



Brussels, **XXX**
[...](2013) **XXX** draft

COMMISSION DECISION

of **XXX**

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

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

After consulting the European Union Eco-labelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to products which have a reduced environmental impact during their entire life cycle.
- (2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.
- (3) Since environmental impacts mainly in terms of depletion of natural resources, emissions to water, air and soil from manufacturing processes, energy consumption and the use of hazardous substances are associated to the materials used in footwear products and their processing, it is appropriate to establish the EU Ecolabel criteria for this product group. The criteria should in particular promote products that have reduced impact along their life cycle, are resource efficient and manufactured in a more sustainable way. Moreover, the amount of hazardous substances present in the final footwear product should be limited.
- (4) Commission Decision 2009/563/EC² has established the ecological criteria and the related assessment and verification requirements for footwear. Those criteria have been reviewed in the light of technological and market developments to establish a revised set of ecological criteria.
- (5) Decision 2009/563/EC should therefore be replaced.
- (6) A transitional period shall be allowed for the producers whose products have been awarded the EU Ecolabel for footwear on the basis of the criteria set out in Decision 2009/563/EC, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements. Producers should also be allowed to submit applications based on the criteria set out in Decision 2009/563/EC or on the criteria set out in this Decision until the lapse of validity of that Decision.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010.

¹ OJ L 27, 30.1.2010, p. 1.

² OJ L 196, 28.7.2009, p.27.

HAS ADOPTED THIS DECISION:

Article 1

Product scope

- (1) The product group 'footwear' shall comprise all articles of clothing designed to protect or cover the foot, with applied sole which comes into contact with the ground. Protective footwear as defined under Directive 89/686/EEC³ is included in the scope.
- (2) Footwear might be composed of various natural and/or synthetic materials in line with Directive 94/11/EC.⁴
- (3) The following products are not covered by these criteria:
 - (a) Footwear that contains any electric or electronic components;
 - (b) Products that are disposed of after a single use;
 - (c) Socks with applied sole;
 - (d) Toy footwear.

Article 2

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

- (1) "shoe upper" means the upper structural element, composed of one or more materials, which is attached to the outer sole. Shoe upper includes lining and socks;
- (2) "lining and socks" mean the lining of the shoe upper, constituting the inside of the footwear article;
- (3) "shoe sole" means the bottom part of the footwear article which is attached to the shoe upper;
- (4) "footwear assembly" means a series of operations that aim at joining together shoe upper and sole elements to form final product. Final product packaging is included;
- (5) "footwear assembly site" means the site where the final stages of the production (from material cutting or forming (for injection moulding production) to product packaging) that pertain to the licensed product and remain under management control of the applicant take place;
- (6) Volatile Organic Compounds as defined in EN 14602⁵;
- (7) "eliminable substance" means a substance that shows 80 % degradation of dissolved organic carbon within 28 days using one of the following test methods: OECD 303A/B, ISO 11733;
- (8) "inherently biodegradable substance" means a substance that shows 70 % degradation of dissolved organic carbon within 28 days or 60 % of theoretical

³ OJ L 399, 30.12.1989, p. 18

⁴ OJ L 100 of 19.04.1994

⁵ EN 14602: Footwear - Test methods for the assessment of ecological criteria

maximum oxygen depletion or carbon dioxide generation within 28 days using one of the following test methods: ISO 14593, OECD 302 A, ISO 9887, OECD 302 B, ISO 9888, OECD 302 C;

- (9) "readily biodegradable substance" means a substance that shows 70 % degradation of dissolved organic carbon within 28 days or 60 % of theoretical maximum oxygen depletion or carbon dioxide generation within 28 days using one of the following test methods: OECD 301 A, ISO 7827, OECD 301 B, ISO 9439, OECD 301 C, OECD 301 D, ISO 10708, OECD 301 E, OECD 301 F, ISO 9408.

Article 3

The criteria for awarding the EU Ecolabel under Regulation (EC) No 66/2010 for a product falling within the product group "footwear " defined in Article 1 of this Decision as well as the related assessment and verification requirements are set out in the Annex.

Article 4

The criteria and the related assessment and verification requirements set out in the Annex, shall be valid for four years from the date of adoption of this Decision.

Article 5

For administrative purposes, the code number assigned to the product group 'footwear products' shall be "017".

Article 6

Decisions 2009/563/EC is repealed.

Article 7

- (10) By derogation from Article 6, applications for the EU Ecolabel for products falling within the product group 'footwear' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decisions 2009/563/EC.
- (11) Applications for the EU Ecolabel for products falling within the product group 'footwear' submitted from the date of adoption of this Decision may be based either on the criteria set out in Decision 2009/563/EC, or on the criteria set out in this Decision.
- Those applications shall be evaluated in accordance with the criteria on which they are based.
- (12) EU Ecolabel licences awarded in accordance with the criteria set out in Decision 2009/563/EC may be used for 12 months from the date of adoption of this Decision.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, x xxx xxxx

For the Commission

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Member of the Commission