |
| BATIS export | p63- *Response to Q31 – about criterion 5.2, specifically on isothiazolines*<br>Comment: Agree on the derogations for preservatives. Max levels for separate isothiazoline substances (MIT, CIT/MIT etc.) needed. Is testing the final product for isothiazoline content to verify compliance with the combined limit an alternative to a theoretical calculation (raw material declarations & formula)? | 10.73<br>Acknowledged. We will clarify that we mean all isothiazolines in the criteria. The aim of testing is really to ensure that there are no unexpected quantities of isothiazolines coming from raw materials, since this has been flagged as a real-life issue. But in TR2 we decided to revert back to theoretical calculations since there is no harmonized test method. |
| BATIS export | p51-63- *Responses to Q31 – about criterion 5.2, specifically on isothiazoline derogations*<br>Comment: One industrial would like to share that the criterion presentation is clearer. He would like to point out that in the section on Preservatives and Preservative Stabilizers, other isothiazolinone substances such as OIT, CMI/MIT (3:1…), are no longer mentioned and would like to ask if the list is not exhaustive and that these substances are still permitted. | Part of 1.13<br>Acknowledged. This was an oversight in TR1. Indeed, all the isothiazolines are intended to be included in the table. |
| BATIS export | p51-63- *Responses to Q31 – about criterion 5.2, specifically on isothiazoline derogations*<br>Comment: He also highlights that here is a significant change compared to the old version: the conformity of isothiazolinone content must now be proven by a test, not just a declaration. He asks about the relevance of a test that will be subject to change depending on when it is carried out relative to the production date of the batch, laboratory sample, or manufacturing batch. He also raises the question on the possibility of grouping formulas across ranges of shades/finishes, in which case the cost of testing and the availability of laboratories will be problematic. The industrial would like to maintain the declarative proof for isothiazolinone content. | Part of 1.13. Acknowledged. We also considered an optional hybrid approach where either the theoretical calculation can be done or tests can be done. But due to a lack of a standard method, it is considered best to revert to the theoretical calculations. |
| BATIS export | p56-63- *Response to Q31 – about criterion 5.2, on derogated classifications for isothiazolines*<br>Comment: 5.2 Derogation for preservatives [939 – 941] The total limit allowed for in-can preservatives has been increased from 0,060 % to 0,080 %. The main reason for this is because the most efficacious | 1.19. Accepted in principle. This will be checked and confirmed and the CLP hazards updated accordingly. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | preservatives (like MIT and CMIT/MIT) can no longer be used in significant concentrations after the CLP reclassifications.<br>Suggested actions: Please derogate H330 and H410.<br>Rationale/Supporting Data: BIT (CAS: 2634-33-5) New ATP (21st) is not yet implimented in the derogations. Derogation only mentions: H331 and H400, H411 | |
| BATIS export | p56-63- *Response to Q31 - about criterion 5.2, specifically about isothiazoline derogations*<br>Comment: Reporting of the concentration of Isothiazolinones in the final product [955-959] includes DTBMA, an isothiazline releaser, in the limit. Furthermore, a requirement to test for izothiazoline content has been inserted if these preservatives are used. This test requirement is based isothiazoline contents higher than those claimed by the manufacturers presumably due to a lack of awareness of isothiazoline coming in supplied raw materials The applicant should have the option to declare the total isothiazolinone content through either calculation or testing.<br>Suggested actions: When the determination of isothiazolinones is included in the reporting, it is essential to specify which isothiazolinones need to be tested (including the CAS numbers of the required isothiazolinones) and to include the appropriate methodology and the timepoint of the analysis. Providing applicants the flexibility to declare the amount of isothiazolinones using these two methods allows also small to medium-sized applicants to meet EUEL requirements without the necessity of conducting extensive HPLC analysis on their produced batches.<br>Rationale/Supporting Data: Given that paint and coating producers frequently apply for multiple consumer labels, a harmonized approach, particularly concerning preservatives, is advantageous. The declaration of preservatives is already stated in the Nordic Ecolabel for Paints and Varnishes 096, version 4.2 of 14 September 2023 (text below is adapted from the Nordic criteria). The amount [...] can be declared in one of the following ways: [...] The amount must be calculated on the basis of the added preservatives and the maximum amount in the raw materials. Or alternatively, the amount of preservatives may be determined analytically by high performance liquid chromatography (HPLC) or similar methods and shall be based on. | 1.24. Acknowledged. In principle we would align with the Nordic Swan approach, but due to the lack of a standard test method for isothiazolines, we revert back to the theoretical calculation in TR2. If a standard method is indeed available, then we would reconsider allowing this as a possible means of verification. |

## 10.5 About dry film preservatives

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p58- *Response to Q31 – about criterion 5.2, specifically regarding dry film preservative derogations "Dry-film preservatives: H400, H410, H411, H412 and H317 (Additionally, and only for IPBC: H331 and H372) Only applies to outdoor products and indoor products for use in high humidity areas. *See horizontal derogation condition at foot of table The sum total of dry-film preservatives with any of these derogated hazards shall: Not exceed 0,10 % weight by weight in indoor products for use in high humidity areas Be less than 0,50% weight by weight in outdoor products. Higher concentrations may be permitted in the case* | 10.16<br>Acknowledged: The authors of the report and proposals are not in a position to answer this question. Instead, it is knowledge that is in the hands of license holders and |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | *of slow release, encapsulated forms of dry film preservatives, but only in cases where the formulation can be tested to demonstrate that the specific formulation of the final product, or read-across formulations, would not be classified with any of the hazards listed in Table X. Any dry-film preservatives classified as H400 or H410 must be non-bioaccumulative, demonstrated by having an octanol-water coefficient (Log Kow) of ≤ 3.2 or a bioconcentration factor (BCF) of ≤ 100."*<br>Comment: We are wondering the usefulness of this derogation. Due to the constant evolution of biocide classification and to the limit fixed by Ecolabel, the concentration of the few substances allowed is less and less consistent with a good efficacity. Question : are there many paints with dry-film preservatives certified Ecolabel? | Competent Bodies. We welcome any input on this matter at the AHWG2 meeting. |
| BATIS export | p58, 62- *Response to Q31 - about criterion 5.2, specifically about dry film preservative derogations*<br>Comment: For PT7 in exterior paints, the exemption for combinations with IPBC that increased the total limit to 0,65% has been removed, but the general total limit has been increased from 0,3% to 0,5%. In the rationale (pag. 62, line 942-943) it says "the total limit of PT7 goes from 0,65% to 0,25%." We understand this to be an error, and that it is referring to the limit for combinations with IPBC (which, due to its new classification, has a limit of 0,25%), and that the total limit for PT7 (provided there is no classification) is 0,5% as stated in Table X+1. If there is an error in the table, we do not agree with the total limit being 0,25%, as it does not provide sufficient protection. | 10.24<br>Acknowledged: The table with the 0.50% limits was correct. So the text mentioning the reduction of allowed IPBC going from 0.65% to 0.25% was a mistake, it should have been going from 0.65% to 0.50%. |
| BATIS export | p58- *Response to Q31- about criterion 5.2, specifically about dry film preservative derogations*<br>Comment: It is not clear what is retention factor | 10.28<br>Response: it refers to the relationship between the quantity of the substance added to the product during the production process and the quantity expected to remain in the final product when ready for sale or shipment from the factory. |
| BATIS export | p58- *Response to Q31 - about criterion 5.2, specifically about dry film preservatives*<br>Comment: In the column of dry film preservatives on page 58, table X+1 not all H-phrases are listed.<br>Suggested actions: Add H-phrase H330 as an exception for dry-film preservatives.<br>Rationale/Supporting Data: The phrase H330 is missing, which is included in the harmonised classification for OIT or DCOIT, among others. | 10.42<br>Accepted. The harmonized classifications will be rechecked and adapted accordingly. |
| BATIS export | p62- *Response to Q31– about criterion 5.2, specifically on dry film preservative derogation*<br>Comment: On page 62, the summary of new criteria for dry-film preservatives ist not correct.<br>Suggested actions: Text correction: The total limit for dry-film preservatives has been reduced from 0,65 % to 0,50 % since the higher concentrations would most likely trigger classification of the whole product with H411 or H410. | 10.69<br>Accepted. This was a mistake. Thanks for pointing it out. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | Rationale/Supporting Data: Dry-film preservatives were specified with a maximum limit of 0.25%. In the above-mentioned table X+1 (page 58), the maximum limit is given as 0.50%. | |

## 10.6 About formaldehyde and related substances

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p65- *Response to Q31 – about criterion 5.2, specifically about isothiazoline derogations*<br>Suggested actions: In the actual decision, formaldehyde test is mandatory for all paints. In the proposal, it's only mandatory to formulation with bronopol. It is because there is the emission criterion proposal or is it forgotten ? | Part of 10.2<br>Acknowledged Testing for formaldehyde should be for all paints actually. This has tried to be addressed in TR2. |
| BATIS export | p57- *Response to Q31– about criterion 5.2 / 5.3, specifically about formaldehyde restrictions*<br>Comment: Extra seperate derogate is needed for formaldehyde<br>Suggested actions: Proposal: separate criteria for formaldehyde as is in the current version. Free formaldehyde shall not be intentionally added to the final product. The final product shall be tested in order to determine its free formaldehyde content. The sampling requirements for testing shall reflect the product range. The level of free formaldehyde in the final product must not exceed 10 ppm (0.0010 w%, 10 mg/kg) measured by HPLC, the Merckoquant method or similar methods.<br>Rationale/Supporting Data: Formaldehyde can be present as impurty in raw materials and not only as formaldehyde-releaser. | 10.33<br>Accepted. This effectively means that, respecting the new criterion structure, the requirements on formaldehyde will move from criterion 5.2 to criterion 5.3. |
| BATIS export | p58- *Response to Q31 - about criterion 5.2, about preservative derogations*<br>Comment: 2-bromo-2-(bromomethyl)pentanedinitrile (DBDCB), CAS No 35691-65-7) is not formaldehyde releasing<br>Suggested actions: 2-bromo-2-(bromomethyl)pentanedinitrile (DBDCB), CAS No 35691-65-7 should be taken from the list In-can preservatives - Formaldehyde releasing in-can preservatives | 10.47<br>Accepted. This is addressed in TR2. |
| BATIS export | p57-58- *Response to Q31 - about criterion 5.2/5.3, specifically about formaldehyde restrictions*<br>Comment: Do we measure the content of free formaldehyde only in the case that HCHO releasers are used? In the tinting system do we measure only the bases or a color shade based on the worst case scenario? Do we also need a certified lab for that measurement as well? | PART OF 10.49<br>Acknowledged. In TR2 the criteria revert to the same approach as in the existing criteria (i.e. test all products with upper limits dependent on whether certain preservatives have been used or not). The worst case should be used only and this worst case should ideally be tested by a certified and independent laboratory, |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p56-63- *Response to Q31 – about criterion 5.2, specifically about Bronopol*<br>Comment: [949 – 953] Derogation for Bronopol and other preservatives associated with formaldehyde release (specifically DBDCB, EGForm and (benzyloxy)methanol) has been inserted, with a condition on total free formaldehyde content in the final product (0,010 %) that is the same limit as in the previous criteria. It should be noted that EGForm and (benzyloxy)methanol do not even have restricted CLP hazards, but the limitations on their use are more clearly stated within this derogation conditio<br>Suggested actions: The limitation on the use of bronopol should be determined based on empirical data and classification. The derogation request for bronopol submitted in 2022 (DOC III) proposed an allowable concentration limit of 300 ppm and included several rationales for this higher usage level, as extracted from DOC III.<br>2. Additionally, [we, Company name] commissioned an external laboratory to study formaldehyde exposure in paints containing bronopol (DOC II). Two key points support the 300 ppm limit: Considering that one molecule of bronopol can theoretically release two molecules of formaldehyde, 300 ppm of bronopol could at most generate 90 ppm of formaldehyde. Experimental evaluation demonstrated that even the highest dosage of bronopol tested (525 ppm) released no more than 25 ppm of formaldehyde under worst-case conditions in the paint. Based on these findings, [we, Company name] are confident that the requested threshold of 300 ppm will be accepted.<br>Rationale/Supporting Data: Bronopol (CAS: 52-51-7) is not classified as a formaldehyde-releasing biocidal active ingredient (DOC I); however, it can release formaldehyde under unfavorable conditions. We request clarification on this matter. | 1.21<br>Accepted. We have updated the criterion on formaldehyde because it has been requested to reintroduce the general testing due to impurities from other ingredients. However, we have matched this up to any derogation condition for Bronopol and increase the threshold use from 0.02% to 0.03%, without increasing the allowable formaldehyde residual content that was already set. |
| BATIS export | p56-63- *Response to Q31 – about criterion 5.2, specifically about DBDCB*<br>Comment: [949 – 953] Derogation for Bronopol and other preservatives associated with formaldehyde release (specifically DBDCB, EGForm and (benzyloxy)methanol) has been inserted, with a condition on total free formaldehyde content in the final product (0,010 %) that is the same limit as in the previous criteria. It should be noted that EGForm and (benzyloxy)methanol do not even have restricted CLP hazards, but the limitations on their use are more clearly stated within this derogation condition.<br>Suggested actions: Therefore, the proposed criterion 5.2 for DBDCB should be amended.<br>Rationale/Supporting Data: DBDCB 2-bromo-2-(bromomethyl)pentanedinitrile (DBDCB), (CAS No 35691-65-7) is not a Formaldehyde-releasing in-can preservative. Its structure (chemical formula: C6H6Br2N2) does not provide any possibility that formaldehyde (chemical formula: CH2O) can be released. | 1.22<br>Accepted. This correction is made in TR2. |

## 10.7 About Zinc Oxide (ZnO)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p58- - *Response to Q31 – about criterion 5.2, specifically about ZnO derogation* | 10.5, 10.17 and Part of 10.46. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | Comment: Zinc oxide content derogation: Zinc oxide is a stabilizer of BIT. Therefore in its use it shall always be derogated in combination with the BIT. Not only for PT7 products.<br>Suggested actions: correct | Accepted. In TR2, the derogation conditions has been adapted to make it clear that this can also apply to in-can preservatives. |
| BATIS export | p58- *Response to Q31 – about criterion 5.2, specifically about ZnO derogation*<br>Comment: It is necessary to maintain the derogation for the use of Zinc Oxide as a stabilizer for the substance BIT for PT6 in-can preservation too (0.04%) | |
| BATIS export | p51-63- *Response to Q35*<br>Comment: Concerning the derogation for the preservative stabilizer Zinc Oxide [CAS N° 1314-13-2], it is necessary to maintain the derogation for the use of Zinc Oxide as a stabilizer for the substance BIT for PT6 in-can preservation too. | |
| BATIS export | p58- *Response to Q31 - about criterion 5.2, about ZnO derogation*<br>Comment: As stated on the current EU Ecolabel under Preservative stabiliser [M4 - (d)] Zinc oxide should should get again a derogation as preservatice stabiliser for the in-can combination with 1,2 Benzisothiazol-3(2H)-one (BIT) at 0,040% (prefered) or 0,030% (currently). The combination of BIT with Zinc oxide helps to stabilize BIT from possible degradations like e.g. oxidation. This will improve the preservative performance of the BIT especially als the maximum allowed use-level for BIT has to be reduced to 360 ppm - before 500 ppm - to remain free of H317 labelling to comply with the Ecolabel guidelines. | |
| BATIS export | p57-58- *Response to Q31 - about criterion 5.2, specifically about ZnO derogation*<br>Comment: ZnO is used as stabilizer for BIT also in the case of in-can preservatives. Why is it derogated only for tinting paste or dry film preservation? It was derogated for in can preservative combinations that require BIT as well. We should keep the derogation of the current criteria. We should also check if ZnO is needed in combinations with sodium pyrithione, since there are sometimes compatibility issues when using this active substance | Part of 10.49<br>Accepted. This was an oversight in the drafting of TR1 (about the ZnO being detached from in-can applications). |
| BATIS export | p63- *Response to Q31 – about criterion 5.2, specifically on ZnO*<br>Comment: Concerning the derogation for the preservative stabilizer Zinc Oxide [CAS N° 1314-13-2], it is necessary to maintain the derogation for the use of Zinc Oxide as a stabilizer for the substance BIT for PT6 in-can preservation too. | PART OF 10.74<br>Accepted. This was an oversight in TR1 and has been corrected in TR2. |
| BATIS export | p59- *Response to Q31 – about criterion 5.2, specifically regarding "Other, miscellaneous"*<br>Comment: insert ZnO here so that it is labelled like titanium dioxide so that there are no more discussions with applicants. | 10.58<br>Rejected in principle: if there are multiple potential functions that ZnO can be used in and the derogated classifications fit, then it can be used in those ways – up to the formulator to justify. But a question on this to stakeholders has been inserted in TR2 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p59- *Response to Q31 - specifically regarding "Anti-corrosion pigments And ZnO"*<br>Comment: ZnO is also an issue here: more than 0.04 % can be added if ZnO is labelled as an anti-corrosion pigment. This should be avoided. See ZnO. | 10.57<br>Rejected. This should not be possible since ZnO has a harmonised classification as H400 and H410, but the derogated hazards for anti-corrosion pigments do not include H400. |

## 10.8 About "other" derogations in criterion 5.2

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| Adipic acid (binders and cross-linking agents) | | |
| BATIS export | p60- - *Response to Q31 – about criterion 5.2, specifically about adipic acid*<br>Comment: Please delete "binders and cross-linking agents" so that there are also no discussions like with ZnO. What if it is not an adhesion… is; how many % then? | 10.59<br>Accepted: we will keep it just to the substance and explain in the derogation condition that the derogation applies only to its use in binders and cross-linking agents. |
| BATIS export | p51-63- *– specifically regarding: "Binders and cross-linking agents: Adipic acid dihydrazide [CAS N° 1071-93-8]"*<br>Comment: In addition to the derogation from the criterion for this substance, the hazard class H317 should be added, since suppliers have notified it as follows in the ECHA CLP notification inventory: https://echa.europa.eu/fr/information-on-chemicals/cl-inventory-database/-/discli/details/116216 | Part of 10.14 and 10.19<br>Accepted. An update to this effect has been made in the TR2. |
| BATIS export | p60- *Response to Q31 – about criterion 5.2, specifically regarding the adipic acid derogation*<br>Comment: In addition to the derogation from the criterion for this substance, the hazard class H317 should be added, since suppliers have notified it as follows in the ECHA CLP notification inventory: https://echa.europa.eu/fr/information-on-chemicals/cl-inventory-database/-/discli/details/116216 | |
| BATIS export | p60- *Response to Q31 - about criterion 5.2, specifically regarding "Binders and cross-linking agents: Adipic acid dihydrazide"*<br>Comment: Missing Hazard classification<br>Suggested actions: Proposal: derogation of ADH with phrase H411 and H317.<br>Rationale/Supporting Data: ADH is linked to derogation phrase H411, however a part of the suppliers have classified ADH as H411 and H317 | 10.37<br>Accepted. The H317 has been added. |
| BATIS export | p51-63- *Responses to Q31 – about criterion 5.2, specifically about binders and cross-linking agents*<br>Comment: Adipic acid dihydrazide [CAS N° 1071-93-8]: In addition to the derogation from the criterion for this substance, the hazard class H317 should be added, since suppliers have notified it as follows in the | Part of 1.13<br>Accepted. This change has been made in TR2. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | ECHA CLP notification inventory: https://echa.europa.eu/fr/information-on-chemicals/cl-inventory-database/-/discli/details/116216 | |
| Neutralising agents | | |
| BATIS export | p58- *Response to Q31 – about criterion 5.2, specifically regarding ZnO derogation and neutralising agents* *"Preservative stabiliser: Zinc oxide (CAS No 1314-13-2"* Comment: If it is applied as a neutralising agent, then also 0.04 should be applied. In the past applicants said it is a neutralsing agent. Thus, the limit must not applied. The limit value must not be circumvented. We wish a standardised regulation for this limit value. This "criterion" should move to "Other, misce.." Suggested actions: Please find a clear regulation. | 10.56 Accepted in principle. The derogation condition for Zinc Oxide is very specific, as a preservative stabilizer to be used with BIT. The neutralizing agent derogation is very open and does not specify any individual substances. The question of whether this is allowable or not comes done to whether ZnO can also behave as a neutralizing agent or not. We have added a question about this in TR2. |
| BATIS export | p59- *Response to Q31 – about criterion 5.2, specifically regarding the derogation for neutralising agents* Comment: Triethylamine is a neutralizing agent that can be used in Ecolabel coatings. This substance is subject to harmonized classification in accordance with ATP 21 of the CLP Regulation (Delegated Regulation (EU) 2024/197) and is classified as Acute Tox. 3 (oral) H301. This leads us to request the addition of this H301 hazard class to the neutralizing agents derogation. | 10.20, Part of 1.13 and Part of 10.14 Accepted. This change has been made in TR2 because the harmonized classification should be in place by the time of adoption of the criteria. |
| BATIS export | p51-63- *Responses to Q31 – about criterion 5.2, specifically about neutralising agents* Comment: Triethylamine is a neutralizing agent that can be used in Ecolabel coatings. This substance is subject to harmonized classification in accordance with ATP 21 of the CLP Regulation (Delegated Regulation (EU) 2024/197) and is classified as Acute Tox. 3 (oral) H301. This leads us to request the addition of this H301 hazard class to the neutralizing agent's derogation. – | |
| BATIS export | p51-63- *Response to Q35 – specifically regarding: "Neutralising agents"* Comment: Neutralizing agent : Triethylamine is a neutralizing agent that can be used in Ecolabel coatings. This substance is subject to harmonized classification in accordance with ATP 21 of the CLP Regulation (Delegated Regulation (EU) 2024/197) and is classified as Acute Tox. 3 (oral) H301. This leads us to request the addition of this H301 hazard class to the neutralizing agents derogation. | |
| Titanium dioxide | | |
| BATIS export | p59- *Response to Q31 - about criterion 5.2, specifically regarding TiO2 derogation "Titanium dioxide H350i *See horizontal derogation condition at foot of table The applicant and the TiO2 supplier(s) shall demonstrate that they have systems in place to minimise worker exposure to dry TiO2 powder in the* | 10.25 Acknowledged. We have discussed bilaterally with stakeholders about |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | *workplace (e.g. closed dosing systems, ventilated dosing and mixing areas and personal protective equipment).”*<br>Comment: It should be specified whether special measures are required or if simply complying with the national OSH requirements is sufficient, and if it applies only if the titanium dioxide does not meet the aerodynamic particle diameter. | this and brought these insights into the TR2 proposals. |
| BATIS export | p65- *Response to Q31– about criterion 5.2, specifically on TiO2*<br>Comment: Please note that the classification of titanium dioxide (TiO2) as H351i applies to certain form therefore the entry in the table shall not be ‘titanium dioxide’ but ‘Titanium dioxide [in a powder form containing 1% or more of particles with aerodynamic diameter ≤ 10 µm]’.Please also not that this is H351 and not H350. | 10.76<br>Accepted. Thanks for the correction and clarification. |
| Solvents and unreacted monomers | | |
| BATIS export | p51-63- *Response to Q31 – about criterion 5.2, specifically about derogation for solvents*<br>Comment: The exemption for solvents with H304 as been removed<br>Suggested actions: We request an exemption for solvents with H304 present at < 1%.<br>Rationale/Supporting Data: Current criteria allow for the inclusion of up to 2% solvent with H304, but this exemption is absent in the proposed criteria. Although solvent is not intentionally added to products, it can be present in some additives. | 10.1<br>Accepted: This was an oversight caused by the 7(b) part of the Appendix accidentally disappearing during one of the subsequent amendments to the criteria. It will be reinserted, with a limit of 1% for the final product as suggested. |
| BATIS export | p63- *Response to Q31 – about criterion 5.2, specifically on solvents and unreacted monomers*<br>Comment: Solvents and unreacted monomers: What are the reasons for withdrawing the derogations for solvents and unreacted monomers? Some ingredients may contain more than 0.01% of these substances. It would be desirable for these 2 categories of substances to continue to be exempted above the 0.01% (w/w) threshold. | PART OF 10.74<br>Accepted in principle. This was an oversight due to an error in the consolidated version of the existing criteria. Included now in TR2. |
| BATIS export | Unreacted monomers won’t be allowed ? Or will they be accepted only below 0,01% in the final paint? | Part of 10.2<br>Acknowledged: (about the unreacted monomers), this was an oversight because part 7(c) of the Appendix of the 2014 criteria was accidentally removed during one of the amendments. Now included in TR2. |
| BATIS export | p51-*Response to Q35 – specifically about unreacted monomer derogation*<br>Comment: Please add an derogation for unreacted monomers to the guidance. | 1.23<br>Accepted. This was a mistake due to an incomplete version of the consolidated legal text file. It has been reintroduced in TR2. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p57- *Response to Q35 – specifically about unreacted monomers*<br>Comment: We suggest to have a derogation for unreacted monomers for binders as in the previous version, such as as follows: Substance group : c) Unreacted monomers Applicability:Polymer binder systems Scope of restriction and/or derogation: Unreacted monomers present from binders including acrylic acid may be present in the final product up to a sum total limit. Concentration limits (where applicable): 0,050 % w/w Assessment and verification: Verification:Declaration shall be provided by the applicant and their raw material suppliers supported by CAS numbers and classifications. | 10.10, Part of 10.14, Part of 10.36, 10.50<br>Accepted. This was an oversight in TR1 due to this part of the criteria not appearing in the consolidated version of the amended 2014 criteria.<br>In TR2, derogations for unreacted monomers, solvents have been reintroduced. |
| BATIS export | p51-63- *Response to Q35*<br>Comment: What are the reasons for withdrawing the derogations for solvents and unreacted monomers? Some ingredients may contain more than 0.01% of these substances. It would be desirable for these 2 categories of substances to continue to be exempted above the 0.01% (w/w) threshold. | |
| BATIS export | p59- *Response to Q35*<br>Comment: Missing derogations<br>Suggested actions: A derogation for "Unreacted monomers" should be added, as in previous versions<br>Rationale/Supporting Data: From the production of raw materials impurities and residual might be present. Without a derogation for residual monomers it is not possible to manufacture a final product complying with the new proposal for paints and varnishes. | |
| BATIS export | p59- *Response to Q35*<br>Comment: Missing derogations<br>Suggested actions: A derogation for "Solvents" should be added, as in previous versions.<br>Rationale/Supporting Data: Solvents classified with H304 are needed in some cased to disperse pigments and can be present for more than 0.01% in a final product. Without a derogation it is not possible to manufacture these final products which can comply with the new proposal for paints and varnishes. | |
| BATIS export | p56-60- *Response to Q35*<br>Comment: In the existing criteria we also have derogations for residual HCHO in binders (7a.ii) solvents classified with H304 (7b), unreacted monomers present from binders (7c) and volatile aromatic hydrocarbons and halogenated solvents (7d). How are we going to deal with these substances, especially with residual HCHO in binders and unreacted monomers? Unreacted monomers come from polymer synthesis, basically from binders' production, and even though their concentration is low it could be above the threshold of 0.010%, depending on the concentration of the binder used. | |
| About surfactants | | |
| BATIS export | p59- *Response to Q31 – about criterion 5.2, specifically referring to surfactants: "SurfactantsH411, H412, H413*See horizontal derogation condition at foot of tableOnly allowed up to 1,0 % weight by weight in transparent, semi-transparent, white or light-coloured products."*<br>Comment: We understand that in the old version the addition of 1 % or 3% (depending on color) surfactant based on substance was allowed to added, but with the new version the addition of a surfactant mixture | 10.40 and Part of 10.14<br>Accepted: However, it is not clear if the surfactant comes already with the pigment supplied or needs to be added by the formulator – so is the |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | classified as H411, H412 and H413 will only be 1 % respectively (as such). This would have the consequence that the reduced permitted level of surfactant (dispersing additive, wetting additive) will be affecting the technical required necessities of such a paint formulation. For example, a carbon black formulation requires higher amounts of such surfactants to enable pigment surface wetting to ensure final color strength. | "ready to use product" the paint or the supplied pigment? |
| BATIS export | p51-63- *Response to Q35*<br>Comment: For surfactants, we need to maintain the derogation for colored products up to an authorized cumulative threshold of 3%. | |
| About encapsulated preservatives | | |
| BATIS export | p57-58- *Response to Q31 - about criterion 5.2, specifically about encapsulated preservatives*<br>Comment: For encapsulated dry film preservatives could we rely on our suppliers' documentation or paint manufacturers should perform the test for classification? What do you mean by "read across formulations"? | PART OF 10.49<br>Accepted. Yes, the supplier declaration would suffice for this. "Read across" means when you have toxicological data for one chemical, you can assume it will be the same for a very similar chemical or mixture until you obtain better data. In the case of paints and varnishes with encapsulated preservatives, it means that you can read across the worst case to a family of products that it belongs to. |
| BATIS export | p51-63- *Responses to Q31 – about criterion 5.2, specifically about encapsulated preservatives*<br>Comment: Additional comments: One industrial would like to know if there is a distinction between encapsuled and non-encapsuled biocides. | Part of 1.13 Acknowledged: No difference is made in terms of the EU Ecolabel criteria unless specific test data is submitted regarding the formulation with encapsulated preservatives that merits a non-classification. Such test data could potentially be read across to similar formulations. |

## 10.9 About which are the most common derogations (Q32 in TR1)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p65- *Response to Q32– about criterion 5.2, on the most common derogations used* | Part of 10.2 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | Comment: […] Most commonly derogations used in France are preservatives, zinc oxyde, driers, surfactant, silica, neutralising agents, solvant, heavy metals, IBPC and unreacted monomers. I would be able to provide you data during this summer if it's ok for you. […] | Acknowledged. We would be very grateful to receive any data on these points. |
| BATIS export | p63- *Response to Q32 – about criterion 5.2, about most common derogations used*<br>Comment: Comment from a paint producer: "use of ZnO, crystalline silica, IPBC in wet roomsOn bright colours, SVOC exemption, surfactants." | 10.71<br>Acknowledged. Thanks for the input. |
| BATIS export | p65- *Response to Q32– about criterion 5.2, about most common derogations used*<br>Comment: Question 32: We would ask to reduce the derogations only to those without technical or socioeconomic feasable alternatives. | 10.75<br>Acknowledged. This is part of the reason why we ask question 32, to try and find out which derogations are most necessary. |
| BATIS export | p63- *Response to Q32– about criterion 5.2, about most common derogations used*<br>Comment: Almost in all product categories the derogations used are preservative & preservative stabilizers, titanium dioxide & TMP, unreacted monomers, residual HCHO in binders, surfactants. The remaining derogations are also used but it is depending more on the product category that is certified (e.g. driers are essential but only with alkyd resins). In my opinion we should keep all derogations (including anticorrosion pigments). Those derogations along with the horizontal restriction of non-classification of the final product give us a nice framework to formulate high quality products that could be certified with Ecolabel | 10.78<br>Acknowledged. Thanks for the input. |
| BATIS export | p63- *Response to Q32– about criterion 5.2, about most common derogations used*<br>Comment: In the past we handled the following derogations: ZnOMethanolUV-stabilisatorTitandioxidNeutralising agents`SiliziumdioxidSurfactants Therefore, all these point should be kept in. | 10.80<br>Acknowledged. Thanks for the input. |
| BATIS export | p63- *Response to Q32– about criterion 5.2, about most common derogations used*<br>Comment: Generally, we recommend re-evaluating the need for each individual derogation instead of prolonging them automatically.<br>Suggested actions: We recommend tat Competent Bodies evaluate or share with the JRC the data of their license holders to determine what percentage of licensed products relies on the existing derogations.<br>Rationale/Supporting Data: To just prolong the derogations without knowing if they are really needed bares the risk of watering down the ambition of the criteria. It is clear that the industry can adopt to a changing regulatory landscape. A good example in the technical report is that when commonly used preservatives were reclassified with hazard classes which are not accepted in the EU Ecolabel, many license holders initially lost their license, but were able to three years later, 85% of the products were reformulated and were awarded the ecolabel again. | 10.85<br>Acknowledged. This is precisely the reason for asking Q32 in TR1. |
| BATIS export | p51-63- *Responses to Q32– about criterion 5.2, about most common derogations used* | Part of 1.13 Acknowledged. Thanks for the input. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | Comment: […] Q32: One industrial would like to point out that if we shift towards using Bronopol as preservative, there is a risk of an increased rate of VOCs. One stakeholder would like to share that the most used criteria are: 5_1a; 4a; 5d; 7a; 7c; 7d; 8a.[…] | |

## 10.10 About specific substance restrictions (criterion 5.3)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p61- *Response to Q31 – about criterion 5.3*<br>Comment: The sub-criterion 5.3 could benefit from an introductory sentence to explain the intention and threshold limits, as also done with the other sub-criteria in this chapter.<br>Suggested actions: A suitable wording could be the one proposed for the EUEL detergents criteria for the same sub-criterion: "The substances indicated below shall not be included in the product formulation regardless of concentration, neither as part of the formulation, as part of any mixture included in the formulation, nor as impurities:" | 10.61<br>Accepted. Good idea, this has been added in TR2. |
| BATIS export | p60- *Response to Q31 – about criterion 5.3 on specific restrictions*<br>Comment: We suggest to make the list of restricted substances longer and align this with the Nordic Swan, criterion O12 in Generation 4. Which includes for example: Substances which are PBT and vPvBEndocrine disruptors – with a reference to EU member states list I, II and III.Organotin compoundsPhthalatesHalogenated organic compounds including polyfluorinated and perfluorinated substances, including PFAS and the 3 specific derogations should be excluded.Fragrance | 10.7<br>Accepted in principle. We propose to align in general with these restrictions on ingoing substances, although still to be confirmed if we should be banning "potential" endocrine disruptors or not, because the classification criteria are not so clear. |
| BATIS export | p57- *Response to Q31 - about criterion 5.3, list of specific restrictions*<br>Comment: Add links in the table to lists of endocrine disruptors (echa list and edlist). It is important that proven endocrine disruptors and suspected endocrine disruptors are evaluated on the same level. | 10.43<br>Accepted in principle. Although a decision still needs to be made about how to deal with potential endocrine disruptors. |
| About phthalates | | |
| BATIS export | p61- *Response to Q31 – about criterion 5.3, specifically about phthalate restrictions: "5.3. Specific hazardous substance restrictions for ingoing substances. c) The following phthalates shall not be intentionally added to the final product formulation: DEHP (Bis-(2-ethylhexyl)-phthalate, CAS No ); BBP (Butylbenzylphthalate, CAS No ); DBP (Dibutylphthalate, CAS No ); DMEP (bis-2-methoxyethyl phthalate, CAS* | 10.13<br>Accepted: this was an oversight in the first draft and has been corrected in TR2 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | *No ); DIBP (Di-isobutylphthalate, CAS No ); DIHP (Di-C6-8-branched alkylphthalates, CAS No ); DHNUP (Di-C7-11-branched alkylphthalates, CAS No ) and DHP (Di-n-hexylphthalate, CAS No ).”*<br>Comment: CAS numbers for phthalates are missing.<br>Suggested actions: We suggest to add the CAS numbers for phthalates to avoid misinterpretations. | |
| BATIS export | p51-63- *Response to Q33 – specifically about phthalates*<br>Comment: Consideration could be given to a ban on phthalates in the broad sense in Ecolabel products, as long as the term phthalate is defined and it is specified that this criterion only concerns phthalates intentionally added to products by manufacturers submitting Ecolabel dossiers, in the same way as for PFAS.[…] | Part of10.14 Accepted. This approach has been proposed in TR2. |
| BATIS export | p61- *Response to Q33 - specifically about phthalates*<br>Comment: Please delete Phtalate. They are not necessary for the product group. | 10.60<br>Rejected. We are not so sure that phthalates are absolutely not used in paint and varnish products. Even if not used, no harm in banning them anyway in case of innovative formulations in the future that might use them and to limit their use as ingoing substances in the supply chain. |
| BATIS export | p63- *Response to Q33 – specifically about phthalates*<br>Comment: We strongly support the JRC's proposal to exclude all phtalates.<br>Suggested actions: We support the exclusion of all phatalates. Should this really not be feasible, industry stakeholders should provide evidence for the need to allow for certain phtalates. At a minimum, all ortophtalates should be banned.<br>Rationale/Supporting Data: The HBM4EU project has monitored additional phthalates in EU populations, showing different groups are exposed above “safe” threshold levels. https://www.hbm4eu.eu/wp-content/uploads/2022/07/HBM4EU_Policy-Brief-Phthalates-1.pdf There is a strong case for banning ortophtalates, as they are included in the Restrictions Roadmap plan and ECHA has prepared a report, that summarises the hazards and risks of this subgroup of phthalates.<br>https://echa.europa.eu/documents/10162/17233/rest_ten_phthalates_screening_report_en.pdf/40a25f0b-01af-7c52-eea0-7f891dfa9ae4 | 10.84<br>Accepted. This broad exclusion has been inserted in TR2. It is now up to stakeholders to try and explain why a certain phthalate must be allowed. |
| BATIS export | p51-63- *Responses to Q33 – specifically about phthalates*<br>Comment: […] Q33: Regarding phthalates, industrials would like to share that there is an issue with the presence of traces from suppliers and a lack of information on their part. Consideration could be given to a ban on phthalates in the broad sense in Ecolabel products, as long as the term phthalate is defined and | Part of 1.13 and 10.44<br>Accepted in principle. We have tried to find a wording that reflects this approach in TR2. Suggestions |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | specify that this criterion only concerns phthalates intentionally added to products by manufacturers submitting Ecolabel folders, in the same way as for PFAS. […] | for a definition of phthalates are welcome. |
| BATIS export | p61- *Response to Q31 - about criterion 5.3, specifically regarding phthalate restrictions* *" (c) The following phthalates shall not be intentionally added to the final product formulation: DEHP (Bis-(2-ethylhexyl)-phthalate, CAS No ); BBP (Butylbenzylphthalate, CAS No ); DBP (Dibutylphthalate, CAS No ); DMEP (bis-2-methoxyethyl phthalate, CAS No ); DIBP (Di-isobutylphthalate, CAS No ); DIHP (Di-C6-8-branched alkylphthalates, CAS No ); DHNUP (Di-C7-11-branched alkylphthalates, CAS No ) and DHP (Di-n-hexylphthalate, CAS No )".*<br>Comment: According to us, all phtalates shall be excluded/ banned in any paint or varnish. | |
| About PFAS | | |
| BATIS export | p51-63- *Response to Q31 – about criterion 5.3, specifically regarding PFAS restrictions*<br>Comment: PFAS: It is important to specify here the definition of PFAS (according to the REACh universal restriction project) and their authorized contaminant trace thresholds. These thresholds must be defined in such a way that PFASs can be measured appropriately and selectively by routinely available analytical methods at these thresholds in paints and varnishes. Can you confirm that this criterion only concerns PFASs intentionally added to products by manufacturers submitting Ecolabel dossiers? If so, the criterion should be reworded accordingly. | Part of 10.14<br>Accepted: A definition for PFAS has been considered. We would welcome further input about how to define any potentially useful analytical testing in the absence of declarations. |
| BATIS export | p61- *Response to Q31 – about criterion 5.3, specifically regarding PFAS restrictions*<br>Comment: It is important to specify here the definition of PFAS (according to the REACh universal restriction project) and their authorized contaminant trace thresholds. These thresholds must be defined in such a way that PFASs can be measured appropriately and selectively by routinely available analytical methods at these thresholds in paints and varnishes.<br>Can you confirm that this criterion only concerns PFASs intentionally added to products by manufacturers submitting Ecolabel dossiers? If so, the criterion should be reworded accordingly. | 10.21<br>Acknowledged: we accept that the wording should be more detailed about how the ban on PFAS should be applied. The intention is for formulators not to add it, but also that supplied ingredients should not have any PFAS intentionally added- |
| BATIS export | p61- *Response to Q31 - about criterion 5.3, specifically about PFAS restrictions*<br>Comment: missing definition of PFAS<br>Suggested actions: proposal : use EU PFAS definition, see link Annex XV reporting format 040615 (europa.eu)<br>Rationale/Supporting Data: Without definition the scope is not clear, | 10.38<br>Accepted in principle. We have considered this definition in the TR2 although it is possible that a broader restriction may be applied – to all "fluorinated substances" |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p61- *Response to Q31 – about criterion 5.3, specifically about PFAS*<br>Comment: We very much welcome to extend the PFAS ban also to polyfluorinated compounds.<br>Suggested actions: We support the JRC's proposal to exclude Perfluorinated and polyfluorinated compounds (PFAS).<br>Rationale/Supporting Data: PFAS are danger to consumers and the environment due to their persistence and adverse health effects. Consumer organisations frequently find PFAS in everyday consumer products (e.g. https://www.beuc.eu/sites/default/files/publications/BEUC-X-2023-129_Harmful_chemicals_in_everyday_consumer_products.pdf ). ECHA is currently evaluting a potential ban of over 10,000 types of PFAS, proposed by Denmark, Germany, Netherlands, Norway and Sweden. The EU Ecolabel should indeed be strict and already ban any use of PFAS now. | 10.62<br>Acknowledged. Thank you for the positive feedback on the TR1 proposal. |
| BATIS export | p51-63- *Responses to Q31 – about criterion 5.3, specifically about PFAS*<br>Comment: We are in favor of banning intentionally added PFAS and we would like to highlight that it is important to clearly define PFAS that are "impurities" and those that are introduced intentionally or unintentionally. We would like to propose to follow the OECD classification to be consistent. One industrial would like to point out that the total ban on PFAS could send a negative signal for recycled paints that may contain them and/or limit the recyclability of these products. | Part of 1.13 Acknowledged. There is always a balance to be struck between circularity and "clean" circularity. We will consider the OECD definition of PFAS. Recyling of paints has lots of other barriers to apart from PFAS, since criterion 5 requires a thorough knowledge about ingoing substances. |
| BATIS export | p51-63- *Responses to Q31 – about criterion 5.3, specifically about PFAS*<br>Comment: It is important to specify here the definition of PFAS (according to the REACH universal restriction project) and their authorized contaminant trace thresholds. These thresholds must be defined in such a way that PFASs can be measured appropriately and selectively by routinely available analytical methods at these thresholds in paints and varnishes. Can you confirm that this criterion only concerns PFASs intentionally added to products by manufacturers submitting Ecolabel folders? If so, the criterion should be reworded accordingly. | Part of 1.13<br>Acknowledged: in principle, we are asking for the non-addition of PFAS in the first place and will look to extend that to "ingredients" as well in TR2, so the testing is probably not needed unless declarations are not in place. |
| Other | | |
| BATIS export | p61- *Response to Q31 – about criterion 5.3, specifically about heavy metals*<br>Comment: The restriction of heavy metals, currently limited to 0.01% w/w, should be tightened further.<br>Suggested actions: We suggest to lower the tolerated concentrations of heavy metals signficiantly given. As a minimum, the limits for arsenic, chromium, cobalt and mercury should be lowered in line with the limits of the Austrian ecolabel.<br>Rationale/Supporting Data: The Toys Regulation sets much stricter limitations on heavy metals. The Toys Regulation limits for heavy metals in mixtures is 0.3mg/kg which compares to 0.01% w/w (100mg/kg) set in the EUEL criteria. We acknowledge that toys and paints & varnishes are very different products and | 10.64<br>Acknowledged. We need to be careful about just copying limits from other ecolabels without know how or why they chose that limit – to be further investigated. Just aligned with the Toys Directive would be questionable for the reasons stated in the comment. A new proposal has |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | that it is appropriate to require stricter values from toys than from paints. But still, this very large difference between the respective limits shows that it must be possible to lower the limits of the EUEL further. Besides, the Austrian ecolabel UZ 17 bans "Compounds containing arsenic, lead, cadmium, mercury, and other toxic heavy metals. Any impurities have to be substantiated, but in any case must not exceed 50 ppm in the individual case, 10 ppm for arsenic, 3 ppm for chromium (VI), and 2 ppm for cobalt and mercury." | been made, but always with the need to acknowledge these metals as impurities as well. |
| BATIS export | p61- *Response to Q31 – about criterion 5.3 – about microplastics*<br>Comment: We recommend extending the list of specifically excluded substances.<br>Suggested actions: We recommend investigating further potential risks occurring from the use of nanomaterials. We suggest banning the intentional addition of microplastics. We also recommend evaluating whether any additional substances which are explicitly banned in other ecolabels should be added, such as bisphenols or organotin compounds (excluded unter the Nordic Swan, O12).<br>Rationale/Supporting Data: This would be in line with the EUEL criteria for detergents. The need to set a criterion on nanomaterials was listed in the previous revision as an issue to consider during the next revision, being the ongoing one. The Nordic Swan bans nanoparticles (with some exemptions), the Austrian ecolabel requires declaration of synthetic nanomaterials including documentation showing safety for human health and environment. The need to assess health risks further is also acknowledged in the JRC's ecodesign report. The JRC preliminary report states that the active addition of microplastics to paints and varnishes is not common and that this practice could therefore easily be excluded in the EU Ecolabel criteria (p. 136) | 10.63<br>Accepted in principle. We will make new proposals along these lines for TR2. |

## 10.11 About ease of obtaining information from suppliers relating to criterion 5

Responses to question 34 on issues found when obtaining declarations from suppliers for cetain requirements:

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p65- *Response to Q34*<br>Comment: […] Obtaining raw material supplier declarations is not as difficult as other ecolabel (such as lubricants for example) for licence holders but the main issue is that regulations change regurlarly and licence holders are not aware of these changes, raw material suppliers don't have the reflex to tell it to manufacturers especially little companies who buy a few quantity. | Part of 10.2 Acknowledged. Thank you for sharing the insight. |
| BATIS export | p51-63- *Response to Q34*<br>Comment: Question Number 34: Some members have reported long delays in receiving declarations from their suppliers, or sometimes documentation that needs to be analyzed to determine whether the raw material complies with the European Ecolabel.[…] | Part of 10.14 Acknowledged. Thank you for sharing the insight. |
| BATIS export | p63- *Response to Q34* | 10.72 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | Comment: Comment received from a paint producer: "Yes, declarations sometimes take several months, and some suppliers don't provide a declaration but a technical file that you have to decode to find out whether the raw material complies with the Ecolabel." | Acknowledged. Thank you for sharing the insight. |
| BATIS export | p63- *Response to Q34*<br>Comment: Very often we have issues with suppliers' declarations. The only solution is to provide, in the user's manual, one (only) declaration form asking from suppliers all the information that is needed. A lot of improvements should also be made in the manual concerning the declarations and the documentation we need to give as applicants. | 10.79<br>Acknowledged. Thank you for sharing the insight and we welcome further discussion on what exactly is needed in the declarations. |
| BATIS export | p57- *Response to Q34*<br>Comment: Normally, we do not get the SVOC/VOC-values. Therefore, the companies have to measure the value. We support to have both options - so can companies choose. | 10.82<br>Acknowledged. Also relevant to criterion 4, where the dual approach to calculation will be maintained. |
| BATIS export | p51-63- *Responses to Q34*<br>Comment: [...] Q34: One industrial would like to share that in the model letter 011, AFNOR, when there is mention of the presence of substances or mixtures labeled with hazard statements and risk phrases listed, suppliers do not necessarily indicate the function of the substance or mixture to identify if an exemption is applicable. Some suppliers do not use this response model, sometimes requiring additional information to be requested. According to industrials, some members have reported long delays in receiving declarations from their suppliers, or sometimes documentation that needs to be analyzed to determine whether the raw material complies with the European Ecolabel.[...] | Part of 1.13<br>Acknowledged. Thanks for sharing these insights, which are a concern. We propose some more dialogue with suppliers on this matter. |

## 10.12 About additional derogation requests

Responses to question 35 on considerations for further discussion regarding any derogation requests: (*Q35 -Do you have any derogation requests to flag for discussion? (see Annex I for the type of information required).*)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p63- *Response to Q35 – derogation requests – specifically on isothiazoline and ZnPT derogation requests*<br>Comment: Biocidal substances: Our European federation CEPE submitted derogation requests several months ago to:<br>* increase the total quantity of isothiazolinones authorized from 0.05% to 0.06%.<br>* increase PT6 pot preservative content from 600 to 900 ppm<br>* maintain a derogation for zinc pyrithione for both PT6 in-can preservatives and PT7 dry film preservatives.We again support these requests. | PART OF 10.74<br>Rejected. We believe that with the highest limit of an individual isothiazoline allowed being 0.036% for BIT and most others being limited to 0.0015%, a limit of even 0.05% is not very useful, let alone a higher limit of 0.06%. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | The total content for PT6 was increased to 800ppm in the end (not quite 900ppm, but still an increase on the previous 600ppm).<br>No new derogation for ZnPT will be proposed due to its CMR reclassification. |
| BATIS export | p63- *Response to Q35 – derogation requests – specifically on isothiazoline and ZnPT derogation requests*<br>Comment: Our European federation CEPE submitted derogation requests several months ago to:<br>* increase the total quantity of isothiazolinones authorized from 0.05% to 0.06%.<br>* increase PT6 pot preservative content from 600 to 900 ppm<br>* maintain a derogation for zinc pyrithione for both PT6 in-can preservatives and PT7 dry film preservatives.We again support these requests. | Part of 10.14<br>Response: In the revised criteria, the isothiazoline content has actually gone down to 0.04%, but it is likely that the very low SCLs for isothiazolines make any higher limit inconsequential.<br>The limit for combined in-can preservative concentrations has been raised from 0.06 to 0.08%, similar to the 0.09% requested.<br>The derogation for ZnPT cannot be accepted since it carries a CMR classification and there are still non-CMR alternatives out there. |
| BATIS export | p57- *Response to Q35*<br><br>Comment: We have no sugeestions. | 10.83<br>Acknowledged. |

# 11 Criterion 6 - Consumer information (1 comment)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p67- *Comment specifically regarding "6(b) The following general information and advice shall be provided on or be attached to the packaging:"*<br>Comment: It could be interesting to add here that the consumer have the possibility to access on an internet website or via QR code to information that following general information and advice (criterion 6) required. | 11.1<br>Accepted. A revised criterion is added to TR2. |

# 12 New criterion on VOC emissions? (21 comments) – [new criterion included in draft TR2]

Responses to question 36 on proposal for new criterion on VOC emissions:

*Q36 - Opinions about the proposal for VOC emission criteria?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p53- *Response to Q26 (actually to Q36)*<br>Comment: A general comment is that it's stated that there is no Formaldehyde requirement for emissions. However this is incorrect as it is written in requirement O6. Indoor products are subjected to emission testing according to EN 16516 where emissions cannot exceed 50 µg/m3 after 28 days. During criteria development for Nordic Swan Ecolabel, SVOC was evaluated. However, setting a SVOC requirement for all paints and varnishes was not possible as the SVOC may vary depending on wall paints to specific varnishes. Therefore, Nordic Ecolabelling decided to collect data instead for future revisions in order to set a more representative TSVOC requirement. | 9.14. Accepted. This was an oversight and is now corrected in TR2. |
| BATIS export | p64-67- *Response to Q36*<br>Comment: Many companies already measure TVOCs using ISO 16001 tests. Repeating these tests with EN 16402 makes no sense and would incur an additional economic cost of around €1250 per product. | Part of 12.2. Acknowledged. Criterion on VOC emissions in TR2 will consider challenges in implementation. |
| BATIS export | p66- *Response to Q36*<br>Comment: This criterion seems to be more difficult than the French regulation (28 + 3 days). Emissions criterion is very important for paints and especially users and consumers, I don't have a technical opinon about the subject but if the test is too complicated and expensive (I have heard about 2 500 € per products) and the verification part of the criteria mention a mandatory test on each white paint, this could reduce largely the actual number of certified products. And licence holder may not have sufficient time to send us their renewal request, especially if they should modify their formulation to fit the criteria. In France, with our NF Environnement for fillers, we have a criterion about the French regulation about VOC emission but the manufacturer has the possibility to test the product or transmit us a test of a product which is quite similar (they can see if the result would change or not, and we are able to compare also the formulas). | 12.3<br>Acknowledged. Criterion on VOC emissions in TR2 will consider challenges in implementation. |
| BATIS export | p65- *Response to Q36*<br>Comment: The proposed criterion is expensive from an economic point of view. May limit the number of certified products for economical reasons. There are very few laboratories capable of doing this analysis. At the time of renewal of the criteria certification there may be problems with the availability of chambers to carry out the test. The costs are about 2500 euros per test.<br>Suggested actions: Adopt the system already mandatory in [redacted], many tests are already available and less expensive.<br>Rationale/Supporting Data: The proposed criterion is expensive from an economic point of view. | 12.4<br>Partially rejected. The system in [redacted] for IAQ will not be adopted. Criterion on VOC emissions in TR2 will consider challenges in implementation. |
| BATIS export | p64- *Response to Q36* | 12.5 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | Comment: We support to introduce a new requirement on VOC, as stated in the proposal. | Accepted. Criterion on VOC emissions in TR2 considers challenges and opportunities. |
| BATIS export | p67- *Response to Q36*<br>Comment: Proposed criteria on VOC emissions: For the carcinogens: refer to the list of carcinogenic VOC as defined in EN 16402 annex H and delete the comment about formaldehyde, as this is formally no VOC.<br>Rationale/Supporting Data: See Annex H of EN 16402 standard | 12.6<br>Rejected. Formaldehyde is both a VOC and a carcinogenic VOC. A separate limit just for formaldehyde alone, as in criteria for Nordic Swan and Blue Angel is proposed in TR2. |
| BATIS export | p64-67- *Responses to Q36*<br>Comment: Please, find below FIPEC's comments regarding the following questions of the draft technical report: Question Number 36: In France, there is already a 28-day VOC emissions label for interior paints. This new criterion sets a more demanding threshold at 28 days, and an additional threshold at 3 days. The difficulties and obstacles perceived by paint manufacturers are above all the cost and time these additional tests will represent, which could slow down the certification of European Ecolabel-certified products. Furthermore, the proposed thresholds would not be met by three-quarters of the European Ecolabel-certified products sold in France as they stand. If these thresholds were to be retained as they stand, product reformulations would have to be implemented at least 36 months from the date of publication of the new standard. [...] | PART OF 12.7 Acknowledged. Criterion on VOC emissions in TR2 considers challenges in implementation. |
| BATIS export | p64ff.- *Response to Q36*<br>Comment: We support to have this new criterion (see also one comment above) in order to have an alternative for indoor use. We know some companies already do this test although this test is very expensive. But in order to have two comparative criteria with a similar ambition level you should have a look at the limits of the other VOC criterion. From our perspective the limits of the "old" criterion are too low. Please have a look into the Blue Angel for inspiration. | 12.8<br>Partially accepted. Criterion on VOC emissions uses same limits as in TR1. |
| BATIS export | p67- *Response to Q36*<br>Comment: (36-37) It makes sense to measure VOC emissions for an Ecolabel certified product, as an indicator of indoor air quality. My estimation is that the cost is around 2000€. It is an expensive test, so it is necessary to have an additional market gain, like approval for use by the green building schemes. In that case should we repeat the tests after a certain period of time? How this connection between Ecolabel and green buildings schemes could take place?[...] | Part of 12.9 Acknowledged. Criterion on VOC emissions in TR2 considers challenges in implementation and frequency of testing. |
| BATIS export | p67- *Response to Q36*<br>Comment: Comment received from a paint producer: "'IS there really a benefit to have such criteria after 3 days ?" | 12.10<br>Acknowledged. Criterion on VOC emissions in TR2 is |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | considering 3-day and 28-day testing. Reasoning for this is described in TR2. |
| BATIS export | p67- *Response to Q36*<br>Comment: Essentially agree with the requirement. We see that the 3-day test result is not relevant. | 12.12<br>Acknowledged. Criterion on VOC emissions in TR2 is considering 3-day and 28-day testing. Reasoning for this is described in TR2. |
| BATIS export | p67- *Response to Q36*<br>Comment: In France, there is already a 28-day VOC emissions label for interior paints. This new criterion sets a more severe threshold at 28 days, and an additional threshold at 3 days. The difficulties and obstacles are above all the cost and time these additional tests will represent, which could slow down the certification of European Ecolabel-certified products. In France, the test is optional. The calculation is the most used and gives consistent results. We advise to make it optional for the Ecolabel and to use the french calculation methods to harmonise the two regulations. | 12.13<br>Partially rejected.<br>Criterion on VOC emissions in TR2 consider challenges in implementation but will be mandatory and tests will be based on EN 16402 |
| BATIS export | p66- *Response to Q36*<br>Comment: We are in favor to add this requirement but not able to provide information on the costs to perform the tests | 12.16<br>Partially accepted. Criterion on VOC emissions is part of the TR2. |
| BATIS export | p66-67- *Response to Q36*<br>Comment: We are in favor to add a new VOC emission criteria and we accept the limit thresholds for this criteria. | 12.17<br>Accepted. Criterion on VOC emissions in TR2 maintains its limit thresholds. |
| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q36*<br>Comment: [...] Question 36. Too restricted requirement for TVOC. WB paints and varnishes for wood would not satisfy the requirement if considered. In case a distinction should be made. (See comment to page 29). [...] | Part of 1.3<br>Acknowledged. The TVOC limit is maintained in TR2. |
| BATIS export | p64-67- *Responses to Q36*<br>Comment: Q36: We are very positive about this proposal. Indeed, it has already been shown for many other consumer products that contents of VOCs and SVOCs does not allow to predict the emissions into the air during use. Therefore, it is important to establish criteria on VOC emissions to take into account the impact of paints on IAQ (Indoor Air Quality) to prevent health impacts. One industrial would like to point out that the reduction of all indoor emission sources of VOC is, with the optimization of ventilation conditions, the most efficient way to improve indoor air quality. As technical support to the French Ministry of the Environment in the implementation of the procedure on labeling of volatile emissions from indoor sources and stakeholder of indoor air quality in France and in Europe, CSTB supports the introduction of a new | Part of 1.14<br>Acknowledged. Criterion on VOC emissions is maintained with same limits but challenges in implementation are accounted for. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | criteria on the characterization of VOC emissions in the EU ecolabel on indoor paints and varnishes. To facilitate the introduction of a criteria on VOC emissions from paints in the EU ecolabel and reduce the burden of testing, CSTB suggests the following points.<br>1) Perform only one air sampling, after 28 days or less, to simplify the test. The air sampling after 3 days does not provide relevant information since it does not represent exposure of the painter during paint application, nor exposure of the building user which is conventionally characterized after 28 days of testing.<br>2) Upon decision from the producer and from the testing lab, the air sampling could be performed before 28 days, e.g., after 14 days, to check if VOC emission are below emission limits set after 28 days. Emissions from paints generally decrease rapidly and testing for 28 bays may not be relevant if VOC emission are below limiting much earlier. This possibility is proposed in the French procedure on VOC emissions from building products and paints (see Order of April 19, 2011). 3) The EU ecolabel rules should specify the possibility of grouping paints by categories to limit the number of products to be tested.<br>Another industrial who is in favor of this criterion would like to share that a comprehensive study would be needed to determine the current state of product ranges for setting limits - The types of formulations vary significantly between Germany and France, thus resulting in differences in VOC content. One industrial would like to confirm that tests will be initiated with different scenarios according to the product's destination and therefore the applied square meters. He adds that it is important to be careful with technical products (floor varnishes, floor paints, renovation paints, varnishes) as the proposed thresholds are too restrictive, which may limit the choice of coalescent and/or polymers, potentially degrading product performance. He then proposes to establish thresholds according to the product category: wall paints / varnishes / floor varnishes / renovation paints etc. Also, the R factor adds all substances with LCI; the industrial currently do not have enough data to know if products satisfy R<1. One stakeholder would like to raise a point of concern regarding all white paints and the riskiest shades: there will not be as many products certified by the European Ecolabel as there are now if this criterion is adopted. [...] | |

Responses to question 37 on testing costs:

*Q37 - How much does testing cost according to EN 16402?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p64-67- - *Responses to Q37*<br>Comment: [...] would incur an additional economic cost of around €1250 per product. | Part of 12.2<br>Acknowledged. |
| BATIS export | p64-67- *Responses to Q37*<br>Comment: Please, find below FIPEC's comments regarding the following questions of the draft technical report: [...]<br>Question Number 37: In France, our members estimate the cost of these tests at around €1,500 to €2,500 per product.[...] | Part of 12.7<br>Acknowledged. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p67- *Response to Q37*<br>Comment: (36-37) It makes sense to measure VOC emissions for an Ecolabel certified product, as an indicator of indoor air quality. My estimation is that the cost is around 2000€. It is an expensive test, so it is necessary to have an additional market gain, like approval for use by the green building schemes. In that case should we repeat the tests after a certain period of time? How this connection between Ecolabel and green buildings schemes could take place? [...] | Part of 12.9<br>Acknowledged. These challenges are considered in TR2. |
| BATIS export | p67- *Response to Q37*<br>Comment: Comment received from a paint producer: "around '1500 - 2000 € HT" | 12.11<br>Acknowledged. |
| BATIS export | p67- *Response to Q37*<br>Comment: In France, we estimate the cost of these tests at around €1,500 to €2,500 per product. | 12.14<br>Acknowledged. |
| BATIS export | p67- *Response to Q37*<br>Comment: Some years ago during the revision of the Blue Angel criteria we realized different tests. we apis around 2,000 € per test. | 12.18<br>Acknowledged. |
| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q37*<br>Comment: [...] Question 37. To make a test according to EN 16402 would be in line with other test methods for VOC emissions. [...] | Part of 1.3 re<br>Acknowledged. |
| BATIS export | p64-67- *Responses to Q37*<br>Comment: [...] Q37: One industrial would like to share that the cost of a VOC emission test depends on the criteria to be checked (number and types of analyzed volatile compounds, number of air samplings, test duration). The cost of a VOC emission test as required in the German Blue Angel ecolabel on paints is estimated between 1100 and 1700 € excluding taxes He also would like to share that there is a French A+ labeling for construction products and paints dating from 2011, and a European harmonization of the criteria for this label is under discussion. The French A+ labeling should then align with the European position. An industrial would like to share the data of 1500 €, another one gives that data of 2000 € and a last one estimate it between 1500 and 2500 €. [...] | Part of 1.14<br>Acknowledged. |

Responses to question 38 on testing capacity:

*Q38 - Is there sufficient testing capacity for these types of test?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p67- *Response to Q38*<br>Comment: Comment received from a paint producer: "If the entire profession is forced to carry out these tests, we run the risk of a lack of capacity in the anlayse laboratories and therefore a delay in all the Ecolabels, as well as an uncontrolled increase in testing costs." | 12.1<br>Acknowledged.<br>Criterion on VOC emissions in TR2 is considering |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | challenges in implementation. |
| BATIS export | p64-67- *Responses to Q38*<br>Comment: Please, find below FIPEC's comments regarding the following questions of the draft technical report: […]<br>Question Number 38: In France, our members report that there are 4 laboratories recommended to carry out this type of testing. If all companies were to carry out these tests en masse, the cost and duration of these tests, particularly the 28-day test, could significantly slow down the certification of European Ecolabel products in France. In fact, if demand for these tests increases significantly in relation to supply, the cost of the tests could well exceed the current rates listed above. | PART OF 12.7<br>Acknowledged. Criterion on VOC emissions in TR2 is considering challenges in implementation. |
| BATIS export | p67- *Responses to Q38*<br>Comment: […] (38) There are a few labs that measure emissions. I am not aware if they are certified (should they?) or what is their capacity, especially if they receive a large amount of samples in a short time | Part of 12.9<br>Acknowledged. |
| BATIS export | p67- *Response to Q38*<br>Comment: In France, there are enough laboratories to carry out this type of test, but that the cost and time involved, particularly the 28-day test, are likely to slow down the certification of European Ecolabel products. We have encountered disparities in the results of tests on the same paint carried out in different laboratories. | 12.15<br>Acknowledged. Criterion on VOC emissions in TR2 is considering challenges in implementation. |
| BATIS export | p67- *Response to Q38*<br>Comment: From our perspective and experiences is there enough capacity. | 12.19<br>Acknowledged. |
| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q38*<br>Comment: [..] Question 38. Yes, to make the test on paints and varnishes does not require particular dimentions. The test could be done in small camera's. […] | Part of 1.3<br>Acknowledged. |
| BATIS export | p64-67- *Responses to Q38*<br>Comment: […] Q38: Industrials would like to share that several testing laboratories in France and Europe are performing VOC emission testing and have the capacity to test VOC emissions from indoor paints and varnishes (e.g., Eurofins). One industrial would like to point out the possibility of grouping formulas across ranges of shades/finishes, in which case the cost of testing and the availability of laboratories will be problematic. Another industrial would like to highlight that in France, there are 4 laboratories recommended to carry out this type of testing. If all companies were to carry out these tests in bulk, the cost and duration of these tests, particularly the 28-day test, could significantly slow down the certification of European Ecolabel products in France. In fact, if demand for these tests were to increase significantly in relation to supply, the cost of the tests could well exceed the current rates. | Part of 1.14<br>Acknowledged. Criterion on VOC emissions in TR2 is considering challenges in implementation. |

# 13 Carbon footprinting or PEF (19 comments + any position paper/email inputs ) - [criterion is not proposed]

Responses to question 39 on proposal for whole life carbon criteria:

*Q39 - Opinions about the proposal for whole life carbon criteria?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p67-68- *Response to Q39*<br>Comment: This new criterion proposes measuring the carbon footprint of products using one of two methods: PEF or EPD. In the first case, the tool to measure PEF is still in the beta phase and does not cover all products. Until the final version is approved and a sufficient database is established for realistic objective values, this criterion should not be included. Regarding EPD, the Ecolabel is considered a type I ecolabel, superior to type III like the EPD. Therefore, it does not make sense to set it as a mandatory criterion since the Ecolabel alone is sufficient: other criteria like VOC content and Indoor Air Quality testing justify this criterion. Additionally, it requires the carbon footprint of each ingredient, meaning suppliers would have to provide the footprint of each raw material, which is unfeasible. It is also unclear if it must be calculated per product or if an EPD per family is sufficient. In general, the text says, "the data set and calculation standards used will be those in force at the time of application for the EU ecolabel." We do not believe the system will be ready by 2025; therefore, we request that this criterion must not be added for now. | 13.1<br>Accepted. Based on the analysis conducted during the drafting of TR2, several barriers were identified that prevent the inclusion of Carbon Footprint as a criterion. As a result, this criterion will not be incorporated into the EU Ecolabel (EUEL) for paints. |
| BATIS export | p69- *Response to Q39*<br>Comment: We are not in favor to add this requirement. It is not clear who is to carry out the footprint analysis (third party? The company itself?); can/shall these documents be certified by a third party? If not, what chance have CBs to check the study? We don't think it is a requirement that adds value to the certification of EUEL products and perhaps takes time and money from companies. | 13.2<br>Accepted. Based on the analysis conducted during the TR2, several barriers were identified that prevent the inclusion of Carbon Footprint as a criterion. As a result, this criterion |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | will not be incorporated into the EU Ecolabel (EUEL) for paints. |
| BATIS export | p67 - 68- *Response to Q39*<br>Comment: The proposed text is not clear and must be better defined<br>Suggested actions: 5.9 New criterion on carbon footprinting or PEF? Proposed updated criterion on carbon footprinting of paint and varnish products The carbon footprint of the paint or varnish products and their application shall be assessed according to the relevant Product Environmental Footprint Category Rules (PEFCR) that are valid at the date of the application for the EU Ecolabel license. The Scope should be cradle-to-gate, whereas the gate is the application of the paint or varnish. The calculation shall follow ISO 14067 and for chemicals as input materials the TfS guideline. For data gaps, any combination of specific and generic data for ingredients and reference flows shall be applied including a Data Quality Rating (DQR) according to the TfS guideline or PEF. If significant, the scope shall be extended to cradle-to-grave including the provision and use of recycled materials. Except in the case where the PEFCR is followed the carbon footprint shall be reported using a functional unit as one m2 of coated or painted substrate in Europe with a minimum lifetime of 5 years. Any datasets and calculation rules used shall be those in force at the date of the application for the EU Ecolabel. Assessment and verification: The applicant shall provide the Competent Body with a general formulation of the paint or varnish product(s) and the associated cradle-to-gate carbon footprints of each ingredient. Reference flows for fuel, electricity, water, wastewater, normal waste and hazardous waste shall also be provided. Transport assumptions (distance and mode) or alternatively as complete Carbon emission factors shall be explained for each ingredient coming to the factory. As basis, an average distribution scenario for sold products should be used. Assumed losses due to spoilage, spillage and misapplication shall be communicated and included as well an assumed spreading rate in m2/L, which should be the same as communicated on any packaging, if mentioned there. The assumed lifetime before reapplication shall be estimated and explained in terms of the results of durability testing of the paint or varnish product(s). If an end-of life scenario is known, the system boundary can be extended and a cradle-to-grave PCF according to ISO 14067 can be delivered as additional information.<br>Rationale/Supporting Data: Rules for calculation on PEFCR should be made based on established procedures and or standards | 13.3<br>Acknowledged. A carbon footprinting criterion will not be included in the scope of the EUEL. Based on the analysis conducted during TR2, several barriers were identified that prevent the inclusion of Carbon Footprint as a criterion. |
| BATIS export | p69- *Response to Q39*<br>Comment: As CB, this proposal seems to be very complicated to understand and analyse in the file. And I don't know if smaller companies are aware and capable of dealing with this subject. To my opinion, carbon footprint is a global analysis based on all the products of a companies, all the raw materials used and the global manufacturing of the site. Maybe, this criterion could be optional with a lot of explanation from you to verify it in the file of the candidate product. Or could a tool like the pulp data base be possible to help us ? And how consumers would understand this criterion and the claim on the product ? | 13.4<br>Acknowledged. Based on the barriers and complexity of verification of a Carbon footprint criteria, the criterion will not be |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | | included in the scope of the EUEL. |
| BATIS export | p67- *Response to Q39*<br>Comment: It is not clear what the choice will be. We support the use of the system proposed by CEPE.<br>Suggested actions: Adopt the PEF proposed by the CEPE<br>Rationale/Supporting Data: The costs could be very high. | 13.5<br>Acknowledged. Based on the barriers and complexity of verification of a Carbon footprint criteria, the criterion will not be included in the scope of the EUEL. |
| BATIS export | p67- *Response to Q39*<br>Comment: Based on the TR1 and the discussion at the 1 AHWG we do not suggest developing criteria for a PEF calculation or a Carbon footprint. For now, we do not see the added value for the EU Ecolabel. Also, the obstacles are many. The most important ones are there is no public available method available yet and this is not likely to be developed and available within the time frame of this revision. The brief ideas presented will only add to the application costs and work from the application side and will also add considerable to the cost of evaluation an application for the CB´s – cost that can not be covered by the current fee structure. | 13.6<br>Accepted. A carbon footprinting criterion will not be included in the scope of the EUEL. Based on the analysis conducted during TR2, several barriers were identified that prevent the inclusion of Carbon Footprint as a criterion. |
| BATIS export | p67-68- *Responses to Q39- specifically regarding full text of criterion 5.9 (New criterion on carbon footprinting)*<br>Comment: [...] Questions and comments: 67Are there cut-off rules for ingredients e.g. if wt % is lower 1 %? Are the reference flows needed for each ingredient or only for the coating? Is proxy / group data allowed? Transport assumptions (distance and mode) for each ingredient is high effort. Average distribution should be allowed. Will there be a cut-off raw materials e.g. at least 1 wt % in formulation? p. 68 How to make sure that lifetime estimation is realistic? Will e.g. burnish resistance be added? [...] | PART OF 13.7<br>Acknowledged. A carbon footprinting criterion will not be included in the scope of the EUEL. Based on the analysis conducted during TR2, several barriers were identified |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | | that prevent the inclusion of Carbon Footprint as a criterion. |
| BATIS export | p68- *Response to Q39*<br>Comment: Comment received from a paint producer: "Unfavourable. Requires a global approach (LCA) also linked to sustainability and the PM used + bottleneck for EPD verifiers and associated costs (1 year on average and several thousand euros). Variation is too big, not a consistant number over the providers." | 13.8<br>Accepted. A carbon footprinting criterion will not be included in the scope of the EUEL. Based on the analysis conducted during TR2, several barriers were identified that prevent the inclusion of Carbon Footprint as a criterion. |
| BATIS export | p68- *Response to Q39*<br>Comment: This approach is premature. There isn't harmonize methodolgy. The cost and time are too huge. | 13.11<br>Accepted. A carbon footprinting criterion will not be included in the scope of the EUEL. Based on the analysis conducted during TR2, several barriers were identified that prevent the inclusion of Carbon Footprint as a criterion. |
| BATIS export | p70- *Response to Q39*<br>Comment: The TDMA recognizes the importance of measuring the carbon footprint of different products placed on the market in the EU; however, given the current state of the science, we believe it is premature to make this calculation a | 13.12<br>Accepted. A carbon footprinting criterion will not be |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | requirement to qualify for an ecolabel. As highlighted during the first workshop held on Tuesday May 7, more harmonization is needed related to:<br>1) the standards and methods used to complete such calculations;<br>2) availability of primary and secondary data for use in model development; and<br>3) the assumptions required to complete lifecycle inventory assessments.<br>Consistent availability of quality data must be verified before recommending such a requirement. In some cases, certain standard elements and data sets would need to be based on combined datasets, which makes the process even more difficult. With no single international standard to measure product carbon footprint at this point, implementing such a requirement will pose challenges in ensuring accurate and comparable assessments across the entire value-chain. During the workshop it was also emphasized that the product carbon footprint of all raw materials must be acquired to calculate the footprint of a final product. Again, not all suppliers have completed such calculations and in many cases industry average primary data or commercially available secondary data sets/emission factors must be used to estimate results. If titanium dioxide manufacturers must rely on emission factors to complete product carbon footprint calculations, there likely will not be significant differences in the outcome from one supplier to another. For this same reason, we would expect the product carbon footprint of paints and coatings bearing the EU Ecolabel to be comparable to non-Ecolabled products, which may create confusion within the industry and among consumers. Lastly, the practical implications for companies who must develop, maintain, and update these calculations is resource intensive and would require the development of dedicated personnel for the analysis of product footprint data. | included in the scope of the EUEL. Based on the analysis conducted during TR2, several barriers were identified that prevent the inclusion of Carbon Footprint as a criterion. |
| BATIS export | p68-69- *Response to Q39*<br>Comment: We are not in favor to add a new criteria for the whole life carbon. This does not bring added value for this group of products and the calculation methods contain a lot of inconsistencies. | 13.14<br>Accepted.<br>A carbon footprinting criterion will not be included in the scope of the EUEL. Based on the analysis conducted during TR2, several barriers were identified that prevent the inclusion of Carbon Footprint as a criterion. |
| BATIS export | p68- *Response to Q39*<br>Comment: The most critical question in order to decide whether such a criterion should be added is the following: What is the real benefit of the criterion on carbon footprint of products in the eco label certification? How eco labelled products | 13.15<br>Accepted. A carbon footprinting |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | would differentiate from non eco labelled ones based on this criterion? Could we use these calculations in order to "prove" that certified products are better in terms of service life or health and environmental performance than non-certified ones? I don't think so. We would give the data, but we could not make a statement! Additionally: (a) In assessment and verification a full formulation shall be provided with the associated carbon footprints for each ingredient. Are we sure they are all available? (b) It would be of interest to have a freely available on line calculator. But we need to make sure that this would cover everything within the scope (products and raw materials that could be used). (c) If we add the new (under discussion) costs of VOC emissions & carbon footprint to the ones we already had to pay for the technical efficiency criteria, we end up with a very expensive certification scheme. This may not be affordable for every product that is now certified and especially in the case of SMEs producers | criterion will not be included in the scope of the EUEL. Based on the analysis conducted during TR2, several barriers were identified that prevent the inclusion of Carbon Footprint as a criterion. |
| BATIS export | p68- *Response to Q39*<br>Comment: We should elaborate this point further but we would like to point out that - is it necessary to review/ verify the calculated Carbon Footprint? Because the review/ proof takes a longer time (sometimes up to 6 months). This problem will become even bigger when more companies asks for a Carbon Footprint because at the moment there are too less verifier or auditores at the market. This results in a longer application time for the EU Ecolabel which is an additional challenge. - the costs for calculating one Carbon Footprint - independently of the methode - costs currently between 10,000 and 30,000 €. It becomes cheaper if we calculate the carbon footprints of certain "paint families" but the price is high. These costs are in addition to the existing costs for certification with the EU Ecolabel. - th current proposal only focus on the simple value of a Carbon Footprint. What is the add-on for the consumer only to know the Carbon Footprint without knowing if it is a good or a bad value. From our perspective, at the moment the disadvantages outweigh the advantages. | 13.16<br>Accepted. Based on the barriers and complexity of verification of a Carbon footprint criteria, the criterion will not be included in the scope of the EUEL. |
| BATIS export | p68- *Responses to Q39*<br>Comment: We tentatively support the introduction of a criterion on the carbon footprint of paints.<br>Suggested actions: A carbon footprint does not display the entire environmental impact of a product. Further environmental impact categories are also important for P&V, such as toxicity. Even if we limit this criterion to carbon footprint as a first step, it should already be kept in mind now when establishing a system for reporting on the footprint how further impact categories could be added lateron. We agree with the comments made by the JRC during the AHWG that in a potential final criterion, only one or two methodologies should be elgible. Leaving the option open between several methodologies would not allow for a fair comparison between paints & their results. We are available to contribute further to this discussion in a sub-working group process. Any chosen method should focus on primary data, either by making the use of primary data mandatory, or by penalising the use of secondary data / strongly incentivising primary data.<br>Rationale/Supporting Data: Such a criterion makes sense especially if it is confirmed that the Construction Products Redulation covers paints & varnishes. If the CPR will anyways require a carbon footprint calculation for P&V within a few years, it would be beneficial that the EU Ecolabel anticipates this requirement and already requires it a few years | PART OF 13.17<br>Acknowledged. Based on the barriers and complexity of verification of a Carbon footprint criteria, the criterion will not be included in the scope of the EUEL. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | earlier from license holders. It will also be beneficial for license holders once the legal requirement comes into place that they already dealt with it through the EU Ecolabel certification. | |
| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q39*<br>Comment: [...] Question 39. Favourable opinion in a whole life carbon criteria. [...] | PART OF 1.3<br>Rejected. Based on the barriers and complexity of verification of a Carbon footprint criteria, the criterion will not be included in the scope of the EUEL. |
| BATIS export | p67-68- *Responses to Q39*<br><br>Comment: Q39 : We highlight that caution is needed if there is a requirement to create Environmental Product Declarations (EPDs), as currently done for conducting LCAs, as it's a very burdensome and costly process. The question remains on how to conduct 'simpler' LCAs. There is a need to define the functional unit by paint typology for comparing products with one another. One industrial would like to point out that the carbon footprint is not sufficient because the best product from a carbon footprint standpoint will be very poor in terms of performance. The proposal is good but not comprehensive enough. It suggests that "EPDs" (Environmental Product Declarations) should be a basis for the formalization of this criterion. Another industrial agrees with the previous comment by acknowledging that this criterion starts with good intentions but expresses reservations due to the high cost of EPD calculations: it takes 1 to 1.5 years to complete an EPD and it costs between €15,000 and €20,000. Moreover, the CEPE's online calculator is not comprehensive enough. This criterion is not applicable today. One industrial believes that implementing this criterion would be premature as it is an issue that the sector is working on, but to date, industrials do not have LCA (Life Cycle Assessment) for all their products. Moreover, an LCA costs €15-20K plus a significant execution time. What would be the criteria and thresholds for obtaining the label? [...] | PART OF 1.15 Accepted. Based on the barriers and complexity of verification of a Carbon footprint criteria, the criterion will not be included in the scope of the EUEL. |

Responses to question 40 regarding the option for having a freely available online calculator:

*Q40 - What is the interest of CEPE or other associations in having a freely available online calculator?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p67-68- *Responses to Q40- specifically regarding full text of criterion 5.9 (New criterion on carbon footprinting)*<br>Comment: [...] Questions and comments: [...] question 40: We do not recommend a freely available online calculator. How to make sure of credible results and high data quality of online calculator? Will it be only secondary data? Will additives be cut-off? [...] | PART OF 13.7<br>Acknowledged. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p68- *Response to Q40*<br>Comment: Comment received from a paint producer: "Doubts about the purpose of the information received and its use. There should be adequate data protection mechanisms." | 13.9<br>Acknowledged. |
| BATIS export | p67-68- *Responses to Q40*<br>Comment: [..] Q40: Industrials would like to share that CEPE has an interest because carbon footprint is complicated, there is a lack of data and it is necessary to make specific trainings, which is complicated for small companies with fewer resources. [...] | PART OF 1.15<br>Acknowledged. |

Responses to question 41 regarding potential participation in a sub-group on the aforementioned matter:

*Q41 - Are you interested in forming and participating in a sub-group on this matter?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p67-68- *Responses to Q41- specifically regarding full text of criterion 5.9 (New criterion on carbon footprinting)*<br>Comment: [...] Questions and comments: [...] question 41: We are interested in participating in sub-group. | PART OF 13.7 Accepted. WSG4 meeting was held with all those interested in participating. |
| BATIS export | p68- *Response to Q41*<br>Comment: Comment received from a paint producer: "If the question arises, yes." | 13.10<br>Accepted. WSG4 meeting was held with all those interested in participating. |
| BATIS export | p70- *Response to Q41*<br>Comment: Yes, the TDMA would be interested in forming and participating in a sub-group on this matter as titanium dioxide producers would be one of the most impacted industries in carbon footprint analysis. It has expressed its interest in participating in the following groups: (ii)EU Ecolabel license quantitative data assessment; (iii)Technical performance tests/efficiency in use; (iv) Carbon footprinting. | 13.13<br>Accepted. WSG4 meeting was held with all those interested in participating. |
| BATIS export | p68- *Responses to Q41*<br>Comment:[...].<br>Suggested actions: [...] We are available to contribute further to this discussion in a sub-working group process. Any chosen method should focus on primary data, either by making the use of primary data mandatory, or by penalising the use of secondary data / strongly incentivising primary data.<br>Rationale/Supporting Data: [....] | PART OF 13.17<br>Partially accepted. WSG meetings were held with all those interested in participating. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q41*<br>Comment: [...] Question 41. Yes, the interest will be sent to the dedicated link. [...] | PART OF 1.3 Accepted. WSG4 meeting was held with all those interested in participating. |
| BATIS export | p67-68- *Responses to Q41*<br>Comment: [..] Q41: 4 industrials (Comus, Mauvilac, Adeo and V33) are interested in forming and participating in a sub-group on this matter. | PART OF 1.15 Accepted. WSG4 meeting was held with all those interested in participating. |

# 14 Other criteria areas to be considered (20 comments + any position paper/email inputs)

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p69- *General Comment*<br>Comment: There should be incentives to reduce the volume of waste/leftover paints and encourage the collection of unused paints for reuse or recycling.<br>Suggested actions: There are certainly challenges related to the reuse/recycling of unused paints for example when it comes to determining the composition and potential contamination of the collected paint. Still, we would welcome if the EU Ecolabel could introduce first steps to incentivise the reduction and/or recollection of leftover paints. One possibility could be to require producers to offer a take-back system for leftover paints via themselves or the retailer. Another first step could be to require a proof that the producer has a policy in place not to destroy unsold products.<br>Rationale/Supporting Data: A report by ADEME in 2022 investigated the existence of EPR intiatives to collect chemical products worldwide. It contains evidence of systems to collect leftover paints for reuse in several countries: https://librairie.ademe.fr/produire-autrement/5966-recyclage-des-produits-de-revetement-et-d-adhesion.html The LCA study by Paiano et al. 2021, also cited in the preliminary report: their results highlight that the production and supply of raw materials had the greatest impact on the paints analysed, for all impact indicators. They conclude that the reuse of leftover paint reduces environmental impacts by roughly 48%, on average. https://www.sciencedirect.com/science/article/abs/pii/S0959652621006843?via%3Dihub | 14.6<br>Accepted in principle. Although the end-of-life of paints and varnishes is important in terms of environmental impacts and resource consumption, it is currently not the focus of this revision. However, it should be considered in future revisions. |

Responses to question 42 regarding the addition of a new criterion on biobased content:

*Q42 - Opinions about the need for criteria on biobased content? If supportive, what would you propose to require?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p71- *Response to Q42*<br>Comment: I understand your explanation of biobased content and I agree with you but approximately 80% of new paints certified in France have a biobased claim such as “biobased paint”, “biobased varnishe” or “with biobased resin” and so on. So I think this must be covered by regulation and the EU Ecolabel. So why not adding an optional criterion such as Lubricant : “if the term bio-based is used, the minimum bio-based carbon content in the final product should be 20% in accordance to the EN 16640 standard”.<br>Suggested actions: So why not adding an optional criterion such as Lubricant : “if the term bio-based is used, the minimum bio-based carbon content in the final product should be 20% in accordance to the EN 16640 standard”. | 14.2<br>Rejected. Current evidence and market readiness do not support its inclusion in the criteria at this time. A detailed explanation is included in TR2. |
| BATIS export | p71- *Response to Q42* | 14.3 |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | Comment: For bio-based allegations, an accredited test report according to EN 16640 would precisely show the percentage of biobased carbon of a paint among the total carbon present in the paint.<br>Suggested actions: To add requirement of the accreditation when it comes to EN 16640 test.<br>Rationale/Supporting Data: The accreditation secures the quality of the data and reproducibility between laboratories. | Acknowledged. Criterion for biobased content will not be added. |
| BATIS export | p69- *Responses to Q42*<br>Comment: Please, find below FIPEC's comments regarding the following questions of the draft technical report: Question Number 42: We propose the establishment of a criterion on biobased content similar to that which exists for the European Ecolabel for lubricants, i.e. to frame the "biobased" claim for European Ecolabel-certified paints and varnishes wishing to use it. We propose that it be worded as follows: "If the term "biobased" is used, the minimum biobased carbon content of the final product must be 20% in accordance with EN 16640. Assessment and verificationTo demonstrate compliance with this criterion, the applicant shall enclose a test report on the final product, drawn up in accordance with standard EN 16640." We would like to make it clear that, if adopted, this criterion should not be made compulsory for all European Ecolabel-certified products. Making it compulsory could be counter-productive and risk slowing down the development of European Ecolabel products rather than encouraging the development of bio-based products. It should be noted that the Nordic Swan Ecolabel standard includes a criterion relating to raw materials of renewable origin [...]<br>Suggested actions: As mentioned in the Comment section, we suggest the following actions for the corresponding questions : Question Number 42: We propose the establishment of a criterion on biobased content similar to that which exists for the European Ecolabel for lubricants, i.e. to frame the "biobased" claim for European Ecolabel-certified paints and varnishes wishing to use it. We propose that it be worded as follows: "If the term "biobased" is used, the minimum biobased carbon content of the final product must be 20% in accordance with EN 16640. Assessment and verificationTo demonstrate compliance with this criterion, the applicant shall enclose a test report on the final product, drawn up in accordance with standard EN 16640." We would like to make it clear that, if adopted, this criterion should not be made compulsory for all European Ecolabel-certified products. Making it compulsory could be counter-productive and risk slowing down the development of European Ecolabel products rather than encouraging the development of bio-based products.[...] | PART OF 14.4 Rejected. Current evidence and market readiness do not support its inclusion in the criteria at this time. A detailed explanation is included in TR2. |
| BATIS export | p69- *Responses to Q42/Q43/Q44*<br>Comment: Even though they seem relevant I do not think we should add criteria for biobased content, microplastics and CO2 footprint. The justification given in TR1 is complete and correct. | 14.5 Partially accepted. Criteria for biobased content and microplastics will not be added. However, a criterion for carbon |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | | footprint is added in TR2. |
| BATIS export | p69- *Response to Q42*<br>Comment: Comment received from a paint producer: "Against. A single criterion is not relevant without taking into account a global approach. The current claims are linked to standard 16640 and must remain so." | 14.7 Accepted. Criterion on biobased content will not be added. |
| BATIS export | p69- *Response to Q42*<br>Comment: We propose the establishment of a criterion on biobased content similar to that which exists for the European Ecolabel for lubricants, i.e. to frame the "biobased" claim for European Ecolabel-certified paints and varnishes wishing to use it. We propose that it be worded as follows: "If the term "biobased" is used, the minimum biobased carbon content of the final product must be 20% in accordance with EN 16640. Assessment and verificationTo demonstrate compliance with this criterion, the applicant shall enclose a test report on the final product, drawn up in accordance with standard EN 16640." We would like to make it clear that, if adopted, this criterion should not be made compulsory for all European Ecolabel-certified products. Making it compulsory could be counter-productive and risk slowing down the development of European Ecolabel products rather than encouraging the development of bio-based products. It should be noted that the Nordic Swan Ecolabel standard includes a criterion relating to raw materials of renewable origin. | 14.10 Rejected. Current evidence and market readiness do not support its inclusion in the criteria at this time. A detailed explanation is included in TR2. |
| BATIS export | p71- *Response to Q42*<br>Comment: A notable issue regarding the intention to set criteria for biobased content occured during criteria development for Nordic Swan Ecolabel. The global availability of renewable naptha (4 million tons) compared to petroleum naphtha (300 million tons) is challenging. Due to the mass-balance dilution factor, mass-balanced waste could be diluted 10 000 times and products would possibly contain very little renewable binders. Indication is that the industry is not ready for a full shift due to the lack of biobased materials. | 14.13 Acknowledged. Criterion for biobased content will not be added. |
| BATIS export | p69- *Response to Q42*<br>Comment: we do not support a criterion regarding bio-based content. | 14.14 Accepted. Criterion on biobased content will not be added. |
| BATIS export | p69- *Response to Q42*<br>Comment: We advise against a criterion on mandatory biobased content, but some requirements for the voluntary use of biobased materials could be set.<br>Suggested actions: If a criterion on biobased content is introduced, it could follow the logic of other EUEL criteria (e.g. AHP and likely detergents): using biobased ingredients is optional, and if chosen to do so, producers should demonstrate that the materials have been cultivated sustainably, are not linked to deforestation, and that the use of biobased instead of petrochemical material effectively decreases the environmental impact of their specific paint/varnish. | 14.16 Accepted. Criterion for biobased content will not be added. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | Rationale/Supporting Data: As stated also in the Preliminary Report (p.137ff.), it is not evident that biobased paints have an overall a lower environmental footprint compared to petrochemical ones. | |
| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q42*<br>Comment: [...] Question 42. Yes, but a definition of biobased must be agreed. [...] | PART OF 1.3<br>Partially rejected. Criterion for biobased content will not be added. |
| BATIS export | p69- *Response to Q42*<br>Comment: Q42 The integration of bio-based materials into a product is not a systematic guarantee of reducing its environmental footprint. French Industrials are nonetheless in favor of integrating a new criterion on bio-based content with verification of the absence of competition with food resources (supplier information required). The prerequisites recommended by ADEME in case of the creation of a new criterion are as follows: Optional criterionMinimum rate of 35% biogenic carbonMeasurement according to standard EN16640 (biogenic carbon / total carbon)Control via the provision of a test reportClear authorized environmental claims to avoid any risk of greenwashing It should be noted that the Nordic Swan Ecolabel standard includes a criterion relating to renewable raw materials. | 1.17<br>Acknowledged. A criterion for biobased content will not be added in TR2. |

Responses to question 43 regarding the addition of a new criterion on microplastics:

*Q43 - Opinions about the need for criteria on microplastics? If supportive, what would you propose to require?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| BATIS export | p69- *Responses to Q43*<br>Comment: Please, find below FIPEC's comments regarding the following questions of the draft technical report [...]<br>Question Number 43: In view of current and future regulations, we do not consider it necessary to establish criteria for microplastics, as this is outside the scope of the Ecolabel.<br>Suggested actions: As mentioned in the Comment section, we suggest the following actions for the corresponding questions : [...] Question Number 43: In view of current and future regulations, we do not consider it necessary to establish criteria for microplastics, as this is outside the scope of the Ecolabel.[...] | PART OF 14.4 Accepted. Criterion for microplastics will not be added. |
| BATIS export | p69- *Responses to Q42/Q43/Q44*<br>Comment: Even though they seem relevant I do not think we should add criteria for biobased content, microplastics and CO2 footprint. The justification given in TR1 is complete and correct. | 14.5<br>Partially accepted. Criteria for biobased content and microplastics will not be added but TR2 will include a |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
|---|---|---|
| | | carbon footprint criterion. |
| BATIS export | p69- *Response to Q43*<br>Comment: Comment received from a paint producer: "Against. Requires a global approach (LCA) also linked to sustainability. Should be regulated under microplastics regulation." | 14.8<br>Accepted. Criterion on microplastics will not be added. |
| BATIS export | p69- *Response to Q43*<br>Comment: In view of current and future regulations, we do not consider it necessary to establish criteria for microplastics. | 14.11<br>Accepted. Criterion for microplastics will not be added. |
| BATIS export | p69- *Response to Q43*<br>Comment: Question 43: We recommend to leave out microplastic criteria for the time being. There is reporting obligation and derogation for solid matrices applies.Requirement for use level would be no derogation for solid matrices. | 14.12<br>Accepted. Criterion for microplastics will not be added. |
| BATIS export | p69- *Response to Q43*<br>Comment: Please contact the VDL or the European Colour Association; the investigations are not yet complete. | 14.15<br>Acknowledged. Criterion for microplastics will not be added. |
| BATIS export | p69- *Response to Q43*<br>Comment: We strongly encourage that the EU Ecolabel should address the unintentional microplastic release from paints.<br>Suggested actions: One first step could be to examine the criterion 3e) Weathering. The Nordic Swan has additional requriements on this aspect in 024. It says: "Flaking (according to ISO 4628-5). The product is to have a flake density of 2 or less, and a flake size of 2 or less." Similar requirements exist regarding the "blistering" and "cracking" behavior. We propose investigating whether these requirements could be integrated into the EU Ecolabel and whether the limit could be made stricter. Likely, the microplastic release should be reduced the less flaking/damage to the coating occurs. Further inspiration could also come from the Commission staff working document behind the Regulation on preventing plastic pellet losses to reduce microplastic pollution. It contains a chapter with potential measure for paints (p. 332ff.): https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_14248_2023_ADD_5&qid=1697535311916<br>Rationale/Supporting Data: As described in the preliminary report, microplastics are a significant source of microplastic release into the environment. We disagree with the sentence on p. 69 of the Technical Report: "Discussion needed on what potential requirements could be set (if any). Only relevant if microplastics are actually added to some | 14.17<br>Rejected. Criterion for microplastics will not be added, as the focus at this time should remain on broader regulatory measures, clear evidence and industry readiness. A detailed explanation is included in TR2. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| | paint or varnish products within the scope." While we also propose that the EU Ecolabel should ban the intentional addition of microplastic in the formulation, there should be additional requirements to reduce the unintentional release through weathering process amongst others. In other sectors, there are already intiatives to prevent unintentional microplastic release. For example for car tyres, the EURO 7 standards sets the basis for a method to measure tyre abrasion and propose limits so that tyres emit less microplastics in the future. While a different sector, this shows that attention around the issue of unintentional microplastic release is growing and that the EU Ecolabel could position itself as a frontunner by proposing measures how to tackle this issue for paints. Besides, we would like to contribute the following resources that describe the issue further: https://www.ivl.se/english/ivl/press/press-releases/2023-11-30-high-microplastic-emissions-from-paint.html;https://www.e-a.earth/wp-content/uploads/2023/07/plastic-paint-the-environment.pdfhttps://www.umsicht.fraunhofer.de/content/dam/umsicht/de/dokumente/publikationen/2018/kunststoffe-id-umwelt-konsortialstudie-mikroplastik.pdf | |
| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q43*<br>Comment: [...] Question 43. Yes for criteria on microplastics by declaration of content. [...] | PART OF 1.3<br>Rejected. Criterion on microplastics will not be added in TR2. |
| BATIS export | p69- *Responses to Q43*<br>Comment: Q43: We would like to share that the European REACH regulation provides for a ban on intentionally added microplastics in certain products (rinse-off products, detergents, plant protection products, lip products). It therefore seems logical to take inspiration from this and eliminate them from paints and varnishes. Stakeholders would like to add that the aging of paints and varnishes once applied, generates microplastics both indoors and outdoors. One stakeholder would like to share that regarding microplastics for paints and varnishes, it would be important to keep in mind the recent report from the expert organization Earth Action (https://www.e-a.earth/wp-content/uploads/2023/07/plastic-paint-the-environment.pdf), which identifies the sector as a major one for environmental contamination. However, microplastics are identified as resulting mainly from the wear of coatings, and not as constituents of the product itself (unlike cosmetics, for example, which may intentionally contain plastic microparticles). This would therefore guide, as a first approach, the consideration of microplastics in the eco-label towards a compromise between wear resistance and polymer content of the product, two categories to be cross-referenced. One industrial is in favor of a new criterion on microplastics but would like to know how to measure it. Only with suppliers' data? Another industrial is open to discuss about it and a last one does not consider it necessary in view of current and future regulations.[...] | PART OF 1.16<br>Partially rejected. Criterion for microplastics will not be added, as the focus at this time should remain on broader regulatory measures, clear evidence and industry readiness. A detailed explanation is included in TR2. |

Responses to question 44 regarding the addition of a new criterion on CO2 footprint:

*Q44 - Opinions about the need for criteria on CO2 footprint? If supportive, what would you propose to require?*

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p69- *Response to Q44*<br>Comment: No, it doesn't seem necessary to have CO2 footprint criteria at this stage. | 14.1<br>Rejected. TR2 will include a carbon footprint criterion. |
| BATIS export | p69- *Responses to Q44*<br>Comment: Please, find below FIPEC's comments regarding the following questions of the draft technical report: […]<br>Question Number 44: No, it doesn't seem necessary to have CO2 footprint criteria at this stage. Furthermore, the CO2 footprint is not sufficient to express an overall environmental footprint.<br>Suggested actions: As mentioned in the Comment section, we suggest the following actions for the corresponding questions : […] Question Number 44: No, it doesn't seem necessary to have CO2 footprint criteria at this stage. Furthermore, the CO2 footprint is not sufficient to express an overall environmental footprint.<br>Rationale/Supporting Data: See comments. | PART OF 14.4<br>Rejected. TR2 will include a carbon footprint criterion, which will consider challenges and limitations. |
| BATIS export | p69- *Responses to Q42/Q43/Q44*<br>Comment: Even though they seem relevant I do not think we should add criteria for biobased content, microplastics and CO2 footprint. The justification given in TR1 is complete and correct. | 14.5<br>Partially accepted. Criteria for biobased content and microplastics will not be added but TR2 will include a carbon footprint criterion. |
| BATIS export | p69- *Response to Q44*<br>Comment: Comment from a paint producer: "Unfavourable. Requires a global approach (LCA). Single criterion makes no sense." | 14.9<br>Rejected. TR2 will include a carbon footprint criterion, which will consider challenges and limitations. |
| BATIS export | p29, 50, 53, 69, 70, 71- *Responses to Q44*<br>Comment: […] Question 44. Yes for criteria on CO2 footprint. PEFCR expired. Wait for revision? | PART OF 1.3<br>Partially accepted. Criterion on carbon footprint will be added in TR2, considering challenges in methodology. |

| Source | Comments received in AHWG1/written form | JRC Dir. B response |
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| BATIS export | p69- *Responses to Q44*<br>Comment: […] Q44: One industrial would like to share that a CO2 footprint criterion might be interesting but too complicated to implement. The PEF method is a solution, but there can be a lack of data, particularly for recycled or bio-based materials. In the PEFCRs, there are indeed data, but only for conventional raw materials, not for innovative materials. Start-ups, which are often the source of innovation, struggle to provide with LCA-based data because they do not have the means to establish them, or their industrialization models are still under construction. Another industrial is open to discuss about it and a last one believes that it is not necessary as the CO2 footprint is not sufficient to express an overall environmental footprint. Additional comments: One industrial would like to know if it could be possible to add the notion of recycled content in formulations as for biobased content, with a calculation on the dry matter of the finished product. | PART OF 1.16<br>Acknowledged. Based on WSG4 feedback, a carbon footprint criterion will be developed in TR2, which will consider potential deterrents to innovation and challenges in implementation. |