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**COMMISSION DECISION**

of **XXX**

**establishing the ecological criteria for the award of the EU Ecolabel for furniture**

(Text with EEA relevance)

# COMMISSION DECISION

of **XXX**

## establishing the ecological criteria for the award of the EU Ecolabel for furniture

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel<sup>1</sup>, and in particular Article 8(2) thereof,

After consulting the European Union 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) Commission Decision 2009/894/EC<sup>2</sup> has established the ecological criteria and the related assessment and verification requirements for wooden furniture, **which are valid until 31 December 2015.**
- (4) In order to better reflect the range of furniture products on the market, the state of the art for these products and to take into account the innovation of the last few years, it is considered appropriate to modify the scope of the product group and to establish a revised set of ecological criteria.
- (5) The revised criteria, as well as the related assessment and verification requirements should be valid for **six** years from the date of adoption of this Decision, taking into account the innovation cycle for this product group. These criteria aim at using materials produced in a more sustainable way (considering a life cycle analysis approach), limiting the use of hazardous compounds, the levels of hazardous residues, the contribution of furniture to indoor air pollution and promoting a durable and high-quality product that is easy to repair and disassemble.
- (6) Decision 2009/894/EC should therefore be replaced by this Decision.
- (7) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for furniture on the basis of the criteria set out in Decision 2009/894/EC, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010.

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<sup>1</sup> OJ L 27, 30.1.2010, p. 1

<sup>2</sup> OJ L 320, 5.12.2009, p. 23

HAS ADOPTED THIS DECISION:

*Article 1*

1. The product group “furniture” shall comprise free-standing or built-in units, whose primary function is to be used for the storage, placement or hanging of items and/or to provide surfaces where users can rest, sit, eat, study or work, whether for indoor or outdoor use. The scope extends to domestic furniture and contract furniture items used in domestic or non-domestic environments. Bed frames, legs, bases and headboards are included in the scope but not bed mattresses, which are covered by the criteria **set out in Commission Decision 2014/391/EU**<sup>3</sup>.
2. The product group shall not comprise the following products:
  - (a) Products whose primary function is not to be used as per Article 1 (1). Examples include but are not limited to: streetlights, railings and fences, ladders, clocks, playground equipment, stand-alone or wall-hung mirrors, electrical conduits, road bollards and building products such as steps, doors, windows, floor coverings and cladding.
  - (b) Second-hand, refinished, refurbished or remanufactured furniture products.
  - (c) Furniture fitted into vehicles used for public or private transit.
  - (d) Furniture products which consist of more than 5% (weight by weight) of materials not included in the following list: solid wood, wood-based panels, cork, bamboo, rattan, plastics, metals, leather, coated fabrics, textiles, glass and padding/filling materials.

*Article 2*

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

- (1) For leather, leather-based materials and related terms, the following definitions provided in EN 15987 shall apply:
  - "Aniline leather" is leather whose natural grain is clearly and completely visible and where any surface coating with a non-pigmented finish is less than or equal to 0,01mm;
  - "Semi-aniline leather" is leather that has been coated with a finish containing a small amount of pigment, so that the natural grain is clearly visible;
  - "Pigmented and pigmented split leather" is leather or split leather whose natural grain or surface is completely concealed with a finish containing pigments;
  - "Patent and patent split leather" is leather or split leather with generally a mirror-like effect, obtained by application of a layer of pigmented or non-pigmented varnishes, or synthetic resins, whose thickness does not exceed one third of the total thickness of the product;
- (2) "Volatile organic compounds" (VOC) means any organic compounds having an initial boiling point of less than or equal to 250 °C measured at a standard pressure of 101.3 kPa as defined in Directive 2004/42/EC of the European Parliament and of the

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<sup>3</sup> JO L 184, 25.6.2014, p. 18.

Council<sup>4</sup> and which, in a capillary column, are eluting up to and including tetradecane (C<sub>14</sub>H<sub>30</sub>);

(3) "Semi volatile organic compound" (SVOC) means any organic compound having a boiling point of greater than 250 °C and less than 370 °C measured at a standard pressure of 101,3 kPa and which, in a capillary column are eluting with a retention range after n-tetradecane (C<sub>14</sub>H<sub>30</sub>) and including n-Docosane (C<sub>22</sub>H<sub>46</sub>);

(4) Terms relating to recycled materials shall follow the ISO 14021 definitions below:

- "Recycled content" is the proportion, by mass, of recycled material in a product or packaging. Only pre-consumer and post-consumer materials shall be considered as recycled content;

- "Pre-consumer material" is considered as material diverted from the waste stream during a manufacturing process. Excluded is reutilization of materials such as rework, regrind or scrap generated in a process and capable of being reclaimed within the same process that generated it;

- "Post-consumer material" is considered as material generated by households or by commercial, industrial and institutional facilities in their role as end-users of the product which can no longer be used for its intended purpose. This includes returns of material from the distribution chain;

- "Recovered/reclaimed material" is considered as material that would have otherwise been disposed of as waste or used for energy recovery, but has instead been collected and recovered/reclaimed as a material input, in lieu of new primary material, for a recycling or a manufacturing process;

- "Recycled material" is considered as material that has been reprocessed from recovered/reclaimed material by means of a manufacturing process and made into a final product or into a component for incorporation into a product;

Waste wood, chips and fibres from logging and sawmilling operations shall not be considered as pre-consumer material or recycled material as they are considered co-products.

(5) "Wood-based panels" is a generic technical term relating to panels fabricated from wood fibres by one of several different processes that may involve the use of elevated temperatures, pressures and binding resins or adhesives. The four major categories of wood-based panels are:

- "Oriented Strand Board" is a multi-layered board mainly made from strands of wood together with a binder, as defined in EN 300. The strands in the external layer are aligned and parallel to the board length or width. The strands in the internal layer or layers can be randomly orientated or aligned, generally at right angles to the strands in the external layers;

- "Particleboard" is a panel material manufactured under pressure and heat from particles of wood (wood flakes, chips, shavings, saw-dust and similar) and/or other lignocellulosic material in particle form (flax shives, hemp shives, bagasse fragments and similar), with the addition of an adhesive, as defined in EN 309;

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<sup>4</sup> Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 30.4.2004, p. 83).

- "Plywood" refers to wood-based panels consisting of an assembly of layers glued together with the direction of the grain in adjacent layers usually at right angles, as defined in EN 313. Many different sub-categories of plywood can be referred to based on how the plywood is structured (e.g. veneer plywood, core plywood, balanced plywood) or its predominant end use (e.g. marine plywood);

- "Fibreboards" represent a broad set of panel types which are defined in EN 316 and EN 622 and which can be split into the sub-categories of hardboards, medium boards, soft-boards and dry-process boards based on their physical properties and production process;

(6) "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;

(7) "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.

(8) "inherently 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: ISO 14593, OECD 302 A, ISO 9887, OECD 302 B, ISO 9888, OECD 302 C;

(9) "Finishing treatments" are considered as methods where an over-layer or coating is applied to the surface of a material. Methods may include the application of paints, prints, varnishes, veneers, laminates, impregnated papers and finishing foils;

(10) "Paint" means a pigmented coating material, supplied in a liquid paste or powder form which, when applied to a substrate, forms an opaque film having protective, decorative or specific technical properties and after application dries to a solid, adherent and protective coating;

(11) "Varnish" means a clear coating material which, when applied to a substrate, forms a solid transparent film having protective, decorative or specific technical properties and after application dries to a solid, adherent and protective coating;

(12) "Biocidal product", according to the definition provided in Regulation (EU) No. 528/2012 of the European Parliament and of the Council<sup>5</sup> is:

"Any substance or mixture, in the form in which it is supplied to the user, consisting of, containing or generating one or more active substances, with the intention of destroying, deterring, rendering harmless or otherwise exerting a controlling effect on, any harmful organism by any means other than mere physical or mechanical action.

Any substance or mixture generated from substances or mixtures which do not themselves fall under the first indent, to be used with the intention of destroying, deterring, rendering harmless, preventing the action of, or otherwise exerting a

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<sup>5</sup> Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (JO L 167, 27.6.2012, p. 1-123).

controlling effect on, any harmful organism by any means other than mere physical or mechanical means.

A treated article that has a primary biocidal function shall be considered a biocidal product.";

- (13) "Wood preservatives", are considered as active ingredient(s) or preparations containing active ingredient(s) which are applied by surface treatment (e.g. spraying, brushing) or deep penetrating processes (e.g. vacuum-pressure, double vacuum, etc.) to wood (i.e., logs received at the sawmill for commercial use and for all subsequent uses of the wood and wood-based products) or wood-based products themselves, or which are applied to non-wood substrates (e.g. masonry and building foundations) solely for the purpose of protecting adjacent wood or wood-based products from attack by wood-destroying organisms (e.g. dry rot and termites) according to the definition agreed upon by the European Committee for standardisation (CEN, 35<sup>th</sup> Meeting of CEN/TC 38);
- (14) "E1" is a formaldehyde emission threshold limit adopted across EU Member States for emissions from wood based panels, according to the definition provided in Annex B of EN 13986. The threshold limit is considered as being equivalent to steady state concentrations of 0.1 ppm (0.124 mg/m<sup>3</sup>) of formaldehyde after 28 days of a chamber test carried out according to EN 717-1. The E1 limit is also considered as equivalent to a formaldehyde content of 8 mg/100 g oven dry board when measured according to EN 120 and as equivalent to overall emission rates of 3.5 – 8.0 mg/m<sup>2</sup>.h according to EN 717-2 or 5.0 – 12.0 mg/m<sup>2</sup>.h within 3 days after production;
- (15) "Prolonged skin contact", for the purposes of nickel containing articles and according to both the current definition adopted by the Competent Authorities for REACH and CLP (CARACAL) and entry 27 of REACH Annex XVII, is considered as either 10 minutes contact on three or more occasions within a two week period or 30 minutes contact on one or more occasions during a two week period;
- (16) "Coated fabrics" are considered as fabrics with an adherent, discrete continuous layer of rubber and/or plastic based material on one or both surfaces, as defined in EN 13360. This definition also includes upholstery materials commonly referred to as "faux leather";
- (17) "Textiles" in furniture are considered as the following textile fibre types:
- "natural fibres" (considered as cotton and other natural cellulosic seed fibres, flax and other bast fibres, wool and other keratin fibres),
  - "synthetic fibres" (considered as acrylic, elastane, polyamide, polyester and polypropylene) and
  - "man-made cellulose fibres" (considered as lyocell, modal and viscose);
- (18) "Upholstery" is considered as the materials used in the craft of covering, padding and stuffing of seating, bedding or other furniture products and may include covering materials such as leather (see definition 1), coated fabrics (see definition 16), textiles (see definition 17) and padding materials such as flexible cellular polymeric materials based on rubber latex and polyurethane;
- (19) "Substances with a real potential to bioaccumulate within aquatic organisms" are considered as substances that exhibit a partition coefficient Log Kow of  $\geq 4$  or a

Bioconcentration Factor (BCF) of  $\geq 500$  according to Part 4 of Annex I of the Regulation (EC) No 1272/2008 of the European Parliament and of the Council<sup>6</sup>;

(20) "Preparation", means a mixture or solution composed of two or more substances, according to Article 3(2) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council<sup>7</sup>.

(21) "Substance", means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition, according to Article 3(1) of Regulation (EC) No 1907/2006;

(22) "Component part", for the purposes of this Decision, are considered as parts that must be assembled together prior to making the final product in its fully functional form. A component part may consist of only one material or multiple materials and may be produced directly by the furniture manufacturer or bought from suppliers.

### *Article 3*

In order to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, a product shall fall within the product group "furniture" as defined in Article 1 of this Decision and shall comply with the criteria as well as the related assessment and verification requirements set out in the Annex.

### *Article 4*

The criteria for the product group "furniture", as well as the related assessment and verification requirements, shall be valid for **six** years from the date of adoption of this Decision.

### *Article 5*

For administrative purposes, the code number assigned to the product group "furniture" shall be **"049"**.

### *Article 6*

Decision 2009/894/EC is repealed.

### *Article 7*

1. By derogation from Article 6, applications for the EU Ecolabel for products falling within the product group "wooden furniture" submitted before the date of adoption of

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<sup>6</sup> Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

<sup>7</sup> Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 396, 30.12.2006, p. 1).

this Decision shall be evaluated in accordance with the conditions laid down in Decision 2009/894/EC.

2. Applications for the EU Ecolabel for products falling within the product group "wooden furniture" submitted within **two** months from the date of adoption of this Decision may be based either on the criteria set out in Decision 2009/894/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.

3. EU Ecolabel licenses awarded in accordance with the criteria set out in Decision 2009/894/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,

*For the Commission*

*Karmenu VELLA*

*Member of the Commission*