

**COMMISSION DECISION****of DD MMMM YYYY****on establishing the ecological criteria for the award of the EU Ecolabel for 'graphic paper products' and for 'tissue paper and tissue paper products'****(notified under document XXXX)****(Text with EEA relevance)**

(XXX/XXX/XXX)

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) and (3) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

- (1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to those products with a reduced environmental impact during their entire life cycle.
- (2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.
- (3) Commission Decision 1999/554/EC <sup>(2)</sup> has established the ecological criteria and the related assessment and verification requirements for the product group 'copying paper'. That Decision was replaced by Commission Decision 2002/741/EC <sup>(3)</sup>, which established revised criteria for the product group, modified its scope to include graphic paper and renamed the group 'copying and graphic paper'. Following a review of those revised criteria, Decision 2002/741/EC was replaced in turn by Commission Decision 2011/332/EC <sup>(4)</sup>, which established new criteria and further modified the definition of the product group. The period of validity of the criteria and related assessment and verification requirements set out in Decision 2011/332/EC has been extended to 31 December 2018 by Commission Decision (EU) 2015/8772.
- (4) Commission Decision 2012/448/EU <sup>(5)</sup> has established the ecological criteria and the related assessment and verification requirements for the product group 'newsprint paper'. The period of validity of those criteria and related assessment and verification requirements has been extended to 31 December 2018 by Commission Decision (EU) 2015/8772.

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

<sup>2</sup> OJ L 210, 10.8.1999, p. 16

<sup>3</sup> OJ L 237, 5.9.2002, p. 6

<sup>4</sup> OJ L 149, 8.6.2011, p. 12

<sup>5</sup> OJ L 202, 28.7.2012, p. 26

- (5) Commission Decision 2001/405/EC <sup>(6)</sup> has established the ecological criteria and related assessment and verification requirements for the product group 'tissue paper products'. Following a review of those criteria, Commission Decision 2001/405/EC was replaced by Commission Decision 2009/568/EC <sup>(7)</sup>, which established new criteria product group, modified the definition of the group and renamed it 'tissue paper'. The period of validity of those criteria and related assessment and verification requirements has been extended to 31 December 2018 by Commission Decision (EU) 2015/8772.
- (6) In the light of a review of implementation of EU Ecolabel Regulation (EC) No 66/2010 of 30.06.2017<sup>8</sup>, the product groups 'copying and graphic paper' and 'newsprint paper' should be merged together to form a single product group 'graphic paper products' with a new definition covering the two product groups together with certain modifications that are appropriate to take account of scientific and market developments. The definition of 'tissue paper' is corrected to 'tissue paper and tissue paper products.
- (7) In order to better reflect best practices in the market for these product groups and to take account of the innovations introduced in the intervening period, it is considered appropriate to establish a new set of ecological criteria for the two new product groups. These two new product groups have very similar ecological criteria and therefore by following the recommendations given in Commission Communication COM(2017)355 are proposed to be published under one common Commission Decision. However, as these two product groups address different businesses, for the sake of clarity for Competent Bodies and potential licence holders, the specific criteria of the two product groups are displayed in two separate annexes of this Commission Decision.
- (8) The new criteria aim at promoting products that have reduced emissions to water and air, are produced in an energy efficient way, and contain a limited amount of hazardous substances.
- (9) Decision 2011/332/EC, Decision 2012/448/EU, and Decision 2009/568/EC should therefore be replaced.
- (10) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for copying and graphic paper, newsprint paper or tissue paper on the basis of the criteria set out in Decision 2011/332/EC, Decision 2012/448/EU, or Decision 2009/568/EC so that they have sufficient time to adapt their products to comply with the new criteria and requirements. For a limited period after adoption of this Decision, producers should also be allowed to submit applications based either on the criteria established by those Decisions or on the new criteria established by this Decision.
- (11) 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>6</sup> OJ L 142, 29.5.2001, p. 10

<sup>7</sup> OJ L 197, 29.7.2009, p. 87

<sup>8</sup> Commission Communication COM(2017)355

HAS ADOPTED THIS DECISION:

*Article 1*

The product group 'graphic paper products' shall comprise sheets or reels of not converted, unprinted blank or coloured paper made from cellulose pulp used for writing, printing, or conversion purposes.

It shall not include:

- paper or board intended for conversion into packaging;
- packaging or wrapping paper;
- thermally sensitive paper;
- photographic or carbonless paper;
- fragranced paper.

*Article 2*

The product group 'tissue paper and tissue paper products' shall comprise sheets or reels of tissue paper and tissue paper product made from cellulose pulp fit for use for personal hygiene, absorption of liquids and/or cleaning of soiled surfaces. Tissue paper is not converted paper while "tissue paper product" is "tissue paper that has been converted into a finished article for end-user purposes. It includes but is not limited to handkerchiefs, toilet tissue, facial tissue, kitchen/household towel, hand towels, table napkins, mats, industrial wipes and rolls.

It shall not include:

- absorbent hygiene products as defined in Commission Decision 2014/763/EU<sup>9</sup> and other absorbent undergarments;
- tissue paper products containing cleaning agents designed for the cleaning of surfaces;
- coated tissue paper products or tissue paper products laminated with other materials than tissue paper;
- cosmetic products within the meaning of Regulation (EC) No 1223/2009 of the European Parliament and of the Council<sup>10</sup> including wet wipes;
- Fragranced and lotion treated products.

*Article 3*

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

- 1 'pulping' means the act of processing wood, other plant matter or waste paper to obtain pulp;
- 2 'pulp' means fibrous material in papermaking produced in a pulp mill, either mechanically, chemically, or by the combination of both;

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<sup>9</sup> OJ L 320, 6.11.2014, p. 46

<sup>10</sup> OJ L 342, 22.12.2009, p. 59

- 3 'recycled fibre' means fibres diverted from the waste stream during a manufacturing process or 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 their intended purpose. Excluded is reutilisation of materials generated in a process and capable of being reclaimed within the same process that generated it (mill broke — own produced or purchased);
- 4 'mechanical woodpulp paper or board' means-paper, board paper or board containing mechanical woodpulp as an essential constituent of its fibre composition;
- 5 'chemical pulp' means fibrous material obtained by removal from the raw material of a considerable part of non-cellulosic compounds that can be removed by chemical treatment (cooking, delignification, bleaching);
- 6 'CTMP' means chemithermomechanical pulp;
- 7 'ECF pulp' means elementary chlorine free bleached pulp;
- 8 'TCF pulp' means totally chlorine free bleached pulp;
- 9 'non-integrated production' means production of market pulp (for sale) in mills that do not operate paper machines, or production of paper/board using only pulp produced in other plants (market pulp);
- 10 'integrated production' means pulp and paper is produced at the same site. The pulp is not dried before paper manufacture. The production of paper/board is directly connected with the production of pulp;
- 11 'deinked pulps' means pulp made from paper for recycling from which inks and other contaminants have been removed;
- 12 'Air dry tonne' of pulp (ADt) meaning dry solids content of 90 %
- 13 'Mother reel' means large roll of tissue paper, wound upon the winding station, covering either the full width or part of the width of the tissue paper machine;
- 14 'packaging' means all products made of any material of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, from the producer to the user or the consumer..
- 15 'Metal-based pigment and dyes' means dyes and pigments containing more than 50% by weight of the relevant metal compound(s).
- 16 'Dyes' means intensely coloured or fluorescent organic substances only, which impart colour to a substrate by selective absorption of light. They are soluble and / or go through an application process which, at least temporarily, destroys any crystal structure by absorption, solution, and mechanical retention, or by ionic or covalent chemical bonds.
- 17 'Pigments' means coloured, black, white or fluorescent particulate organic or inorganic solids which usually are insoluble in, and essentially physically and chemically unaffected by, the vehicle or substrate in which they are incorporated. They alter

appearance by selective absorption and/or by scattering of light. Pigments are usually dispersed in vehicles or substrates for application, as for instance in the manufacture of inks, paints, plastics or other polymeric materials. Pigments retain a crystal or particulate structure throughout the coloration process.

- 18 'Structured tissue paper' means paper characterized by high bulk and absorbance capacity obtained with significant local areas of high and low fibre density in the form of fibre pockets in the base sheet, generated by specific processes in the tissue paper machine.

#### *Article 4*

In order for a product to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, it shall:

1. fall within Article 1 for the product group 'graphic paper products' and comply with the criteria and related assessment and verification requirements set out in Annex I to this Decision.
2. fall within Article 2 for the product group 'tissue paper and tissue paper products' and comply with the criteria as well as the related assessment and verification requirements set out in Annex II to this Decision.

#### *Article 5*

The criteria for the product groups 'graphic paper product' and 'tissue paper and tissue paper products', and the related assessment and verification requirements shall be valid until xxx [insert date].

#### *Article 6*

1. For administrative purposes the code number assigned to products shall falling under the scope of Article 1 shall be 011.
2. For administrative purposes the code number assigned to products shall falling under the scope of Article 2 shall be 004.

#### *Article 7*

Decision 2009/568/EC, Decision 2011/332/EC and Decision 2012/448/EU are repealed.

#### *Article 8*

1. Notwithstanding Article 7, applications for the EU Ecolabel for products falling within the product group 'copying and graphic paper' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2011/332/EC.
2. Notwithstanding Article 7, applications for the EU Ecolabel for products falling within the product group 'newsprint paper' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2012/448/EU.

3. Notwithstanding Article 7, applications for the EU Ecolabel for products falling within the product group 'tissue paper' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2009/568/EC.

4. Applications for the EU Ecolabel for products falling within the product group 'graphic paper products' or 'tissue paper and tissue paper products' submitted from the date of adoption of this Decision but not later than 31 December 2018 at the latest may be based either on the criteria set out in this Decision, or on the criteria set out in whichever is applicable of Decision 2011/332/EC, Decision 2012/448/EU, Decision 2009/568/EC, as applicable. Those applications shall be evaluated in accordance with the criteria on which they are based.

5. Where the Ecolabel is awarded on the basis of an application evaluated in accordance with the criteria set out in Decision 2009/568/EC, Decision 2011/332/EC or Decision 2012/448/EU (as the case may be), that EU Ecolabel may be used for 12 months from the date of adoption of this Decision.

*Article 9*

This Decision is addressed to the Member States.

Done at Brussels, DD MMMM YYYY.

*For the Commission*  
*Karmenu VELLA*  
*Member of the Commission*